



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 9.23 a.m.

Gibraltar, Thursday, 22nd January 2015

Business transacted

Prayer	2
Tribute to the Hon Dr Bernard Linares.....	2
Order of the Day.....	2
Confirmation of Minutes	2
Adjournment.....	2
<i>The House adjourned at 9.23 a.m.</i>	2

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

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

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

PRAYER

Mr Speaker

Tribute to the Hon Dr Bernard Linares

Mr Speaker: May I ask hon. Members, since this is the first occasion that Parliament is meeting since the death of Bernard Linares, may I ask them to stand to keep a minute's silence in memory of him? After all, he graced this debating Chamber for more than 10 years from 1996 to 2007.

5 *Members stood in silence.*

Order of the Day

CONFIRMATION OF MINUTES

Clerk: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 18th December 2014.

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

Mr Speaker signed the Minutes.

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

ADJOURNMENT

15 **Clerk:** The Hon. Dr John Cortes.

Hon. Dr J E Cortes: Mr Speaker, I have the honour to move that this House do now adjourn to the 29th January, at 9.15 a.m. in the morning.

20 **The Speaker:** I now propose the question, which is that this House do now adjourn to Thursday 29th January at 9.15 a.m. I now put the question, which is that this House do now adjourn to the Thursday 29th January at 9.15 in the morning. Those in favour? (**Members:** Aye.) Those against? This House will now adjourn to Thursday 22nd January at 9.15 a.m. (*Interjection*) Will somebody move an amendment?

25 Thursday 29th January at 9.15 a.m. in the morning. Thank you.

The House adjourned at 9.23 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 12.40 p.m.

Gibraltar, Thursday, 29th January 2015

Business Transacted

Tribute to Mr Bernard Linares	3
Welcome back to Hon. Mrs Isobel Ellul-Hammond	3
Questions for Oral Answer	4
ECONOMIC DEVELOPMENT & TELECOMMUNICATIONS	4
Q56/2015 Public sector – Labour supply	4
Q57/2015 Employment Service – Refurbishment works	4
Q58/2015 Approved List of Government Contractors – Number of incorporated companies.....	5
Q59-64/2015 Construction and Engineering Training Centres – Instructors/trainees; details	7
Q65-74/2015 Gibraltar Savings Bank and Credit Finance Company Limited – Investments and loans	10
BUSINESS AND EMPLOYMENT	18
Q1-2/2015 Industrial Tribunal – Employing permanent Chairman; reforms to procedure	18
Q3/2015 Unemployed Gibraltarians – Quarterly average.....	20
Q4, Q6 & Q8/2015 Dry-dock – Operating procedure; complaints received	20
Q5/2015 Health and Safety – Statistics for December.....	21
Q7/2015 Minister for Health and Safety – Statement in relation to major accident November 2014...	25
SPORTS, CULTURE AND YOUTH	26
Q9-10/2015 Gibraltar Rugby Football Union/Gibraltar Cricket Association – Provision of facilities .	26
Q11/2015 Bishop Fitzgerald School – Calanetics and Taekwondo activities; facilities available	27
Q12/2015 Cultural grants awarded – Financial year 2014/15	28
Q13/2015 Heritage sites – Works undertaken; details	30
Q14/2015 Advertising in Spain – Source of funding; costs involved	30
Q12/2015 continued –	32
Cultural grants awarded – Financial year 2014/15.....	32
Q15/2015 Gibraltar Music Festival – Mega Concert; further expenditure.....	33

HEALTH, THE ENVIRONMENT AND ENERGY	33
Q16/2015 GHA Eating Disorder Programme – Access to programme; details	33
Q17/2015 GHA Review Report – Publication date	33
Q18/2015 St Bernard’s Hospital – Provision of meal service	34
Q19/2015 New prostate cancer clinic – Details of GP and Consultant Surgeon protocols	34
Q20/2015 Bonita Trust – Purchase of MRI machine for GHA	37
Q21-23/2015 Waste management strategy – Hazardous waste exported to Gamasur, Los Barrios	37
Q24/2015 New Waste Treatment Facility – Production of electricity; portable water; bio diesel; syngas	38
Q25/2015 British Gibraltar Territorial Water – Fish stocks; collection of data	39
Q26/2015 New fishing regulations – Details	40
Q27/2015 European Commission – Complaints received.....	40
Q28-29/2015 Environmental Agency – Inspections of ship building/marine repair companies	41
TOURISM, EQUALITY, SOCIAL SERVICES AND HOUSING.....	43
Q30/2015 Sandy Bay Beach Project – Details of total cost	43
Q31/2015 Tourism Department – Advertising expenditure; details.....	43
Q32/2015 Doctor Giraldi Inquiry – Publication of Report.....	44
Q33/2015 Housing Department – Refurbishment programmes; provision of guard patrols	44
Q34/2015 Alameda Estate – Refurbishment works	45
Q35/2015 Housing Department – Unpaid rents; amounts written off.....	45
Q31/2015 continued – Tourism Department – Further advertising expenditure; details	47
Q36/2015 Housing Department – Reallocation of empty homes; expenditure incurred and works undertaken	47
Q37/2015 Housing Department – Tenants requiring urgent decanting from homes; details	48
Q38/2015 Housing Department/Housing Works Agency – Comprehensive review; updated details ..	48
Q39/2015 Housing Works Agency – List of employees retired, transferred or seconded	49
Q40/2015 Mid Harbour Estate – Works still to be completed	51
Q41/2015 Housing Department – Eviction of squatters from rental homes; expenditure incurred	52
Q42/2015 Housing Department – Unpaid rents; details of arrears.....	52
TRAFFIC, TRANSPORT AND TECHNICAL SERVICES.....	52
Q43/2015 Department’s marketing and official visits – Details of costs	52
Q39/2015 continued – Housing Works Agency – List of employees retired, transferred or seconded ..	53
FINANCIAL SERVICES AND GAMING	53
Q44/2015 Minister for Financial Services – Director from Maverick; details	53
Q45/2015 Gibraltar Government website – Set-up costs	54
Q46/2015 Gibraltar International Bank Limited – Authorised services in UK	55
DEPUTY CHIEF MINISTER	56
Q75/2015 Naval Ground car park – Cost of construction	56
The House adjourned at 12.40 p.m. and resumed its sitting at 3.00 p.m.	57

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

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

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

Tribute to Mr Bernard Linares

Clerk: Mr Speaker.

Mr Speaker: The Hon. the Chief Minister.

5

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful to hon. Members for having agreed to adjourn last week when I was unable to attend.

I am conscious of the fact that whilst I was not here, the House held a minute's silence to mark the passing of Bernard Linares, who was a Member of this House for 12 years. I was not here then and I know that not much was said at the time and I am grateful for the opportunity to lead a tribute to a man who I think has touched everyone in this community in different ways, and had friends across the political divide as much as he had friends across all the divides that he might have represented.

Bernard Linares was a man who took positions in his life, but the fact that he took positions did not stop him from being friends with those who might have taken opposite positions – an art which not everyone is able to emulate.

He was a man, Mr Speaker, as I have said in some of my public tributes, who lived many lives in the time that he was with us. A man who baptised us, who gave us communion, who married us and who then led us in understanding political principles and then taught and did so much more. He was a man who will be very sadly missed across the political divide in Gibraltar, because he had strong friendships on both sides of this House and across the community and that is what really represented the man that Bernard Linares was. (*Banging on desks*)

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

Hon. D A Feetham: Mr Speaker, I would like to, first of all, start by associating myself with the words of the hon. the Leader of the House, but I would also like to say this, that very often politicians talk about integrity and they talk about conviction and in my experience, looking at world politics – leaving aside Gibraltar politics – those are rarely apposite descriptions of many politicians out there, but I think, that in relation to Bernard Linares, rarely has there been a man with whom you could associate the words 'integrity' and 'conviction'.

He was a great, great friend of mine. I will always cherish a note that he sent to me just before Christmas when he was in England about to receive treatment, and it will always remain one of my most cherished possessions. I think it is a sad, sad loss for this community. He is obviously a very sad loss for his family, but equally he is also a sad loss for his friends and he will be sorely missed. (*Banging on desks*)

Welcome back to Hon. Mrs Isobel Ellul-Hammond

Chief Minister (Hon. F R Picardo): Mr Speaker, before we continue can I just recognise that the Hon. Lady is back amongst us. It has been a source of sadness for all of us that she has not been with us for three or four months and it is a pleasure to see her back. (*Banging on desks*)

Hon. Mrs Isobel Elul-Hammond: Mr Speaker, if I may, with your indulgence, thank all those present in the Chamber today, the MPs and members of the Parliament staff, thank you all for the support you have shown me these last few months while I have been away due to medical reasons.

I would especially like to thank the Chief Minister and Government Ministers who have extended a hand of friendship during what has been a very difficult time for me and to a certain extent still is a little difficult. I would like to thank you for that. You have shown love and compassion in my hour of need. The Chief Minister has said in the past it is about the issues and not about the man – and I think in this case, the woman – and in that regard you have risen to that and I am very grateful and would like to thank you.
(Banging on desks)

Questions for Oral Answer

ECONOMIC DEVELOPMENT & TELECOMMUNICATIONS

Q56/2015 Public sector – Labour supply

Mr Speaker: Answers to questions.

Clerk: We now start answers to questions and we commence with Question 56, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Economic Development provide details of the companies which provide labour supply to the public sector to include the numbers of companies which do so, their names and how many employees they are each currently supplying?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): The companies supplying labour to the public sector are the following, Mr Speaker: G L Limited, 44; P S Limited, 96; Rhino Construction, 98; Workforce, 150, Rock Admin, 28; Endash, 43; W & N Limited 11; S & K, 90.

Q57/2015 Employment Service – Refurbishment works

Clerk: Question 57, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment confirm that all refurbishment works carried out to the offices of the Employment Service in the financial year ended March 2013 have received the appropriate approval with details of the contractors which have carried out these works?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): No, Mr Speaker.

Hon. D J Bossino: Mr Speaker, why not? Why not? That is the question.

Hon. J J Bossano: Well, Mr Speaker, because no works have been carried out in the Employment Service.

Hon. D J Bossino: Mr Speaker, maybe I have interpreted... I will explain why this question arises. It arises from the Public Auditor's Report, page 17, which deals with the expenditure which arises from, I think, the Improvement and Development Fund, part two, and with your permission, Mr Speaker, I will just read the relevant paragraph. It deals with works and equipment, Government buildings works and structures, and it says:

‘I asked the Principal Secretary, Ministry of Employment and Labour, whether three payments selected in a sample exercise regarding refurbishment works carried out to the offices of the Employment Services’

– that is very clear and I do not think I have misinterpreted that –

‘by three contractors amounting to £46,000-odd had been channelled through the Government’s Procurement Office, or alternatively, if an internal selective tendering process had been performed. The Principal Secretary’

– I assume that is the Director of Employment –

‘informed me that although the works predated his appointment as Principal Secretary’

85 – I think there have been various changes in that position –

‘he and staff of the Employment Service could not trace any relevant paperwork leading up to the works being approved. The Financial Secretary confirmed that authority was not sought from his Office to charge the cost of the works to the I and D F, nor to dispense with the Government’s official procurement process.’

Really, what I wanted was an explanation from the Hon. Minister. The question was addressed to the Minister of Employment, and I know there has been a reshuffle, but I suspect that it is the Hon. Mr Bossano who will have the information, given that he has been in post only until relatively recently. So I want an explanation of this.

90

Hon. J J Bossano: Well, Mr Speaker, I will go back to the person who was then the controlling officer of the Department and find out what this work is about. I am not aware of any work having been done in the office while I have been there.

95

Hon. D J Bossino: But, Mr Speaker, will he therefore accept that the answer he gave me, the previous answer he gave me that the answer was no, because the works had not been carried out in his office, I think he said, is incorrect on the basis of the Principal Auditor’s description, where he says:

‘Works which were carried out to the offices of the Employment Service by three contractors.’

So on that basis is there not a contradiction? And I give him the opportunity to dispel any contradiction which I can clearly see on the face of the words that I have just read and the answer he has just given.

100

Hon. J J Bossano: Mr Speaker, there is no contradiction. No works have been carried out while I have been there and I am not aware of what works are being referred to. So I will investigate how there is apparently a reference to works which as far as I am concerned have not taken place.

Q58/2015

Approved List of Government Contractors – Number of incorporated companies

Clerk: Question 58, the Hon. D J Bossino.

105

Hon. D J Bossino: Can the Government state how many of the companies which have been admitted on to the Approved List of Government Contractors have been incorporated since they came to office?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

110

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Forty-six, Mr Speaker.

115

Hon. D J Bossino: Mr. Speaker, this question also arises out of a comment made, again in the Principal Auditor’s Report, where again, with your permission, if I could simply read the numbers, where he says:

‘The review also highlights’ –

120 **Mr Speaker:** On this occasion I am going to allow that procedure whereby you quote extensively from the Principal Auditor's Report. May I commend to Hon. Members that in future, perhaps in the main question, there should be a reference to the particular paragraph? Other than that, what the House can do of course is to debate the Principal Auditor's Report, which was a feature of life in the House of Assembly in days gone by. We cannot have a repetition whereby you are quoting at length from the Principal Auditor's Report, paragraph after paragraph.

125 But I am allowing that today because it is the first occasion that it arises. Okay?

Hon. D J Bossino: Mr Speaker, I am grateful for that, but the only concern that I have is the premise on which the comment is made and it is this, that first of all it is not an extensive quote from the report. I have literally just quoted a few lines and I think I am more than entitled to proceed in the way that I proceeded this morning in the future.

130 I will take on board what the Chair has said for the future, but by doing so I am not necessarily agreeing that that is the way I will be proceeding in the future, Mr Speaker. But this is not an extensive quoting of the report; it is simply a quotation based arising from the answers that the Hon. the Minister gives.

Mr Speaker: The Hon. Member will appreciate that if he wants to get a fuller answer, if the Minister who is answering the question knows what the subject matter is going to be, he can give a much fuller and much more accurate answer.

Hon. D J Bossino: Indeed, Mr Speaker, and that is obviously clearly a matter for the relevant Member asking the question.

140 Mr Speaker, paragraph 2.6(8) says:

'The review also highlighted a vast number of tenders which had not been channelled through the Government's Procurement Office, but directed via the Construction Industry Temporary Scheme for Government Contractors'

– which I assume is the approved list system –

'The scheme was created in August 2010'

145 – during our time –

'with the purpose of attempting to aid the local construction industry in order to achieve flexibility in the allocation of contracts to registered contractors who meet a set of terms and conditions.'

150 However, Mr Speaker, the number of contractors in the approved list of Government contractors has risen from 53 in June 2012 to 185 in March 2014. In that context he has answered the specific question which I asked which was presumably, out of those, 46 have been incorporated during his time in office. But can he give this House an explanation as to why there has been such a massive increase from the figure of 53 in June 2012 to the current figure or the March 2014 figure of 185?

Hon. J J Bossano: The original question is how many companies that are currently on the list were incorporated after we came into office, and I have given him that figure.

He then asked me, as a supplementary – nothing to do with the 46 that I have given him – what do I think about something that the Auditor says. Well, he should have asked me that in the original question and then I would have brought an explanation for him.

160 **Clerk:** Question 59, the Hon. E J Reyes.

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

Mr Speaker: Yes.

165 **Hon. D A Feetham:** Yes, Mr Speaker, let me try and make it easier for the hon. Gentleman in the supplementary that I am going to ask, because he has answered that there has been 46 new construction companies that are on the approved contractors list and that means that even on those numbers, taking the 53 that were there when we were there, another 46 in three years, that is double... in fact, it is much more. It is 185, the number at the moment.

170 Can he give an explanation as to why we have seen this significant increase in the number of construction companies that are now on the approved contractors list?

175 **Hon. J J Bossano:** Well, Mr Speaker, the hon. Member knows the answer to that question already, because he has been asking me questions about the companies that were incorporated from people who were previously unemployed and who then set-up small companies in order to be able to compete for Government work. The bulk of these 46 companies are one-man companies – one-man outfits.

180 **Hon. D A Feetham:** Yes, but, Mr Speaker, part of the criteria for coming onto the approved contractor's list is also experience as well, experience to deal with a job, and when we were there certainly my recollection is that there were limits. So, for example, any contractor below, I think it was, £½ million, you required X number of years practising in that particular area as a construction company and then over a £1 million... so the experienced companies would obviously do the more complicated jobs, because at the end of the day there is a quality issue.

185 But here in Gibraltar we have seen companies, such as, for example, Busy Bee, which is a company that was incorporated a year and a half ago, that is awarded a £1.5 million contract. How does the hon. Gentleman justify that?

Hon. J J Bossano: I justify it on the basis that I justified it when he first raised the matter. It was the lowest tenderer.

190 **Hon. D A Feetham:** Mr Speaker, with respect that does not answer the question. Leaving aside whether it was or it was not the lowest tenderer, it is about *quality* too and it is about experience to do a job, and if you have a construction company that has been incorporated (*Interjection*) a year and a half ago, and in a year and a half it gets a substantial contract for £1.5 million, surely there is a quality issue there.

195 Is he satisfied that the quality of jobs done by companies that have been recently incorporated getting these very substantial contracts, that the quality is being retained?

Hon. J J Bossano: Mr Speaker, I am satisfied that the people who do the work for me are satisfied that that is the case. I am myself not a construction expert.

200 **Hon. D A Feetham:** So, Mr Speaker, have the qualifications, the quality threshold for coming onto the approved contractor's list and for being able to do these substantial contracts, has that changed between when we were in Government to them taking over, because quite frankly I cannot remember when we were in Government – and I had some involvement in relation to this – I cannot remember that in our time you could ever have a situation where a company that has only been there for a year and a half since incorporation gets a contract for £1.5 million.

210 **Hon. J J Bossano:** I certainly do not want to emulate their record of disasters in the construction industry and so therefore I am not going to look to his record to see what we should be doing now. But I can tell the hon. Member that when I asked about the list that he talks about with the thresholds, that list had been out of date for 10 years out of the 15 that they were there, according to the people in the Technical Services, and included at least six companies that had gone bust and disappeared from the scene and were still on that list.

215 **Hon. D A Feetham:** So, Mr Speaker, if Mr Bossano and I were to incorporate a construction company tomorrow, is he saying to me that in a year's time we would be perfectly entitled to be allocated contracts for £1.5 million or is our membership of the GSD going to count against us, Mr Speaker?

220 **Hon. J J Bossano:** Mr Speaker, the membership of the GSD will not count against him, but I would think that those 46 that were originally GSD will by now have changed their voting pattern, given the attack that they are constantly being submitted to since they left the unemployment list. But I would welcome it if they both decide to devote their energies to construction because they are doing a lousy job in politics. (*Laughter*)

Q59-64/2015
Construction and Engineering Training Centres –
Instructors/trainees; details

Clerk: Question 59, the Hon. E J Reyes.

225 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 767/2014, can the Minister for Training provide a breakdown of the 11 instructors currently delivering training at (a) the Construction Training Centre and (b) the Engineering Training Centre, indicating the number of instructors delivering training in each individual discipline or course, showing at which training centre they are based, together with details of each individual's instructor qualifications held?

230 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 60 to 64.

235 **Clerk:** Question 60, the Hon. E J Reyes.

240 **Hon. E J Reyes:** Further to the answer provided to Question 765/2014, can the Minister for Training provide details in respect of the 11 assessors, indicating how many are currently based at (a) the Construction Trades Training Centre and (b) Engineering Trades Training Centre, together with details of each individual's assessor qualifications held?

Clerk: Question 61, the Hon. E J Reyes.

245 **Hon. E J Reyes:** Further to the answer provided to Question 767/2014, can the Minister for Training say in which company the non-Government employee instructor is employed?

Clerk: Question 62, the Hon. E J Reyes.

250 **Hon. E J Reyes:** Further to the answer provided to Question 768/2014, can the Minister for Training please provide a breakdown of the individual and specific NVQ levels the 134 trainees attained, broken down by discipline or course, together with details of the examination board and qualification awarding body who certified the qualifications attained?

255 **Clerk:** Question 63, the Hon. E J Reyes.

260 **Hon. E J Reyes:** Further to the answer provided to Question 766/2014, can the Minister for Training provide a breakdown with details of the specific NVQs, showing their individual corresponding levels, the 74 trainees are currently undertaking, indicating the discipline or course being followed, the examination board and awarding body who will upon successful completion certify the award as well as indicating at which training centre they are enrolled?

Clerk: Question 64, the Hon. E J Reyes.

265 **Hon. E J Reyes:** Can the Minister for Training provide details of any new Trainees enrolled at either (a) the Construction Trades Training Centre and (b) Engineering Trades Training Centre, since the answer provided to Question 766/2014, indicating the specific discipline or course being followed, indicating at what level, the examination board and awarding body who will upon successful completion certify the award as well as stating at which training centre they are enrolled?

270 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

275 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, there are eight instructors in the Construction Training Centre, two are delivering carpentry training up to NVQ level 3, one is delivering painting and decorating training up to NVQ level 2 and one up to NVQ level 3. One instructor is delivering plumbing up to NVQ level 2 and three are delivering training in bricklaying, plastering, wall and floor tiling up to NVQ level 3.

All instructors have qualifications under the CITB and are approved under City and Guilds.

280 There are three instructors in the Engineering Training Centre, one of which is employed by Gibdock, delivering training in mechanical and electrical engineering and fabrication and welding up to NVQ level 3.

There are eight assessors at the Construction Training Centre, with lead body qualifications City and Guilds D32, D33 and EAL L Unit, and three assessors at the Engineering Training Centre, two possess the EAL Award in assessing competence in the work environment level 3 and one is in the process of obtaining it.

The qualifications obtained by the trainees are as follows.

285 Awarding Body City and Guilds: Carpentry level 1, 13 trainees and level 2, four trainees; Plumbing level 2, one trainee; Bricklaying level 1, two trainees, level 2, three trainees; Plastering level 2, two trainees; Tiling level 2, one trainee; Painting and Decorating level 1, seven trainees; Combined Bricklaying, Plastering and Tiling level 1, 76 trainees.

Awarding Body EAL Fabrication and Welding: Electrical Engineering level 3, 12 trainees; Mechanical
290 Engineering level 3, two trainees.

Construction Training Centre: Combined Bricklaying, Plastering and Tiling level 1 City and Guilds, 17 trainees. City and Guilds Carpentry level, three trainees and level 3, four trainees; Bricklaying level 2, five trainees; Plastering level 2, five trainees; Tiling level 2, two trainees.

295 In the Engineering Training Centre, doing EAL: Fabrication and Welding level 2, there are four trainees and level 3, four trainees; Mechanical Engineering level 3, seven trainees; Electrical Installation level 3, 16 trainees; Motor Vehicle Mechanic level 2, eight trainees.

There have been no enrolments since the answer to Question 766/2014.

Mr Speaker: I can arrange for the hon. Member to receive a photocopy of this if it will facilitate him,
300 unless he is satisfied with the main answer.

Hon. E J Reyes: Yes, please.

Mr Speaker: Okay, if you just wait a moment then we will arrange for that to be done.
305

Hon. E J Reyes: In the meantime, Mr Speaker, it is a very comprehensive answer and I am very grateful for your offer, but can I just clarify one thing that may be very clear to the Minister, but not to me?

When he said that since the answer he gave to my hon. colleague to Question 766/2014, he said there have been no new trainees, perhaps I could have used a better language. Does he know from there if any...

310 Although there may not be a new name enrolled at the Training Centre, since that answer has there been any trainee who has completed a particular level and has kept on being enrolled but has now moved to a higher level – for example, Mr Speaker, those who completed level 1 moving on to level 2 or from level 2 to 3? The Minister may or may not have that, but if he does have it, then it would save me having to pursue it in the future.

315 **Hon. J J Bossano:** Mr Speaker, the answer is that the trainees who are at level 2 are people who are continuing having level 1 and the ones at level 3 are continuing, and so they only have to enrol once, I am told by the Training Centre, which is when they first enter and they do not need to re-enrol to continue with level 2 and level 3. Indeed, in the case of the construction sector, they spend time in the industry and then
320 they can come back and continue. We do not treat that as a new enrolment, but as a continuation of the previous one.

Hon. E J Reyes: Yes, Mr Speaker, and I think it is only fair that if I require further details I will come back to the Minister. I doubt I will be able to deduce from his figures what trend there is. If I give you a
325 hypothetical example. If 20 trainees completed level 1, how many of those 20 wish to move on and actually carry on with Level 2? But perhaps the Minister may know and offer some information.

I believe from some of the trainees there present that despite those within the construction trades receiving qualified craftsman status on completion of level 2, there seems to be a desire by three or four, maybe half a dozen of them to continue on to level 3 and for which the Training Centre I know in the past
330 has tried to accommodate them. Does the Minister have any information he can offer to this House whether they are allowing those, despite that they will have to spend far more time out in the industry? I think it is one of the conditions set by the Examination Board, but is he, as a matter of policy, willing to encourage these youngsters to carry on with their qualifications?

For the sake of those not well versed in this issue, Mr Speaker, if I can draw you to our educational
335 system, a craftsman in the construction trade who attains a qualification at level 2 to continue to level 3 would be the equivalent of us carrying on doing in the education world, like a post-graduate type of study. Can the Minister enlighten us if he has any information?

Hon. J J Bossano: Well, it is not something that we encourage because the whole purpose of the
340 training is that we want to get people replacing craftsman that we are currently importing; therefore, as he rightly says, going on to level 3 is really in order to take on more the level of charge hand, a foreman or a supervisory, and I think frankly it is not the best thing to come straight out of training and go in there without having experience of some work in the industry.

So for those who want to do their level 3, what we are saying – there are not all that many of them – is
345 that they should go into the industry and get day release and we will enter into an agreement with the

employer so that when they need to get released to carry on with their level 3 studies, that will be funded by the Training Programme so that the employer will not be hostile to the idea of releasing people because it will not be at the expense of the employer.

350 **Hon. E J Reyes:** Mr Speaker, with your leave may I say to the Minister that I think that sounds extremely sensible and I simply say to you, thank you for that type of commitment. He can rest assured of my support that we are not only training people to fill up the type of vacancies that will arise now, but we are looking forward towards succession planning, if one wants to call it that, so that in a few years' time there will no longer be a need to import any labour to take over supervisory roles. We are talking about the
355 managers of the future and time runs away and so the Minister can count on the support from this side of the House in respect of continuing up to level 3.

Hon. J J Bossano: Mr Speaker, if we are able to continue to attract people into the construction industry, eventually we will see a significant move, but we are still at the early stages of that transition.

360 **Mr Speaker:** Next question.

Q65-74/2015
Gibraltar Savings Bank and Credit Finance Company Limited –
Investments and loans

365 **Mr Speaker:** Question 65.

Clerk: Question 65, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state what the Government cash reserves were as at 31st August 2014, 30th September 2014, 31st October 2014, 30th November 2014 and
370 31 December 2014?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr
375 Speaker, I will answer this question with Questions 66 to 74.

Clerk: Question 66, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please give a breakdown by bank and amount of that part
380 of the aggregate public debt which comprises bank debt, as at 31st December 2014?

Clerk: Question 67, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide this House with a breakdown, by debenture
385 issue, of that part of the aggregate public debt which comprises Government debentures, as at 31st December 2014?

Clerk: Question 68, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide details of the value of Gibraltar Savings
390 Bank debentures or other debt security as at 31st December 2014?

Clerk: Question 69, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide a breakdown of where and how all the
395 monies deposited in the Gibraltar Savings Bank have been invested and the rate of return on each of these investments as at 31st December 2014?

Clerk: Question 70, the Hon. D J Bossino.

400 **Hon. D J Bossino:** Can the Minister for Finance state how the funds to pay for the purchase by the Government of the shareholding in Gibtelecom, previously owned by a third party, were sourced?

Clerk: Question 71, the Hon. D A Feetham.

405 **Hon. D A Feetham:** Can the Chief Minister please provide details of (a) the date or dates when Credit Finance Company Limited deposited monies with Gibraltar Investment (Holdings) Limited; (b) the amounts involved on each such occasion; (c) the bank and bank account from where the money was transferred in the name of Credit Finance; (d) to the bank and bank account in the name of Gibraltar Investment Holdings Limited?

410

Clerk: Question 72, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please provide the exact terms on which Credit Finance Company Limited has deposited the sum of £347 million in Gibraltar Investment Holdings Limited and whether all the Directors of Credit Finance approved that transaction?

415

Clerk: Question 73, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide details of all monies deposited or investments made by the Government in Gibraltar Investment Holdings Limited over the last calendar year, together with the dates and details of bank and bank account into which the money was deposited?

420

Clerk: Question 74, the Hon. D A Feetham.

425 **Hon. D A Feetham:** Please provide details of all investments and transfers of money made out of Gibraltar Investment Holdings Limited over the last calendar year, including the identity of the recipients.

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

430 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, as at 31st December 2014 the aggregate public debt consisting of bank debt was Barclays Bank, £150 million, and NatWest Offshore Limited, £50 million.

The Government debentures by maturity date were 2017 debentures, £15,061,200 and the one-month debenture, £237,150,400.

435 The value of Gibraltar Savings Bank debentures and other debt maturity by date was: one month, £27,929,700; 2015 debentures, £43,770,300; 2016, £22,935,600; 2017, £178,983,600; 2018, £163,997,100; 2019, £125,110,100; other debentures, £30,889,559; bonds, £104,491,469; deposit accounts, £247,618,605.

440 The earnings yield in respect of different categories of investments, vehicles held by the Savings Bank Fund for the month of November are as follows. On-call accounts with the Bank of England, the Crown Agents and the Gibraltar Banks have an average yield of around 0.52%. The Gibraltar Banks were the Royal Bank of Scotland, Barclays Bank, Nat West, Jyske Bank and Lloyds Bank.

445 Floating rates notes quoted on the London Stock Exchange had an average yield of 0.95%. The floating rates were issued by the following: European Investment Bank; International Bank for Reconstruction and Development; Neder Waterschapsbank; KfW, Republic of Finland Bank; Volkswagen Financial Services; Dexia; GE Capital UK; Westpac Securities; Australia & New Zealand Banking Group; Centrica plc; ASB Finance Ltd; Royal Bank of Canada; BG Energy Capital Plc; Suncorp Metway Ltd; BMW Finance; and National Grid Gas Plc.

450 Monthly income debentures are at 6% return and preference shares in Credit Finance had an average dividend of 5.6%. As previously explained, quoted stocks and call accounts fluctuate marginally on a daily basis, but these fluctuations are not considered significant.

I now hand over to the Member the Savings Bank statement, listing the investments as at November 2014.

Answer to Question 74

Schedule to Question 69

SAVINGS BANK FUND

STATEMENT OF INVESTMENTS ON 31 DECEMBER 2014

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31/12/2014
EIB FLOATING RATE NOTE 22/02/17	£20,000,000.00	100.318 0.077	£20,063,564.80 £15,311.92	£20,078,876.72
EIB FLOATING RATE NOTE 05/01/16	£20,000,000.00	99.978 0.149	£19,995,609.00 £29,817.26	£20,025,426.26
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.002 0.120	£4,235,073.77 £5,077.13	£4,240,150.90
NEDER WATERSCHAPSBANK FRN 09/04/18	£12,200,000.00	100.000 0.169	£12,200,000.00 £20,605.72	£12,220,605.72
KFW FRN 09/03/15	£17,000,000.00	99.992 0.039	£16,998,695.59 £6,707.72	£17,005,403.31
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.027 0.060	£5,001,345.20 £2,984.79	£5,004,329.99
VOLKSWAGEN FIN SERV NV FRN 12/10/15	£5,000,000.00	99.994 0.186	£4,999,718.55 £9,302.85	£5,009,021.40
DEXIA CREDIT LOCAL FRN 15/4/16	£4,000,000.00	100.025 0.167	£4,000,989.36 £6,663.18	£4,007,652.54
GE CAPITAL UK FUNDING FRN 9/5/16	£3,000,000.00	100.483 0.155	£3,014,479.86 £4,640.85	£3,019,120.71
WESTPAC SECURITIES NZ LT FRN 2/10/17	£5,000,000.00	100.000 0.252	£5,000,000.00 £12,609.25	£5,012,609.25
AUST & NZ BANKING GROUP FRN 4/2/16	£5,000,000.00	100.213 0.127	£5,010,648.20 £6,354.70	£5,017,002.90
CENTRICA PLC 5.5% 24/10/16	£6,000,000.00	107.289 1.025	£6,437,337.00 £61,479.45	£6,498,816.45
ASB FINANCE LTD LONDON FRN 13/03/17	£5,000,000.00	100.274 0.050	£5,013,713.45 £2,499.18	£5,016,212.63
ROYAL BANK OF CANADA FRN 4/6/19	£5,000,000.00	100.082 0.070	£5,004,106.90 £3,523.87	£5,007,630.77
BG ENERGY CAPITAL PLC 5.125% 07/12/17	£5,000,000.00	109.638 0.337	£5,481,910.40 £16,849.32	£5,498,759.72
VOLKSWAGEN FIN SERV NV 2.375% 13/11/18	£3,000,000.00	102.830 0.312	£3,084,900.00 £9,369.86	£3,094,269.86
SUNCORP-METWAY LTD FRN 06/10/17	£5,000,000.00	100.139 0.271	£5,006,931.35 £13,526.88	£5,020,458.23
GE CAPITAL UK FUNDING FRN 20/3/17	£2,000,000.00	99.768 0.017	£1,995,350.18 £349.95	£1,995,700.13
BMW FINANCE NV 1.75% 20/11/17	£5,000,000.00	100.201 0.197	£5,010,072.85 £9,828.77	£5,019,901.62
NATIONAL GRID GAS PLC 6% 07/06/17	£3,000,000.00	111.491 3.403	£3,344,744.85 £102,082.19	£3,446,827.04
GOVERNMENT DEBENTURES	£213,000,000.00	100.000	£213,000,000.00	£213,000,000.00
BANK OF ENGLAND	£22,399,948.35	100.000	£22,399,948.35	£22,399,948.35
CFC SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
GSBA	£5,000,000.00	100.000	£5,000,000.00	£5,000,000.00
GIBTELECOM	£37,798,895.33	100.000	£37,798,895.33	£37,798,895.33
ROYAL BANK OF SCOTLAND GBP CALL A/C	£2,437,266.55	100.000	£2,437,266.55	£2,437,266.55
LLOYDS BANK GBP CALL A/C	£20,406,365.46	100.000	£20,406,365.46	£20,406,365.46
BARCLAYS BANK	£73,742,145.08	100.000	£73,742,145.08	£73,742,145.08
NATIONAL WESTMINSTER OFFSHORE	£9,503,013.61	100.000	£9,503,013.61	£9,503,013.61
JYSKE BANK	£20,100,827.43	100.000	£20,100,827.43	£20,100,827.43
CASH	£4,000,000.00	100.000	£4,000,000.00	£4,000,000.00

455 The funds of Credit Finance are invested in commutation, pensions, financing and loans which provide a profitable return and the balance is held in on-call accounts, which have been explained in answer to supplementaries in previous questions on this subject. I am not prepared to provide any further details beyond what has been provided.

The monies held by GIH and its subsidiaries are managed collectively, together with Government research by the Treasury in order to meet day-to-day needs in cash flow movements.

460 The cash reserves in the months requested were as follows: August 2014, £79,000,000.57; September 2014 £96,000,000.84; October 2014 £90,720,000; November 2014 £84,000,000.65; and December 2014 £60,000,000.10.

465 **Hon. D A Feetham:** Mr Speaker, may I afford the hon. Gentleman an opportunity to answer some of the questions that he has missed out in his bunching of all these questions? He has not answered Question 65, which is the cash reserves. I have not heard him answer that for the cash reserves and he knows that I need the cash reserves in order to calculate net debt. He has not answered the question that Mr Bossino has asked about Gibtelecom. Obviously he has not answered the questions on Gibraltar Investment Holdings Limited, but I assume his answer in relation to that is that he does not want to provide me with any further information than the information he has already provided for me. But at the very least before I come back on the other matters, I want to ask supplementaries on in relation to Question 65 and also Question 70.

Hon. J J Bossano: Yes, I apologise. I think the people who have been putting this together for me are new and put it down as a supplementary when it should have been part of the original answer.

475 The investment was made by the Gibraltar Savings Bank Fund in the purchase of the Gibtelecom shareholding and that is reflected in the list of investments that I have passed over to the hon. Member, but I should have mentioned it.

I did give the figures for the cash reserves, but I will repeat them, which was August £79,000,000.57; September £96,000,000.84; October £90,720,000; November £84,000,000.65 and December £60,000,000.10.

485 **Hon. Sir P R Caruana:** I had obviously misunderstood him to have meant that that was the money that had gone into Gibraltar Investment Holdings that had been held as cash for the use of subsidiaries and that that was the monies that had been held as at those months – that was my understanding. Can he confirm that my understanding was wrong and that those figures that he has given are the public debt net reserves?

Hon. J J Bossano: The figure that I have given for the months of August, September, October, November and December are in answer to Question 65 and are the Government cash reserves.

490 **Hon. D A Feetham:** So, Mr Speaker, the net debt, as at the end of December, was the gross debt of £452 million less cash reserves at the end of December, which gives a net debt of £394 million pounds. Is that the same calculation? He must have that as one of the supplementaries... the calculations that the hon. Gentleman has.

495 **Hon. J J Bossano:** The figure that I have got shows £392 million.

Hon. D A Feetham: Mr Speaker, the net debt is effectively even higher than the net debt that the Hon. the Chief Minister announced to this House of £352 million during the Budget and so the trend is an increase in net debt. We have cash reserves which are just simply £60 million.

500 Mr Speaker, how does the Government intend to keep its manifesto commitment of actually cutting the public debt in half in the light of these figures?

505 **Hon. J J Bossano:** Mr Speaker, I do not think I have to explain to the hon. Member how I intend to complete any manifesto commitment. The point is that we intend to do it and therefore I do not recall in the 42 years of being here anybody ever explaining to me on that side of the House how they intended to do something they were committed to doing. They just told me to wait and see and I give the same advice.

Hon. D A Feetham: Well, Mr Speaker, I await with baited breath.

510 But, Mr Speaker, with cash reserves of £60 million and with a Government just very recently signing a contract for the construction of a power station at £77 million, how does the hon. Gentleman, the Government, intend to be funding the power station with cash reserves of £60 million and the position as he has described it, say, in answers to my question?

515 **Hon. J J Bossano:** Mr Speaker, I do not recall that it worried him in Government when he was intending to spend twice that much – £120 million to put one up the Rock – and so presumably if he had a scheme up his sleeve which he did not reveal in Parliament then, I am sure there must be people imitating what he was doing at the time.

520 **Hon. D A Feetham:** Mr Speaker, it is very simple. His Government and his party have been lambasting us about the fact that we would have needed to borrow money and now I am asking him to come clean. We have got a potential bill to this community of £77 million. Indeed, over the next few weeks I will be demonstrating that that bill is going to be increasing to over £140 million. That is the real cost of the power station and I just simply want to know how the Government is going to fund it.

525 Is the Government, for example, going to fund it via the money sitting in Credit Finance, now actually sitting in Gibraltar Investment Holdings Limited, as indeed from the answer that he has given, my hon. Friend, Mr Bossano, he appears to have funded the purchase of the shareholding in Gibtelecom because that has been funded out of the Gibraltar Savings Bank, and of course, if that is the case, then I have got other supplementaries that I wish to ask the hon. Gentleman, as he no doubt can predict.

530 **Hon. J J Bossano:** Mr Speaker, I am not going to tell him (*Laughter*) and he knows that (*Banging on desks*) but I can tell him that given the ‘nomenclature’, which was a word he liked using the last time, introduced by the former Chief Minister, I think this falls into the category of either being hypothetical or work in progress – one of the two.

535 I can tell him that as far as the investment in the Gibraltar Telecom shares is concerned, I think to say that it is funded is a misnomer. The Gibraltar Savings Bank has bought from Slovenia Telecom their 50% shareholding, which was yielding Slovenia 8%, and it is a good return and a *safe* investment. It has been bought at a price which I can tell Members opposite is a very good price, because my information is that the previous Administration had a valuation done in 2008 which put the value of this 50% shareholding at £40 million.

540 So if it was valued independently and professionally for the previous Government at £40 million in 2008 and we have been able to negotiate a buyout of our partner, what I expect is that the Savings Bank will continue with that investment until we find a suitable partner to replace Slovenia. I anticipate that in the time that we continue to hold those shares we will be taking steps to improve the profitability and consequently the value of those shares so that when we come to resell them there will be a capital gain to the Savings Bank, and so that is the rationale of that investment.

545 **Hon. D A Feetham:** Mr Speaker, is there not an alternative rationale? It is that the Government has been spending so much money and has been borrowing so much money that actually there is nothing in the coffers, in the kitty to be able to purchase those shares. It would not have been possible for the Government to have purchased the shares in Gibtelecom. It would have been impossible, taking into account the cash reserves that the Government had and indeed the formula about how much the Government can borrow, isn't that the position?

555 **Hon. J J Bossano:** Well, no, he is wrong. Although he formed part of the Government that invented the formula, it is clear that he does not understand it as well as I do.

560 The formula would allow us to have a net debt of £443 million and so if we had chosen to go to the maximum allowed by the formula, the reserves could have been dropped to something like £70 million and we would still have been able to purchase those shares. But the decision was a deliberate decision that the Savings Bank would be given the opportunity to invest because it provides a good return and it is money that... rather than having it invested somewhere else with a lower return, as the Minister responsible for the Savings Bank I bid for the shares because they were a very lucrative source of funding for us to be able to increase the profitability of the Savings Bank at the same time.

565 So we have got an income stream now coming into the Savings Bank at 8%, which is very good, above anything we are paying out and at the same time. As I say, I expect that it will be possible to improve the value of those shares and to sell them for more than we bought them.

Hon. Sir P R Caruana: Mr Speaker, I sincerely hope that it turns out to be a wonderful investment for the Savings Bank. A little bit liquid for a bank, but nevertheless I hope it is a very good investment and I am sure it will be.

570 But given that the investment has been made by the Savings Bank, which is not the Government and not by the Government, would the hon. Member agree with me that all the Government's public statements to the effect that *it* has bought out Slovenia Telecom are factually incorrect?

Hon. J J Bossano: I agree with the hon. Member that *technically* he is right, but it has been bought by the Savings Bank, which is in itself owned by the Government. So if the Government had chosen to use a Government company to buy it, as opposed to the Savings Bank, presumably it would have not been a major departure from accuracy to say that the Government owned all the shares. But I think it is preferable that all the shares should not have been held by the consolidated fund, which would have been the correct 100% accurate interpretation of the statement that the Government has bought it.

Hon. Sir P R Caruana Mr Speaker, [*Inaudible*] whether the Savings Bank is *owned* by the Government, in any normal sense of that word it is a statutory body with statutory existence. It is managed by civil servants and it is overseen by a Minister, but of course it is not the Government. It is very different to a Government Department. It is not the taxpayer that owns the asset; it is effectively, I suppose indirectly, the depositors of the Savings Bank. This is now one of the assets that answers for their deposits in due course and so it would have been, I think, more transparent for the Government statements to have said what the hon. Member has said today, which would not have added or subtracted anything from the statement but it would have been factually correct.

Hon. J J Bossano: I agree it would have been a more accurate description of what has been done.

Hon. D A Feetham: Yes, Mr Speaker, even if the hon. Gentleman is right, and I had calculated under the formula a net debt that the Government could borrow on the formula... for how much the Government could borrow, a net debt slightly below or below the £443 million, you would still, had the Government bought the shares in Gibtelecom directly, the Government would have been within less than £20 million from that...borrowing...that ceiling.

Is it not the case that really what the Government is doing here is using the Gibraltar Savings Bank as a form of borrowing, which it does not have to, which is not going to be caught by the legal borrowing limit, because the Government really does not have the money to then fund all the other things that the Government is going to be funding, including a power station? Because if the legal borrowing limit is £443 million and had these shares been bought by the Government, it would have taken them within £20 million, or slightly less I think the calculation is, of that actual ceiling.

It would not have had money to then pay for the power station. It would not have had money to pay for the small berths, which the Hon. Minister Costa is responsible for etc, etc, etc, and that is at the heart of the problem that this Government is facing, which is that it has promised so many things to so many people, funded by very high borrowing, that it really does not have the money to fund its long list of commitments, hence why it effectively needs to rely on savers money in the Gibraltar Savings Bank.

Hon. J J Bossano: Well, I know that it suits the hon. Member to put that interpretation on it and no doubt he will either rush off and do another *You Tube* thing on it or produce little squares on a paper to put through my letterbox, but I am afraid the fact that he does that, which I think is misrepresenting reality, like he is doing now, is something that does not really upset me very much because the day he put this little paper through my letterbox explaining why people should not touch the Savings Bank with a bargepole, when I got to my office there was a telephone call from somebody who wanted to know how they could go about putting £1.5 million in.

So I really want to encourage him to keep on doing these things because it seems to be getting people to put more money in, than I am able to do with my own efforts. (*Laughter*)

Hon. D A Feetham: Mr Speaker, I am going to have to instruct my activists not to post leaflets through the hon. Gentleman's door so that it does not upset the hon. Gentleman.

But this is really the most serious issue affecting Gibraltar and everybody in their political careers learn from people that they have observed in politics, and I have observed him for a very, very long time. One of the things that I took from the hon. Gentleman is his economic philosophy, which was 'always live within your means and always save something'. Leave something aside so that if the going gets tough, Gibraltar has something there that it can rely on and so that we are not vulnerable to future threats.

We have a situation here where the net debt is the highest in history and where we are within, on this calculation, £47 million of the net debt limit of the limit of the Government's borrowing. The Government could not borrow more on these figures than £47 million more, and yet the Government has huge commitments, a power station, the berths and other commitments, the final bills in relation to the cladding of the estates – that has not come through yet – and the affordable homes.

Surely he should see of all people – the architect of the rainy day fund policy – that this is jeopardising the future of our children and our children's children because the only way that this can continue is if everything goes Gibraltar's way. If I were on the board of a company and a CEO of that company were to say to me, 'My policy is that this company has always done well and therefore it is going to continue to do

well', without laying out a plan as to how it is going to continue to do well, I would vote for his sacking tomorrow.

635 And you see the problem that I have, Mr Speaker, and I am asking the hon. Member to comment on this, is that this appears to be Government policy that everything has gone well in the past and it will continue to go well. And yet, I would have thought that he of all people would have understood the dangers of Government policy and what the Government is doing here.

640 **Mr Speaker:** The Hon. Minister has answered the question. I have allowed the Leader of the Opposition effectively to make a political speech and not to ask a question. I hope I do not have a repetition.

645 **Hon. J J Bossano:** I am glad, Mr Speaker, that the hon. Member has said that that is something that he has paid a lot of attention to, because I still believe it is absolutely essential for us to think of the future and not live just for the day. Indeed, I think it is important that we should not compete with each other in doing things that maybe have short-term benefits and long-term penalties. (**Several Members:** Hear, hear.) (*Banging on desks*) The hon. Member will know that in my recent broadcast one of the things that I mentioned was the slogan of the GSLP manifesto in 1988, which surprised a lot of people, that a socialist party should be saying you cannot spend money before you make it – that is still my view.

650 I think there is a problem in getting people to stick to the amounts that are intended to be spent when we bring an Appropriation Bill to this House and approve it. I think the former Chief Minister found that problem at one stage and tried to see if it could be corrected by getting everybody to send him monthly e-mails with the figures. I think that at the time that he did that I said to him that the problem, in my view, was not in the Government Departments where there are civil servants and controlling officers on a long-term tradition of considering that it is wrong to spend more. Since then – it started I think in their time and has continued still in ours – through agencies and authorities and in areas like that there are individuals who seem to think that approving variations on original prices, so that the money that was intended to cover several projects now is stretched to the limit, is perfectly permissible.

660 I can tell the hon. Member that given that we have now brought the level of unemployment down to the level that we both think is desirable and attainable, which is below the 300 mark, my colleague will be ensuring that it stays in that region. I, with my new responsibility, will be taking a much greater role in ensuring that that philosophy, which he subscribes to and so do I, is reflected in the way we manage things.

665 **Hon. D A Feetham:** Mr Speaker, let me say, Mr Speaker, that we have been political opponents now for the last 14 years, despite our closeness in the past. Let me say without hesitation that I feel far more comfortable with the hon. Gentleman in the Government benches and I hope that he remains as a voice of caution in the management of our public debt for many years to come, because the reality is that what he has said, and also what he has not said, but I know that he subscribes to too, makes a lot of sense and the reality is that in an uncertain world, and increasingly we live in an uncertain world, we need to live within our means and we cannot have every four years auctions as to who pays more on both sides, and I really do believe that and I really do hope that the hon. Gentleman remains there for many, many years.

670 May I now deal with something that I do not agree with the hon. Gentleman (*Laughter*) and that is all that money that has been shifted from Credit Finance to Gibraltar Investment Holdings Limited? I know that he is not providing us with any information in relation to that, but he did say, and I took a note of this, 'the money is in cash flow movements within Government companies'. I think he used that phrase. That means therefore that effectively that £347 million, which is the £430 million in Credit Finance, £400 million from the Savings Bank and £30 million from the Government, less the £82 or £83 million is £347 million, that £347 million has effectively been parked in Gibraltar Investment Holdings Limited and it is being used as cash flow for the Government group of wholly-owned companies. Is my understanding correct in relation to that?

Hon. J J Bossano: Yes, as was the case before 2011.

685 **Hon. D A Feetham:** Yes, but Mr Speaker, there is, and he knows it, one important difference here. The Government-owned companies when we were in Government were funded out of the consolidated fund. In other words, it was the taxpayer that funded Government-owned companies, and for people listening, it is not only the funding of Government companies, it is the funding of their projects. So, for example, if GJBS, who forms part of that network of companies, had projects, the Government in the past would fund not only GJBS their wages, but also the projects undertaken by GJBS.

690 If that £347 million is being used in the same way as we injected cash in these companies from the consolidated fund, effectively is it not the case that the Government is not only funding through the Savings Bank this network of companies, but also their projects, including projects by GJBS?

695 **Hon. J J Bossano:** Mr Speaker, I know what the hon. Member is trying to do is to get me to tell him what I have told him I will not tell him. I know that. What I can tell him is the only thing I am prepared to tell him which is that the system of using the cash collectively from all sources and having that controlled centrally by the Treasury was the answer that was given to me when I asked the question about how this was being done and that is the answer that I am giving him now. He can speculate as to what the implications of that are, which is what I used to do when I got the answer.

700

Mr Speaker: Next question.

Clerk: We now move to Question –

705 **Hon. D J Bossino:** Mr Speaker, in relation to my question, which relates to Gibtelecom, is he able to tell this House who carried out the valuation and whether any due diligence... presumably some due diligence would have been carried out in relation to that exercise, but is he able to advise us who actually carried out the valuation? I think from the reports given to the press – I think from the Government's own press release – the purchase value was at €48 million. I think I am quoting the correct figure.

710

Hon. J J Bossano: I cannot remember the name of the entity that did it, but I can tell the hon. Member the Slovenian's did their own valuation and Gibtel did its own valuation, remember this is before I became a shareholder in Gibtel at Savings Bank. But I did form part of the delegation that went to Slovenia to discuss the issues with the Slovenians and in fact we actually negotiated a price which was at the bottom range of those valuations for very particular circumstances.

715

The background to this, Mr Speaker, is that the Slovenian group, which was state owned, was required by the EU to have to be privatised because Slovenia needed EU bailout and it so happened that although the Gibraltar investment in a group that was at one stage valued at something like €2 billion in the Ljubljana Stock Exchange, the Gibraltar outfit was the most, if not the only profitable bid of the whole empire and so there was an element, yes, from the accounts that they provided me with it was clear. So they thought they could get better value by selling us the profitable bit, which we were interested in buying, rather than by selling the whole thing where the ratio of profits of Gibraltar was lost against a background of a lot of red ink in Croatia, Albania and all the other places where they were.

720

So it was in their interest to buy and therefore I think we got a better price than we might have otherwise done. The price was within the parameters of the valuations that had been done, but their eagerness to sell before the whole group went on sale meant that on the basis that they could do the sale quickly and that they would get cash. The only reason why it was delayed in fact was because they wanted to get the dividend that was due in the second half of 2014 as well as the payment for the shares, and we were not able to persuade them to forego that dividend so they stuck out until the dividend was due, but that is the reason for the price and the timing. It was within what had been done independently with somebody that did it for them and somebody that did it for Gibtel and in the process of the negotiation where we had, if you like, a very keen seller as well as our interest in buying, partly because it was a very good return; secondly, because in my judgement we can get a better price than what we paid, especially if before we put it back on the market we do things to improve the return; and thirdly, because with the group being put on the market, we would never have known who we might have finished up as a subsidiary of, which is not a very good situation. So that is really the background.

725

730

735

Hon. D J Bossino: Mr Speaker, in terms of putting it back onto the market. I presume the Government, the Gibraltar Savings Bank has not decided to do that as yet, and the reason why I ask, I seem to recall, and I do not have a copy of the article here, but I think the Hon. the Chief Minister said in a recent interview that he had many – I do not think he gave us a number – many investors who were interested. In terms of that I just sense there is a bit of a contradiction in terms of the approach.

740

I get the impression, and I certainly do recall this when I think the first press release was issued by the Gibraltar Government, that the intention was to take control now, to therefore control who the next private sector partner would be, but that as quickly as was reasonably possible, the Government – and that is the only information that we had – the Government was very interested to sell that shareholding back into the private sector. Whilst I sense from the answers which the hon. Member has given this morning that his approach seems to be different. He has gone in and he wants to make a profit out of it and then in time, when he thinks that the timing is correct, he will then sell on to a third party private bidder. Is that analysis correct?

745

750

Hon. J J Bossano: From the point of the Savings Bank this is a good investment. We are in no rush to sell it. We believe that we can sell it profitably and we believe that if certain things are done with Gibtel the price that we can get is going to be even higher. So obviously the Government does not need this money

755 back as a Government because it is not the Government that has put the money in. It is the Savings Bank
that has put it in and the Savings Bank... I, as the Minister responsible for the Savings Bank, believe that a
timescale of within a year would not be a long-term investment. If we look at the portfolio where I have
given a breakdown in terms of the maturities, then in fact the bulk of the money that we have got in the
760 Savings Bank is more than 12 months' money and therefore the bulk of the money that is coming in is
predominantly in three-year and five-year maturities. So the Savings Bank itself is attracting funds which
are in for more than one year and I would think that one year would be more than sufficient time to achieve
the kind of targets that I think are possible to achieve.

765 But of course, if somebody turned up tomorrow very keen to buy it and gave us a very good price, we
would reconsider the situation, but it is not that we have a desperate need to resell this because we need to
use the money for somebody else or something else because we have not used Government money. If we
had used Government money we might have been in that situation, but given that it is an investment by the
Savings Bank, the Savings Bank is getting a sound return.

BUSINESS AND EMPLOYMENT

Q1-2/2015

Industrial Tribunal – Employing permanent Chairman; reforms to procedure

Clerk: Question 1, the Hon. D J Bossino.

770 **Hon. D J Bossino:** Can the Minister for Employment state whether he has any intention of employing a
permanent Chairman to the Industrial Tribunal?

Clerk: Answer, the Hon. the Minister for Business and Employment.

775 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I shall answer this question
together with Question 2/2015.

Clerk: Question 2, the Hon. D J Bossino.

780 **Hon. D J Bossino:** Can the Minister for Employment state when he expects he will have completed the
promised reforms to the Industrial Tribunal procedures?

Clerk: Answer, the Hon. the Minister for Business and Employment.

785 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, at present we are considering
the long-term sustainability of appointing a full-time Chairperson against the feasibility of retaining the
current system of appointing a Chairperson from a panel. The expectation is that all the reforms will be
completed before the summer.

790 **Hon. D J Bossino:** Mr Speaker, clearly from the answer he has given, is it within the realms of
possibility that the Government may change its position in relation to the permanency of that position?

He may recall that when I asked the then Minister for Employment back in March 2014, Question
333/2014, I asked him that precise question and I asked him when it was going to happen and he was very
forthright in his answer, saying it would happen before the next General Election, Mr Speaker.

795 But can he confirm that he will not be held to that and that he may be considering going down another
route, which is to have, basically, the system that we have had before where you draw people from a panel?

Hon. N F Costa: Yes, Mr Speaker, the hon. Gentleman is correct. The intention is to reform the entirety
of the Industrial Tribunal system before the summer and whether it is before the General Election or not is a
800 matter entirely in the hands of the Chief Minister if he calls an election before then. But I do think that six
months would be sufficient time to be able to consider the different proposals that have been sought from
the Bar Council, the Unions, the Chamber of Commerce and the GFSB. They will be writing to me,
hopefully by the end of February.

805 In the meantime, and in any event, we have been liaising with the Bar Council and the law firms – his
firm may have received a letter from me – where I seek lawyers wishing to be appointed Chairpersons in

employment cases. I am sure he will be happy to learn that from the 32 existing cases that I inherited that did not have a Chairperson presiding, we only have three left.

810 But to answer specifically the question that he asks, I am looking at both possibilities. Whether a permanent Chairperson is sustainable insofar as there would be a continuous number of cases for a full-time Chairperson to deal with throughout a year or whether that is not likely and therefore we better have a system where we choose Chairpersons from a list of a panel, but certainly relooking at and reviewing the existing structure of appointment, fees paid etc.

815 **Hon. D J Bossino:** Mr Speaker, yes, he is absolutely right in relation to the reference to the letter which he said was sent to the Gibraltar Bar Council and then it was distributed amongst the Chambers and that is why I had a copy of it.

In that context, he does not seem to refer to the possibility of having an appeal body comprising three individuals, and the reason why I say that specifically is because that does feature in an electoral commitment on behalf of his Party.

820 So can he confirm that it will be the intention as part of the proposals, which presumably will be reflected in legislation in the future – perhaps not necessarily primary legislation, but certainly changes in the rules – that that specific proposal, i.e. the Appellate Body, comprising three individuals, will feature in that?

825 **Hon. N F Costa:** Mr Speaker, I do not know whether the hon. Gentleman has had the opportunity to consider the letter that I circulated, but if he were to look at the third paragraph, the last line in fact says:

‘The intended effect of the reform is to simplify the Industrial Tribunal process, including the appeal process.’

So therefore we are in fact looking at that manifesto commitment as well.

830 **Hon. D J Bossino:** Oh, I see. So, exactly, as part of the simplification procedure he is envisaging complying with the electoral manifesto commitment, which is to have a three-man or three-person Appellate Body, and presumably he sees that as a simplification because at the moment the only other course open to an aggrieved party is to appeal to the Supreme Courts.

835 **Hon. N F Costa:** Mr Speaker, yes. The manifesto commitment set out that the intended effect of the reform is to simplify the Industrial Tribunal process and as part of our thinking currently is that we may even have to come to this House to enact primary legislation on perhaps an Industrial Tribunal Act, because having considered the English laws so far, there is an Industrial Tribunal Act and then there are subsidiary rules. Given that the reference to Industrial Tribunal in the current Employment Act, if I recall correctly, only relates to two or three sections, we think that it actually makes a lot of sense to have a separate piece of primary legislation that sets out the entirety of the objectives, the effect and the procedures of the Industrial Tribunal and also the subsidiary legislation that may cover other matters. But that is what we are currently thinking and it may be that we need to come to this House therefore to enact primary legislation.

845 I wish to stress to the hon. Gentleman that the reform that we are presently considering relates exclusively to the Industrial Tribunal and I have already written to the Chamber to say that at this juncture we are not considering any other changes to the employment laws, but simply and exclusively on Industrial Tribunal Reform.

850 **Hon. D J Bossino:** Mr Speaker, has the Government in relation to that last answer, that portion of his answer, has the Government adopted a position? I have not had the opportunity of reading the proposals made by the Gibraltar Chamber of Commerce, but I have had the opportunity of reading the reported reaction by the Unions in Gibraltar. I think one of the concerns which they have and they are absolutely dead against is the possibility that potential complainants will have to be, I think it is, paying for part of the filing process.

855 Has the Government adopted a position specifically in relation to that? The reason why I ask that question is relevant from the answer that he has just given, because it I think impinges upon one of the procedural aspects which he is looking at.

860 **Hon. N F Costa:** Mr Speaker, in the first place to stress that since my appointment as Minister for Employment, I have only been able to sink my teeth into this very recently. But I can tell him categorically that on the question of whether a complainant will need to file a fee to start an Industrial Tribunal process, the answer is categorically no. (*Banging on desks*)

865 **Mr Speaker:** May I say to the hon. questioner, there is a limit about the extent about which he can ask supplementaries on the reforms. He has asked for a date and he has been told it is going to be done by the summer, but we must not get carried away in discussing here this morning the actual reforms – that can be the subject of a separate question on the Agenda Paper of course.

Q3/2015
Unemployed Gibraltarians –
Quarterly average

870 **Clerk:** Question 3, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment provide details of the quarterly average of unemployed Gibraltarians for the last quarter of 2014?

875 **Clerk:** Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the quarterly average of unemployed Gibraltarians for the last quarter of 2014 was 268.

880 It gives me great satisfaction to be able to report to the House that thanks to the unstinting efforts of the former Minister for Employment, the Hon. Joe Bossano, the lowest unemployment figures since records began was in December of last year, when the figure stood at 228. (*Applause and banging on desks*)

Q4, Q6 & Q8/2015
Dry-dock –
Operating procedure; complaints received

Clerk: Question 4, the Hon. J J Netto.

885 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say what health and safety procedure is implemented by companies operating at the dry-dock when using blasting materials on ships at the dock in order to ensure that no adverse effect occurs to the environment, and what external monitoring procedure to ensure compliance with the law is carried out to ascertain that companies using such materials do not cut corners that might damage the marine environment, given the type of hazardous contaminants that blasting has?

890 **Clerk:** Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I will answer this question together with Questions 6 and 8/2015.

895 **Clerk:** Question 6, the Hon. J J Netto.

900 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety please say on how many occasions have the Factories Inspectors had inspection meetings, advice, complaints, site visits and accident investigations in the ship building/marine repair industry sector during 2014, broken down by the categories above mentioned?

Clerk: Question 8, the Hon. J J Netto.

905 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say if Factory Inspectors have inspected recently the dry-docks arising from complaints made by the residents in the nearby area, and if so, provide Parliament with a statement of their findings?

Clerk: Answer, the Hon. the Minister for Business and Employment.

910 **Minister for Business & Employment (Hon. N F Costa):** Mr Speaker, with respect to the hon. Gentleman, I am not answerable in the House for procedures implemented by private companies that may

operate at the dry-dock when conducting any operations. What I can tell the hon. Gentleman is that all works at Gibdock are undertaken in accordance with the Safety Systems of Work Policy Document in accordance with ICA 9, 14 and 18 thousand accreditations and in accordance with the relevant domestic
915 legislation.

I can also tell the hon. Gentleman that I am informed by Gibdock that blasting is conducted by Gibdock employees and not by subcontractors. The Health and Safety Inspectors also collaborate with the Environmental Agency on matters relating to blasting.

The Inspectorate has effected three meetings in respect of the ship building marine repairs industry sector during last year and the Health and Safety Inspectorate have not visited the dry-docks as they have
920 not received any complaints from residents.

I am advised however, by the Health and Safety Inspectorate, that the Environmental Agency has received a number of complaints.

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

Could I ask the Hon. Minister whether in relation to the sand blasting operation that takes place from time to time, at least during 2014, whether the company – not the sub-company but the company directly operating there – does have a planning supervisor appointed every time that sand blasting takes place on a ship? And in relation to having a planning supervisor appointed, whether the Health and Safety Inspectorate
930 have been notified every time that such an operation takes place?

Hon. N F Costa: Mr Speaker, I do not have the answer to those questions.

Hon. J J Netto: Well, Mr Speaker, I did have a number of supplementary questions in relation to this, but it might be the case that the Hon. Minister himself might not have the kind of detailed answers to my specific supplementaries. So I wonder whether in order to just save time I simply write to the Hon. Minister detailing them, because I fear that in the same way he may not have available to him there, the information, he might not have the information to my other supplementary questions, which really emanates from these
935 type of detailed questions.

940

Hon. N J Costa: Mr Speaker, as the hon. Gentleman will know, we have corresponded in the past as a result of questions that he has asked in this House. So I am, once again, more than happy to reply to any supplementaries that he may have.

945 **Mr Speaker:** Question 5.

**Q5/2015
Health and Safety –
Statistics for December**

Clerk: Question 5, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety please provide the Health and Safety Statistics for the month of December as these were not available on the Government website at the
950 time notice of questions was notified?

Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Yes, Mr Speaker, I will now hand over the set of statistics to the hon. Gentleman.

SCHEDULE TO QUESTION NO 5/2015

Table HS.1

Monitoring Activities, 2014

Industry Sector	December							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	3	5	2	10	4	-	13	37
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	1	-	-	-	-	-	1
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	1	-	-	-	-	-	1
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	1	-	-	-	1
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
Total	3	7	2	11	4	-	13	40

Updated 5 January 2015

Source: Ministry of Enterprise, Training, Employment and Health & Safety

CONT ANSWER TO QUESTION NO 5/2015

Table HS.2

Occupational Reportable Accidents, 2014

Industry Sector	July			August			September			October			November			December		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Construction	1	-	-	4	1	-	6	1	-	4	1	-	7	-	-	-	-	1
Education	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	1	-	-	-	-	-	2	-	-	1	-	-	1	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufacture	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Police, Security, Fire Services	3	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail Trade	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	1	-	-	1	-	1	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	7	1	-	4	1	-	10	1	-	6	2	-	10	1	-	-	-	1

Updated 20 January 2015

Source: Ministry of Enterprise, Training, Employment and Health & Safety

CONT ANSWER TO QUESTION NO 5/2015

Table HS.3

Enforcement Activities, 2014

Industry Sector	July		August		September		October		November		December	
	PN	IM	PN	IM	PN	IM	PN	IM	PN	IM	PN	IM
Air Transport Related	-	-	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	-	-	-
Construction	-	-	-	-	-	-	-	-	-	-	-	-
Education	-	-	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	1	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-	-	-
Total	-	-	-	-	-	-	-	1	-	-	-	-

Updated 5 January 2015

Note:

PN: Prohibition Notices Served
IM: Improvement Notices Served

Source: Ministry of Enterprise, Training, Employment and Health & Safety

CONT ANSWER TO QUESTION NO 5/2015

Table HS.4

Number of times legal advice has been sought during the month in relation to the number of inspections conducted, 2014

As at	Advice
January 2014	-
February 2014	-
March 2014	-
April 2014	-
May 2014	-
June 2014	-
July 2014	-
August 2014	-
September 2014	-
October 2014	1
November 2014	-
December 2014	-
Total	1

Updated 5 January 2015

960 **CONT ANSWER TO QUESTION NO 5/2015**

Table HS.5

Reasons for Factories Inspectors issuing Improvement and Prohibition notices, 2014

As at	Industry Sector	Improvement Notices	Prohibition Notices	Reason
31 January	-	-	-	-
28 February	-	-	-	-
31 March	Construction	-	1	Incompliance with Factories (Working at Heights Regulations) 2006 Reg 8 (c) . Protection to window openings at height. The dangerous use of improper access equipment.
30 April	Road Transport Related	-	1	Incompliance with Factories (Lifting Operations Lifting Equipment Regulations) Reg 9 (a) Falling to provide a valid test certificate of thorough inspection.
31 May	-	-	-	-
30 June	Construction	-	1	1) The company failed to appoint a Planning Supervisor, notify the project to the Health and Safety Inspectorate and to nominate a competent Principal Contractor. 2) The Contractor failed to provide the Risk Assessments to which its workers and others are being exposed. 3) The Contractor failed to provide the Health and Safety Plan. 4) No Asbestos survey has been carried out.
31 July	-	-	-	-
31 August	-	-	-	-
30 September	-	-	-	-
31 October	Post & Communicatio	1	-	Incompliance with Workplace (Health and Safety and Welfare) Regulation 5. 1 & 2 Maintenance of workplace, and of equipment, devices and systems.
30 November	-	-	-	-
31 December	-	-	-	-

Updated 5 January 2015

Source: Ministry of Enterprise, Training, Employment and Health & Safety

965 **Mr Speaker:** The schedule consists of five pages, so perhaps we can go on to the next question and if necessary, come back to anything that may arise.

970 **Hon. J J Netto:** I think, Mr Speaker, that will not be necessary because last night I did notice that the information had already been uplifted to the Government website and so in a way the information, which is now coming through, I already have it available to me. There are, I think, two small issues that I would like to raise, if possible, with the Hon. Minister.

One relates to the table in relation to monitoring activities. If the hon. Member looks at the table, both for December and November, he will be able to see that in December there were 11 inspections carried out, 10 to the construction industry, one to, I think it is, the road transport as far as December, and in relation to November there were 16 to the construction industry.

975 The one thing I would like to point out to the Hon. Minister, given that, as he has just said, he has only just sunk his teeth into his new portfolio, is the same kind of comments that in the past have been made to the two previous Ministers for Health and Safety, and that is that there is a constant predisposition by the Health and Safety Inspectorate only to target, not only... 'only' is perhaps the wrong word – *mainly* to target the construction industry, and this is probably due to the fact of their own Health and Safety Inspectors background and qualifications.

I think there is a disproportionate amount of time dealing with the construction industry and what I would urge the Hon. Minister is to look at this, have a discussion with the Inspectors so that we can have a more fair balance of inspections right across all the industry groups and not just mainly on construction. So if he could take that on board I think it would be good for all the industry groups.

985 The other point I would like to raise with the Hon. Minister is in the table of occupational reportable accidents. If the Hon. Minister goes to the December figures, he will see that there was one major accident, I think. Let me just get this right. Is it the construction industry? Yes, in the construction industry. I wonder whether this has been highlighted to him and whether he can give Parliament a brief account of what happened as a result of that major accident in the construction industry in December.

990 **Hon. N F Costa:** Mr Speaker, in the first place to say to the hon. Gentleman that he is absolutely correct in saying that the statistics were not available on line when he went to prepare the question, and I apologise to him for that. I have made it clear to my new staff that statistics have to be updated regularly and they have to make sure they are ready for the hon. Gentlemen, certainly before we are to appear in Parliament to

995 answer questions. As the hon. Gentleman will have realised, as he has in fact, they were ready for today's session.

The hon. Gentleman has urged me to look at why there seems to be a predisposition to mainly target the construction industry and he urges me to look at this in order to have a more balanced inspection or a more balanced review of all industries. I am sure it will please him to learn that in fact one of the first things that I asked on being made responsible for the portfolio was for a plan. To ask in fact how we achieve that. How we are able to have a balanced continuous review of all industries throughout the entire year and therefore what resources, in terms of infrastructure and human resources may be required. So I take on board the comments made by the hon. Gentleman and I will hopefully be able to update him on progress in that respect during the coming months.

1000
1005 As to the question on the accidents, is that in relation to Question 7, which we have not yet got to or is that a separate question? The hon. Gentleman in Question 7 asks me about a major accident report in November.

1010 **Hon. J J Netto:** Will the hon. Gentleman give way?

Hon. N F Costa: Yes of course.

1015 **Hon. J J Netto:** I think Question 7 has not been read yet and in fact – I may as well say it now or say it later – I think there is a mistake actually in the question form, because I might have been looking down the table and spotted that the major accident was in the electrical supply industry, which it is not... again, checking as I did last night – it is in the sea transport related industry as opposed to that. But the question has not been read for *Hansard* purposes.

1020 **Hon. N F Costa:** Actually, the hon. Gentleman is correct. When he did formulate the question to me, there was a typographical error and so it was not his mistake. It was the fact that the – (*Interjection*) No, not at all. It was that the website did not accurately reflect the reality which I will now answer to him when Question 7 is read.

1025

Q7/2015
Minister for Health and Safety –
Statement in relation to major accident November 2014

Clerk: Question 7, the Hon. J J Netto.

1030 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety please provide the House with a statement in relation to the major accident reported in the November 2014 statistics on the Government website, Table HS2, in the electricity supply industry sector, and state what, if any, consequences have emanated from such incident?

Clerk: Answer, the Hon. the Minister for Business and Employment.

1035 **Minister for Business & Employment (Hon. N F Costa):** Mr Speaker, as I was informing the House and the hon. Gentleman, I was informed that there had been an administrative error with this particular statistic. The major accident in question is related to a sea transport incident and not a major electrical supply incident.

1040 **Hon. J J Netto:** Mr Speaker, normally when I have asked questions in the past in relation to not minor accidents, but major accidents, because obviously minor accidents, we are not going to have a debate here or are for a discussion here in relation to such matters, but at least when it is major accidents normally in the past the Minister has stood up and said, 'Well, this happened on this particular site. The inspectors went there and they observed that a number of things were not done properly and we have taken action', and a small brief statement is normally done by the Minister.

1045 I do not know whether the *new* Minister now for Health and Safety has been prepared with a brief statement as to the nature of the major accident, what was wrong, what lessons have been learned, in order to avoid such a thing happening in the future.

1050 If he has the information, he can provide it to the House. If he has not got the information available right now, again I can write to the Minister and perhaps he can get the information later on for me.

1055 **Hon. N F Costa:** Mr Speaker, it is one of those ironies of life that in fact the accident relates to the Gibraltar Maritime Authority for which I was responsible just a few months ago and we are in exactly the same situation that I was when I answered the question to him then, about the fact that the MAICO has prepared a report, and this is one of these preliminary reports which has been sent now to the new relevant Minister, who is Minister Isola.

1060 Without wishing to rehearse the answer that I gave to him in respect of that question two months ago, he will recall that a preliminary report is sent to the Minister and that the question of whether the MAICO does report a report is entirely a matter for him and not for the relevant Minister. But on the last occasion, I did write to him with a summary of the report, the recommendations and the actions taken. So whereas I am no longer the relevant Minister, I have no doubt, speaking on behalf of Mr Isola, that he will be willing to do the same.

SPORTS, CULTURE AND YOUTH

Q9-10/2015

Gibraltar Rugby Football Union/Gibraltar Cricket Association – Provision of facilities

1065 **Clerk:** Question 9, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the answer to Question 137/2014, can the Minister for Sports inform this House if he has now identified and agreed upon potential facilities for use by the Gibraltar Rugby Football Union for the playing, teaching and development of the sport?

1070 **Clerk:** Answer, the Hon. the Minister for Sports, Culture and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 10.

1075 **Clerk:** Question 10, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer to Question 485/2014, can the Minister for Sports say if any potential alternative facilities have been identified for use by the Gibraltar Cricket Association in respect of provision of facilities for the playing, teaching and development of cricket in Gibraltar?

1080 **Clerk:** Answer, the Hon. the Minister for Sports, Culture and Youth.

1085 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no further facilities have yet been finally identified for the Gibraltar Rugby Football Union, other than formalising with the Ministry of Defence for them to have easier access to use the Devil's Tower Camp facility at no cost to them.

1090 In relation to Question 10, no further facilities have been identified for the use of the Gibraltar Cricket Association, other than already stated, that is the Gibraltar Cricket Association will be able to use the Europa Point Sports Ground as it always has and we are working with them in order to refurbish the Garrison Gymnasium so that they can share this facility for teaching and developing cricket in Gibraltar. The latter is an improvement to what they had before we came into Government.

1095 **Hon. E J Reyes:** Mr Speaker, this time round, my questions for both Question 9 and Question 10 refer to where he has identified 'potential' facilities. The Minister has addressed what facilities there are and one welcomes whatever ease of access you can achieve into Devil's Tower Camp, and of course, the use of the Garrison Gymnasium, which under my term in Office was mainly used by the Basketball Association could be easily diverted to the Cricket Association. But about the potential facilities, can the Minister shed some light on that?

1100 **Hon. S E Linares:** No, Mr Speaker. I have just answered that no further facilities have yet been identified and so therefore the answer is no. But also say to the hon. Member that it was not an easy task to get the Garrison Gym. As he well knows, the Garrison Gym was solely used for basketball, was *given* to the Basketball Association and we negotiated with them because they saw that it could be used for other sports and we went with the cricket, who were willing to use it for indoor cricket, which is a vast improvement for

1105 their development for young children. Therefore, this is an extra thing which we have done for the cricket, but as to the facilities to identify, we have not been able to identify at this moment in time for the rugby.

1110 **Hon. E J Reyes:** So for the sake of clarity then, Mr Speaker, the Minister has not in any of his meetings has not said, 'Look, potentially or possibly we could...' I get the feedback from some Members involved in those sports that they seem to have identified a place that may or may not materialise, but that there is potential in it. Can the Minister confirm that that is incorrect information reaching my ears?

1115 **Hon. S E Linares:** Well, if that is the information that they are giving you, it is incorrect. But what I can also tell the hon. Member is that in the Europa Point Ground, as I have stated before in this House, that we laid down some turf which is not only now used by young children, which is a great improvement for young children to play football, but the rugby is also using it, and I am glad to say that the cricket have indicated that this summer they will also be using it for the development of sports.

As to identifying other areas, the answer remains that no further details are available.

1120 **Hon. E J Reyes:** Thank you, Mr Speaker.

Can the Minister clarify he said before that the Garrison Gymnasium, under the GSD Administration, had been given to the basketball. My understanding was that that always remained an asset that was under the control of the Gibraltar Sports and Leisure Authority. There may have been an arrangement about its allocation, use and upkeep and so on, but can the Minister clarify what he really means by the word 'given'? Was it that the land or the lease was actually donated to basketball?

1130 **Hon. S E Linares:** Well, Mr Speaker, he was the Minister at the time when the Garrison... when I say given, I say loosely given, because no other association were able to use it and therefore it was for the sole use of GABBA and one could say the keys were given to them and they were using it. No legal pass over was given to GABBA, that is for sure. So there was not a legal lease, licence or anything passed on to GABBA, but GABBA has always used that as if it was theirs, and he well knows that because the GSLA had very, very little, if any, input in the Garrison Gymnasium.

1135 **Hon. E J Reyes:** Well certainly, Mr Speaker, the GSLA had an input and accountability to this House because if one looks at the estimates of that period you show that the controlling officer of the GSLA still had to answer to this House for those funds.

Thank you, Mr Speaker.

Hon. S E Linares: Is there a question, Mr Speaker.

**Q11/2015 Bishop Fitzgerald School –
Calanetics and Taekwondo activities; facilities available**

1140 **Clerk:** Question 11, the Hon. E J Reyes.

1145 **Hon. E J Reyes:** Can the Minister for Sports now provide the details missing in his answer to Written Question W85/2014, so as to show which team association has been allocated the use of Bishop Fitzgerald School facilities, in respect of Calanetics and Taekwondo activities?

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

1150 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker, I now hand over to the hon. Member opposite the schedule providing the information that was missing in the answer to the Written Question, which I would like to thank the hon. Member for highlighting this to me because it was a Written Question and when he got the answer he highlighted that to me and obviously the answer was missing. I now hand over the correct answer.

Answer to Question 11/2015

Community Use 2014/15
BISHOP FITZGERALD SCHOOL

DAY	TIME	GAME	ORGANISATION
MON	6pm - 8pm	Calanetics	Calanetic Club
	8pm - 10pm	Taekwondo	Gibraltar Taekwondo Association
TUES	6pm - 8pm	Calanetics	Calanetic Club
	8pm - 10pm	Taekwondo	Gibraltar Taekwondo Association
WED	6pm - 10pm	Taekwondo	Gibraltar Taekwondo Association
THURS	6pm - 8pm	Calanetics	Calanetic Club
	8pm - 10pm	Taekwondo	Gibraltar Taekwondo Association
FRI	6pm - 10pm	Taekwondo	Gibraltar Taekwondo Association

**Q12/2015 Cultural grants awarded –
Financial year 2014/15**

Clerk: Question 12, the Hon. E J Reyes.

1155 **Hon. E J Reyes:** Can the Minister for Culture provide updated details of any cultural grants awarded so far pertaining to the financial year 2014/15?

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

1160 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker, I now hand over to the hon. Member opposite details of all cultural grants awarded so far appertaining to this financial year 2014/15.

Schedule to question No. 12/2015

CULTURAL GRANTS, APR 2014 - JAN 2015

Gibraltar World Music Festival - Sponsorship, Gibraltar Productions Ltd	£15,000.00
Dragonfly Arts Ltd - Solo comedy show performance, 11 July 2014	£5,750.00
Patricia Lubyche - Flight, accommodation, travel expenses and subsistence to accompany son to Summer School in New York	£3,000.00
GNDO - World Show Dance Championships (Prague), European Showdance Championships (Riesa Germany) plus International Dance Organisation Licence & Workshops in Gibraltar	£8,700.00
Gib Photographic Society - Replacement of computer system	£1,800.00
Gibraltar Sea Scouts Band - New Ross Canister System kit for bagpipes and drumming equipment	£600.00
M/O Productions - 13th Gib International Dance Festival/Dance World Cup Portugal/Sussex	£6,700.00
Stylos Dance Studio - Participation at Dance Excellence 2015	£6,000.00
Allegro Music Productions - Gibraltar Festival for Young Musicians 2015 plus woodwind instruments to develop a Gibraltar Youth Orchestra	£6,411.00
Kings Chapel Singers - Sheet music for new repertoire	£1,340.36
Santos Productions - Participation in World Choir Games, Riga Latvia	£7,000.00
Gibraltar Philharmonic Orchestra - Woodwind instruments to develop a Gibraltar Youth Orchestra	£10,000.00
Gibraltar National Choir - Creation of a website, laptop to store tracks, purchase of tracks plus sheet music	£500.00
Andrew Felices - Elmhurst School for Dance, School Tuition Fees for daughter, Janice Felices	£3,000.00
Gib Re-enactment Society - Repairs, refurbishment plus additions to kit and weapons	£350.00
Gib Face & Body paint Association - 3rd Annual Face & Body Painting Festival, 17th - 20th April 2015	£2,882.50
Gibraltar Arts & Crafts - Works for community projects	£1,750.00
1st/4th Scout Group - Upkeep and purchase of musical instruments	£1,334.00
Manuel Ruiz - Payment in respect of a book grant for FY 2014/15, "Life in Gibraltar's Patios"	£929.00
Group 2000 - Poetry recital	576.45
its 3 o'clock Somewhere Entertainment Ltd - Fringe Festival 2015 funding	5,000.00
Gibraltar Re-enactment Society - Additional grant for uniforms and equipment	350.00
Gibraltar Interfaith Group - Interfaith Calendar	996.50
Andrew Felices - Elmhurst School for Dance, School Tuition Fees for daughter, Janice Felices	12,000.00
GFSE - Sponsorship for Rock Chef prize money	2,000.00
Sonia Golt - Book grant	1,600.00
Tracey Lee - Book grant	9,650.00
Michelle Olivera - World Beauty Fitness & Fashion London	350.00
Gibraltar Interfaith Group - Cultural Grant iro Interfaith Calendar	£996.50
Andrew Felices - Cultural Grants on behalf of Janice Felices i/cv dance academy	£12,000.00
GFSEB - Sponsorship for Rock Chef prize money	£2,000.00
Sonia Golt - Being payment for book grant	£1,600.00
Tracey Lee - Cultural grant iro book grant	£9,650.00
M Olivera - Cultural Grant for iro World Beauty Fitness & Fashion London	£350.00
Geraldine Celecia - Being payment for Cultural Grants for Danza Academy	£5,850.00
Charles Trico (Printers) Ltd - Book grant	£9,500.00
Gibraltar Productions Ltd (GWMF) - Sponsorship for Gibraltar World Music Festival 2015	£20,000.00
Gibraltar Savings Bank - Grant for Re-enactment Society	£2,088.00
Rumbert Hernandez - Being payment for book grant	£2,407.00

Mr Speaker: It is a lengthy schedule. Perhaps we can go on to the next question and come back to this one, if necessary.

**Q13/2015 Heritage sites –
Works undertaken; details**

1165 **Clerk:** Question 13, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Heritage provide details of all works, together with a breakdown of respective cost undertaken at any heritage related site, since the answer provided to Question 732/2014, stating by whom these works were carried out?

1170

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Further to the answer to Question 732/2014, further works undertaken at Heritage sites inclusive of costs and works carried out is – and I will read it, Mr Speaker, as there is only one – the site at the Devil’s Tongue Battery. The works were cleaning, general repairs and paintwork. The contractor was Casais and the amount was £12,839.50.

1175

Mr Speaker: Perhaps I suggest we deal with the next question from Mr Netto and then Mr Reyes can come back if necessary.

1180

Mr Netto, please. Question 14.

**Q14/2015 Advertising in Spain –
Source of funding; costs involved**

Clerk: Question 14, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government say if any funds from the Ministry for Sports, Culture, Heritage and Youth, or through the Kings Bastion Leisure Centre, has been spent on advertising in Spain, via television, radio or press; and, if so, please provide the amount since January 2012, specifying the name of the media outlet and the date or dates of each individual payment?

1185

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the answer to this question remains the same as those of a similar nature relating to questions asked to the Chief Minister in previous Parliamentary sessions, and that is that HM Government of Gibraltar continues to believe that sharing information of this nature publically is not in the public interest of Gibraltar.

1190

Hon. J J Netto: Mr Speaker, the reason why I have asked this question is because probably in the previous questions that the Hon. Minister has just stated, there was a change between questions and answers and supplementary questions and answers in which in fact the Hon. Chief Minister did say that some funding emanated from either the Ministry or the Kings Bastion Leisure Centre. So it is as a result of the statement made by the Hon. Chief Minister that I am now posing the question.

1195

So there seems to be an acknowledgement, at least on the part of the Government, through the Chief Minister, that such payment has materialised, either through the Ministry for which the Minister is responsible or the Kings Bastion Leisure Centre. All I am trying to do is to see – now that I have this confirmed – what amounts and to what particular entity is concerned. So I am not trying to open any new ground; it is ground that has been opened by the Chief Minister.

1200

1205

Hon. S E Linares: Mr Speaker, I do not recall when the Chief Minister has said that, because I have here *Hansard* to Parliament in which he did state and that is why I have answered the question in the manner I have, and there is no mention of Kings Bastion Leisure Centre at all. The answer remains the same.

1210

Hon. D A Feetham: Mr Speaker, yes, but can I just ask a question in relation to Government policy, because the hon. Gentleman, in his answer, portrays a situation as if Government policy were exactly the same for all Government Ministers? But actually the Hon. Minister Costa has provided us with details of advertising in Spain, on the radio and in the press in Spain, in relation to his own Ministry.

1215

What is the difference between Minister Costa’s approach, which I commend to the House, which is open, transparent and providing us with that information and the approach of the hon. Gentleman in relation

to his own Ministry. I just do not understand what the difference is and perhaps the hon. Gentleman might want to explain that to me.

1220 **Hon. S E Linares:** Mr Speaker, the simple answer is no, I am not going to explain it, because the Chief Minister actually did that, made the explanation and this discussion was already had when the answer to Question 462/2014 was answered by the Chief Minister. So therefore I am not going to get into the same debate now as has already been had here in this House.

1225 **Hon. D A Feetham:** Mr Speaker, can he at least answer this, without identifying I am not asking him to identify who the recipients of any funding have been, but can he at least confirm or deny that there has been funding by his Ministry in relation to Spanish press and radio in relation to the subject matter of this particular question, Kings Bastion etc?

1230 **Hon. S E Linares:** Mr Speaker, the answer remains the same as I stated at the beginning.

Hon. D A Feetham: But, Mr Speaker, I just simply do not understand the answer.

1235 If you tune into Spanish radio, I think it is *Cuarenta Principales* I cannot remember exactly which one it is, but there is clearly advertising on that radio station in relation to Kings Bastion. So in the very least he could say to me, 'Well, look, it is public knowledge that this particular radio station does advertise Kings Bastion'. What is the state secret? What is the big national point of public importance and national interest in the hon. Gentleman effectively giving me a non-answer to the question?

1240 **Hon. S E Linares:** Well, Mr Speaker, he has already answered the question himself. Why am I now going to... He says he is listening to *Los Cuarenta Principales* and he hears that that there are adverts for Kings Bastion Leisure Centre Limited. Why then ask the question? You know the answer. Why do you want me to tell you? I do not hear the *Cuarenta Principales* I do not tune into those radio stations. So if he does and he has heard it, there is the answer.

1245 **Hon. D A Feetham:** Mr Speaker, of course the hon. Gentleman is a model of patriotism for not listening to *Cuarenta Principales*, a radio station in which his Government advertises Kings Bastion. I have to say, Mr Speaker, that is a contradiction in the same sentence if ever I heard one (*Laughter*).

1250 But, Mr Speaker, well at least perhaps he can answer this: is the advertisement of Kings Bastion on Spanish radio the only advertisement that his Ministry places in the Spanish media? At least he can say that. He can say, 'Well, no, it is'. I am not pressing him further where, but can I press him to at least say to me 'Yes, that is exclusively what we do' or 'No, there are other areas, but I am not telling you'?

1255 **Hon. S E Linares:** No, Mr Speaker, when he says that I contradict myself, I do not contradict myself and it has nothing to do with nationalism; it is to do with the hard work that I do and I do not have time to listen to *Los Cuarenta Principales* and that is the issue because if I had time, I would be listening to *Cuarenta Principales* because I would be listening to music and I would try and see which type of music I could bring to the successful music festival. So therefore the premise of nationalism and all that is just an invention of his.

1260 As to being advertised in other media, well, it seems that if he listens to radio and reads all these newspapers, wherever they are, it is exactly where Kings Bastion Leisure Centre Limited advertises.

1265 **Hon. D A Feetham:** But, Mr Speaker, with respect, the point I quite understand. There might be an argument in relation to public interest of not giving me the exact amounts that the Government advertises on this particular radio station or in that particular newspaper, it provides that information to Gibraltar in relation to the Gibraltar media, but it might choose not to do so, despite the fact that the Hon. Minister Costa did provide that information in a question that I asked.

1270 I quite understand that there might be an argument, a difference, but I am asking him where are you advertising, and that cannot be of national interest. If the answer is, 'Well, you should find out by reading every single newspaper in Spain', that is not an answer. It is not a reasonable answer that a reasonable Minister coming to this House, discharging his obligations, as he must, to the people of Gibraltar in providing reasonable information, it discharges... it cannot possibly.

So therefore, can I press him one more time, the final time, for at least for him to answer my original question or at least the *areas* where the Government, through his Ministry, is advertising in the Spanish press?

1275 **Hon. S E Linares:** No, sir.

**Q12/2015 continued –
Cultural grants awarded –
Financial year 2014/15
Supplementary questions**

1280 **Hon. E J Reyes:** Thank you, Mr Speaker. Can I please ask the Hon. Minister, is it a question of... how
can I put it – a question of an error of a repetition of some of the figures provided in his system. If I look,
for example, the figures coincide, the name of the recipients coincide, and if one looks towards half way
1285 down the page, Andrew Felices, Elmhurst School of Dance, there is £12,000 and just six lines further down
it is the same name for exactly the same quantity. Is it that the entry has been duplicated, as a simple human
clerical error, or that two payments, indeed a third one as there is one further up the page for £3,000, and so
therefore the grand total is £27,000 and does that correspond to one academic year or to more than one
year?

The same thing happens when we come to Sonia Golt book grant and Tracy Lee book grant and so on –
it is exactly the same figure. Is it because they were 50% payments on each occasion or does the Minister
1290 perhaps need time to double check that it is not a simple repetition?

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I can explain the
Andrew Felices issue, which is for Janet Felices, and if the hon. Member remembers the Chief Minister
announced that there will be two cultural grants given to two individuals, who were like elite cultural
1295 persons like Dance and all that and therefore it could well have been that it was given before the financial
year, because it goes from April to January, and it was agreed in the previous financial year, the first
£12,000, but not paid until *this* financial year. So it is not quite a double up.

As to Tracy Lee and Sonia Golt, I will check whether it is a double up, because if I remember correctly,
with Janet Felices, we gave her an initial £3,000, but then it was agreed that she would get as a grant, the
1300 sort of thing like an education grant, but a cultural grant, because the Chief Minister had announced it, and
therefore they probably invoiced the previous year's or at least some part of it from the previous year.

Like I said, as to Sonia Golt and Tracy Lee, I will check on this.

Hon. E J Reyes: Yes, I am grateful that he is going to check on that one.

1305 Can I then come back and hone in on something Mr Speaker, about six lines down, the MO Productions,
13th Gib International Dance Festival/Dance World Cup Portugal/Sussex, is Sussex a reference to
Portugal? Otherwise, if it stands alone, we do not quite know what Sussex was. The other one does say it is
a Dance World Cup, but I have no idea what Sussex is. The Minister may need time to go into that one.

I come back to another issue, the Gibraltar Re-enactment Society has an additional grant for uniforms,
1310 which was £350, and so one would take it that is in addition to another figure given, but it does much
further up, which was repairs, refurbishments plus additions to kit and weapons. So they all seem to be
additions so what was the original source. If you are adding something then you are adding it to what had
been granted or is that what is on the penultimate line of the page where Gibraltar Savings Bank. Why is
Gibraltar Savings Bank receiving any grant? I think there is a very logical explanation for that, but for the
1315 sake of the record and for clarity, if the Minister could enlighten us on that.

Likewise, four lines from the bottom, a printer has been given a grant. I think what the Minister means
there is that the printer was paid in respect of, logic would say, printing a book; but printing a book, there is
no entity of what the book was.

I will accept, Mr Speaker, with your leave that the Minister may need time and I do not want to delay
1320 the other questions. He could come back to this House before we adjourn *sine die*, otherwise we do not
have that for the record and I do need it, especially when it comes to budget time for the future, to see
where the monies have been spent.

Hon. S E Linares: Yes, Mr Speaker. I thank the hon. Member for highlighting these and I will be
1325 questioning all those. For example, like the hon. Member rightly says, Charles Trico (Printers), it must have
been somebody who wrote a book and has actually contracted or done it through Trico Printers and
obviously this list is... the cheque or the PV has passed to Trico Printers. Likewise with the Gibraltar
Savings Bank and probably the Re-enactment Society have accounts or something there and the money has
gone through there, but it is not clear and therefore I will go back and ask to whom or which entity and to
1330 explain these things.

**Q15/2015 Gibraltar Music Festival –
Mega Concert; further expenditure**

Clerk: Question 15, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please state whether it has paid any further expenditure in respect of the Mega Concert since this question was last asked?

1335

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, since my last answer, a further expenditure of £29,875.12 has been made in respect of the Gibraltar Music Festival.

1340

Hon. D A Feetham: Is that net or gross?

Hon. S E Linares: That is net. If you are saying that it has been counted out with the revenue, no, it has not. This is expenditure, purely expenditure.

1345

Hon. J J Netto: May I ask, Mr Speaker, I could have got the wrong thing, the Minister has just mentioned that the £29,875.12 in respect of the Music Festival, but that is a totally different festival to the one that appears first in the schedule that he gave me in answer to Question 12, where it says, 'Gibraltar World Music Festival, £15,000'. Am I correct in assuming they are totally unrelated?

1350

Hon. S E Linares: Yes, sir, they are completely different; it is two different entities that organise two different things.

HEALTH, THE ENVIRONMENT AND ENERGY

**Q16/2015 GHA Eating Disorder Programme –
Access to programme; details**

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

1355

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain the protocols involved to access the GHA's Eating Disorder Programme and what the programme entails?

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

1360

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, if you would first of all allow me to say what a pleasure it is to hear the Clerk announce the hon. Member opposite and we have missed her and clearly as somebody who has had to answer her questions, I personally have also missed her and I am so glad to see her here. **(Several Members: Hear, Hear.)** *(Banging on desks)*

1365

Mr Speaker, referrals from the doctor are normally made to the dieticians and psychologists simultaneously and the patients, whether adults or children, are advised and/or treated accordingly and there is a good communication within the team in order to deal with these.

**Q17/2015 GHA Review Report –
Publication date**

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

1370

Hon. Mrs I M Ellul-Hammond: Mr Speaker, if I may first say that it is a pleasure to be asking the Hon. Dr. John Cortes questions again and thank him for his very kind words.

Mr Speaker, further to Written Question 233, can the Minister for Health state when exactly the GHA Review Report will be published?

1375 **Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the prepared answer is a bland no, sir, but I think I can expand that, with your permission.

1380 I had explained in the past that we were not going to publish it until we had reformed the structure of the DHA and that process is now fortunately complete. So it is now a question of doing so and we are preparing to publish it, there is no other impediment than that, and whereas I cannot give an exact date, it will not be long now because it is now a question of actually getting it out. I thought that might be helpful.

**Q18/2015 St Bernard's Hospital –
Provision of meal service**

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

1385

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say if the Xanit Hospital model of food distribution and/or the providers of their meal service is, or are being considered for food distribution at St. Bernard's Hospital?

1390 **Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): No, sir, we are not considering that at the moment.

1395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, so can the Hon. Minister confirm that the bulk meal service is a model that will be followed and plated food will be phased out?

1400 **Hon. Dr J E Cortes:** Yes indeed, Mr Speaker. The intention is with the move to the new kitchen facility on site that we will now be phasing out the plated food service and revert to the more traditional, and I believe better, bulk food which is served on the spot so to speak. We are hoping to be able to pilot this in one of the wards in advance of the new kitchen, just to make sure that we have got our systems and so on in order. So that is the intention.

1405 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, just a couple of supplementary questions. The pilot that will be started is, I believe, at John Ward, can the Hon. Minister say when the pilot will start? Also, is the intention to offer a choice of different foods, because different people have different dietary requirements? Also, will the foods prepared in the new kitchen be providing food for other social services – for instance, the prison and so on?

1410 **Hon. Dr J E Cortes:** Yes, Mr Speaker, if I start with the last one, yes, the new catering facility will continue to provide a variety of locations with the food.

The other question as to when the pilot will start, I could not say exactly. I do know that it was going to start in January and it may well be about to happen. We needed just to tweak some of the equipment which is clearly different equipment to the one that has been used before.

1415 I cannot recall the third question, if you would just repeat that.

Hon. Mrs I M Ellul-Hammond: Different choices of food.

1420 **Hon. Dr J E Cortes:** Yes, when the new facility comes in closer, then the intention is to provide the ability to choose food by the patient.

**Q19/2015 New prostate cancer clinic –
Details of GP and Consultant Surgeon protocols**

Clerk: Question 19, the Hon. Mrs I M Ellul-Hammond.

1425 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Written Question 242, can the Minister for Health state what the prostate cancer GP and Consultant Surgeon protocols are now that the new clinic has been established?

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

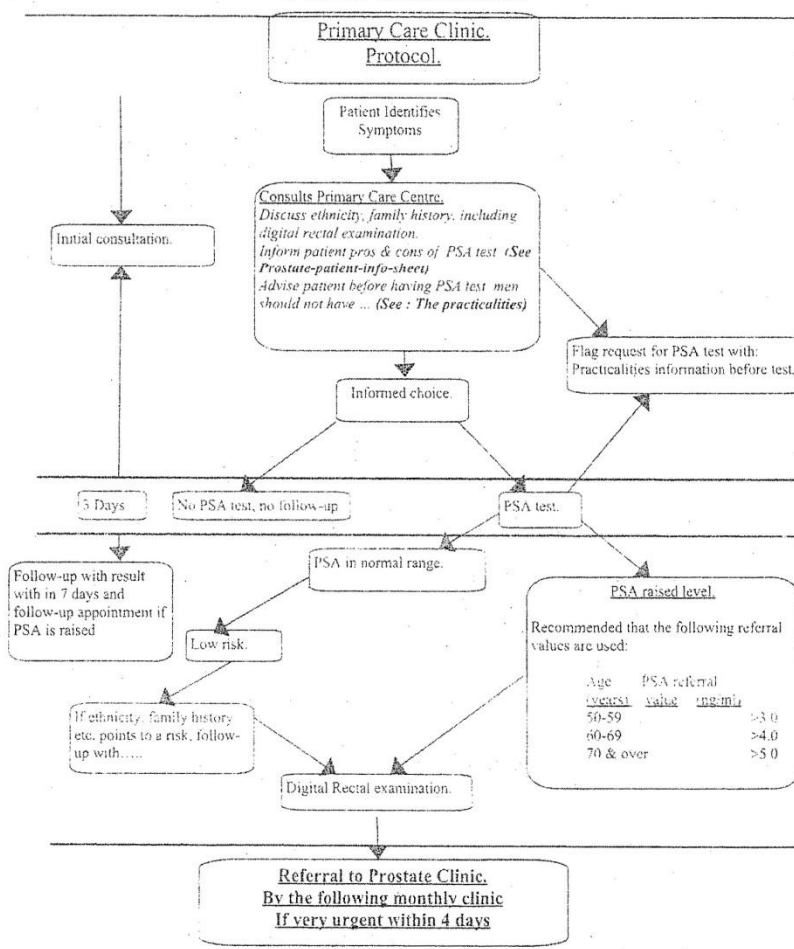
1430 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the protocols are described in the schedules that I now hand over. As would be seen from these schedules, they have been produced in conjunction with the Prostate Cancer Support Group.

Schedule Answer to Question 19 of 2015

APPENDIX 1

Prostate Cancer Support Group Gibraltar
P.O.BOX 1241
Gibraltar.

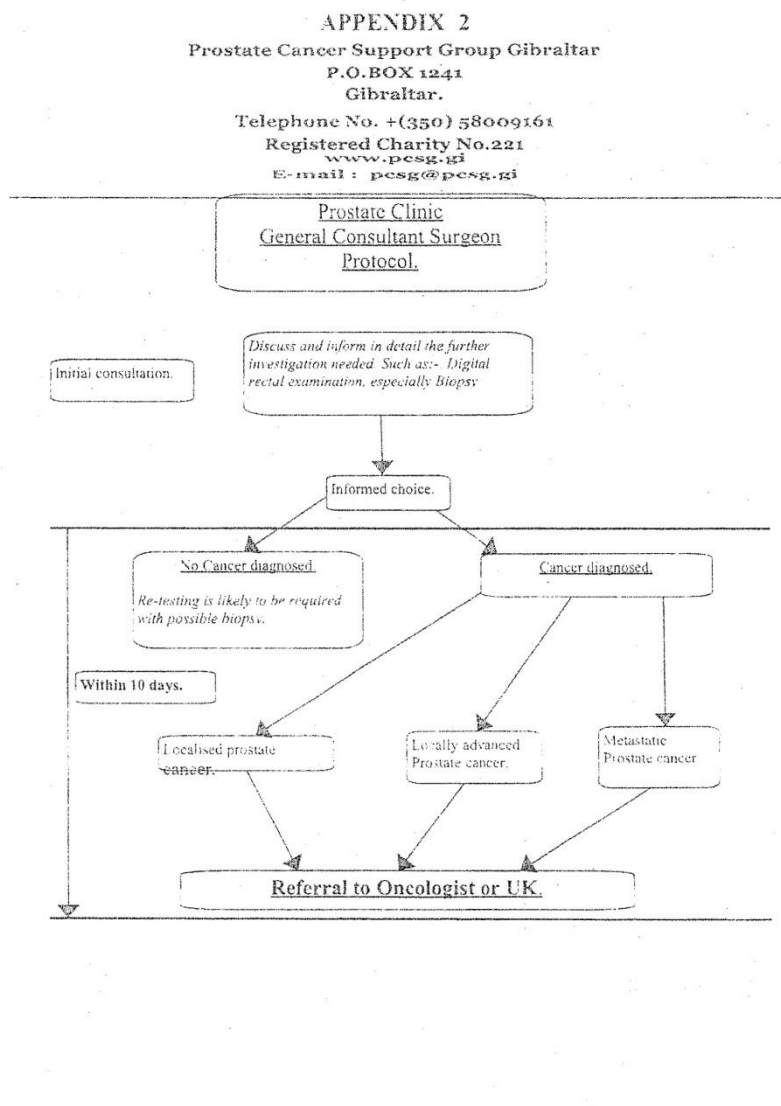
Telephone No. +(350) 58009161
Registered Charity No.221
www.pcsq.gi
E-mail : pcsq@pcsq.gi



Main Sponsor

2012/2013

Schedule Answer to Question 19 of 2015



1435 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, while I wait for the schedule, if the Hon. Minister could confirm whether PSA testing will be used as a screening programme. I understand there is controversy about the use of PSA testing because evidence shows that it produces a lot of false positives and so it may be unreliable. So if the Hon. Minister can reassure us that that is not going to be introduced yet without very close and careful consideration.

1440 **Hon. Dr J E Cortes:** Yes, Mr Speaker. PSA will not be used as the screening method, because as the hon. Member has pointed out, this can give false positives and without proper counselling, particularly, can create unnecessary alarm, although clearly PSA is an indicator.

Therefore these tests will be carried out in consultation with the doctor and with the patient being fully informed as to the consequences and the different things that can cause an elevated PSA test.

1445 There will be some patients who will be monitored with regular PSA, but, as I say, this is very much a patient-by-patient issue between the patient and his medical practitioner.

**Q20/2015 Bonita Trust –
Purchase of MRI machine for GHA**

Clerk: Question 20, the Hon. Mrs I M Ellul-Hammond.

1450 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if it is true that the Bonita Trust was prepared to buy the GHA an MRI machine, but this was rejected?

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

1455 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, not in the time since we were elected, certainly, not that I am aware of. It has not come to me.

**Q21-23/2015 Waste management strategy –
Hazardous waste exported to Gamasur, Los Barrios**

Clerk: Question 21, the Hon. J J Netto.

1460 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please provide an explanation as to why there was a sharp drop in the collection of glass, paper/cardboard in February 2013 as shown in the Gibraltar Waste Management Plan 2013, on page 33?

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

1465 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 22 and 23.

Clerk: Question 22, the Hon. J J Netto.

1470 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say the amount of hazardous waste sent to Gamasur, Los Barrios plant in 2013 and 2014 in tonnage in relation to waste blasting material containing dangerous substances?

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

1475 **Hon. J J Netto:** Mr Speaker, is the Minister for the Environment aware that the Gamasur facility plant in Los Barrios is being investigated by the Spanish Prosecution Service and *La Junta de Andalucía* for alleged serious breaches to Spanish environmental laws and what independent verification does the Minister locally have that hazardous waste from Gibraltar to this plant is being safely disposed of in accordance with European Law?

1480

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

1485 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the figures for the collection of glass and paper or cardboard are based on the figures of recyclates exported to the recycling facilities in Spain. These are summed up for each calendar month.

1490 While the figures for February indicate a sharp drop in the collection of the recyclates, this can be explained by there being fewer recyclates *exported* in this particular month and not necessarily a decrease in the amount of glass and paper/cardboard recyclates deposited locally by the community. It could be that being a shorter month there were fewer deliveries in February and therefore it is an artefact of the way that it is calculated.

In answer to Question 22, the total amount of hazardous waste sent to *Gamasur Los Barrios* plant in 2013 and 2014 concerning waste blasting material containing dangerous substances was 3,444.844 tonnes and 2,265.58 tonnes respectively.

1495 In answer to Question 23, we are aware, although not directly, that there is currently an investigation
 into the plant; however, neither the Ministry for the Environment nor the Environmental Agency, which is
 competent authority for the export of waste, have received any official notification from the *Junta de*
Andalucía's Consejería de Medio Ambiente, Dirección General de Prevención y Calidad Ambiental,
 1500 *Servicio de Residuos y Calidad del Suelo*, that the *Gamasur* facility in *Los Barrios* is being investigated or
 is in breach of European Law. Should the facility be found to be in breach of any applicable laws, the
 Ministry will then take appropriate action.

Hon. J J Netto: Mr Speaker, in relation to the answer provided by the Hon. Minister to the last
 question, Question 23, the reason why I posed this particular question is because after doing a quick search
 in Google, I found an article – I do not know whether the Minister has got the same article at his disposal –
 1505 in the Spanish Newspaper *El País*, which came out on 8th January 2015, basically where it stated under the
 title '*Un Vertedero, fuera de control*' a Rubbish Dump Out of Control', whereby both the Spanish
 Prosecution Service and the *Junta de Andalucía* was completely concerned about many environmental laws
 being breached by this particular company at this particular plant.

1510 In fact the article goes on to say that the *Junta de Andalucía* is I think proposing – perhaps not done so
 far – a fine of €6.12 million to the company as a result of breaches to environmental laws. So given that we
 have clearly a duty of care in relation to whatever waste we export to this particular plant as we do to other
 plants indeed, it is important that we follow this as much as we can possibly do to ensure that we have safe
 disposal.

1515 So if the Minister is not aware, perhaps I can give him the details of the article and indeed come to the
 bottom of it and ensure that we do our very best in relation to the safe disposal.

Hon. Dr J E Cortes: Yes, Mr Speaker, we share the same concern. I have not seen that particular
 article so I would be grateful for a copy, although I am aware. In fact I can say that officials from the
 Department of the Environment have enquired to officials in the *Auntamiento de Los Barrios* and we are in
 1520 fact in conversations and awaiting more information.

Hon. J J Netto: Mr Speaker, just to say that I will make a photocopy right now and pass it on to the
 hon. Minister for his attention.

1525

**Q24/2015 New Waste Treatment Facility –
 Production of electricity; portable water; bio diesel; syngas**

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

1530 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the new Waste Treatment
 Facility to be constructed will produce any of the following: (a) electricity and, if so, how much; (b)
 portable waste and, if so, how much – I am not sure whether (b) should be portable waste or portable water.
 It should have been portable water and that is a typographical mistake – and (c) bio diesel and, if so, how
 much and (d) syngas and, if so, how much?

1535 **Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

1540 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr
 Speaker, at this stage it is not possible to state what the by-product or products of the Waste Treatment
 Facility will be, given that the tender process is ongoing. This information will become available once the
 tender is awarded.

1545 **Hon. J J Netto:** Mr Speaker, I take on board the answer provided by the Hon. Minister, but what I
 cannot reconcile, at least in my mind, is that when I look at the Waste Management Plan, which the Hon.
 Minister gratefully sent to me, it is a plan that was issued in January 2013, and if the Hon. Minister goes to
 page 78, after talking about the future Waste Management Plan in Gibraltar it did say that Government has
 required that the tendering process has the capability of all the things, which I have said. Then he goes on to
 say that the tender process was started in February 2013, when the advert was published in the Official
 Journal of the European Union and it goes on to give the number of the contract. The tender process has
 now closed and the tender submissions are now being reviewed and assessed by the Government and so
 1550 something must have happened for this particular process to have been stopped for some new reason. So
 perhaps can the Minister inform the House what has happened here?

Hon. Dr J E Cortes: Certainly, without any problem at all, Mr Speaker.

1555 The tender process resulted in two companies, who came up with some of the conditions that had been required, but neither was found to fulfil and therefore that tender was not proceeded with. The companies were informed and the tender was then reissued and we are now in the closing stages of the second tender. There have been more expressions of interest and they seem to be providing what we require. So that tender process stopped and we issued a new one.

1560 I can confirm that one of the requirements of this tender is that the proposed treatment includes for one or several of the following, which is largely what the Member opposite has asked: generation of electricity and/or production of portable water – and I take it that that was a typographical error; the production of bio diesel; the production of syngas; and the disposing of *ad hoc* waste including saline sewage sludge.

But we are now quite advanced in the second round of tenders because the first one did not provide one that would have fulfilled these environmental requirements, and that is the reason for the delay.

1565 **Hon. J J Netto:** Mr Speaker, just for my own benefit to try and get this right, back in November... I think it was November – I asked the question about how was the municipal waste treatment plant proceeding and the Hon. Minister in his reply said that we were currently – then in November – in the pre-qualifying questionnaire stage. Has that process now finalised? At what stage are we right now in relation to the tender process? When is that likely to close? When is it likely that the Government is going to consider or the Procurement Office consider the different bids in relation to the tender and whether the Government still holds to the view that the target date for completion of the plant is still, as stated in November, at the end of 2015?

1575 **Hon. Dr J E Cortes:** Yes, Mr Speaker, it is a legitimate supplementary or perhaps a little bit more, because the question was whether the treatment plant would produce the following. Therefore I do not have the timescales in front of me and so I am talking from memory and I may be one or two weeks out of date.

We have gone through the pre-qualification. A number of companies, and I will pick up a figure, I think it was seven qualified and have now been to Gibraltar at least some of them, if not most of them have been to Gibraltar to look at sites and so on and I think we are now just weeks away from the final stage.

1580 The intention is still, because of the technology that we are looking at, to... I am still hopeful that we will be able to deliver by the end of this year; if not, very early in the next year. But obviously this is something that is all subject to all the usual nuances of this kind of process, but we are certainly further along than we were in November.

1585 **Hon. J J Netto:** I am grateful, Mr Speaker.

So to round up, can the Hon. Minister provide the House with an idea as to when the current tender process is going to be completed so that the Government will be able to know which of the particular bids tendering will be able to provide either electricity, portable water, bio diesel or syngas? When will the Government be in a position to know when is this likely to emerge so that I do not have to come every single month and ask the question to the Minister and so I can leave the question until such time as the Minister may think the process has completed and therefore I can ask the relevant question?

1595 **Hon. Dr J E Cortes:** Yes, Mr Speaker, as I am not directly involved in the tender, I do not have the answer, but I am happy to provide it if he calls my office or writes to me, as he often does, I will be very happy to inform him where we are exactly in the process, rather than approximately which is all that I am able to do now.

**Q25/2015 British Gibraltar Territorial Water –
Fish stocks; collection of data**

Clerk: Question 25, the Hon. J J Netto.

1600 **Hon. J J Netto:** Mr Speaker, further to the supplementary answer given to Question 643/2014, can the Minister for the Environment please say how the collection of the data with regard to fish stocks in British Gibraltar Territorial Water, is progressing?

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

1605 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the collection of fish stock data within British Gibraltar Territorial Waters is still in its early stages, but nevertheless progressing well.

1610 The Department of the Environment is in regular contact with the local fishing clubs who are providing valuable information on fish stocks. This will be used to develop a fisheries database, together with the data that will become available as part of the fish tagging programme. One of the key developments in this area has been the creation of the Fishing Working Group, which met on 16th December 2014. The Fishing Working Group forms the ideal platform to discuss any issues of relevance to the sustainable management of fish stocks, including the provision of fisheries data.

1615 **Hon. J J Netto:** I am grateful, Mr Speaker, but could I perhaps press the Minister a bit further? He did say in his answer that the collection of the data was in its early stages, that is what he said, and that was in fact is what he answered, I think it was, back in November as well.

1620 What I want to try and put together is a picture where we are able to see by when the data will be sufficient to be analysed? Yes, the data to have been sufficiently great to be analysed and conclusions drawn from such data, to be able to inform the Government as to the renewal of licences in relation to fishing in the various categories within the legislation. So can he provide the House with a bit more information as to when the data is likely to be concluded so that an analysis can take place?

1625 **Hon. Dr J E Cortes:** Mr Speaker, this is a totally new initiative. There has never been such a collection of data and in order for data to be reliable they have to go on for a long time – I would say years more than months. However, as soon as we have a few months' worth of information, we can take some preliminary views, although they would not stand a statistical test.

1630 This is the beginning of a long process; however in the fullness of time, if I may use that term, clearly it will allow us to make a much more informed decision on the potential use of our waters for fishing in every kind of way. But it is very early days yet and I cannot commit myself to a date.

1635 **Hon. J J Netto:** Mr Speaker, indeed, yes, there is a lot of work to be done and I take that on board, but is the Minister confident that by the time the renewal of the fishing licences, which have to take place every three years, the data will be collected and long analysed before the Government take a decision on the renewal of such licences?

Hon. Dr J E Cortes: Well, I would like to think that in three years' time two things will have happened, and one is that we have sufficient information at least to take a view, even though clearly, for statistical significance you need a long time and a lot of data. The other thing, I hope that I am still Minister for the Environment so I can answer questions on this particular topic.

Q26/2015 New fishing regulations – Details

1640 **Clerk:** Question 26, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment say if the new fishing regulations have now come into force and if not, when?

1645 **Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Marine Protection Regulations 2014 came into force on 1st January 2015.

Q27/2015 European Commission – Complaints received

1650 **Clerk:** Question 27, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, following the favourable statement made by the European Commission in dismissing the latest complaints made by a Spanish political party with regard to the reclamation of the East

Side Project, can the Minister for the Environment say if this is now the last complaint to be considered by the Commission or if there are more in the pipeline?

1655

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, Her Majesty's Government of Gibraltar is not aware of any further complaints that may be in the pipeline.

1660

**Q28-29/2015 Environmental Agency –
Inspections of ship building/marine repair companies**

Clerk: Question 28, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment and Health say on how many occasions has the Environmental Agency inspected companies in the ship building/marine repair industry sector during 2014, broken down by companies and dates and what the finding of such inspections have concluded?

1665

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 29/2015.

1670

Clerk: Question 29, the Hon. J J Netto.

Hon. J J Netto: Can the Minister for the Environment and Health say if employees of the Environmental Agency have inspected recently the dry docks, arising from complaints made by the residents in the nearby area and if so, provide Parliament with a statement of their findings?

1675

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

1680

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Environmental Agency inspects Gibdock the only ship building marine repair company presently operating in Gibraltar. Inspections are carried out to ensure compliance with their waste licence issued under Part VA of the Public Health Act and when members of the public lodge complaints on alleged nuisances.

1685

A breakdown of the visits undertaken by the Agency in 2014 for both waste licensing issues and general complaints lodged by the public is provided in the schedule that I now hand over.

In answer to Question 29, which is very closely linked, a statement of their findings has been included in the schedule that I am handing over.

ANSWER TO QUESTION 29
Answer to Question No. 28/2015

Table A. Waste licensing.

Date	Remarks
17.2.14	General waste inspection. - Improvements to be done to waste point storage. - Area of sludge oil containers to be tidied and sorted.
6.3.14	Waste meeting discussion.
14.3.14	Waste meeting re: TFS MV Pilsenlake
3.4.14	Meeting and visit re: items as raised 17.2.14 now completed
24.4.14	On-site visit re: barnacles smells issue.
24.4.14	Meeting re: barnacles smells issue.
5.5.14	Visit re: TFS barnacles smells issue.
19.5.14	Oily water loading for TFS.
17.6.14	EA meeting re: licence renewal.
23.10.14	General site visit – no issues of note. Grit loading supervised prior to export.

Table B- General complaints from the public.

Date	Complaint	Findings/Action
14.1.14	Flotsam. Inspection regarding flotsam and oil in the area directly outside the dry docks.	Upon investigation it was discovered that the flotsam and oil must have come in with the current and did not come from Gibdock.
18.3.14	Noise. Inspection of catamaran which had been a source of a noise complaint the night before.	Gibraltar explained that this was a discrepancy as workers had continued banging when instructed not to.
30.7.14	Noise. Noise from Grimaldi ventilation system.	Ventilation on to remove fumes from welding. They were switched off.
12.11.14	Noise. Banging during silent hours.	Had ceased by the time the officer arrived.
4.4.14	Smells. Paint smells	No significant overspray and clearly as a result of curing process.
23.4.14	Smells. Paint smells	None detected upon arrival. BAT being used and no overspray.
8.5.14	Smells. Paint smells	Upon arrival no paint smells constituted a nuisance. Could be smelt but not overpowering.
3.10.14	Smells. Paint smells	No strong smells, normal anti-fouling being used and no overspray witnessed.

1690

Mr Speaker: Shall we deal with the next question and then come back if necessary?

TOURISM, EQUALITY, SOCIAL SERVICES AND HOUSING

**Q30/2015 Sandy Bay Beach Project –
Details of total cost**

Clerk: Question 30, the Hon. D J Bossino.

1695 **Hon. D J Bossino:** Can the Minister for Tourism please provide details of the total cost of the Sandy Bay Beach Project?

Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1700 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the cost is broken down as follows: construction of groynes and breakwater , £7,370,799.80; beach replenishment, £1,441,590.00; additional sand supply, £117,737.46; design costs, £49,088; environmental impact assessment, £51,211; consultancy/supervision services, £25,710; stevedoring costs, £41,449.

1705 I trust that the hon. Member will agree that this was money very well spent.

**Q31/2015 Tourism Department –
Advertising expenditure; details**

Clerk: Question 31, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide details of further advertising expenditure in relation to the Tourism Department since asking Question 474/2014?

1710

Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the information requested is contained in the schedule being handed over to the hon. Gentleman.

1715

ANSWER TO QUESTION 31 OF 2015

DATE	PUBLICATION	AMOUNT
25/09/14	GLOBE MAGAZINE	£180
02/10/14	LA VERDAD MAGAZINE	£4,710
02/10/14	LA TRIBUNA MARBELLA	£4,025
14/10/14	CRUISE TRADE NEWS	£1,400
14/10/14	CRUISE TRADE REVIEW	£2,100
14/10/14	EASYJET INFLIGHT MAGAZINE	£4,525
14/10/14	DISCOVER GUIDE	£1,220
17/10/14	CRUISE BUSINESS REVIEW	£2,374
17/10/14	CRUISE INSIGHT MAGAZINE	£2,650
17/10/14	INSIGHT VISITORS GUIDE	£780
24/10/14	LA TRIBUNA MARBELLA	£4,863
11/11/14	LA VERDAD MAGAZINE	£4,751
11/11/14	EASYJET INFLIGHT MAGAZINE	£4,525
21/11/14	LA TRIBUNA MARBELLA	£4,893
21/11/14	CUNARD YEARBOOK	£3,620
02/12/14	LA VERDAD MAGAZINE	£4,724
09/12/14	EASYJET INFLIGHT MAGAZINE	£4,525
09/12/14	SEA TRADE CRUISE REVIEW	£2,100
16/12/14	THE STRAITS SAILING HANDBOOK 2015	£600
16/12/14	LA TRIBUNA MARBELLA	£4,493

**Q32/2015 Doctor Giraldi Inquiry –
Publication of Report**

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

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say when the Doctor Giraldi Inquiry Report will be published?

1720

Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, a statement in respect of the Report of the Inquiry into the Dr Giraldi Home will be made later today by the Chairman of the Inquiry.

1725

**Q33/2015 Housing Department –
Refurbishment programmes; provision of guard patrols**

Clerk: Question 33, the Hon. E J Reyes.

Hon. E J Reyes: Following on from Government Press Release 504/2014, can the Minister for Housing provide details and relevant information appertaining to the engagement of high visibility guard patrols in residential areas where refurbishment programmes are in progress, together with details of cost and what co-ordination arrangements have been made with the Royal Gibraltar Police?

1730

Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, following on from Government Press Release 504/2014, a security company was engaged to provide this service. Laguna Estate, Glasis Estate and Moorish Castle Estate are patrolled daily between the hours of 8.00 p.m. and 8.00 a.m. The cost of this service is an average of £10,300 per month.

1735

The arrangements, in terms of co-ordination with the Royal Gibraltar Police, are the same as that of any other security companies with no different or special arrangement.

1740

Hon. E J Reyes: Mr Speaker, the company that has been contracted and the hon. Lady has said that it covers three housing estates, are there separate guards for each individual estate or are they sharing on a patrol basis, just one patroller and taking it in turns to go round the three estates?

1745

Hon. Miss S J Sacramento: Mr Speaker, I understand it is one guard per estate, although there are separate guards for each estate.

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

1750

Would the Hon. Minister please just take it upon herself, if possible, it seems that, based on the press release, the neighbours who felt that the security guards should have been there for a particular incident could not find a guard and called the Royal Gibraltar Police to try and see how they could best contact the guards. The Royal Gibraltar Police said, or at least the operator answering the phone on that day said that they had no details and no information in that respect. So I am asking the hon. Lady, can she please take it on board that perhaps some notice could be put up within the estate so that if there is a need to contact the security guard, a contact number for them and so on, and that the Royal Gibraltar Police Control Room at least has that information, if possible.

1755

It was in respect of an issue of a winch or something that had come loose and it was not serious enough to have to dial the police emergency number, but the residents found that the other source of avenue, especially after normal working hours, was not available. Could she please give me an undertaking that she will try and look into that?

1760

**Q34/2015 Alameda Estate –
Refurbishment works**

Clerk: Question 34, the Hon. E J Reyes.

1765 **Hon. E J Reyes:** Can the Minister for Housing provide details of all the remaining refurbishment works still to be carried out at Alameda Estate, together with estimated dates when these works will be carried out?

Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1770 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I can confirm that external refurbishment works have been successfully completed to Kingsway House and most recently Red Sands House. Remaining blocks will be done, but not in this financial year. The hon. Member will have to wait for the estimates to be published.

**Q35/2015 Housing Department –
Unpaid rents; amounts written off**

Clerk: Question 35, the Hon. E J Reyes.

1775 **Hon. E J Reyes:** Can the Minister for Housing provide full details of how much has been written off in respect of unpaid rents pertaining to Government rental homes, since the answer provided to Question 745/2014?

1780 **Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, work in this respect is ongoing with the Office of the Financial Secretary.

1785 **Hon. E J Reyes:** Yes, but does the Minister have any details of what sums have been written off since the answer to the question?

Hon. S J Sacramento: No, I do not, Mr Speaker. That information has not been provided and it is not decisions that I take at ministerial level.

1790 **Hon. E J Reyes:** Where can I obtain the information, Mr Speaker?

Hon. S J Sacramento: Sorry, Mr Speaker, I did not hear the question.

1795 **Hon. E J Reyes:** I am asking, the Minister, where can I obtain the information in respect of the sum of monies that *may* have been written off by whoever takes that decision? I am trying to find the right channel where I can pose a legitimate question, Mr Speaker.

1800 **Hon. S J Sacramento:** Mr Speaker, as I understand it, it may be that figures have not actually been written off, as such, but that work may be ongoing with the Financial Secretary. The reason I have no details is maybe because no sums have actually been written off in the period in question, but it may be that some may be written off in the future. I do not know. It is not something that I would deal with at a political level; it is something that is a financial question.

1805 **Hon. D A Feetham:** Yes, but, Mr Speaker, the question is posed to the Minister for Housing and she may not have responsibility for this area, but surely, if a question like this is posed, somebody in the Government benches takes responsibility and ownership of the question and provides the answer. I do not understand why the Government has chosen on this occasion not to provide the answer, because I do not think that it is reasonable for the Minister to just stand up and say, 'It is not my area of responsibility and I do not know', when she forms part of a Government.

1810

Hon. S J Sacramento: No, Mr Speaker, that is not what I have said, because what I have just said is that I do not think that any sums have actually been written off, but it may be that there may be things in the

1815 pipeline and therefore they are being considered by the Financial Secretary. It does not mean that a decision to write them off has been taken. It may be that a decision to write something off may be taken, but, as such, Mr Speaker, I have no details, therefore no sums have been written off as such.

1820 **Hon. D A Feetham:** Mr Speaker, she talks in terms of maybes, ifs and may, and effectively what she is really saying is, 'I do not know what the answer to this question is', but somebody surely within the Government benches must know.

1825 It may well be that the answer is that no monies have been written off, which is not the answer that the hon. Lady gave originally. It appears what she is saying now... although it was a terribly circumspect answer, maybe what she is saying now is that there has not been at the moment anything written off, but it is being considered by the Government. Well, if that is the answer then that is the answer, and that is the straight answer that the hon. Lady should give, but what the hon. Lady cannot do is come to this House and talk about ifs and buts and maybes and not take responsibility for providing clarity in relation to an answer to a question that clearly ought to be answered by the Government.

1830 **Hon. S J Sacramento:** Mr Speaker, I do not think my answer could have been any clearer. If the hon. Gentleman does not understand plain English then you know, Mr Speaker, I do not think how I can make it clearer when I say, first of all, that I have not said that there are any matters being written off. I have said that to my knowledge *none* have been written off, but that matters are ongoing. I do not know how much clearer I can make it to the hon. Gentleman.

1835 Clearly, he has understood what I have just said because he has just read it back to me. So, Mr Speaker, that is the position.

Mr Speaker: Is the Hon. Minister saying that the Office of the Financial Secretary, the Treasury, have not been able to provide her with information in order to answer this question?

1840 **Hon. S J Sacramento:** Mr Speaker, as I understand it, nothing has been written off, which is what I have said very clearly, but it may be that there are things in discussion, ongoing, as I said in my original answer, that work in this respect is ongoing with the Office of the Financial Secretary.

1845 I have not been given figures of anything that has been written off and therefore on that basis I understand that nothing has actually been written off.

Mr Speaker: By being ongoing, she means that no final decisions have been taken.

Hon. S J Sacramento: Yes, precisely, Mr Speaker. Thank you.

1850 **Hon. E J Reyes:** Mr Speaker, I do not want to –

Hon. D A Feetham: Mr Speaker, can I just come back because Mr Speaker... his intervention is absolutely correct. The position is very simple –

1855 **Mr Speaker:** Let me say one thing... my intervention really. Obviously the answer was provided for the 22nd of... there has been another week and there has been a little bit more time available in case information that was not available at the time that the answer was drafted may have become available later, that was what I was trying to elucidate.

1860 **Hon. D A Feetham:** Yes, I understand because of course the position is very simple, and it is yes there has been something that has been written off or no there has not been. If, as at a week ago or two weeks ago, the position was that nothing has been written off, then that is the answer and the hon. Lady is then perfectly entitled to say, 'It is being reviewed and I do not know what is going to happen in the future'.

1865 But the answers that she is giving us, the ifs, the buts, the maybes and now 'it is my understanding', I just want to get clarity from the hon. Lady that the information that she has been provided with from the civil servants, not her understanding, but the information is that as at the date of this question nothing has been written off. That is the position.

1870 **Hon. S J Sacramento:** Mr Speaker, I do not know where the hon. Gentleman gets the words 'if', 'but' or 'maybe'. I have said 'none' I think, twice already, if not three times, Mr Speaker – none. But because I am being absolutely transparent, I am also saying that matters are ongoing with the Financial Secretary. How much clearer can I be, Mr Speaker?

**Q31/2015 continued –
Tourism Department –
Further advertising expenditure; details**

Clerk: Question 31, the Hon. D J Bossino.

1875 **Mr Speaker:** We will come back to Question 31 the Hon. Mr Bossino wishes to ask some supplementaries.

Hon. D J Bossino: I am grateful, Mr Speaker.

1880 I just commend the Hon. the Minister for being so transparent and open in providing this information and following in her predecessor's footsteps and perhaps she can advise the Hon. the Minister for Sports to do the same. (*Laughter*)

1885 Mr Speaker, there are certain recipients of funding in respect of which I would wish to ask further questions. Some of them are very obvious in what they relate to – for example *Cruise Trade News* – and it is not just because they happen to be the Spanish ones that I asked this question, but if she could elucidate what the nature of the advertising, which has been undergone in relation, for example, to the payments which have been made to *La Verdad Magazine* and *La Tribuna Marbella*. I think they appear at least on three or four occasions and they receive about the same amounts of money of about £4,000 on each occasion.

1890 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, in respect of *La Verdad Magazine*, payment is made for editorials and advertorials. As for *La Tribuna Marbella*, this is in relation to a front page cover advert and editorials.

**Q36/2015 Housing Department –
Reallocation of empty homes; expenditure incurred and works undertaken**

Clerk: Question 36, the Hon. E J Reyes.

1895 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of all expenditure incurred since the answer to Question 747/2014 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating if the services were either for repair works or cleaning services?

1900

Clerk: Answer the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1905 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the answer is in relation to four residential premises: one to ESS at a cost of £6,350; one to AJEC at a cost of £11,080; one to Keyway Construction at £11,325; and one to N & S Services £8,150. All services contracted were for repairs, none were for cleaning.

1910 **Hon. E J Reyes:** Mr Speaker, would the Minister have any sort of relevant details of what type of repair works they were?

Hon. Miss S J Sacramento: Mr Speaker, I understand that these were in relation to refurbishment works.

1915 **Hon. E J Reyes:** I could have been a bit clearer as it was a question of whether they were electrical, plumbing or roof repairs.

1920 **Mr Speaker:** Could I suggest to the hon. questioner that in future, because this is a standard question that he has from meeting to meeting, if he wants details of the repair works, then say so in the question, 'And could the Hon. Minister give some indication of what the repair works are?', and then he is covered. The Minister will then bring that information to the House.

Hon. E J Reyes: I take your advice on board, Mr Speaker, yes because although I welcome the Lady as the new Minister for Housing, and this should be absolutely no problem whatsoever, the previous Minister

1925 did know me and always kept that sort of additional information. But I will take your advice on board, Mr Speaker.

**Q37/2015 Housing Department –
Tenants requiring urgent decanting from homes; details**

Clerk: Question 37, the Hon. E J Reyes.

1930 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question 748/2014, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

Clerk: Answer the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1935 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, one tenant has required decanting from their home and the details are as follows. It is due to works and the person has been out of the property since 12th January and there is no set date for return.

1940 **Hon. E J Reyes:** Again, Mr Speaker, I do use the words ‘provide details of the tenants’, but is there any idea of what works they were?

Hon. Miss S J Sacramento: Mr Speaker, I do not know the exact details of the works, but I understand that the reason the works were required was due to flooding and anything that may have been needed was because of that.

**Q38/2015 Housing Department/Housing Works Agency –
Comprehensive review; updated details**

1945 **Clerk:** Question 38, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer to Question 177/2014, can the Minister for Housing provide updated details of the comprehensive review pertaining to the Housing Works Agency and the Ministry for Housing?

1950 **Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1955 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the technical staff, who were originally excluded to transfer to the Housing Works Agency, have now transferred so as to consolidate housing works.

Hon. E J Reyes: Transferred to where, Mr Speaker?

1960 **Hon. Miss S J Sacramento:** To the Housing Works Agency.

Hon. E J Reyes: Would the Minister know if that completes the whole exercise or are there any other matters still being considered by Cabinet as I have been informed before?

1965 **Hon. Miss S J Sacramento:** Mr Speaker, insofar as the transfer, I think that is complete. I am not aware that there are any issues. There may well be others, but, Mr Speaker, as you can appreciate after a very short period, I think that the answer is yes, it is complete. Maybe things as you know spring up from time to time, but I do not know.

1970 **Hon. E J Reyes:** Yes, I appreciate the short period of time.
Thank you, Mr Speaker. So the transfer could be completed, but I was led to believe that there were other matters because the word ‘comprehensive review’ is the one that was termed by the Government and so is the hon. Lady aware of any other matters still pending within the review?

1975 **Hon. Miss S J Sacramento:** As far as I am aware, Mr Speaker, I think that that is complete. As I said before, I am sure that things will spring up from time to time and as is the general policy, things are always reviewed because if things can be improved then they will always be looked at and so a review never stops and is always ongoing.

But in terms of the bigger picture, I think that that is complete because we have now had quite a significant restructure within the whole of the Ministry for Housing.

1980 **Hon. E J Reyes:** Would the hon. Lady like me to give her more time perhaps for raising the matter on another occasion, Mr Speaker, because comprehensive you know one tends to think would be a lot more than just the transfer of the remaining technical staff. Is there any mileage there? She may not have the answer now, but would the Minister like me to pose the question there or will she categorically say that the matter is now closed?

1985

Hon. Miss S J Sacramento: Mr Speaker, in my view the restructure that we have had is quite comprehensive, but of course if the hon. Gentleman would like to ask me this question again in six months then he is free to do so.

**Q39/2015 Housing Works Agency –
List of employees retired, transferred or seconded**

1990 **Clerk:** Question 39, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide updated information inclusive of details of grades and dates in respect of any Housing Works Agency employees who have been (a) retired; (b) transferred and (c) seconded either from or into the Housing Works Agency, since the answer provided to Question 311/2014.

1995

Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will now hand the hon. Member the information required.

ANSWER TO QUESTION 39 OF 2015

List of Housing Works Agency employees retired, transferred or seconded since the answer provided in Q311 of 2014.

Reasons for Leaving Agency	No. Of Employees Transferred/Retired/Seconded	Grade	Date
Retired	1	Maintenance Works Officer	23 June 2014
	1	Craftsman	31 August 2014
	1	Messenger	31 August 2014
	1	Clerks of Works	31 August 2014
	2	Housing Inspector	31 August 2014
	1	Draughtsman	31 August 2014
	1	Construction and Restoration Officer	31 August 2014
	1	Admin Officer	21 September 2014
	7	Craftsman	30 September 2014
	1	Labourer	30 September 2014
	1	Zone Manager	30 September 2014
	1	Craftsman	24 November 2014
	1	Drain Operative	30 November 2014
	1	Labourer	31 December 2014
	Seconded	1	Building Surveyor
1		M/T Driver	27 October 2014
Tranferred in	3	Building Surveyor	01 April 2014
	3	Maintenance Works Officer	01 April 2014
	2	Craftsman	01 April 2014
	1	Construction and Restoration Officer	01 April 2014
	5	Clerks of Works	01 April 2014
	1	Draughtsman	01 April 2014
	6	Housing Inspector	01 April 2014
	1	Environmental Monitor	01 April 2014
		Civil Engineer	
	2	Head Housing	01 April 2014
	1	Inspector	01 April 2014
		Facilities Management	
	2	Support Officer	01 April 2014
	1	New Developments and Facilities Manager	01 April 2014

2000

Mr Speaker: Can we move on to Question 40 and come back if necessary.

**Q40/2015 Mid Harbour Estate –
Works still to be completed**

Clerk: Question 40, the Hon. E J Reyes.

2005 **Hon E J Reyes:** Further to the answer to Question 523/2014, can the Minister for Housing provide updated details, together with estimated completion dates, in respect of works still to be completed at Mid Harbour Estate?

Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

2010 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, as informed by my colleague, the Hon. Minister Balban, in previous answers to Parliament in Question 523/2014 and Written Question 146/2014, the CCTV project and garage barriers at Mid Harbour Estate is now complete.

2015 **Hon. E J Reyes:** Mr Speaker, the reason why I ask this is because the last time Minister Balban told me that he had to finalise with the Tenants Association or whatever, about although the barriers had been installed, they still were not operational. My understanding as of yesterday when I last went there is that those barriers are still not operational. So can we have any further updates in that respect?

2020 **Hon. Miss S J Sacramento:** Mr Speaker, I am informed that the works are complete. I have to rely on the information that is provided to me by officials. I am informed that the works are complete and I will go and check whether works are complete or not, if the hon. Member suggests that they are not, but certainly the information that I have been given is that works are complete.

2025 **Hon. E J Reyes:** I do not want to use the wrong language Mr Speaker, but I do not suggest, I *affirm* that the barriers are still not operational.

2030 **Mr Speaker:** I realise that this is pantomime time when some people say, ‘No, you don’t’ and ‘Yes, you do’, but perhaps the hon. Member can be more specific – perhaps behind the Speaker’s Chair – about the information that he has, what he has been told, and clarify it with the Minister.

Hon. E J Reyes: I can be as specific as assuring, Mr Speaker, that I physically went yesterday on the eve of this meeting to see if the barriers were operational. I *physically* checked them myself and they were not, Mr Speaker.

2035 **Mr Speaker:** It is clear that the Hon. Minister is getting other information and I would hope that the two can be reconciled.

2040 **Hon. P J Balban:** Mr Speaker, if I may, the last time I answered this question, as the hon. Member says, she is absolutely right. The works are completed and the barriers are installed. The only thing that was pending in my time was the actual handing out of fobs and agreeing with the Tenants Association what the procedure would be in that respect and that is the only thing.

2045 But in terms of the answer to the question, the works have been completed; it is just the logistical matter of who gets a fob and everyone gets their permits and how the thing will be policed and structured. That was the only thing that was pending, but the works have been completed.

2050 **Hon. E J Reyes:** Yes, Mr Speaker, I have no doubt that the works have been completed as far as the Minister’s Department in that they have been able to tick the box, but I do start my question by saying, ‘Further to the answer...’ and the answer given in Question 523/2014 was that they still had to finalise distribution of the fobs and so on. So I am asking for confirmation that this has now been completed or is it still ongoing? I do not think I can reword it any other way, Mr Speaker.

Hon. Miss S J Sacramento: Actually, Mr Speaker, I beg to differ as the question is very clear. The question says, ‘in respect of works still to be completed at Mid Harbour’ and the answer in relation to works, as my colleague has very helpfully clarified, is yes.

2055 If the hon. Member’s question – more specifically because he is perfectly aware of the answer given on the last occasion – is in relation to the operation of the barriers, as opposed to the works, then maybe the question could have been clearer and directed at the operational function of the barriers and not the works.

Insofar as the question asked and the question asked is in relation to the works and whether the works have been completed, the clear answer to the clear question is yes.

2060 Thank you, Mr Speaker.

Hon. E J Reyes: Yes, but I also believe, Mr Speaker, that it is equally clear that it is further to the answer given where that matter has arisen, otherwise Mr Speaker would be ruling me now as out of order that it is not a valid supplementary. I am referring to an answer that has been given. I do not know, perhaps, 2065 Mr Speaker, you and I could meet behind the Chair later and you can advise me on the correct way I can pose this wording so that one gets the answer that everyone knows I am seeking.

**Q41/2015 Housing Department –
Eviction of squatters from rental homes; expenditure incurred**

Clerk: Question 41, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect 2070 of legal costs relating to the eviction of squatters from Government rental homes since the answer provided to Question 531/2014, providing a breakdown showing the number of homes involved and to whom payments were made?

Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing. 2075

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there has been no costs.

Mr Speaker: Question 42.

**Q42/2015 Housing Department –
Unpaid rents; details of arrears**

Clerk: Question 42, the Hon. E J Reyes. 2080

Hon. E J Reyes: Can the Minister for Housing provide details of arrears in respect of unpaid rents appertaining to Government rental homes as at 31st December 2014?

Clerk: Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing. 2085

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the total of arrears in unpaid rents as at 31st December 2014 is £5,279,068.59.

TRAFFIC, TRANSPORT AND TECHNICAL SERVICES

**Q43/2015 Department's marketing and official visits –
Details of costs**

Clerk: Question 43, the Hon. D J Bossino. 2090

Hon. D J Bossino: Can the Minister for the Port provide details of the amount spent on marketing and official visits for 2013/2014?

Clerk: Answer, the Hon. the Minister for Traffic, Transport and Technical Services. 2095

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the total spent under marketing and official visits in the year 2013/2014 was £70,093.08. This can be broken down as follows: expenditure incurred for advertising, £19,284.27; expenditure incurred for membership amounts

2100 to £1,410.00; expenditure incurred for accommodation, travel and marketing amounts to £49,398.81. The total, as I said earlier, was £70,093.08.

2105 **Hon. D J Bossino:** Mr Speaker, can he tell me – I think he has categorised the breakdown into three – I think that's right. Can he tell me which of those three, if it can be so identified, has been responsible for the £10,000 increase in terms of what was estimated would be the expenditure at the time of the Budget? I think the forecast outturn for that financial year was £60,000, which in itself represented a £15,000 increase from the previous year.

I just want to understand, if he is able, of the three categorised elements he has just given us, which one is most responsible for the overrun in expenditure?

2110 **Hon. P J Balban:** Mr Speaker, I have just been advised by my colleague, the previous Minister with responsibility for the Ports, that he believes it is to do with the Hong Kong trip, but other than that, I would not be able to give him the information myself personally.

2115 **Hon. D J Bossino:** But that is information which he will have available if I give him notice of a question in the future. Presumably that would account for the accommodation and travel head.

Of the three that he mentioned, did he mention membership as one of them? Did I hear that correctly? If so, can he give me more information in relation to that and what that in fact means?

2120 **Hon. P J Balban:** Mr Speaker, under that head, memberships are included. Just to give him an example – and in fact there are only a couple of memberships detailed – one is for the International Bunkers Association, that was membership for 2013-14, and there was another one, which was the International Harbour Masters Association membership. So it is just these annual memberships for a few different associations that the Port is part of.

**Q39/2015 continued –
Housing Works Agency –
List of employees retired, transferred or seconded**

2125 **Mr Speaker:** The Hon. Mr Reyes.

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

2130 With your leave, I am going back to the schedule that was given to me in answer to Question 39. One small point, I had asked for those either seconded in or seconded out of the Agency. The schedule says seconded and there are two grades, but there is no indication whether they were seconded into the Agency or from the Agency out elsewhere.

2135 **Minister for Tourism, Housing, Equality and Social Services (Miss S J Sacramento):** Actually, Mr Speaker, I asked the same question and I did ask for clarification, but I think that on the basis that in the paragraph below we have transferred in, I am assuming that these people have been seconded out.

Hon. E J Reyes: That is strange, Mr Speaker, because on other occasions in the past there has actually been some seconded in and some seconded out. So would the hon. Lady like some time to clarify that and then before we adjourn *sine die* we could have the correct information?

2140 **Hon. Miss S J Sacramento:** Mr Speaker, what I am happy to do, in case these people are not seconded out, then I will revert to the hon. Gentleman, but my understanding is that they are seconded out.

FINANCIAL SERVICES AND GAMING

**Q44/2015 Minister for Financial Services –
Director from Maverick; details**

Clerk: Question 44, the Hon. D J Bossino.

2145 **Hon. D J Bossino:** Can the Minister for Financial Services provide the name of the Director from Maverick whom he said he had met on one of his visits to London?

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

2150 **Minister for Financial Services and Gaming (Hon. A J Isola):** Yes, Mr Speaker, the name of the Director/part owner who I mentioned having met was Carron Rees.

Hon. D J Bossino: Mr Speaker, the reason why I asked this question is he helpfully in the last session, or in the November session, told me that Maverick, which does have a presence I think he said in Gibraltar now, as a result of its involvement in relation to the GFA campaign, and somebody... I kind of joined the dots and somebody else has joined dots for me and I just wanted to give him the opportunity to explain the position.

2155 I think Mr Henry Coelho is he involved in Maverick? He isn't. Okay. The reason why I joined the dots personally and then somebody else joined them for me is because that is where I met him, at the Airport, when I was part of the receiving party for the GFA guys as a result of their successful campaign and that is where I met him. I hadn't known him, but then he mentioned that there was actually a family connection with me.

2160 But I just wanted to give him the opportunity whether Mr Coelho has any connections with Maverick as I understand that he is also very well known to the hon. Member himself, and whether there was, as a result of that connection, any connection in relation to him having appointed this particular company?

2165 **Hon. A J Isola:** No, Mr Speaker. Obviously the engagement of Maverick was long before I came to this Parliament and my understanding is that Mr Coelho is a consultant to Maverick on certain aspects of the works that they do. Yes, he is not employed by them, but he consults with them on specific projects.

I think, as you rightly said, he was involved with the GFA "we're ready" programme as I said long before I came into this Chamber.

2170 **Hon. D J Bossino:** And there is no connection as a result of that connection, which I have said between himself and Mr Coelho as to why then Maverick has been appointed, I think, to do three of the Government's websites. Isn't it not the case, I think, the Tourism one, the Finance Centre one and they have an involvement, not exclusive, but they have an involvement in relation to the Gibraltar Government website. Can he just dispel that and I give him the opportunity?

2175 Sorry, given I understand that there is a relationship, I think Mr Coelho is a personal friend of the hon. Member, that that was not the reason why they went to Maverick for the purpose of enlisting their services. Excuse me, I have a bit of a runny nose.

2180 **Hon. A J Isola:** Well, Mr Speaker, Mr Coelho is a personal friend of mine and a valued professional and in the same way that I use my professional judgement when we instruct lawyers, including partners and members across the other side of the House, and indeed on this side of the House, it is that professional judgement that is used as to whether we use them or not.

2185 My professional knowledge of Mr Coelho is that he is superb at what he does, as are Maverick and consequently I just continued what had started before I arrived here in drawing on their resources, knowledge and expertise to assist in what we wanted to do.

Q45/2015 Gibraltar Government website – Set-up costs

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

2190 **Hon. D J Bossino:** Mr Speaker, can the Minister for Financial Services provide details of the cost for the setting up of the Gibraltar Government website?

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

2195 **Minister for Financial Services and Gaming (Hon. A J Isola):** Yes, Mr Speaker, as I explained at the last meeting of Parliament, the website has been completed by Elitech Lab and Maverick working together on this project. The costs of Elitech for the build, integration, testing and training across Government of the system is £38,440. The cost for Maverick for the design, layout, and architectural content review is £37,040.

Clerk: Question 46, the Hon. D J Bossino.

2200

Hon. D J Bossino: Mr Speaker, can I go back to the previous questions, if I may?

I have just been told, and I have not looked at it myself, but I am being told by my Hon. and Learned Friend that the Gibraltar Government website has, as yet, not gone live. Is that correct? Because it just seems to us that... I think it is probably the most expensive expenditure, in terms of the other... relative to
2205 the other websites – the Tourism one and the Gibraltar Finance one. It seems much higher than the figures which I recall. I think the figures were in the region of £9,000 or £10,000, whilst in this case just Maverick is in excess of £35,000... yes, £37,000 and then we have the other company which is £38,000. So all told it is very close to £80,000 and it just seems very expensive for a website which, as yet, has not gone live.

2210

Hon. A J Isola: Yes, Mr Speaker, the Government website is a huge website and consequently every aspect of it is very much greater than if we look at the Finance Centre website where it is minute by comparison. So we always knew it was going to be more expensive to update and adjust.

I would say that from memory there are other websites, not carried out by Maverick, which are much more expensive than the previous ones you have mentioned than I think even this one, if I remember
2215 rightly, but I would have to confirm that to the Member opposite.

So it is more expensive because it is a *huge* project and undertaking. The reason for the delay... it was meant to be launched some weeks back, it was then going to be launched last week and I am told it is now going to be launched tomorrow or very early next week – the big reason for the delay, this last holdup, the thing was good to go and then there was a Ministerial reshuffle and so it all had to be redone before it was
2220 launched, which set us back a while. What has held it back at this moment in time has been the huge volume of statistics that need to be ensured, when it goes live, are fully up to date and that is an enormous amount of work, which in order to launch it with current information, *accurate* information, has taken a little longer than we would have liked.

2225

Hon. S M Figueras: Mr Speaker, could the Hon. Minister say what added functionality the new website is going to have over the old website when it is meant to be launched?

Hon. A J Isola: No, Mr Speaker. I am not a techy, I have to admit. From the sightings we have had of the draft website its functions seem to be very much easier to follow, easier to find, and so the visibility of
2230 this site, I believe, is far easier to access – you may agree or not agree.

But in terms of the technical aspects of it, I am afraid I really cannot be of much assistance. I know it is under a new Drupal system which other Governments have used, including the US Government, which provides added security, which in this day and age is important, and that is part of the work that Elitech did for us, but I am not a technician and I can only tell you what I have been told myself and I do not know how
2235 accurate that is or not.

Hon. S M Figueras: I understand, Mr Speaker, that the Hon. Minister may not be able to give an answer to this question and it may well be that it has been discussed previously, but I am certainly not aware of it if it has been, will the redesign form part of the strategy or the changes that need to be effected
2240 in order to give life to the e-Government programme of being able to take payments online for Government services as the Hon. the Chief Minister has discussed on a number occasions is a direction in which Government wants to go?

Hon. A J Isola: There is a separate eGov website so this is not directly linked to it, but once the eGov rolls out then I would imagine there will be a link, but I do not think more than that. In other words, I do not believe the e-Government site will form an integral part of this website.
2245

**Q46/2015 Gibraltar International Bank Limited –
Authorised services in UK**

Clerk: Question 46, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services state why the Gibraltar International Bank
2250 Limited is authorised to carry out services in the UK, with details as to what its plans are in this respect?

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

2255 **Minister for Financial Services and Gaming (Hon. A J Isola):** Yes, Mr Speaker, Gibraltar National Bank Limited has entered into arrangements with providers to have a sort code to access the UK clearing system.

In order to obtain a sort code, GIB is required to passport payment services into United Kingdom and the authorisation has been sought exclusively for this purpose. There is therefore no intention to carry out any activity other than as stated.

2260 **Hon. D J Bossino:** I am very grateful to the Hon. Minister for that response and the reason why I ask the question is because if one looks at the FSC website you will see that the firm will be authorised to carry out certain activities and it is much wider than the way that the Hon. the Minister has explained to us this morning.

2265 Is there any way of narrowing that or is it just... I mean, I am not an expert, but is it just that this is the way it has to be done? You need to obtain passport services for this wide range of services, which include things like acceptance of deposits and lending etc, which is what the bank is licensed to do in Gibraltar and equally is licensed to do in the UK, and so there is no way of narrowing that is there?

2270 **Hon. A J Isola:** No, Mr Speaker. I am advised that in order to have the sort code access you are required to passport payment services and payment services covers an array of things which are included within that passporting right. What I can tell you is that it is the intention of GIB solely to use that passporting right for the purposes of the sort code, and in order to have the sort code available in time for the proposed opening, this has had to be accelerated and arrangements put in place to finalise that to make sure it is ready in time – nothing more than that.

DEPUTY CHIEF MINISTER
Q75/2015 Naval Ground car park –
Cost of construction

2275 **Mr Speaker:** Question 75.

Clerk: Yes, we now move to Question 75, the Hon. D J Bossino.

2280 **Hon. D J Bossino:** Further to Question 688/2014, can the Deputy Chief Minister now advise what the cost of the construction of a car park at the Naval Ground is?

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

2285 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, the answer remains the same as the answer given to Question 688/2014.

Hon. D J Bossino: Mr Speaker, yes, I think the answer at the time was that the detailed design of the coach and car park had not been completed and so consequently the cost of construction was not finalised.

2290 Is he able to give me information as to who the developer is for this particular project?

Hon. Dr J J Garcia: Mr Speaker, the developer is a private entity. This went to the Development and Planning Commission as a private sector project.

2295 **Hon. D J Bossino:** But does he have that information available? Does he have the name of the private entity? It is public knowledge is what he is telling me, but if he has that information I would be grateful if he could share it across the floor of the House.

2300 **Hon. Dr J J Garcia:** Mr Speaker, I do not have it with me, but if the hon. Member cannot find it in the public domain, then I will be happy to supply it. But it is public information, yes.

Hon. D J Bossino: Simply to understand this a bit better, because I think public announcements have been made in relation to this as well, but I think the cost of the car park is going to be a cost to the Government. Is my understanding correct? What we do not yet have is the price tag for that. Is that correct?

2305 **Hon. Dr J J Garcia:** Mr Speaker, there has been work obviously on designs and in progressing the project and he can see that some of it has already commenced, but in short I think the answer is what the hon. Member has said. Yes, as the hon. Member said in his question.

2310 **Mr Speaker:** We are now going to recess until this afternoon at 3.00 p.m. when we shall be dealing with questions to the Chief Minister and questions to the Minister for Education and Justice.
The House will recess until 3.00 p.m. this afternoon.

The House adjourned at 12.40 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 4.16 p.m.

Gibraltar, Thursday, 29th January 2015

Business transacted

Prayer	3
Questions for Oral Answer	3
Chief Minister.....	3
Q76-78/2015 Fire at Sunborn Hotel – Cause	3
Q79/2015 Chamber of Commerce/GFSB economic study – Details	4
The House recessed for five minutes.	6
Education and Justice & International Exchange of Information	6
Q47/2015 New fire station – Establishment.....	6
Q48/2015 New Medical Priority Dispatch System – When expected to go live.....	7
Q49/2015 University of Gibraltar – Applications.....	7
Q50/2015 University of Gibraltar – Awarding body	8
Q51/2015 University of Gibraltar – Management by UCAS or another method.....	8
Q52/2015 University of Gibraltar – Recruitment of lecturers; research funding	9
Q53/2015 Gibraltar College of Further Education – GCSE re-sits	10
Q54/2015 Supply Teachers/Auxiliary Staff – Number employed by Education Department.....	11
Q55/2015 Nature Protection Act contravention by Spanish fishermen – Applications for summons ..	15
Follow-up information to earlier questions	16
Questions for Written Answer	16
Questions W1 to W18/2015 tabled	16
Order of the Day.....	16
Bills	16
First and Second Reading.....	16
Public Services Ombudsman (Amendment) Bill 2014 – First Reading approved	16
Public Services Ombudsman (Amendment) Bill 2014 – Second Reading approved.....	17

Public Services Ombudsman (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting	19
Procedural	19
Committee Stage and Third Reading	19
Public Services Ombudsman (Amendment) Bill 2014 – Clauses considered and approved	19
In Committee of the whole Parliament.....	19
BILLS FOR THIRD READING	19
Public Services Ombudsman (Amendment) Bill 2014 – Third Reading approved; Bill passed	19
Adjournment.....	20
The House adjourned at 4.16 p.m.	20

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

PRAYER
Mr Speaker

Questions for Oral Answer

CHIEF MINISTER

Q76-78/2015
Fire at Sunborn Hotel –
Cause

Mr Speaker: Question 76, to the Chief Minister, the Hon. Mr Netto.

5 **Hon. J J Netto:** Mr Speaker, has the Government obtained a report detailing the cause of the fire at the service entrance of the Sunborn Hotel at Ocean Village and provide Parliament with a statement as to what is known so far from this incident?

Clerk: Answer, the Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 77 and 78.

Clerk: Question 77, the Hon. J J Netto.

15 **Hon. J J Netto:** Mr Speaker, can the Government confirm or deny the rumours that the fire that started at the Sunborn Hotel emanated from a portacabin which had butane gas bottles stored therein, and if so, could the Government supply the name of the company that owns the portacabin and whether all due licences to comply with existing legislation were in place prior to the incident?

20 **Clerk:** Question 78, the Hon. J J Netto.

25 **Hon. J J Netto:** Mr Speaker, given the fire that broke out in the vicinity of the Sunborn Hotel at Ocean Village, can the Government state if there had been envisaged at the planning stage through the DPC, or is now a requirement to dredge the sea bed underneath the Sunborn Hotel in order to create a safe channel in case of an emergency and, if so, when is this likely to happen?

Clerk: Answer, the Hon. the Chief Minister.

30 **Hon. Chief Minister:** Mr Speaker, the Gibraltar Fire and Rescue Service has produced a report in relation to a fire which occurred at the entrance of the Sunborn Hotel at Ocean Village on 28th December 2014, at approximately 17:00 hours. A copy of the said report has been provided to the Government.

The report can be summarised as follows. The structure where the fire occurred was approximately 12 metres long by five metres wide and four metres high. It is not a portacabin but a service access, although the dimensions are similar to some portacabins seen around Gibraltar.

35 This was divided into two levels, the lower of one metre in height approximately and the other three metres. Most of the unit had been destroyed by the fire, leaving only part of the lower storage unit. The upper level had been mostly affected by the fire on the western end and decreasing towards the eastern end.

40 There was a hole on the floor approximately five metres from the western entrance. The fire had spread from the lower level to the upper level via this hole. This was later confirmed by CCTV cameras from inside the unit and the Sunborn Hotel.

It had then spread upwards and devastated most of the roof and walls of the upper level. There was also extensive damage to the facade of the Admiral Casino in the Leisure Island Business Centre. The predominant wind that evening was a strong westerly and the fire had spread from this direction and been accelerated due to this.

45 In conclusion, there are two options. In the opinion of the Gibraltar Fire and Rescue Service that the fire seems to have been accidental by a person or persons. The source of ignition would have been a naked flame – possibly a cigarette, as it is an area used for smoking – that has found its way under the unit. The strong winds funnelled by the corridor between the ship and the casino building lead to the rapid spread of the fire. We, that is the Gibraltar Fire and Rescue Service, cannot discard the possibility of an electrical fire, but this is less likely.

50 The Gibraltar Fire and Rescue Service can confirm that there were no butane gas cylinders inside the above mentioned structure.

Hon. J J Netto: Mr Speaker, I am grateful for the information the Hon. Chief Minister has provided. In relation to, I think it is my last question, which was Question 78, in relation to the possibility of having to dredge underneath the Sunborn Hotel in order, in an emergency, for the Sunborn to move away quickly, has that been considered either at the early stages of the planning process or thereafter, as a result of the accident?

60 **Hon. Chief Minister:** Mr Speaker, the Sunborn floating hotel looks like a cruise ship but it does not have engines and it is attached to the marina by two very strong arms. It is a floating structure but it is not designed to sail like a cruise ship.

65 Therefore the idea that it may need to have a channel which allows it to sail in or out is not relevant in the context of understanding emergency procedures about this vessel or structure. It really is like a building. So in the same way as the casino would not have been able to sail away as a result of the fire in an attempt to deal with it, the Sunborn is not designed in that way either. I think that is why the answer was structured not to respond to that particular part of the question.

Q79/2015

Chamber of Commerce/GFSB economic study – Details

70 **Clerk:** Question 79, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister provide details of the economic study which he stated, in the *Gibraltar Chronicle* edition of 5th January 2015, was being conducted in conjunction with the GFSB and the Chamber of Commerce?

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

80 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes sir. The economic study referred to is underway and the study that I was referring to is the one I referred to on a number of occasions inside and outside this House, about the potential effects were Gibraltar to join the Common Customs Area of the European Union as well as the Excise areas of the Union.

A team of economists from the United Kingdom with the appropriate expertise for such a study has been established by the Government and the Chamber working together. Members of the team have come to Gibraltar to identify the issues and in particular, the economic data that they require in order to carry out the study.

85 Data has already been forwarded to them by Her Majesty's Government of Gibraltar and further data is being collated with a view to a further meeting which will take place shortly. That will leave the Government, the Chamber and the Federation to likely put together a questionnaire to businesses on this issue, as I previously also stated in this House, I believe.

90 **Hon. D J Bossino:** Mr Speaker, I am grateful to the Chief Minister for the very complete reply. Is he able to tell me who the economists are? Is that information which he would be willing to divulge across the floor of the House?

95 **Hon. Chief Minister:** I believe I have the information. I do not know whether it is appropriate to divulge it across the floor of the House without asking them but I am quite happy to give him the information when we recess for a moment, so he knows who we are dealing with.

100 These are economists from Oxbridge and they have been identified by individuals in the Chamber and individuals in the Government's EUID Department as having the right sort of expertise. Because I have not checked whether they are happy for their names to be made public, I do not feel comfortable making them public today. I am quite happy to give them to him today and once I go back and check whether they have any difficulty with their names being made public, I am quite happy in the future in exchanges if necessary, to mention them by name. I cannot imagine why they might not want to be referred to in public. The instructions of a Government are usually things that people like to boast about, but I have not quite checked and therefore I will give him the names, and later we can determine whether publicity is appropriate.

105 **Hon. D J Bossino:** Yes, thank you for that as well.

Mr Speaker, as I understand the reply the purpose of the reports was basically... Is this understanding correct, if I can put it to him? The purpose of the report is to inform the type of questions which are then going to be issued to the relevant parties in Gibraltar. But is that report going to be shared with the GFSB and the Chamber of Commerce once ready?

110 If so, can he give advance notice to the House as to how he intends to treat that report once it is finalised? In other words, is he going to publish it? He is shaking his head. Is it something which he would be willing to share with the Opposition? And he is nodding – so he is answering my questions! So basically I would like some information as to how he intends to treat the report once it is complete and available to him?

120 **Hon. Chief Minister:** Mr Speaker, let us be very clear about what it is that we are doing here and what I have said before. In the event that the United Kingdom were to choose to have a referendum on potential exit from the EU and therefore potentially in the event of that referendum resulting in the United Kingdom negotiating an exit from the EU, Gibraltar needs to understand what its positions should be in a negotiation.

125 That I do not think is an issue which is simply for the purview of the Government. That is why I think it is important that we do it with the Chamber and we do it with the Federation which are the relevant business organisations. And indeed, Mr Speaker, that is why I am nodding when asked whether I would share the information with the Opposition. I think it is information that the Opposition *should* have in order to formulate policy, which I hope will likely be the same policy that whoever may be in Government at the time may be dealing with.

130 We are probably dealing with issues that will visit us in 2018, 2019 or thereafter because my prediction would be that in the event of there being a referendum decision that the UK wants to exit the EU, the permutations are not simply in or out. It is EEA status or non-EEA status for the UK – what does that mean for Gibraltar? – etc. So the referendum result, if a referendum were to occur and if it were to be an exit result in the UK, is only the beginning of the UK's negotiation with the EU. So we need to understand in what context this information then becomes important to the Government of Gibraltar.

135 At that stage, what the Government of Gibraltar needs to understand, what the Chamber and the Federation and businesses in Gibraltar need to understand, are the realities that could be visited upon us, depending on what type of status we were to choose.

140 So we know that we are comfortable and that we are prosperous in the status that we enjoy at the moment. How might that change? Would those changes be changes that we might seek through negotiation or would they be changes that might be imposed on us as a result of the United Kingdom's negotiations but that we might have to be ready for however much we might fight against them? Because we might then be fighting against the UK choosing to do a particular thing in terms of its status in Europe and we might be the only enclave of 30,000 in the UK holding out for a different sort of status.

145 So we need to understand what the reality of the Common Customs Union regime is today in legal and economic terms and how the economy would be affected by entry into that mechanism. The only way to do that is to carry out this in-depth economic analysis and then share it with the business community as a collective, i.e. Chamber and Federation and then seek information from individual businesses through questionnaires also through the Chamber and Federation, to then be able to produce a report that informs the Government, the Opposition, the Chamber and the Federation.

Why not the whole community? Why not simply publish such a report? Well look, such a report is likely to be determinative of what negotiating positions we take *vis-à-vis* the EU and *vis-à-vis* the UK and

150 what we do not need, is that those who would be doing their best to argue for us to have the worst possible economic scenario in the future, to have that data too. And by that of course, I mean Spain.

So this is information that I think the Chamber needs to have, the Federation needs to have and Members of this Parliament should have, but not information that should necessarily be in the public domain and the people should be able to download and then necessarily have the ability to use against us.

155

Hon. D J Bossino: I am grateful. Mr Speaker, just for my own understanding of what the Hon. Chief Minister says in the totality of the reply that he has just given us, is the remit of the report, from what I understand, is it as wide as looking at all the possible permutations, even to the extent as to what would be the effect of the UK, and therefore Gibraltar, leaving the EU? Because, I think, certainly the last

160

pronouncement that he made in relation to this issue was in the *Gibraltar Chronicle* article that I referred to earlier, and it was in the context of his view as to what the dire economic consequences that leaving the EU would be for Gibraltar.

So is the report wider than I originally understood from his answer which was it was only looking at the possibility, what the effect of Gibraltar's entry into I think the Customs and Excise Union would be, is it wider than that or is it simply looking at that specific discrete issue?

165

Hon. Chief Minister: It is about looking at that and other issues. In other words, that and other permutations of different types of membership alternatives for Gibraltar within the EU and the EEA. So, in other words full EU – what does full EU mean in terms of excise duty, in terms of VAT etc? What does partial EU mean in terms of VAT but not excise, or excise but not VAT? What does EEA mean, which can probably mean both of those or three other scenarios potentially also being relevant to Gibraltar? And I think you can also draw a conclusion, given the numbers that we are going to be given, of what not being in EEA or not being in the EU would mean.

170

So I think the data we will have will enable us to churn information and see all of those potential scenarios or as close to an analysis can take us to seeing those potential scenarios. That is the data I think we need to have, and it is data we can only get in my view by talking to economists of the sort that we are talking to, talking to the representative bodies and then talking to individual businesses and asking them questions once we have the right questions to put to them about how particular aspects of those changes would affect those sectors and industries.

180

Clerk: We now move to Question 47, the Hon. Mrs I M Ellul-Hammond.

Hon. Chief Minister: Mr Speaker, can I invite the House to recess for five minutes before we continue with this question. I need to have a discussion with the Minister who has just arrived in Gibraltar on another matter.

185

The House recessed for five minutes.

EDUCATION AND JUSTICE & INTERNATIONAL EXCHANGE OF INFORMATION

Q47/2015 New fire station – Establishment

The Clerk: We continue with Question 47, the Hon. Mrs I M Ellul-Hammond.

190

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for the Fire Service say if he is still committed to delivering his manifesto commitment of establishing a new fire station during this term of office?

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

195

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the manifesto commitment was to commence work on a new fire station within this term of office and not establishing within this term of office a new fire station, as set out in the hon. Lady's question.

200 The Government has already commenced work on a new fire station, as it promised it would do. The work on the planning for the new fire station has been finalised and an announcement with full details will be made when the Government is in a position to do so, certainly within this term of office.

205 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say when the work, either the refurbishment or the building, will be starting?

Hon. G H Licudi: Well as I have said, we are working on plans on this matter. This is something that the Government has been working on for a while. Work continues, it is in an advanced stage and we will certainly make a full announcement as to what is going to happen and I expect work will actually commence within this term of office, before the elections are called.

Hon. Mrs I M Ellul-Hammond: I know the Hon. Minister has said that it will be within this term of office but is there any indication as to where the site is?

215 **Hon. G H Licudi:** Mr Speaker, we will make an announcement on that when we are in a position to do so.

Q48/2015
New Medical Priority Dispatch System –
When expected to go live

Clerk: Question 48, the Hon. Mrs I M Ellul-Hammond.

220 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for the Fire Service say when the new Medical Priority Dispatch System will go live and if it will be within this term of office?

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

225 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, we are working at having the new Medical Priority Dispatch System go live within this term of office.

Q49/2015
University of Gibraltar –
Applications

Clerk: Question 49, the Hon. Mrs I M Ellul-Hammond.

230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say how many students have applied to the University of Gibraltar for the new academic year 2015-16?

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

235 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, recruitment of students for the University of Gibraltar has not yet started.

This will commence once the University is established, when the Act which we will be bringing to Parliament is passed.

240 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister said that the university would be open for business as from 1st September 2015. My understanding is that students are applying now to universities for the September 2015 entry, and this is why I have asked the question.

245 Is there any way that students can start to apply in preparation for the opening in 2015, or will they be allowed to apply at a later stage and perhaps have a late entry onto the courses?

Hon. G H Licudi: Mr Speaker, it is not a question of late entry. This is something that has been planned and will be open in September 2015. We are finalising the legislation, which I hope to be in a position to

publish very soon. I am intending to bring the matter to Parliament within the next couple of sessions at most. Once that is established, then the announcement will be made as to the precise courses and students will be invited to apply.

There will be plenty of time, if that is what the hon. Lady is concerned about. There will certainly be time between the announcement being made, between the Act being passed, the announcement as to the specific courses, enrolment for those courses being started and the students actually starting in September 2015.

Hon. D A Feetham: Mr Speaker, has there been any revision of the plans for the Gibraltar University by the Government since the announcement was made in terms of the scope of the courses that are going to be on offer by the Gibraltar University? Has there been an expansion or perhaps a contraction of that original vision that the Government presented to the people of Gibraltar when it made the announcement for the first time?

Hon. G H Licudi: Well, Mr Speaker, this is as I said when I announced the project, when we made a joint press conference at the Chief Minister's Office. This is going to be a process which will evolve and will develop over time and as we do that, then clearly new things will be added.

So yes, of course there have been new things. There is a lot of work which has been done but the core structure which we announced remains the same. Four faculties: Health and Sports Science; Tourism and Hospitality; Business; and Life and Earth Sciences. Those four faculties remain as they were when we announced. What we are now doing is fleshing out what precisely each of the faculties will be doing.

In addition, we will of course have the Institute of Professional Development and Continuing Education, as announced. Also as announced, we will have a Language Centre. What we are doing is developing specifically the areas which we are going to be in a position to announce very soon and start the recruitment of students, as I have indicated earlier in the question.

Hon. Mrs I M Ellul-Hammond: So, Mr Speaker, and I know this will relate to Question 51, students obviously will be applying outside of the UCAS system. There will be a separate system set up and that is how students will be able to apply and therefore enrol for September?

Hon. G H Licudi: Yes, Mr Speaker, the hon. Lady pre-empts another question in the Order Paper but students will be applying directly to the University.

Q50/2015
University of Gibraltar –
Awarding body

Clerk: Question 50, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Education say which recognised body will be awarding degrees at the new University of Gibraltar?

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

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, programmes at the University of Gibraltar will include degrees awarded by the University of London in relation to Business and Computing and the University of Kingston and St George's in relation to Nursing and Paramedic Science.

In addition research post graduate students will be engaged in programmes carried out in conjunction with other universities, depending on the various specialisms that are followed by those students.

Q51/2015
University of Gibraltar –
Management by UCAS or another method

Clerk: Question 51, the Hon. Mrs I M Ellul-Hammond.

300 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say whether undergraduate applications to the University of Gibraltar will be managed by UCAS, which is the Universities and Colleges Admission Services?

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

305 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, applications to the University of Gibraltar will not initially be managed by UCAS. We do, however, envisage that in due course discussions will take place with UCAS on the possibility of applications being managed by them.

310 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say who will be..., has it been determined who will be entitled to apply to the University and who will be setting the entry criteria and the requirements, if not UCAS?

315 **Hon. G H Licudi:** Well, Mr Speaker, UCAS does not set out any entry criteria or requirements for any university. The universities themselves set out entry criteria; all that UCAS does is process the application and then transmit those applications to the universities for a response. So that element of somebody receiving the application and transmitting it to the University of Gibraltar will not happen.

But in relation to degree programmes which we are doing in conjunction with other universities, for example if it is a University of London programme that a particular student will follow, then the University of London will set out the entrance criteria, in the same way as with the University of Kingston.

320 We are, as I have already announced, been developing collaborations with other universities, we already made an announcement in relation to Seychelles. I have today returned from a trip specifically on that and we will be issuing a press release in relation to further collaborative projects with other universities. So as we develop these collaborations, we will certainly have to discuss with those other universities that we partner with, the entrance requirements and criteria for those particular courses.

Q52/2015
University of Gibraltar –
Recruitment of lecturers; research funding

325 **Clerk:** Question 52, the Hon. Mrs I M Ellul-Hammond.

330 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise where the lecturers for the University of Gibraltar will be recruited from, what research will they be conducting and where will funding for faculty research be coming from?

Clerk: Answer the Hon. the Minister for Education and Justice.

335 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the intention is to recruit locally, but if required skills are not available, these will be sourced externally.

Most of the research will be based within the faculty of Life and Earth Sciences with Gibraltar and Mediterranean Studies. However, there will be opportunities for research stemming from any of the other faculties.

340 Research will be funded by the present funding streams provided by the Department of Education, as well as the university's own funds. It is expected that there will also be some funding from private sector sponsorships.

345 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, would it be possible to allow any industry that is happy to invest in research to be able to fund facilities, perhaps linked to marine or the environment; or will it be totally state funded? Would you allow flexibility for private and state funding?

350 **Hon. G H Licudi:** Mr Speaker, the Government would most certainly welcome anybody who wants to come in and fund the university to do so. As I have said in the last part of the answer, it is expected that there will be some funding through private sector sponsorships and we are already in discussions with some elements of the private sector specifically on that area.

355 **Hon. E J Reyes:** If I may, Mr Speaker, has the Minister at least embarked into seeing it from those different categories within the EU funding that go towards education purposes and so on? Can he confirm that he is exploring those to see if some could be applicable and therefore Gibraltar become a beneficiary of such a thing such as the Erasmus Schemes and all those?

360 **Hon. G H Licudi:** Yes, Mr Speaker, this is certainly something that we are exploring and I have been advised in relation to. The Erasmus Scheme which involves an exchange of students also involves certain universities being approved for that scheme and given that we are in the process of establishing that university, it is impossible to seek that approval yet. But that is certainly a process that we will want to follow because we will want to be part of a European process in terms of standards, through the Bologna process, Erasmus through exchange of students, and also tapping into funds at a European level which will be available for research based in various areas including Sports Science.

365 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, just one final supplementary. The Hon. Minister mentioned the Institute of Professional Development and Continuing Education that will be offering CPD and professional qualifications for both the private and public sector. My understanding is that this is a role that at present the College of Further Education has been offering through evening classes and the use of Bleak House as well. Does this mean that the remit of the College will be reviewed alongside the evolution and development of the university?

375 **Hon. G H Licudi:** It is not so much that the remit will be reviewed, but certainly it will in fact be enhanced through the collaboration with the university and in particular with the institute. As the hon. Lady says, some of the areas of the institute will be embarked upon are already being done through the college and those will be done through the university by engaging with the college and tapping upon their expertise and getting their involvement fully in this process.

380 But it will not be limited; the institute will not be limited solely to the work that has been done currently by the college. There will be enhanced programmes, locally developed programmes and in particular, short courses developed with industry associations and I have given some examples as possibilities, on human resource management, on compliance and money-laundering issues, with the Association of Compliance Officers, on insurance through the Insurance Association.

385 By working in conjunction with the private sector, by working with employers who we expect will be able to provide their staff to these courses and will be able to provide an element of day release, whenever the day or the half day that the person is engaged in this, so that the student can further his or her career within that organisation or elsewhere in Gibraltar.

So there will be a range of programmes developed within the institute and it is in fact one of the exciting parts of the university, as of course are all the other parts of the university.

Q53/2015

Gibraltar College of Further Education – GCSE re-sits

390 **Clerk:** Question 53, the Hon. E J Reyes.

395 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 758/2014, can the Minister for Education now provide the missing details in respect of the number of students, broken down by gender, who are repeating subjects pertaining to GCSE examinations which they sat for during the academic year 2013-14 and currently enrolled at the Gibraltar College of Further Education?

Clerk: Answer, the Hon. the Minister for Education, Justice & International Exchange of Information.

400 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the number of students broken down by gender, who are repeating subjects pertaining to GCSE examinations which they sat for during the academic year 2013-14 and are currently enrolled at the Gibraltar College of Further Education is 40 boys and 60 girls.

Q54/2015
Supply Teachers/Auxiliary Staff –
Number employed by Education Department

405 **Clerk:** Question 54, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education provide details of how many ‘Supply Teachers’ or ‘Supply Auxiliary Staff’ are currently engaged by the Department of Education, indicating at what educational establishment they are based, together with the reasons why their employment is necessary and estimated temporary contract time?
 410

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

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):
 415 Mr Speaker, the information requested by the hon. Member is set out in the schedule which I now hand to him.

Schedule to Question 54 of 2015

Table 1

Number of supply teachers at each school	School	Reasons for cover	Estimated length of contract
1	Governor's Meadow First	large intake/ pupil numbers	11 months
2	Governor's Meadow First	large intake/ pupil numbers	11 months
3	Governor's Meadow First	maternity	8 months
1	St. Joseph's First	maternity	7 months
2	St. Joseph's First	to meet optimum class size in sector	11 months
3	St. Joseph's First	large intake/ pupil numbers	11 months
4	St. Joseph's First	maternity	10 months
1	Notre Dame First	large intake/ pupil numbers	7 months
2	Notre Dame First	maternity	11 months
1	St. Mary's First	large intake/ pupil numbers	11 months
2	St. Mary's First	large intake/ pupil numbers	11 months
3	St. Mary's First	large intake/ pupil numbers	7 months
1	St. Paul's First	to meet optimum class size in sector	7 months
2	St. Paul's First	maternity	7 months
1	Bishop Fitzgerald Middle	maternity	7 months
2	Bishop Fitzgerald Middle	maternity	7 months
1	St. Joseph's Middle	to meet optimum class size in sector	7 months
2	St. Joseph's Middle	maternity	7 months
1	Sacred Heart Middle	to meet optimum class size in sector	7 months
2	Sacred Heart Middle	maternity	7 months
3	Sacred Heart Middle	long term illness	7 months
4	Sacred Heart Middle	maternity	10 months
1	St. Anne's Middle	maternity	8 months
1	Hebrew Primary	large intake/ pupil numbers	11 months
1	Bayside	sabbatical	11 months
2	Bayside	to meet subject demand (IT)	11 months
3	Bayside	maternity	11 months
4	Bayside	to meet optimum class size in sector	11 months
5	Bayside	to meet subject demand (mathematics)	11 months
6	Bayside	maternity	11 months
7	Bayside	to meet optimum class size in sector	11 months
1	Westside	maternity	8 months
2	Westside	to meet optimum class size in sector	7 months
3	Westside	sabbatical	11 months
4	Westside	maternity	7 months
5	Westside	maternity	11 months
6	Westside	maternity	7 months
1	College		11 months
2	College	to meet optimum class size in sector	11 months
1		short term absences	Not fixed-less than 3 months
2		short term absences	Not fixed-less than 3 months
3		short term absences	Not fixed-less than 3 months
4		short term absences	Not fixed-less than 3 months
5		short term absences	Not fixed-less than 3 months
6		short term absences	Not fixed-less than 3 months
7		short term absences	Not fixed-less than 3 months
8		short term absences	Not fixed-less than 3 months
9		short term absences	Not fixed-less than 3 months
10		short term absences	Not fixed-less than 3 months
11		short term absences	Not fixed-less than 3 months
12		short term absences	Not fixed-less than 3 months

Schedule to Question 54 of 2015

Music Instructors	School	Type of Cover	Estimated length of contract
1	Bayside	provision of subject specialism	9 months
1	Westside	provision of subject specialism	9 months
1	Hebrew Primary	provision of subject specialism	9 months
Same person as at Hebrew School	St Martin's	provision of subject specialism	9 months

TABLE 3

SCHOOL	NUMBERS (Learning Support Assistants)	REASONS FOR EMPLOYMENT	ESTIMATED TEMPORARY CONTRACT TIME
Bayside	1 LSA	Temporary extra SEN needs support(f/t)	3 months
Westside	1 LSA	Temporary extra SEN needs support (p/t)	3 months
St. Martin's	3 LSA	Temporary extra SEN needs support (f/t)	7 months 3 months 3 months
Notre Dame	1 LSA	Temporary extra	7 months
St. Mary's	1 LSA	Temporary extra SEN needs support (p/t)	7 months
Notre Dame Nursery/ Varyl Begg Nursery (split)	1 LSA	Temporary extra SEN needs support (f/t)	3 months for Notre Dame Illness for Varyl Begg until 10 th February
College	1 LSA	Cover a new SEN course.	7 months
Governor's Meadow	1 LSA	sickness (p/t)	unknown
Notre Dame	1 LSA	sickness (f/t)	unknown
Bishop Fitzgerald	3 LSA	Temporary extra SEN needs support (p/t) and (f/t) sickness (f/t).	3 months. 7 months 13th February
Hebrew School	1 LSA	Temporary extra SEN needs support (p/t)	3 months.

Schedule to Question 54 of 2015

TABLE 4

POST	SCHOOL	HOURS PER WEEK	REMARKS
Assistant (Art & Design)	Bayside	30	In the process of being recruited
Bus Escort	Notre Dame	18.75	Special Needs Pupil requiring Escort
Senior Technician	Gibraltar College	17	Secondment to GFA
10 x Part Time Cleaner	2 x Westside 1 x Bayside 4 x St Joseph's First 1 x Bishop F 1 x St Paul's First 1 x Hebrew	20 20 20 20 20 20	In the process of being recruited
1 x Full Time Cleaner	Gibraltar College	37	Vacancy has been advertised. Interviews will be held on 22 January 2015

Hon. E J Reyes: Mr Speaker, may I ask for a bit of clarification? Towards the very end of the first page, there is one college but the reason for cover has been left blank, followed by two supply teachers also at the College to meet optimum staff sizing sector and then below that there is no educational establishment identified whatsoever.

They all seem to be not fixed less than three months: short-term absences mainly tend to be of a medical nature and so on, but the educational establishment has been omitted, as has that one in respect of the College, two lines before that.

Can the Minister enlighten me?

Hon. G H Licudi: Yes, Mr Speaker. The one where it has been left blank, that is one which I did not pick up, so I do not have the specific information on the one entry which is blank. I could assume that it relates to meeting optimum class sizes in the sector but I do not want to give that as a definitive answer and I will therefore check the information. I apologise, I just did not pick up that there was one item where one column was left blank.

The bottom part simply relates to – apart from the supply teachers which are set out at the top – a total of 12 additional teachers that are not on fixed contracts and simply cover short-term absences wherever and whenever they might be required.

I am not sure that the hon. Member wants a list of so and so spent three days in Bishop, so and so spent two days in Bayside, my understanding is that that relates to the rest of the pool of supply teachers that do cover as and when required and not on a fixed-term contract.

The hon. Member will remember that when we overhauled the system of supply work, including by employing those who we considered to have been on permanent supply and those were part of the intake of 47 new teachers that we did at the beginning of our term of office, we also added the additional benefit that whenever a supply teacher was engaged, was needed, for at least three months, that supply teacher would be given a fixed-term contract with all the necessary benefits that an employment contract brings.

So whenever there is an *ad hoc* need for a particular teacher, say for a week, or someone is off sick for two weeks, those teachers are taken from the pool of these additional teachers. It is not a fixed contract because it is on an *ad hoc* basis and they are certainly for less than three months because if it is beyond the three months then that is when the fixed-term contract kicks in, as we said we would do at the beginning of our term of office.

Hon. E J Reyes: Yes, Mr Speaker I think it has been clarified but can I double check, because the numbers 1 to 12 there are running consecutively. It is a grand total of 12 – not one plus two is three and then another three is six and four is ten – am I correct in that deduction?

Hon. G H Licudi: Yes, Mr Speaker, otherwise the number, if you add up all those individuals, 12 plus 11 plus 10, the number would be very great and we certainly do not have that many supply teachers.

Hon. E J Reyes: Yes, that is what caused a big question mark in my mind! That is understandable. Can I assume and the Minister confirm that I am correct in the deduction that really, what these 12 members of staff is... they would report somehow or another let us say to the central Department of Education on a daily basis and then would be fed out into schools as and when needed, and that is why they are not going to be based in a particular school and is then able to provide the information? Is it something similar to that effect that he was trying to explain?

Hon. G H Licudi: No, Mr Speaker, that is not quite how the system works. It really depends on school requirements. So school heads, or whoever is in charge of the particular issue on a particular day in the absence of the head, will report and will ask the Department of Education. In particular there is one of the education officers that deals specifically with the supply and one of the first jobs that he does in the morning is look at the requirements on any particular day for any particular school.

Then, what that person does is call people from the list and get the people who are available and put them in the schools which are required. So it is not that the supply teachers turn up every day and say, 'Where am I going today?' The supply teachers are on a supply list and as and when they are required by a particular school, the school informs the Department and the Department calls the teacher and says, 'Can you go to such and such a school where there is a position for, a cover for two weeks?' or a week or whatever the amount of time is.

Hon. E J Reyes: Yes, thank you, Mr Speaker, so therefore not all 12 are going to be engaged every day. Can I take the Minister to the last page, the posts of ten part-time cleaners which are in the process of being recruited? Although they are going to be part-time, and by that one normally understands that to be around about the 20 hour per week mark, 15 or 20 hours which is half of the working week of the school or

whatever. but if they are in the process, why – is it the intention then, despite being part-time that they will be on a permanent type of contract or will they be on a supply contract because...? And that is where the question mark comes in.

Hon. G H Licudi: Mr Speaker, the comment in the remarks column is ‘in the process of being recruited’. So my understanding is that these are posts of part-time cleaners which are available and the cleaners for those posts are in the process of being recruited.

Hon. E J Reyes: Yes, so therefore I did not explain myself properly. The process of being recruited, are they going to be recruited as supply workers or are they going to be recruited so that they become P&P workers?

Hon. G H Licudi: Mr Speaker, my understanding is that they are in the process of being recruited as part-time workers.

Hon. E J Reyes: Yes, Mr Speaker, it is written there ‘part-time cleaners’: on a supply basis or on a permanent and pensionable basis?

Hon. G H Licudi: Mr Speaker, I will be happy to double check. I can tell the hon. Member what my understanding is: that these are positions, posts which are being recruited and therefore they will be offered those jobs as part-time cleaners, not as supply, not simply going on a supply list, but actually engaged as part-time cleaners. That is my understanding but I will be happy to double check.

Hon. E J Reyes: Yes, I would be grateful if he could double check because I understand all that he is saying but they are being recruited to become part-time cleaners but will they be on a supply basis, for example an 11-month contract or something, or will they be on an indefinite type of contract. I don’t know if the Minister is able to understand what I am trying to get at. They may be part-time...

The second one there; perhaps my explanation will help him understand what I am trying to get at. The bus escort works for 18.75 hours a week – special needs pupil requiring an escort: as long as the special needs pupil requires an escort there is employment for that person. Once that child leaves the education system that post will not be required so one understands why it is a supply basis. Hence when it comes to the part-time cleaner, will they be employed until their eventual retirement or is it just to cover a very short period of time?

Hon. G H Licudi: Well, Mr Speaker, the position as I understand it – and if I am wrong in this I will let the hon. Member know, but my understanding when I asked about this – is that these are positions that are currently being filled because the question relates to supply workers in the Education Department, whether it is learning support assistants, teachers, cleaners, so this is the list of supply workers. Therefore these positions which currently exist are being filled currently by supply workers, but the posts exist and are in the process of being recruited.

So whilst the recruitment is ongoing and until the recruitment for the position ends, they are being filled by supply workers. Is the hon. Member with me?

Hon. E J Reyes: I think so, Mr Speaker – let me double check as a pedantic teacher. So for example, at the moment there is an assistant arts and design person who is on a supply contract but the Department is already in the process of recruiting one that will become permanent – great. So then, Mr Speaker, can he shed some light on the senior technician who is at the Gibraltar College, employed for 17 hours a week, but then gets seconded out to the GFA? I mean what needs does the College have that it has to be from the College to second to the GFA? That one, I am again, I am a bit lost and I need pointing in the right direction.

Hon. G H Licudi: Mr Speaker, this is someone who was engaged as a senior technician at the College and is now currently seconded to the Gibraltar Football Association and works for the Gibraltar Football Association.

We are looking at what precisely we do because we have a person employed in that position but the person is not physically there at the college because he is actually working with the... I know who the person is, he is actually working with the GFA because the Government agreed to second him to the GFA for that particular position. There was a request for a secondment, rather than a resignation and an engagement by the GFA and the Government agreed. But now we need to be clearly at some point need to regularise the position and we need to fill that position.

540 So the position is again, I go back to the table, of supply workers. So we have supply workers, my interpretation of this table is that we have supply workers filling these positions, the remarks are the reasons why these positions are being filled. In some cases because the posts are in the process of being recruited, in another one because there is an additional need for a particular purpose at a particular time and this one, because the officer that was doing that particular job has been seconded elsewhere and therefore there is a need for a supply worker to fill that position and to do that work.

545 What we cannot do is recruit for that position because there is somebody who holds that position already, albeit seconded somewhere else. So in the meantime, whilst that person is seconded we have to fill that position with a supply worker.

550 **Hon. E J Reyes:** Yes, Mr Speaker, that has helped to clarify it quite substantially. However, if my understanding is that the senior technician who is now seconded to the GFA – and it may be a separate question that requires separate notice – if he is on secondment is he still being paid for by the college or the GFA is footing that bill, then we can enter it another time.

555 The cover for that senior technician is only for 17 hours a week. That is way, way less of what the senior technician used to work at the College. Does the Minister have any idea why there is only a need for 17 hours? Either the other fellow was under-utilised or there must be some other explanation. It is not a like-for-like replacement from a full-time officer to someone being replaced for only 17 hours in the week; 17 hours in the week just about covers three days a week of actual school teaching time.

560 **Hon. G H Licudi:** Mr Speaker, I do not have a specific answer to that. It may be that the rest of the time that the senior technician used to do in the College is being covered in another way with existing staff at the College; it may be that that is the position. But what this table reflects is that we have a supply teacher covering this position for 17 hours a week which is what the hon. Member has asked. Now if the hon. Member says well why only 17 hours and what happens to the rest of the time that the senior technician who has been seconded would have been working in the College, then that is information that I do not currently have with me.

565 **Hon. E J Reyes:** If I may, because I hinted at this, does the Minister happen to know by chance whether the senior technician seconded to the GFA is his salary still being paid from the College as a sort of gratuitous secondment to the GFA or is the GFA footing that bill and therefore that money is not being paid out in that salary and thus the college making a saving in salary?

570 **Hon. G H Licudi:** Mr Speaker, I do not know for sure as I was not involved in that specific arrangement. I can only assume, subject to confirmation that the person is actually being paid by the GFA. He is actually working at the GFA and therefore I would expect that the GFA would be paying for that officer.

Q55/2015

Nature Protection Act contravention by Spanish fishermen – Applications for summons

575 **Clerk:** Question 55, the Hon. J J Netto.

580 **Hon. J J Netto:** Yes, Mr Speaker, can the Minister for Justice say if applications for summons to the Spanish fishermen who allegedly contravened the Nature Protection Act due to raking of the sea floor on Boxing Day just opposite Catalan Bay has now taken place and if so, please indicate if such summons will apply to one vessel or to the six?

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

585 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I am informed by the Royal Gibraltar Police that they have not yet laid information before the Magistrates' Court for a summons to be issued in respect of this matter.

Follow-up information to earlier questions

590 **Hon. E J Reyes:** Mr Speaker, may I, before you move on to any other item, may I... as I think we all cordially agreed this morning that the Minister for Sports, Culture, Heritage and Youth was going to try and look up on the chart and I said if we had it, then it rested in the record of *Hansard*.

Also whilst I am on my feet, Mr Speaker, I do not know if the Minister, the new Minister for Housing has had a chance to reconfirm that what she thought was going to be the terms and conditions of the seconded, that they were out. Has she had a feedback from her Ministry that they were actually seconded out or is she still not 100% certain on that one?

If we know it in this session it does save and then if I have to have any follow-ups I can give you due notice for next month.

600 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, in relation to the question that was addressed to me, I did ask and the information was given to me, but I would rather wait because the information might be more confusing to the hon. Member. Therefore I would like to clear with the staff, which I have not had time because I have to go through it.

605 But rest assured that I will be sending him a letter with that information, most probably before the next session.

Hon. E J Reyes: Yes, I am grateful, Mr Speaker, if I do have that like the Minister is trying his best to achieve before the next session then if I need to have any follow up I fall within the category of giving due notice of questions.

610 I do not know if the Minister for Housing wishes something or a similar situation that she will double check and if there is a change to seconded out, then she will give me any due information.

Questions for Written Answer

Questions W1 to W18/2015 tabled

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

615 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbered W1 to W18/2015 inclusive.

Order of the Day

BILLS

FIRST AND SECOND READING

Public Services Ombudsman (Amendment) Bill 2014 – First Reading approved

Clerk: Order of the Day. Bills – First and Second Reading.

(i) A Bill for an Act to amend the Public Services Ombudsman Act 1998 and related matters.
The Hon. the Minister for Health, the Environment, Energy and Climate Change.

620 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, before I move that the Bill be read, let me just explain that although this is a Bill for an Act to amend the Public Services Ombudsman Act and I am not the Minister responsible for the Ombudsman, in discussion with my colleague, because this Bill pertains exclusively to matters relating to complaints against the Gibraltar Health Authority, I have the honour to move that a Bill for an Act to amend the Public Services Ombudsman Act 1998 and related matters be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Public Services Ombudsman Act 1998 and related matters be read a first time.

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

630

Clerk: The Public Services Ombudsman (Amendment) Act 2014.

**Public Services Ombudsman (Amendment) Bill 2014 –
Second Reading approved**

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that the Bill now be read a second time.

635

Mr Speaker, the Bill amends the Public Service Ombudsman Act 1998 so as to, as set out in the Government's manifesto, pass the responsibility for the investigation of complaints against the Gibraltar Health Authority for non-administrative matters from the GHA and the Panel constituted under the Gibraltar Health Authority Complaints Review Panel Act 2004, to the Public Service Ombudsman. (**A Member:** Hear, hear.)

640

The Bill provides for this transfer by amending the definition of an action which may be investigated by the Ombudsman so as to include complaints against the Gibraltar Health Authority, allowing the Ombudsman to specify certain members of his staff to be tasked specifically with investigating complaints against the Gibraltar Health Authority, creating a power for the Public Service Ombudsman to appoint one or more clinical assessors who must be external to the Gibraltar Health Authority, so as to advise him in relation to complaints against the Gibraltar Health Authority, setting out the circumstances where the Ombudsman may obtain medical records in addition to the powers already in the Act and deeming that a person who has made a complaint has waived his or her rights of confidentiality against the Gibraltar Health Authority with respect to the passing of the records and information to the Public Service Ombudsman and repealing the Gibraltar Health Authority Complaints Review Panel Act 2004 and making transitional provisions for outstanding matters.

645

650

I commend this Bill to the House. (*Banging on desks*)

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

655

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Opposition will be voting in favour of this Bill. We are satisfied that the Ombudsman and his staff, who have now set up a health jurisdiction for Gibraltar, will continue to discharge their statutory duties in a professional, impartial and thorough manner.

The track record of this independent public service is evidenced where most complaints and disputes are arbitrated successfully to the satisfaction of all involved.

660

However, the Opposition would like to learn in more detail, how written or GHA formal complaints will be processed in practical terms and whether regular reports will still be submitted to the GHA Board for scrutiny on the range of complaints made, whether they have been upheld or not and what has been learnt or improved as a consequence of the complaints.

665

Will the Public Services Ombudsman with its clinical assessors, as the Hon. Minister has mentioned, will these clinical assessors have a presence in the GHA, an office where service users can submit a written complaint and fill in the required paperwork, or will they need to attend the Ombudsman's Office in person to do so? We hope the process will not be overly cumbersome so that members of the public do not feel reluctant to access the service.

670

Now, if the service user is dissatisfied with the outcome of the written or formal complaint, can the Hon. Minister explain if the Ombudsman will provide another tier of appeal by a higher authority, such as an independent panel, and how this appeals process will be different to that of the present GHA Independent Complaints Review Panel? And obviously we understand that this is of course, was the main reason for the Government's manifesto commitment for the Ombudsman to adopt the GHA's Complaint Procedure.

675

Where the Opposition requires some clarification from the Hon. Minister, Mr Speaker, is in relation to dealing with verbal or what are known as the GHA informal complaints and the provision also of a Patient Advisory Service, which at present is so adeptly, or has been so adeptly provided by the GHA's Complaints Coordinator and her team. With regard to these informal complaints, will the same process continue where a verbal complaint is made to the senior staff member of the Department where the complaint originated; or will the Ombudsman's Office provide permanent personnel in the form of clinical assessors at the GHA to deal with and arbitrate this, perhaps less serious complaints? Can the Minister advise who will process these recorded informal complaints so that the information can be reported to the GHA Board?

680

685 And can the Hon. Minister advise as to the continuation of the successful Patient Advisory Service, where up until now the GHA Complaints Team troubleshoots by assisting users who do not wish to complain but need help, information or advice on GHA services? Will some members of the GHA's Complaints Team continue with this role or will they be transferred as new employees of the Public Services Ombudsman's Office, or will this role just move to another Department of the GHA, for example the reception area of St. Bernard's Hospital? Or indeed will this service be discontinued completely?

690 All members of our community hope that the new Ombudsman GHA Complaints Service will – and I quote from *Health Matters 2012-13* here –

‘provide a mechanism for users to report their grievances if they are dissatisfied with the services, to provide a way for the GHA as an organisation to listen to users, to create an understanding of patients’ negative experiences and identify poor practice and gaps in service and to identify any poorly performing service or department so that the GHA can improve its standards of care and service in that area.’

695 Mr Speaker, we are confident the Public Services Ombudsman can deliver on this, which is why this side of the House will be voting in favour of the Bill. However, reassurance from the Hon. Minister as to the provision of a complete service, i.e. to include a Patient Advisory Service, informal and formal complaints arbitration and an appeals process, would be desirable.

Mr Speaker: Before I call upon the mover to reply, does any other hon. Member wish to contribute to this debate?

I call upon the mover to reply. Hon. Dr Cortes.

700 **Hon. Dr J E Cortes:** Mr Speaker, I would like to thank the hon. Lady for those comments. I want to reassure her and I think I will cover all the points that she has raised, that we will continue with a complete service and I would like to think more complete than it used to be. The aim is certainly to improve the service that users can access.

705 If I start from one point right away, and that is to confirm that clearly the new procedures will be reported on a regular basis to the Board and the Board will review them – and I know the hon. Lady knows as a former member of the Board – and the Board will review them regularly at its meetings.

710 The Ombudsman will be providing a Complaints Handling Scheme and I believe that the Members of staff who will be handling that have already been recruited, who will be based within the GHA. They will have an office there and will be accessible directly to the public and will be able to provide together with the support of the Unit Managers and the clinical staff and indeed, my own office staff, a very wide patient advisory service to, as often happens, clarify queries which often avoid the need for complaints to be carried out in a more formal manner.

715 The very basic complaints will, as now be dealt with in the first instance by the members of staff themselves and very often minor complaints can be cleared at that level. If that does not work or if members of the public want to take that further, then the Complaints Handling Scheme officers will carry out an investigation liaising with members of the GHA staff, but always answerable to the Ombudsman.

720 The next level, if that does not satisfy it, the complaints will be referred to one of the Investigation Officers at the Ombudsman's Office who will be the second level who will try and determine the effects or the results of the complaint. Finally, if that is not satisfactory, then – and this of course as I mentioned earlier – it will allow the possibility of independent clinical assessors to come in and look at any clinical aspects that have to be reviewed, and the appeal will be to the Ombudsman himself, who will then set up the necessary investigation, if there has to be a further level of investigation.

725 So I think that we will have the benefit of additional members of staff from the Ombudsman's Office working within St Bernard's Hospital. Clearly if the complaints are about other sites, people will be requested to visit St Bernard's Hospital, as is the case at the moment, and I believe that this produces a robust service which I think will benefit the members of the public as a whole.

I think, Mr Speaker, that that covers the questions that the hon. Member has raised and therefore I commend the Bill to the House.

730 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Public Services Ombudsman Act 1998 and related matters be read a second time.

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

Clerk: The Public Services Ombudsman (Amendment) Act 2014.

735

**Public Services Ombudsman (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

740

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

Procedural

Mr Speaker: I understand that we are not proceeding today with the second Bill, the one to amend the Parliament Act. It will be left over for the next meeting of the next meeting of the House.

745

COMMITTEE STAGE AND THIRD READING

**Public Services Ombudsman (Amendment) Bill 2014 –
Clauses considered and approved**

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

750

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the Public Services Ombudsman (Amendment) Bill 2014, clause by clause.

In Committee of the whole Parliament

755

Clerk: A Bill for an Act to amend the Public Services Ombudsman Act 1998 and related matters.
Clauses 1 to 3.

760

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

BILLS FOR THIRD READING

765

**Public Services Ombudsman (Amendment) Bill 2014 –
Third Reading approved; Bill passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Public Service Ombudsman (Amendment) Bill 2014, has been considered in Committee and agreed to without amendments and I now move that it be read a third time and passed.

770

Mr Speaker: I now put the question, which is that the Public Service Ombudsman (Amendment) Bill 2014 be read a third time and passed.

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

ADJOURNMENT

775

Chief Minister (Hon. F R Picardo): Mr Speaker, for the beginning of the fourth consecutive year, it is my honour to move that the House do now adjourn *sine die* to return next month to continue its process of monthly meetings. (*Banging on desks*)

780

Mr Speaker: I now propose a question, which is that the House do now adjourn *sine die*.
I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.
The House will now adjourn *sine die*.

The House adjourned at 4.16 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 1.08 p.m.

Gibraltar, Thursday, 19th February 2015

Business transacted

Prayer	3
Confirmation of Minutes	3
Questions for Oral Answer	3
Economic Development, Telecommunications & the GSB.....	3
Q163-168/2015 Trainees – Details of levels followed.....	3
Q169/2015 Public service employees – Increase in numbers	5
Q170/2015 Government projects – Costs and contracts awarded to GJBS and Bizzy Bee Ltd	7
Q172-179/2015 Government finances – Update.....	11
Business & Training	19
Q80/2015 Employment Service – Changes made to address complaints.....	19
Q81/2015 Government website – Table EMP.7 update.....	22
Sports, Culture, Heritage and Youth.....	24
Q82/2015 Monument to women of Gibraltar – Commissioning and location	24
Q83/2015 Sports Injury Clinic – How to be set up and run	24
Q84/2015 GSLA school swimming classes – Cancellations	25
Q85/2015 Gibraltar Sports and Leisure Authority – Vacancies.....	25
Q84/2015 continued GSLA school swimming classes – Supplementary question	26
Q86/2015 Gibraltar Rugby Football Union and Gibraltar Cricket Association – Provision of alternative facilities	27
Q87-88/2015 Cultural grants – Awards for 2014-15	28
Q89/2015 Sports Development Projects – Details of grants	31
Q90/2015 Gibraltar Philharmonic Society – Grants awarded 2014-15.....	31
Q91/2015 Heritage sites – Details and costs of works	32
Q92/2015 Liberator Bomber AM911 – Progress on removing and exhibiting wreck	33

Transport, Traffic and Technical Services	33
Q123-132/2015 Sustainable Traffic, Transport and Parking Plan – Cycling	33
Q133-135/2015 Bicycle rental scheme – Plans for delivery	41
Q136/2015 Adult cycling proficiency courses – Potential introduction	44
Q137-138/2015 Buses – Full specifications of old and new	45
Q139/2015 Bus drivers merging onto Rosia Road – Resolving difficulties at Red Sands Road	46
Q140/2015 Safety of red buses – Works on Europa Road	47
Q141-143/2015 Buses– Increasing service levels	47
Q144-158/2015 City centre traffic – Government’s plans	49
<i>The House recessed at 1.08 p.m.</i>	54

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

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

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

PRAYER
Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Thursday, 19th February 2015.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 22nd and 29th January 2015.

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

Mr Speaker signed the Minutes.

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

Questions for Oral Answer

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q163-168/2015

**Trainees –
Details of levels followed**

Clerk: We commence today with Question 163, the Hon. E J Reyes.

15 **Hon. E J Reyes:** Mr Speaker, can the Government provide details of how many of the Trainees who obtained NVQs Level 1, as listed in answer to Question 768/2014, have continued working towards obtaining NVQ Level 2; providing a breakdown showing the corresponding NVQ discipline being followed?

20 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question with Questions 164 to 168.

25 **Clerk:** Question 164, the Hon. E J Reyes.

Hon. E J Reyes: Can the Government provide details of any of the Trainees who obtained NVQs Level 2, as listed in answer to Question 768/2014, have continued working towards obtaining NVQ Level 3; providing a breakdown showing the corresponding NVQ discipline being followed?

30 **Clerk:** Question 165, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question 60/2015, can the Government say by when it is estimated that the Assessor at the Engineering Training Centre will obtain the required EAL Award in Assessing Competence in the Work Environment Level 3; as well as indicating who is carrying out any
35 official assessment duties until the necessary qualifications are obtained by the individual concerned?

Clerk: Question 166, the Hon. E J Reyes.

Hon. E J Reyes: Can the Government provide the missing information in respect of all the 134 Trainees listed in answer to Question 768/2014, as the information provided through answer to Question 62/2015 only accounts for 123 Trainees in respect of NVQs attained?

Clerk: Question 167, the Hon. E J Reyes.

45 **Hon. E J Reyes:** Can the Government provide revised and/or updated information in respect of the 74 Trainees listed in answer to Question 766/2014, as the information provided in answer to Question 63/2015 accounts for 75 Trainees in respect of NVQs they are currently undertaking?

Clerk: Question 168, the Hon. E J Reyes.

50 **Hon. E J Reyes:** Can the Government provide details of any new Trainees enrolled at either (a) Construction Trades Training Centre; (b) Engineering Trades Training Centre, since the answer provided to Question 64/2015, listing the specific discipline or course being followed indicating at what NVQ Level, the Examination Board and Awarding Body who will upon successful completion certify the award, as well as stating at which Training Centre they are enrolled?
55

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, the Trainees progressing to Level 2 are in the following trades: Carpentry – four; Bricklaying – two; Plastering – two; and Wall and Floor Tiling – one.

The Trainees progressing from Level 2 to Level 3 are in Carpentry – four; and in Bricklaying – one.

The Assessor undergoing training within the Engineering Training Centre is expected to attain the qualification by the end of September 2015. Currently official assessment duties are overseen by the
65 Gibraltar College.

The 11 Trainees omitted from the answer to Question 62 were 10 trainees obtaining NVQ Level 1 in Plumbing, accredited by City & Guilds and one trainee NVQ Level 3 in Fabrication and Welding and accredited by EAL.

In respect of the answer given to Question 63/2015, the extra trainee at NVQ Level 2 was in Carpentry.
70 The correct figure was one trainee and not two. 24 trainees have now enrolled at the Construction Training Centre and are following City & Guilds NVQ Level 1 Courses in Painting and Decorating, Carpentry and Plumbing.

Hon. E J Reyes: Thank you, Mr Speaker. I have got a small query that perhaps the Minister can clarify for me. Having been able to see an actual certificate of an NVQ Award, the Minister keeps on referring to the awarding body as City & Guilds yet on the certificate it says that it is the Construction Industry Training Board (CITB).
75

Does the Minister have any sort of explanation as to why on the one hand we call it City & Guilds and the certificate as such is issued under the nomenclature of CITB?

80 **Hon. J J Bossano:** Well I am not able to clarify the point about the specific certificate he is talking about because I have not seen it, but I can tell him that at one stage the City & Guilds and the CITB were awarding the qualifications jointly.

Quite recently, I think within the last 18 months, they split and now they no longer provide – they provide the same qualification but they are now separate. So there are people who will have a certificate that will have both logos, as it were, and there will be people who will only have CITB and there will be people who will have City & Guilds.
85

Hon. E J Reyes: Yes, Mr Speaker, it helps at least to a certain extent to clarify that. Should the Minister ever come into further information of division or reunification of boards and so on, I would be grateful –
90

even if it is behind the Speaker's Chair, if he just updates me, because sometimes I try to look on official websites to try and see the actual contents of the syllabus and one does not know whether to search under City & Guilds or under CITB. Whatever the Minister can do for ease of reference, I appreciate that.

95 **Hon. J J Bossano:** I am not sure that there is much difference in the content, although one of the reasons why... well, the initial move, as the hon. Member knows because I told him, I think, three years ago when I started on this, was that there were employers in the industry who were saying they preferred City & Guilds. He was right in that the information that I brought to the House, which was information that they had provided to me, which was that they were talking about City & Guilds as if it was a different
100 qualification, when in fact it is a different awarding body, which is something he pointed out to me and was right. But I was acting on information that they gave me which I was not in a position to question.

So in terms of the awarding bodies, I do not think the difference between them is all that much, given that until a couple of years ago, they were both doing the same syllabus. But I am told that in the City & Guilds version, there is now more practical work and less written work, and that I think is an important
105 consideration, because we have a problem in that many of the school leavers and some of the older people in the industry who are coming back to get qualifications are not all that proficient in the English language. Although they know what they are doing and they can describe it to you in Spanish if you question them, it does not mean necessarily that they can write a thesis on it.

So to the extent that there is a difference other than for example that the training is now more geared to maintenance work because we believe that is where the long-term future is in terms of secure jobs rather than putting up buildings which go up, and then when they are finished there is no more work, other than that element which would be the same whichever of the two we took, I think that is the main difference.

But I will try and get the information for the hon. Member that is more accurate than the one I can give him standing on my feet.

115 **Hon. E J Reyes:** Thank you, Mr Speaker, and just to state in this House, I concur wholeheartedly with the Minister's views: City & Guilds does have quite a good reputation. Certainly employers in Gibraltar for many, many years have been satisfied with the standards required from City & Guilds and 'if it ain't broken, why fix it?' So the Minister will continue to receive my support if he carries on down the avenue of
120 City & Guilds.

At the end of the day, I think all sides of this House prefer to have good quality craftsmen, irrespective of what the nomenclature on the certificate may say.

Hon. J J Bossano: I am grateful for his support, Mr Speaker.

Q169/2015
Public service employees –
Increase in numbers

125 **Clerk:** Question 169, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what permanent increases have there been in numbers in employees in the public service since 1st April 2014 broken down by reference to the Civil Service, the GDC and any
130 other Government company, public authority or entity for which the Government is accountable?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr
135 Speaker, the figures for December 2014 are not yet available. The increases in respect of the figures given for 31st March last year have increased by the end of September as follows: Civil Service – 4; GDC – 33; Public Agencies and Authorities – 72.

Hon. D A Feetham: Mr Speaker, does this include the over 70 recruits for the Customs Department, the
140 figures that the Hon. Minister has provided?

Hon. J J Bossano: No, those would be civil servants and there are only four, so four cannot possibly include 72.

145 **Hon. D A Feetham:** So in fact the figure – obviously we do not have the figures post-September, I will ask again next month, but the figure is likely to be closer to 200 extra bodies within the public service as a whole as from March of last year?

150 **Hon. J J Bossano:** I am not able to confirm that figure. All I can tell him is that this is based on the same analysis that I gave him for 31st March figure which is the number of... If I remind the hon. Member, this is the quarterly exercise that is done by the Statistics Office, which was being done when he was in Government and every three months they produce a snapshot of the people that there are working at the end of the quarter. If you compare one quarter with the other, the difference that you get is the figures that I have given him.

155 I mean it is a net figure so there will be some Departments that have gone up and some that have come down; but the bottom line is that there are four more civil servants, 33 more GDC grades and 72 more in the agencies and authorities.

160 **Hon. D A Feetham:** Mr Speaker, the actual net increase... I have done the calculations, he may not agree but the actual net increase from March 2012 to March 2014, within the public service as a whole, that includes Civil Service, GDC, authorities, entities, etc was 513 at a recurrent cost to the Taxpayer, in terms of recurrent expenditure, of £8.2 million if we take into account the lowest possible pay scale. So it is actually likely to be more than that.

165 Does the hon. Member feel comfortable with these increases in recurrent expenditure and these increases in the public service or does he feel that perhaps he feels comfortable now but that moving towards the future, this is something that is going to have to be re-examined, these increases in the public service, because Gibraltar cannot sustain such increases in recurrent expenditure?

170 **Hon. J J Bossano:** I assume, Mr Speaker, that the 513 that he is referring to is the figure that I gave him for last year, but not the figure in this question.

Hon. D A Feetham: The figure is a figure calculated from the Estimates Book and also answers that the hon. Gentleman has given me and it is from March 2012 to March 2014. So it is those two full years for which the Government is responsible, there has been an increase, a net increase in the public service of 513 bodies at the lowest pay scale that is £8.2 million of recurrent expenditure that has been added to the recurrent expenditure bill on an annual basis.

180 **Hon. J J Bossano:** I think his figures are wrong, Mr Speaker, but of course it is difficult to analyse what he is saying because he has asked me what has happened since March 2014 and now he produces a figure of what has happened since March 2012. Well, if he wanted to know the figure since 2012 I would have had that produced and then I would have given it to him but I am not sure his figure of 513 for that period is there because I have not checked it myself and I have not provided it at this stage.

185 What I provided him for example the last time he put this question which was for the Financial Year 2013-14 was that there were 47 more civil servants and 12 more GDC. So if his figures were accurate, which I do not believe they are, it would suggest that in the first year there must have been an increase of 400. I do not recall 400 more civil servants or GDC employees, certainly not GDC because I remember the GDC number since I was much more involved in the GDC administration than in the Civil Service side and I remember that there certainly was not that level at all. I think what we had initially was the 84 people who came back from the Civil Service and in fact in the first year, those 84 might have gone up maybe by 30 to about 111, something like that from recollection that is in 2012-13.

190 So if in the first 12 months we had about 20-odd in the GDC extra and since then we have had 12 in the second year, which makes it 36, I do not see how he can get to 500 in the period. But I will go back and check the figure and if he wants to ask me the same question again, I will tell him whether I think the financial side of the question is correct.

195 **Hon. D A Feetham:** Well, Mr Speaker, I can assure him that we have been meticulous in our consideration, but if the answer is that the hon. Gentleman has given this House... but also in the comparison of Estimate Books as to compared to previous Estimate Books – but leaving aside the question of the past, we are talking about this year, substantial increases within the public service and the figures that he has given me are likely to increase, they do not take into account the 70-odd Customs officers who have also been recruited. What I am asking is, in terms of Government policy and intention moving towards the future, does he feel comfortable with that kind of increase within the public service and the recurrent

200

expenditure that entails, or does he believe, as indeed I believe, that moving towards the future, there really has to be a taking of stock and keeping under control those numbers of coming into the public service, because in the current climate I do not think that is sustainable, moving forwards.

205

Hon. J J Bossano: Well, it is self-evident that what is not sustainable is that everybody should finish up working in the public sector, which is what most people would like, because there would be nobody left in the private sector to pay taxes.

210

So clearly, the philosophy has to be that we employ people in the public service, not because people like to be in the public service because they are much better off, but because the public service needs them in order to deliver the service. And I think the philosophy of any government has to be to make use of the human resource that employing people is, in the most efficient way possible so that without the quality of the service suffering, we do it with the least number of people that it is possible to do it, so as to keep the cost within sustainable limits.

215

But it has to be accepted, I think, that if there have been four more civil servants since March, in that six-month period, it is because a case has been made for the need for those four additional ones. I can tell the hon. Member that generally the case is made for ten times that many and if there are four there, it is quite likely that the request was for 40 in the first place – something that I am sure he can recall from his days in Government as being the norm. The Departments always argue that they need more people and I have yet to see a Department that comes and offers to release staff to another one.

220

But as a general rule, in my view, the correct approach to take is that to accept that by the very nature of things there will be changes in the requirements of the Government service which make it necessary to increase in some areas and as far as possible those increases should be compensated by reductions in other areas, where the need may not have been as much in the present as it was in the past.

225

So we should try as far as we can to ensure that there is no net increase, even though there may be increases in some professions or some grades where an expert is required but which can be compensated by not replacing some people that we lose in other areas.

That would be, in my view, something that we should all aim to achieve but easier said than done.

230

Hon. D A Feetham: Yes, Mr Speaker, easier said than done. When I was in Government, I only had a PA and a secretary. Probably because as I told him last month, I am rather averse to increasing the recurrent expenditure bill for the Government.

235

But, Mr Speaker, does he have any figures in terms of what the additions to the recurrent expenditure bill, there is going to be with these additions that he has provided this House in answer to the question that I have asked him at all. Does he have those calculations there?

240

Hon. J J Bossano: Mr Speaker, no because in some cases, it means that if the people have come in during the course of the last six months, they may have been provided for in the estimates we have approved in this House, but that money is not being paid from 1st April so you have a situation where I mean, between now and the end of March, nothing much is going to change.

I think the reflection of additional costs in personal emoluments will be seen once the estimates are closed and brought to the House. But I can tell him that at this stage, not all the Departments have put in their requests so we have not yet got a global figure that I could give him an indication of whether we are going to be facing a much bigger increase than in other years or the same model as other years.

245

But I can assure him that the efficient use of manpower is a fundamental element in any sensible policy in terms of the public service and therefore I would not disagree with that.

Q170/2015

Government projects – Costs and contracts awarded to GJBS and Bizzy Bee Ltd

Clerk: Question 170, the Hon. D A Feetham.

250

Hon. D A Feetham: Mr Speaker, how much has the Government paid GJBS in respect of Government projects since it took office, divided by financial years?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

255

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Question 171.

Clerk: Question 171, the Hon. D A Feetham.

260 **Hon. D A Feetham:** Mr Speaker, please provide details of all contracts that have been awarded to Bizzy Bee Ltd by the Government, any Government-owned company or public authority or entity?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

265 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, the amount paid by the Government to GJBS in respect of Government projects by financial year was as follows: 2011-12, pro rata for the fourth quarter given that he is asking since we were elected, was £7.691 million; 2012-13 – £13.165 million; 2013-14 – £31.436 million; and 2014-15, the first three quarters, that is until December – £38.525 million.

270 The details in respect of the contracts awarded to Bizzy Bee are contained in the schedule which I now hand to the hon. Member.

Schedule to PQ 171 of 2015

Scud Hill Steps	£160.00
Hargraves Parade	£540.00
Town Range	£1,600.00
Town Range	£300.00
Town Range	£100.00
Red Sands House	£335.00
Sheffield House	£87.00
Town Range	£400.00
Town Range	£450.00
Town Range	£130.00
Town Range	£1,750.00
Wilson's Ramp	£600.00
St Jago's	£160.00
St Jago's	£475.00
St Jago's	£318.00
Stanley Building	£600.00
Gavino's Dwellings	£1,100.00
St Jago's	£700.00
St Jago's	£2,100.00
Flat Bastion Road	£163.00
Key House Moorish Castle	£212.00
Causeway House	£340.00
Willis's Road	£496.00
North Pavillion	£280.00
Flat Bastion Road	£375.00
Alameda House	£200.00
Vineyard House	£135.00
Prince Edward's Road	£100.00
Town Range	£600.00
Town Range	£1,100.00
Town Range	£700.00
Town Range	£1,100.00
Alameda House	£800.00
Victoria House	£300.00
Canton House	£400.00
Hargraves Parade	£108.00
Brother O'Brien	£108.00
Warspite House	£108.00
Kestrel House	£108.00
Hood House	£500.00
Goole House	£410.00
St John's Court	£130.00
Ramillies House	£81.00
Tarik House	£392.00
Archbishop Amigo House	£90.00
Rodney House	£100.00
Hood House	£245.00
St Jago's	£80.00

Medview Terrace	£80.00
Ince House	£100.00
Arengo's Palace	£80.00
Gavino's Dwellings	£80.00
Devil's Tower Road	£3,000.00
Light House	£550.00
Governor's Meadow Promenade	£300.00
Stanley Building	£2,700.00
Town Range	£1,200.00
Stanley Building	£3,340.00
Canton House	£420.00
St John's Court	£300.00
Hermes House	£250.00
Victoria House	£340.00
Flat Bastion Road	£350.00
Victoria House	£1,400.00
Stanley Building	£12,789.95
Anderson House	£1,300.00
South Barrack Ramp	£450.00
St Josephs	£320.00
Kingsway House	£400.00
Alameda House	£150.00
Shamrock House	£300.00
Alameda House	£130.00
St John's Court	£1,240.00
North Pavillion	£300.00
Churchill House	£416.00
St Josephs	£570.00
Stanley Building	£21,732.00
Town Range Car Park	£200.00
Arengo's House	£588.54
St John's Court	£300.00
Ballymena House, Laguna Estate	£600.00
Somerset Court	£260.00
Oronsay House	£225.00
Scud Hill House, Scud Hill	£7,097.50
Stanley Building, North Façade	£25,583.64
Coelho House	£1,280.00
Knights Court	£600.00
Prince Edwards Road	£970.00
Valiant House	£100.00
Orsova House	£761.00
Stanley Building, North East	£10,128.46
Scud Hill House, Scud Hill	£6,492.32
Ironside House, Glacis Estate.	£25.00
Cathay House, VBE	£60.00
Goole House	£191.00
Fearless House, Laguna Estate	£855.00
Aquitania House, VBE	£1,766.00
Portmore House, Glacis Estate	£324.00

275 **Mr Speaker:** Are there any supplementaries?

280 **Hon. D A Feetham:** Mr Speaker, if I can draw the hon. Gentleman's attention to the schedule that he very kindly sent across the floor of the House in relation to Bizzy Bee Limited, the hon. Gentleman will see a final entry which is the Varyl Begg Estate entry for £97,000. Bearing in mind that my question was details of all contracts that have been awarded to Bizzy Bee by the Government and effectively the public sector, it says £97,000 but my understanding is – and indeed I think it has been confirmed in communiques from the Government in answer to communiques from us in relation to this particular company – that the Varyl Begg tender was for £1.5 million.

285 Why the discrepancy between the £97,000 in relation to Varyl Begg and the £1.5 million which we know is roughly the figure in terms of the award for the total works of the Varyl Begg Estate?

Hon. J J Bossano: Well, Mr Speaker, because I assumed that what he wanted to know was what had been paid to date, given that the answer to the question that he is now putting to me he already has and by the Rules of the House he is not supposed to ask me questions to which he already has the answer.

290 **Hon. D A Feetham:** Well, Mr Speaker, I think the question is very clear. It is: please provide details of all contracts that have been awarded to Bizzy Bee. What he has given me then is a schedule of payments made to Bizzy Bee. So effectively in terms of the quantity, the size of the contracts and the money that is going to be paid at some future date is obviously going to be significantly higher. Indeed it is probably going to be more than double what we see here, probably more than quadruple what we see here, because
295 the Varyl Begg contract in itself was £1.5 million and only £97,000 is accounted for.

Does he have the figures there of the actual contract, and it is a question that I have asked, the details of all the contracts awarded in terms of the price, the contract price awarded to Bizzy Bee rather than what has been paid?

300 Perhaps in terms of some of these I suppose, some of the smaller jobs, the figures here are the contract award because perhaps some of these smaller awards Town Range £1,600 that is what has been paid in respect of this particular project, I mean I do not know. But what I am interested in is really the contract award and the price that has been awarded to Bizzy Bee for contracts awarded by the Government.

305 **Hon. J J Bossano:** Well, the contract for Varyl Begg the answer is that he had the information before he put the question so he knows that and in respect of the others, those are jobs that have all been completed and the figure there is the full price for each job.

310 **Hon. D A Feetham:** Just to be clear, all the way up to Ramillies House for £1,286, all of that includes the sum paid and the contract price awarded to Bizzy Bee, I want to be absolutely clear about that, that is the money paid, plus the price agreed with the Government for these jobs, right up to Varyl Begg Estate.

Hon. J J Bossano: It is what I have told him, Mr Speaker.

315 **Hon. D A Feetham:** Mr Speaker, in relation to the question on GJBS the £7 million, £13 million, £31 million and £38 million, does he have any breakdown in relation to how this is broken down in relation to projects at all there, by way of supplementary information that his civil servants may have provided?

320 **Hon. J J Bossano:** No, this is not something that they can produce at the drop of a hat. It would take a lot of time to go back and check. This is all money that has been paid on projects that have been approved by this Parliament in the Improvement and Development Fund.

I cannot tell him... the money in any one year is not necessarily all in a project that started and ended in that same year. As he knows, most of the capital projects overlap one year and the next so there will be jobs that started maybe in their time which finished after 2011-12 and some maybe carrying on.

325 There are things that involve going back and putting work right that goes back to the time of OEM and the estates that were left in the lurch and had to be put right and are still having work done to them. So the answer is, I can get it for him but it will take some time to do it and it will probably mean that there will be the same projects appearing in more than one year and it will be matched by the amount that the House has approved. This is money approved and paid for the projects in question.

330 **Hon. D A Feetham:** Yes, Mr Speaker, bearing in mind that GJBS are undertaking some very major projects for the Government, they are undertaking the £24 million project in respect of the small boats marina and they are also undertaking the project in respect of the cladding to the three estates, Glacis, Laguna and Moorish Castle and also they are undertaking the construction of the affordable homes in the Aerial Farm near Eastern Beach, we are talking about some very substantial projects undertaken by GJBS
335 on my calculation, roughly nearly £200 million.

Is it safe to say, and does he agree, that these figures do not take into account the major outlay that is to come from the Government in respect of those major projects totalling nearly £200 million?

340 **Hon. J J Bossano:** Well, I do not think I am qualified to judge him on the fairness of the things that he says (*Interjection and laughter*) but whether it is fair or not, it is not accurate because he needs to understand that I am giving him the answer to the question that he asked, which is on the Government's projects. He knows that when he was in Government, the Government was paying some things as Government projects and some things were not being paid as Government projects, and it is the same still today.
345

Hon. D A Feetham: Well, can he elaborate on that answer? What does he mean, the Government paid some projects as Government projects and some projects not as Government projects in the light of that £200 million outlay by the Government towards GJBS for the completion of those three construction projects that I mentioned in my question earlier?

350

Hon. J J Bossano: What I mean, Mr Speaker, is that as was the case before December 2011 when GJBS was being paid, for example £40 million or £50 million from the I&D Fund and other things were being paid because the car parks were being done by the car park company. So the car park company was paying for the car parks and that is something that was happening, so the system continues to be as he did it.

355

Whether there is still £200 million more or less to meet, I cannot confirm because that is speculative. I have not done the numbers and I only use numbers when I am sure they are accurate.

Hon. D A Feetham: Mr Speaker, I cannot, with respect to the hon. Gentleman, think for one moment that he has not looked at these figures and that he has not calculated what is outstanding and what is to be paid either via a Government-owned company or directly from the Government or wherever, to GJBS in respect of £200 million which he knows that GJBS has got to be paid in respect of all these projects. I just cannot fathom that, I know the hon. Gentleman well and quite frankly I cannot see that he has not made that calculation.

360

But let me ask him this. Does he accept that the Government does not have the money at this present moment, in order to pay – ?

365

Mr Speaker: No, sorry, it does not arise from the original question.

Hon. D A Feetham: Well, Mr Speaker, if Mr Speaker rules the question out, then obviously I am going to have to sit down because that –

370

Mr Speaker: If the Hon. the Leader of the Opposition in respect of GJBS has asked a very simple question, how much has the Government paid GJBS in respect of Government projects since it took office, divided by financial years. It has been answered in the manner in which the Hon. the Leader of the Opposition asked the question. It has been answered.

375

Now he is expecting the Government to look into the future and give an answer to an all embracing supplementary that does not arise from the original question. It is as simple as that.

Hon. D A Feetham: Mr Speaker, may I provide Mr Speaker with my views in the most respectful manner that I can, but they are my views. *(Laughter)*

380

Mr Speaker, the whole purpose of this question is to look at how much money has been paid to GJBS in respect of those very substantial projects and to then determine how far the Government has the cash flow to pay for those projects. Because if the Government has still an outlay of for example £160 million in respect of these projects, bearing in mind that this is the Government that says it is going to complete its manifesto commitments within this term, that is another £160 million that it has to pay and of course our contention is, that the Government does not have the money to pay.

385

But of course, if Mr Speaker rules the question as inadmissible, then I obviously respect that decision but I think that he knew where we were coming from in the same way as obviously, because my intention in asking this question is pretty clear to anybody that has thought about this particular issue.

390

Mr Speaker: It is perfectly admissible for the Leader of the Opposition to seek further information in respect of the information that has been given of the expenditure for all these financial years that is perfectly admissible. But the supplementary that he is asking goes far way beyond that and if what he wanted was an answer in respect of future cash flow, he could have asked a specific question in the first place. He can still do so for the future at the next meeting.

395

Q172-179/2015
Government finances –
Update

Clerk: Question 172, the Hon. D A Feetham.

400

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state what the Government cash reserves were as at 31st January 2015?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

405

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this with Questions 173 to 179.

Clerk: Question 173, the Hon. D A Feetham.

410

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown by bank and amount of that part of the aggregate public debt which comprises public debt as at 31st January 2015?

Clerk: Question 174, the Hon. D A Feetham.

415

Hon. D A Feetham: Can the Chief Minister please provide this House with a breakdown by debenture issue of that part of the aggregate public debt which comprises Government debentures as at 31st January 2015?

Clerk: Question 175, the Hon. D A Feetham.

420

Hon. D A Feetham: Can the Chief Minister please provide details of the value of Gibraltar Savings Bank debentures or other debt security as at 31st January 2015?

Clerk: Question 176, the Hon. D A Feetham.

425

Hon. D A Feetham: Can the Chief Minister please provide a breakdown of where and how all the monies deposited in the Gibraltar Savings Bank have been invested and the rate of return on each of these investments as at 31st January 2015?

430

Clerk: Question 177, the Hon. D A Feetham.

Hon. D A Feetham: Please explain why the Government is not able to provide details of all investments and transfers of monies made out of Gibraltar Investment (Holdings) Ltd over the last calendar year, including the identity of the recipient.

435

Clerk: Question 178, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please explain why it is not prepared to provide details of all monies deposited or investments made by the Government, in Gibraltar Investment (Holdings) Ltd over the last calendar year, together with the dates and details of the bank and bank accounts into which the money was deposited?

440

Clerk: Question 179, the Hon. D A Feetham.

445

Hon. D A Feetham: Can the Government please explain why it is not prepared to provide details of the terms in which Credit Finance Company Limited has deposited the sum of £347 million in Gibraltar Investment (Holdings) Ltd and whether all the directors of Credit Finance approved that transaction?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

450

Mr Speaker: I say to the Leader of the Opposition to assist him that he does not have to take notes in respect of the answers to these eight questions, because I am going to provide him with the whole answer immediately after the Minister has given the answer, alright? Because it is long and complex and it is eight questions and it is difficult to follow.

455

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Very generous of you, Mr Speaker. *(Laughter)*

As at 31st January, the aggregate Public Debt consisting of bank debt was: Barclays Bank Plc £150 million; NatWest Offshore Limited £50 million.

460

Government debentures by maturity date were as follows: 2017 debentures £30,142,200; one month's notice £238,989,700.

The value of Gibraltar Savings Bank debentures and other debt security by maturity date was: one month £30,741,400; 2015 debentures £10,960,900; 2016 debentures £22,935,600; 2017 debentures

465 £95,853,900; 2018 debentures £163,895,100; 2019 debentures £137,271,000; other debentures
£135,010,346; bonds £104,854,712; deposit accounts £237,463,243.

The average yield of the different categories of investments vehicles held by the Savings Bank for the month of January are as follows:

470 On-call accounts with the Bank of England, the Crown Agents and Gibraltar Banks had an average yield of around 0.55%. The Gibraltar banks were the Royal Bank of Scotland, Barclays Bank, National Westminster, Jyske Bank and Lloyds Bank.

475 Floating Rates Notes quoted on the London Stock Exchange had an average yield of 0.98%, the Floating Rates Notes were issued by the following: European Investment Bank, the International Bank for Reconstruction and Development, Neder Waterschapsbank, KfW, Republic of Finland, Volkswagen Financial Services, Dexia, GE Capital UK, Westpac Securities, Australia & New Zealand Banking Group, Centrica Plc, ASB Financial Services, Royal Bank of Canada, BG Energy Capital Plc, Suncorp Metway Limited, BMW Finance and National Grid Gas Plc.

480 Monthly income debentures with a 6% return and preference shares in Credit Finance with an average dividend of 5.6% were held. As previously explained, quoted stocks and call accounts fluctuate marginally on a daily basis, these fluctuations are not significant.

I shall now hand over the Savings Bank Fund Statement listing the investments for January 2015. The Government Cash Reserves for January were £52.79 million.

As stated in the previous answer, in respect of the investments of the Gibraltar Savings Bank and of Credit Finance, I am not prepared to provide any further information than has been previously provided.

485

Answer to Question 179 - Schedule to Question 176 / 2015

SAVINGS BANK FUND
STATEMENT OF INVESTMENTS ON 31 JANUARY 2015

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31/01/2015
EIB FLOATING RATE NOTE 22/02/17	£20,000,000.00	100.306 0.141	£20,061,227.20 £28,140.82	£20,089,368.02
EIB FLOATING RATE NOTE 05/01/16	£20,000,000.00	99.980 0.045	£19,995,947.40 £9,023.50	£20,004,970.90
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.002 0.018	£4,235,068.01 £782.45	£4,235,850.46
NEDER WATERSCHAPS BANK FRN 09/04/18	£12,200,000.00	100.000 0.045	£12,200,000.00 £5,441.09	£12,205,441.09
KFW FRN 09/03/15	£17,000,000.00	99.998 0.095	£16,999,611.38 £16,159.50	£17,015,770.88
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.025 0.111	£5,001,252.95 £5,555.03	£5,006,807.98
VOLKSWAGEN FIN SERV NV FRN 12/10/15	£5,000,000.00	99.995 0.045	£4,999,749.05 £2,239.81	£5,001,988.86
DEXIA CREDIT LOCAL FRN 15/4/16	£4,000,000.00	100.023 0.035	£4,000,919.80 £1,385.64	£4,002,305.44
GE CAPITAL UK FUNDING FRN 20/3/17	£2,000,000.00	99.776 0.078	£1,995,528.14 £1,555.35	£1,997,083.49
WESTPAC SECURITIES NZ LT FRN 2/10/17	£5,000,000.00	100.000 0.073	£5,000,000.00 £3,644.92	£5,003,644.92
AUST & NZ BANKING GROUP FRN 4/2/16	£5,000,000.00	100.195 0.197	£5,009,760.80 £9,872.47	£5,019,633.27
CENTRICA PLC 5.5% 24/10/16	£6,000,000.00	106.931 1.492	£6,415,885.32 £89,506.85	£6,505,392.17
ASB FINANCE LTD LONDON FRN 13/03/17	£5,000,000.00	100.264 0.147	£5,013,184.70 £7,341.34	£5,020,526.04
ROYAL BANK OF CANADA FRN 4/6/19	£5,000,000.00	100.081 0.151	£5,004,026.75 £7,569.79	£5,011,596.54
BG ENERGY CAPITAL PLC 5.125% 07/12/17	£5,000,000.00	109.351	£5,467,559.55 £38,613.01	£5,506,172.56
VOLKSWAGEN FIN SERV NV 2.375% 13/11/18	£3,000,000.00	102.768 0.514	£3,083,037.36 £15,421.23	£3,098,458.59
SUNCORP-METWAY LTD FRN 06/10/17	£5,000,000.00	100.134 0.080	£5,006,718.60 £3,987.36	£5,010,705.96
CANADIAN IMPERIAL BANK FRN 15/1/18	£5,000,000.00	100.000 0.033	£5,000,000.00 £1,643.16	£5,001,643.16
GE CAPITAL UK FUNDING FRN 16/1/18	£3,000,000.00	100.000 0.041	£3,000,000.00 £1,221.24	£3,001,221.24
GOVERNMENT DEBENTURES	£218,000,000.00	100.000	£218,000,000.00	£218,000,000.00
BANK OF ENGLAND	£22,404,330.15	100.000	£22,404,330.15	£22,404,330.15
CFC SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
GSBA	£5,000,000.00	100.000	£5,000,000.00	£5,000,000.00
GIBTELECOM	£37,798,895.33	100.000	£37,798,895.33	£37,798,895.33
ROYAL BANK OF SCOTLAND GBP CALL A/C	£5,553,361.56	100.000	£5,553,361.56 £15.22	£5,553,376.78
LLOYDS BANK GBP CALL A/C	£406,365.46	100.000	£406,365.46 £1,672.30	£408,037.76
BARCLAYS BANK	£77,984,439.90	100.000	£77,984,439.90	£77,984,439.90
NATIONAL WESTMINSTER OFFSHORE LTD	£29,855,599.00	100.000	£29,855,599.00	£29,855,599.00
JYSKE BANK	£20,226,720.83	100.000	£20,226,720.83	£20,226,720.83
	£953,664,712.23		£954,969,981.32	£954,969,981.32
CASH	£4,000,000.00	100.000	£4,000,000.00	£4,000,000.00

Hon. D A Feetham: Mr Speaker, it is a disappointing answer in respect of Questions 177 and 178, I have to say.

Mr Speaker, does he not realise that if the Government as we know has caused £347 million to be transferred from Credit Finance into Gibraltar Investment Holdings Ltd, which is the holding company for all Government-owned companies, and he himself last time round told me that this money was being used ‘for Government Companies’ cash flow requirements’ – that is a direct quote from the answer that he gave me last time round – that this House is entitled to know how that money is being spent in respect of all those Government-owned companies?

Otherwise, it is impossible for this House, and then of course for the community at large through this House, but certainly Her Majesty’s Opposition in this House, to scrutinise how large parts of the public finances of this community are being handled and how the people’s money, savers’ money in this case is being spent. Does he not recognise that effectively what the Government is doing, or the actions the Government is taking are unprecedented in drawing the shutters on the Opposition’s ability to scrutinise large parts of the public finances of this community?

A Member: Hear, hear.

Hon. J J Bossano: I do not agree with him, Mr Speaker.

Hon. D A Feetham: Well, Mr Speaker, let me link this to the previous supplementary questions that I was asking, and this time they are legitimate because they arise from these questions.

Does he not accept that if what has happened – which we know has happened because this is what he told me last time round, £347 million has gone from Credit Finance to Gibraltar Investment Holdings Limited, in order to fund the cash flow requirements of all Government-owned companies – £347 million – that money is bound to be used in order to fund some of those very same projects that I asked him about a few moments ago – the £24 million in respect of the small boats marina, the cladding at the three estates and the affordable homes? The reason why the Government is doing this is because it does not have the money to do it directly itself, because cash reserves are now down from the last time that I asked the question, from £60 million to £52 million and the Government cannot borrow more than £51 million. Last time round he said £51 million, I suspect that with cash reserves at £52 million, that figure has also gone down.

Effectively, what the Government is doing is using savers’ money, through Credit Finance and the Gibraltar Investment Holdings now, as an unaccountable credit card. It is like going to the bank and applying for a credit card to the bank, without declaring the fact that you already have credit cards with other banks and with the credit limits all the way up to the hilt. That is what the Government is doing.

Hon. J J Bossano: Well, Mr Speaker, I do not agree with what he says that the Government is doing, but I can tell him that I know exactly what he is doing. What he is doing is what he has been doing ever since 9th December 2011 when we announced the expansion of the Savings Bank, which is to do everything possible to undermine the success of the Savings Bank. And now, he starts off by saying ‘Well, what has the Savings Bank invested in?’

Well look, no institution anywhere, state owned or private, who operates by taking savers’ money, produces a monthly list of all the investments that it makes. It produces it once a year when it closes the year and has audited accounts. He wants it every month, he gets it every month but then getting it every month he says, ‘Ah yes, but you put the money in Credit Finance so who did Credit Finance give it to? GIH and who did GIH give it to?’ Eventually I suppose he will want me to tell him that somebody got paid on a building site and went out and spent the money in Morrison’s so he can track down the last penny. *(Laughter)*

Since the whole purpose of the exercise is not to protect the credit cards of anybody but in fact to undermine the success of the Savings Bank which belongs to the people of Gibraltar, I am not in the business of helping him to achieve that and therefore I am not prepared to tell him what is done with the money that is part of the cash reserves. All I can tell him is that the pool of merging the cash reserves of all the companies and the Government together and using it as a single pool was not invented by me; it was invented by them in their time and we have continued with the same system.

And I can tell him, if he thinks I am going to give him information in this House so that somebody writes an opinion in the *Chronicle* who describes himself as a GSD executive member and former Gibraltar Government tax adviser, which is true, he used to be my tax adviser because I imported him *(Laughter)* and having imported him to ensure that we collected more tax, he eventually left the Government and devoted himself to advising people how to reduce their tax bills, a metamorphosis which is unusual in that this is a case of a gamekeeper turning poacher, instead of a poacher turning gamekeeper. *(Laughter)*

This member of the GSD Executive presumably wants to remind people that he was my tax adviser in order to lend credibility to the nonsense that he writes and says that the Government has failed to make clear what is the level of funds deposited in the GSB by non-local. Well I am not sure what a non-local is, whether it is a non-resident or a non-Gibraltarian. He happens to be a non-local if it is the second.
 550 *(Laughter)*

But he then goes on to say that the information which has been provided has not been provided, it has been provided on two occasions, and therefore he deduces that the whole of the £1 billion belongs to the non-local rich so that they can get richer with the Taxpayer guaranteeing the payments. Well, given that no local saver according to a member of his executive has any money in the Savings Bank, I would not worry
 555 too much about what happens to the non-local rich.

Hon. Sir P R Caruana: Mr Speaker, having enjoyed for more than 16 years, the considerable intellectual pleasure and challenge of being the hon. Member's immediate and direct political opponent, I recognise in his answer to that supplementary, every characteristic of 'Bossanesque' parliamentary
 560 technique *(Laughter)* that I recall during those hugely pleasurable 16 years.

Mr Speaker, the issue is not whether the Government... I had better convert this into a question: does the hon. Member not acknowledge that in parliamentary terms, the issue is not whether the Government is in fact spending the money wisely or unwisely; it is not whether it is doing things with the money that the Opposition would not have done, or perhaps spending the money on things that the Opposition would have
 565 done differently or different things to the things that the Opposition would have done but still done; it is nothing to do with that?

The essence of the Opposition's position is that by the device that they have used to fund the Government holding companies, and we used to do projects through Government company structures too, but the alternative to giving a statement in Parliament through the budget estimate debates, by including in the debate about what you are going to spend the money on and where it is coming from, is that if you do it through companies, you give Parliament through answers to Opposition questions, information about that expenditure as if you had done it through the Consolidated Fund, so that Parliament is not reduced in its capacity, through the medium of the Government choosing to do things through companies, in a way that
 570 disables Parliament from keeping the Government under scrutiny.

Parliament's right and this is why I rise, because the hon. Member knows that I no longer participate in front-line political debates, except where I think it raises something fundamental to this Parliament and fundamental to the interests of Gibraltar – which is that for good or for bad, Parliament must have the right at least to keep tabs of what the Government is doing for its own sake, without that being a comment about whether what the Government is doing is good, bad or indifferent and to the extent that the Opposition by
 575 not getting the whole picture through Government's refusal to provide company information, as we used to provide it, means that the Government, that the Opposition cannot do that job.

Is the hon. Member at least willing to distinguish between the question whether we want the information to be able to put out a press release that somebody has used Government funds to do his shopping in Morrison's, if I could just borrow his smoke screen example, willing to distinguish between that on the one
 580 hand and the Government's, the Opposition's right to know that if that was happening, the Opposition, the Parliament has a right to know it.

It may be an entirely justified spending of money in Morrison's because he may be buying the tea for the worker's canteen, but that does not mean that Parliament is not entitled to be aware of it. And I would ask him to acknowledge and accept that Parliament's wish to defend through the Opposition its right to scrutinise the public finances is not a comment on the propriety of that expenditure, or the desirability of that expenditure; it is an objective and a virtue in its own right for its own sake because it is a keystone of our parliamentary system of governance. Will he acknowledge that? *(Banging on desks)* [Hon. J J Bossano: No, Mr Speaker] Ah!, you do not acknowledge that, then we are in deep trouble.
 590

Hon. J J Bossano: I must say that in reference to his opening remarks, I had not realised during the 16 years how much the hon. Member was enjoying himself. I am sorry he did not show the enjoyment at the time that it was happening. *(Laughter)*
 595

The hon. Member is talking as if Parliament had voted money to do something and we were refusing to tell him what the money voted on was being spent.

This is the Gibraltar Savings Bank investing in an entity. If the legitimacy of the concept is if the Gibraltar Savings Bank invests in an entity which is using the money in Gibraltar, you can ask down to the last penny who is the last person who got some money out, but if it is in the Bank of Finland then there are no questions as to what the Bank of Finland does with the money when they get it from the Savings Bank, well, it is a distinction that I do not draw because if the concern is the safety of that money it is considerably
 600 safer in Gibraltar administered by civil servants than invested in the Bank of Finland and administered by
 605 people we do not know.

If the concern is what is the pool of the liquidity being used for, well look, it is being used for short-term cash needs the same as it was being used before and it is being repaid as the figures that he has every month shows. Every month it shows that the amount in GIH is going down and the amount in the other elements of the portfolio of Credit Finance is going up and that is what will continue to happen,

Hon. Sir P R Caruana: Mr Speaker, does he acknowledge that if that is the answer to my supplementary question – and I am grateful to Mr Speaker for his indulgence in allowing me to technically convert it into a question – that if that is his answer to my supplementary, does he not acknowledge that he is not addressing my point?

Mr Speaker, when the Government invests public funds in the Bank of Finland, the Bank of Finland I suppose then re-invests it and remains liable to the Gibraltar Government for repayment to it, providing it does not fail financially and goes itself into bankruptcy, is responsible for repaying that. But does he not acknowledge that if he seeks to compare what I am talking about with that, he is at best paying lip service to the principle of parliamentary scrutiny and at worst, obfuscating the reality?

What is happening here is that money starts, a little bit of it public but most of it in the Savings Bank, depositors' money, the Government then procures that the Savings Bank invests that money in a Government-owned company. That Government-owned company then puts it in the Government's company that sits at the top of the structure of companies through which the Government often spends money as we used to do.

Does he not realise that it is a sort of washing job that the money starts in a place where the Government guarantees its repayment to Taxpayers, goes through two companies and comes back into Ministers' hands to decide how it should be spent and that is not a comparable situation to his example about the Bank of Finland?

Mr Speaker, I have often said in this House and I have not been universally popular on my side of the House for saying it, that there is no great, implicitly, there is no great objection, because all governments do it round the world, of borrowing money from depositors, even savers, to spend. That is why governments borrow money; governments do not normally borrow money to just leave it sitting in a current account. I am not objecting to that. I have never objected to the fact, I have said that I want the Government to tell the depositors that that is what they are doing just for the sake of transparency but there is nothing intrinsically wrong in the Government borrowing money from depositors of the Savings Bank to spend on building a block of flats, if that is what the Government thinks it wants to spend the borrowed money on.

I am not complaining about that. What I am complaining about is that having done that and shunted the money through to a corporate structure, it then will not account in this House for what that corporate structure, owned by the Government and controlled by Ministers, is spending the money on so that the Opposition and through the Opposition, Parliament... which in our context is a little bit of a nonsense because Parliament is divided only into the Government front bench and the Opposition front bench now with one exception, and that therefore Parliament cannot keep tabs, even through the medium of asking questions, as they used to keep tabs when I was doing the same thing of spending public money through companies, of how much is being spent, on what it is being spent except obviously what we can see going up.

Does he not realise that there is a distinction? He may not want to agree with it but there is a distinction between the criticism of the borrowing of money from depositors for public purposes, which I make no comment on, subject to quantum, and a simple plea for that not to result in opacity to Parliament about what that money is being used for and when. They are two wholly different things and I am speaking only to the second one of the two.

Hon. J J Bossano: They are only two wholly different things because he chooses to formulate it that way. As far as I am concerned Mr Speaker, the Savings Bank has got a £1 billion deposited in it and £600 million of that is reinvested outside and £400 million is invested here. The money that is not invested in the long term, that it is deposited in, is the money that is in cash in the Credit Finance and forms part of the cash resources of the Government and the companies as a single pot and that money will come back and is coming back every month to Credit Finance and then being reinvested.

That does not mean that they are entitled to say, 'Well look, I want to know how much of each pound went into GIH.' It is a pool of money as he knows, because he was the one who devised it, which is fluctuating on a daily basis as money comes in and out of the Government or money comes in and out of the companies or contractors putting in more invoices or not but the final financing of everything is not a matter that will be done by the Savings Bank or Credit Finance.

Hon. D A Feetham: Mr Speaker, I gave way to the Hon. the Backbencher but I do have a number of more supplementaries on what is an important issue where the Government has decided to bunch a number of questions together.

670 Mr Speaker, does he accept at least this, a very short question that if the Government had not caused Credit Finance to pay over £347 million to the Gibraltar Investment Holdings Limited in order to fund the cash flow requirements of Government-owned companies, that the Government itself would have had to pay that £347 million and that therefore it is a saving to the consolidated fund of £347 million?

Hon. J J Bossano: No, Mr Speaker, I do not accept it.

675 **Hon. D A Feetham:** Well, Mr Speaker, I do not understand how on earth he can disagree with that and what the Government is doing you see – it is even worse than the Hon. the Backbencher has put it – and I agree and associate myself with most of the comments that he has made in relation to the transparency issue, but of course if you have – and I am asking whether he agrees with me, if you have a net debt of £392 million and the Government can only spend out of the amounts that it has borrowed another
680 £51 million, then it stands to reason that what the Government is doing by injecting £347 million from the Gibraltar Savings Bank into Government-owned companies, in order to fund those Government-owned companies which would otherwise have been funded by the Government either through reserves or through borrowing, that the Government is effectively using this as a device to circumvent the legal borrowing limits.

685 That is what the Government is doing and that is obnoxious to this Parliament. Not only is it obnoxious to this Parliament for all the reasons that the Hon. the Backbencher has mentioned and that I have added to, but because those borrowing limits are there to ensure that Governments do not borrow in a manner that becomes unaffordable. And the debt that this community faces is both the £392 million direct debt and then the £400 million in Credit Finance £347 million of which is being used to fund Government-owned
690 companies. It is nearly £800 million of debt.

Now, does he not agree with me on that?

Hon. J J Bossano: No, Mr Speaker, I do not agree with anything that he has said and I accept that what I say on this side of the House is obnoxious to him and I can tell him that the feeling is reciprocated.

695

Hon. D A Feetham: But, Mr Speaker, if the Government had not caused this £347 million to be paid into Gibraltar Investment Holdings which is now being used in order to fund all Government-owned companies, where would the money have come from, a very simple answer, a very simple question. Where would those £347 million have come from if the Government had not caused Credit Finance to pay that
700 money over to Gibraltar Investment Holdings?

Hon. J J Bossano: Well, Mr Speaker, as I understand it that is an entirely and self-evidently a speculative question to which I do not have to give an answer. But I presume that the Government might have done what his Government did over many, many years which is to get supplier credit from other
705 people, none of which was brought to this House including the occasion when I discovered £20 million in one of the tables I was given for which there was no explanation and I asked the then Chief Minister what it was and he said he could not remember. Eventually he remembered that it was £20 million that he had obtained at the bank in order to buy shares in a private development of the place where the parking is now going up.

710 Well look, if being so accountable is so important, many of the mechanisms that are now considered to be unaccountable were invented by them, so it is simply a case of, if I do it then it is okay but if you do it, it is wrong.

Hon. D A Feetham: Mr Speaker, again, the hon. Gentleman is trying to obfuscate the issues in his classic and traditional way.

715 Does he not accept this – and it is my final supplementary, Mr Speaker, and I am very grateful for Mr Speaker's indulgence – does he not accept this the Government with the level of direct borrowing that it has, which is the highest in the political history or the history of this community at £392 million with £51 million away from that borrowing limit in terms of spending it can only spend another £51 million, it did
720 not have the money to capitalise, to effectively fund these Government-owned companies to the tune of an extra £347 million? Does he at least not accept that?

Hon. J J Bossano: Well, Mr Speaker, I do not accept that anything has been capitalised. I told him that these are the cash holdings that are held in a pot together with the Government's own cash reserves and the
725 companies, all of which are handled together and I do not consider that to be capitalisation.

Capitalisation is what has happened with the Savings Bank buying shares in Credit Finance –
(*Interjection*) Well, he can ask another question, I do not have to give way.

730 **Hon. D A Feetham:** Yes, well Mr Speaker, I use the word capitalisation and it is not capitalisation; it is funding. Does he not recognise that with the borrowing limits as they are, with the Governments direct debt at £392 million, the Government could not have funded Government-owned companies to the tune of £347 million and to that extent, effectively what the Government is doing is, it is saving that money from direct expense from the consolidated fund and indeed an increase in the public debt of £347 million which it could not have incurred by law in accordance with the laws on how much a Government can spend?

735 **Hon. J J Bossano:** Well, Mr Speaker, the hon. Member knows that if the Government wanted to exceed the limit laid on the net debt which is not something that the Government set as a target, he knows that the target was bringing down the gross debt but I know they do not attach importance to the gross debt, only to the net. But if the Government wanted to do it, all it had to do on 9th December 2011 was proceed with the motion that was already in preparation, suspending the limit that there was if that was what the Government wanted to do.

740 **Hon. Sir P R Caruana:** And that would have been the transparency that I am calling, does the hon. Member acknowledge that?

745 **Hon. J J Bossano:** Well it might be the transparency or might not be the transparency, but the hon. Member is asking me if it was impossible to do anything else and I am telling him that it was not.

750 **Hon. D A Feetham:** But, Mr Speaker, it is not only a transparency point and that is the main point in relation to this particular issue that he has now raised, but how on earth can this Government lambast... and the Chief Minister lambast his predecessor, Sir Peter Caruana, for having an intention, indeed there, for having an intention to come to this House to raise the legal borrowing limits when this Government does not come to this House to raise the legal borrowing limit but covertly borrows £347 million, which it would not have been able to do under the law as it stands at the moment? (**A Member:** Hear, hear.) (*Banging on desks*) And does he not accept that that is a contradiction in terms – indeed a very dangerous non-transparent opaque contradiction in terms?

755 **Hon. J J Bossano:** No, Mr Speaker, I do not accept either his analysis or the whole list of adjectives that he has added to them.

760 **Mr Speaker:** We will now move on. The question of transparency and opacity has been totally and fully ventilated.

BUSINESS & TRAINING

Q80/2015

Employment Service – Changes made to address complaints

765 **Clerk:** We now move to Question 80, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment state if there have been any changes in his Department which have resulted in less complaints in connection with the service being provided?

770 **Clerk:** Answer, the Hon. the Minister for Business and Employment.

Minister for Business & Training (Hon. N F Costa): Mr Speaker, whereas perhaps I thought that the drafting of the answer would have raised the temperatures too early in the morning, sadly by the time that I have given the answer, I see that temperatures are already quite inflamed and so the tenor will not, I hope, increase the temperature.

775 Mr Speaker, yes sir. The result of the General Election in late 2011 resulted in a change of Government, which meant that instead of the relevant Minister trying to avoid seeing people as he presided over growing numbers of unemployed peaking at 1,200 as the now Leader of the Opposition identified during the election campaign, the now GSLP/Liberal Minister dramatically changed style and approach. As a result, working hard in implementation of the Future Jobs Strategy, Minister Bossano achieved a record-breaking reduction in unemployment which was at a record low in December, since records began, of 228. As a result, Mr
780 Speaker, we have had many less complaints.

Hon. D J Bossino: This House does not accept, as we ever accepted, that unemployment was at the level that he has indicated in his reply and I must say, it really reeks through in his answers that it is clearly not the Hon. Minister's style. I am sure his answer has been drafted by somebody else who is on his left-hand side.

785

Mr Speaker, the question arises in relation to a very specific point that I made during the course of my budget speech and that related to the comments made by the Gibraltar Public Services Ombudsman in his report of 2013, when he said very clearly –

Mr Speaker: I am sorry –

790

Hon. D J Bossino: Oh my goodness, what – ?

Mr Speaker: There is a very clear Rule which says a supplementary question must not introduce matter not included in the original question. You are now introducing the question of the Ombudsman's Report. That is matter not in the original question.

795

Hon. D J Bossino: Mr Speaker, it very much arises. The matter that I am dealing with here, Mr Speaker, if I had been allowed to pose the question, relates specifically to the service being provided and the question relates to the service being provided by the Employment Service, so therefore it is particularly apposite that I should be referring to the comments made by the Gibraltar Public Services Ombudsman in relation to the service being provided by this particular Department.

800

So therefore, Mr Speaker, with the greatest respect, I think I am more than entitled to make a reference because this is not extraneous to the question.

805

Mr Speaker: You could have included a reference to the Ombudsman's report in your main question.

Hon. D J Bossino: Mr Speaker, I could have but I chose not to, with the greatest respect.

Mr Speaker: You chose not to. I choose to tell you that you are introducing new matter. It is as simple as that. Now, let him try to rephrase his supplementary in another way and we might be able to make progress. Let us see.

810

Hon. D J Bossino: Mr Speaker, the question arose as a result of comments made by the Public Services Ombudsman, so I really cannot think of any other way of asking this supplementary question.

815

The Public Services Ombudsman made highly critical comments as to the service being provided by the Employment Service, to the point that he said – and I can read where he said it – that he will be meeting with senior management in order to address these issues because he made the point that there had been a tremendous – a significant, using his adjective – increase in the number of complaints from 2010 to when he wrote this report. In my respectful view, Mr Speaker, I think the question in the Order Paper and the supplementary are both highly relevant to each other.

820

Mr Speaker: I am going to allow the supplementary, but I insist that what the hon. mover of the question should have done was to have made a reference in respect of matters raised in the Ombudsman's report. He should have made a reference in the main question. And it is a very simple matter to do; I do not know why he did not if he then proposed to... or is it just to catch the Minister off-guard?

825

Question Time is also about getting information. If you want information, put it in the original question otherwise you run the risk of it being ruled inadmissible because of the Standing Rules and Orders. It is nothing to do with me; it is the Standing Rules and Orders.

830

Now, is the Hon. Minister prepared to answer that supplementary?

Hon. N F Costa: Well, Mr Speaker, the hon. Gentleman knows that had I read the report, I would have been happy to comment on it, unfortunately I have not had sight of that report which goes back to 2013. Perhaps my hon. colleague the former Minister for Employment is aware of the report; and may be able to comment on the substance because I have not read the report.

835

Hon. D J Bossino: Mr Speaker, if I may, given that you have allowed – and I will take the Chair's comments in relation to this on board for future reference – but given that the Speaker has allowed the question to proceed, perhaps if I can assist by simply reading one particular sentence which arises from the report – and I must insist that I said it during the course of when I first articulated my supplementary question, that I did make a reference to this particular quote during the course of my budget intervention where he said, and it is very simple, he says the 'average complaints'. He talks about a significant increase

840

in complaints during this year, the average complaints for the years 2010 to 2012 were six per annum whereas during 2013 we have recorded a total of 23 complaints. He refers to things ‘apparently they are varied’ and he talks about ranging from lack of replies when seeking information to alleged unprofessional treatment and dissatisfaction regarding claims for payments under the insolvency funds.

So just to assist the Hon. Minister, given that he is going to rise and provide the answer.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Well, Mr Speaker, given that the question to my colleague has been based on whether there has been a decline in the number of complaints since he took over from me, it appears to suggest that what the Ombudsman was saying was that everybody was complaining about me and now that I am no longer there, they are no longer complaining. *(Laughter)*

The answer to his question is that neither the present Minister nor the previous Minister gets to hear of these complaints. The first time I knew that there had been complaints to the Ombudsman was when he pointed it out to me, just like the first time I knew that there was supposed to be something about some works being done in the Department because in my view incorrectly, the Head of the Department chose to deal or fail to deal with the issue without bringing the matter to my notice when I was there.

I can tell him that when I investigated as a result of him raising it, most of the complaints dealt with people who felt that their claims under the insolvency were not being dealt with, with the speed with which they should be, over which there have been some problems, particularly in relation to the construction industry where there was an issue which arose previously, when the previous Government was in office, over the correct interpretation as to whether the CATA terms apply in the industry or the statutory terms apply in the industry. Where there is an anomaly that what was agreed under CATA is actually something that gives better redundancy to some people and much, much worse to others and that the people who get better redundancy are the people who have been working for a very short time who would get nothing under the statutory scheme, which requires that you are there for at least one year – or maybe two years, I cannot remember whether it is one or two – but all the people who were left out of the statutory were given compensation under CATA, which was based on a sum of money per week that they had worked. So somebody who had been working one week would get something.

But the way that it was interpreted was that then the people who would get many thousands of pounds under the statutory scheme would actually finish up getting considerably less. That has been an issue, that is how it was interpreted before and is still being interpreted in the same way and there are still people complaining that it is wrong that CATA should be providing less redundancy payments than the law says is the minimum because then there is not a minimum.

I can tell the hon. Member that if any of this had been brought to my attention at the time, I would probably have been able to deal with the issue myself, but since the people who were there at the time that these complaints were being made, were not the people who had been there before our years because there had been changes in the Heads of Department, after the person that had been there, Ernesto Gracia had been there for a very long time and therefore he was very conversant with these things, but the people who came in later clearly did not answer the points with the speed with which they should have been answered.

Now, the fact that there were more complaints than ever, in my view is totally unacceptable that it should be happening without the matter being raised at a political level to get to the root of the problem. I hope that now that he has raised it, and I am saying this in public, the same thing will not happen to my colleague as happened to me when I was there, which is that I got to find out about it after the event.

Hon. D J Bossino: Mr Speaker, I am grateful to the Hon. Minister for the answer he has just given and I must say in relation to his comments in connection with CATA and the statutory position, I just find it very strange from a legal perspective that you can almost contract out of the minimum statutory requirements but I am happy to look at it for him, for a fee that is.

Mr Speaker, I think he expresses a hope that the matter will have been resolved and in relation to that, does he know because the point is also made expressly by the Ombudsman in the report, that he intends to meet with – as he describes it – senior management, if there has not been an improvement within a period and I think he cites of about a few months.

Does he know whether that meeting has, either of the Ministers, ever took place during his time when he was discharging his responsibilities or indeed whether Mr Costa is now since he took over these responsibilities, whether that meeting has in fact taken place?

Hon. J J Bossano: Yes, I found out that the meeting had taken place when I started asking questions as a result of him raising it, so this has all happened in the past. By the time it got into the Ombudsman’s Report, some of the complaints were discarded by the Ombudsman as not having substance, but many of the complaints were not about the substance but about the failure to provide answers. The fact that people were waiting to be given answers to issues that they were raising in matters of labour rights and in some

905 cases, the answer was very simple, the rights that were being raised were not rights that existed in law, however big a grievance a person might have had.

We have had one particular recent case which actually I know went to the Ombudsman and there were meetings with the Labour Inspectors and there were meetings with the Heads of Department, where there was one particular lady who was a Frontier Worker who worked in the private sector, who had serious medical problems and she wanted to be sacked in order to be able to claim unemployment benefit in Spain.

910 But the employer was being advised by the lawyers that he should not sack her because then he could be facing an unfair dismissal claim. Well, the Labour Inspectors are not, as far as I can tell, employed to go round advising people to sack employees. They explained to her that perhaps what she could do was draft a letter, which they helped her with, saying that she would give up her right to go to an unfair dismissal because her argument was that if she resigned, she would not qualify for the unemployment benefit. The
 915 last I heard of it was, it had not been resolved because she insisted not only on being sacked but also of being given a guarantee that the job would be kept for her when she finished with the unemployment benefit in Spain which as everybody knows can be as much as a year and a half.

I think that was one of the cases that either went that year to the Ombudsman or went to the Ombudsman in a subsequent year but I happen to know about this particular case because it was brought to
 920 my attention. There were others that I only found out when the whole thing was long dead and buried and only because the hon. Member took the trouble, for which I am grateful of bringing it to my attention. As a result of his intervention and then I did the only thing I could do, go back and ask the Department, why is it that I do not know anything about this?

925 **Mr Speaker:** Next question.

**Q81/2015
 Government website –
 Table EMP.7 update**

Clerk: Question 81, the Hon. D J Bossino.

930 **Hon. D J Bossino:** Can the Minister for Employment provide updated details on the information contained in Table EMP.7 of the Gibraltar Government Website.

Clerk: Answer, the Hon. the Minister for Business, Employment, Skills & Training.

935 **Minister for Business & Training (Hon. N F Costa):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

SCHEDULE TO QUESTION NO 81/2015

Table EMP.7													
Employers registered with the Employment Service by industry group													
Industry group	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end
	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	
A	Electricity Supply	5	4	4	4	4	5	5	5	5	5	5	5
B	Water Supply	2	2	2	2	2	2	2	2	2	2	2	2
C	Shipbuilding etc.	28	28	28	29	29	29	30	30	31	31	32	32
D	Other Manufacture	65	65	65	65	66	67	67	67	67	67	67	66
E	Construction	567	576	596	599	609	618	623	628	635	646	662	672
F	Wholesale	99	99	98	98	100	100	100	100	99	99	99	99
G	Retail Trade	476	481	482	484	488	490	490	490	493	495	499	503
H	Hotel Trade	8	8	8	8	8	8	8	9	9	10	10	10
I	Restaurants, Bars, etc	201	203	206	207	207	208	208	208	212	213	216	217
J	Repairs to Consumer Goods	63	64	64	65	65	65	66	66	66	67	68	68
K	Sea Transport & Related Services	83	84	86	88	89	90	91	91	91	91	91	92
L	Air Transport & Related Services	9	9	8	8	8	8	8	8	9	9	9	9
M	Road Transport & Related Services	205	209	212	214	215	215	214	216	215	214	214	213
N	Post and Communication	18	17	17	17	17	17	17	17	18	18	18	18
O	Banking, Finance and Insurance	1059	1067	1074	1086	1096	1113	1126	1130	1143	1156	1165	1167
P	Public Admin and National Defence	9	9	9	9	9	9	9	9	9	9	9	9
Q	Police and Fire Service	23	23	23	22	22	22	22	22	23	23	24	24
R	Sanitary Services	6	6	6	6	6	6	6	6	6	7	7	7
S	Education	38	38	38	38	39	39	39	39	39	40	40	40
T	Medical and Health Services	137	137	139	140	143	144	147	146	147	148	147	149
U	Other Services	705	709	715	723	727	739	759	773	785	800	811	819

CONT. SCHEDULE TO QUESTION TO NO 81/2015

Employers registered with the Employment Service by industry group													
		As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end
Industry group		Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14
A	Electricity Supply	5	5	5	5	6	7	7	7	7	7	7	7
B	Water Supply	2	2	2	2	2	2	2	2	2	2	2	2
C	Shipbuilding etc.	32	32	32	32	32	32	32	32	33	35	34	34
D	Other Manufacture	67	66	66	66	66	66	68	71	71	71	71	71
E	Construction	682	693	695	704	711	712	723	728	739	754	776	784
F	Wholesale	102	102	101	101	101	101	101	102	104	104	105	105
G	Retail Trade	504	503	506	507	509	514	518	519	520	520	522	525
H	Hotel Trade	10	10	10	10	10	10	10	10	11	11	11	11
I	Restaurants, Bars, etc	217	219	223	222	224	225	227	228	229	230	231	233
J	Repairs to Consumer Goods	68	68	68	69	70	71	71	72	72	72	72	71
K	Sea Transport & Related Services	91	91	86	86	87	88	88	89	89	90	90	91
L	Air Transport & Related Services	9	9	9	9	9	9	9	9	9	9	9	9
M	Road Transport & Related Services	215	218	220	219	219	219	220	220	221	222	227	230
N	Post and Communication	19	19	19	19	19	19	20	20	20	20	20	20
O	Banking, Finance and Insurance	1171	1178	1187	1191	1196	1203	1215	1226	1233	1251	1257	1263
P	Public Admin and National Defence	9	9	9	10	10	10	10	10	10	10	10	10
Q	Police and Fire Service	24	24	24	24	25	25	25	25	25	25	25	25
R	Sanitary Services	7	7	7	7	7	7	7	7	7	7	7	7
S	Education	40	40	41	41	41	41	42	43	44	44	44	45
T	Medical and Health Services	150	154	161	162	165	166	166	167	171	173	173	174
U	Other Services	835	847	824	837	859	878	900	912	930	950	964	981

CONT. SCHEDULE TO QUESTION TO NO 81/2015

Employers registered with the Employment Service by industry group													
		As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end	As at end
Industry group		Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15
A	Electricity Supply	9											
B	Water Supply	2											
C	Shipbuilding etc.	34											
D	Other Manufacture	70											
E	Construction	795											
F	Wholesale	105											
G	Retail Trade	524											
H	Hotel Trade	11											
I	Restaurants, Bars, etc	235											
J	Repairs to Consumer Goods	71											
K	Sea Transport & Related Services	94											
L	Air Transport & Related Services	9											
M	Road Transport & Related Services	230											
N	Post and Communication	20											
O	Banking, Finance and Insurance	1276											
P	Public Admin and National Defence	10											
Q	Police and Fire Service	25											
R	Sanitary Services	7											
S	Education	45											
T	Medical and Health Services	177											
U	Other Services	1004											

Mr Speaker: It is a very lengthy and detailed schedule, so we are going to move on to the next question and we will come back if necessary, if the hon. Member wishes to ask any supplementaries.
Next question.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q82/2015

**Monument to women of Gibraltar –
Commissioning and location**

940

Clerk: Question 82, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Equality say when the winning design for the monument to the women of Gibraltar, selected nearly two years ago, will be commissioned and where the monument will be placed when completed?

945

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, HM Government is currently working closely with the winner of the design competition for the monument to the women. This is to see how best her design can be fulfilled. A number of locations are currently being considered.

950

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. Minister say which sites are being considered?

955

Hon. S E Linares: Not specifically, Mr Speaker, because like I said there are a few of them that we are looking at and we are working with the designer so that it has the best impact that it should have because that is what it deserves.

Q83/2015

**Sports Injury Clinic –
How to be set up and run**

960

Clerk: Question 83, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Sport say when the Sports Injury Clinic outlined in the Government's manifesto will be set up and how it will be run?

965

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, HM Government is still working with stakeholders on how best to run the Sports Injury Clinic. We are considering a number of options.

970

Hon. Mrs I M Ellul-Hammond: Mr Speaker, that is exactly the same answer the Hon. Minister gave me, I think it was six or eight months ago.

975

Can the Hon. Minister say if the leaning is more towards providing the service from the GHA or from the private sector?

Hon. S E Linares : Yes, Mr Speaker. First of all on the comment about eight months ago: this is a four-year Parliament and therefore we will fulfil this before our term of office. (*Banging on desk*)

980

Mr Speaker, on her specific question of whether we are looking at inclining towards the GHA or the private sector, both are being considered and it could be a combination of both. It depends on the treatment that the sports person might have. If the injury – and again we are looking at it generically – is one that can be done within the GHA then it will be done. As the hon. Lady might know, there are osteopaths and there are physios and the GHA does not employ osteopaths and all these issues are the ones we are considering.

985

Hon. Mrs I M Ellul-Hammond: And finally, Mr Speaker, can the Hon. Minister say when he thinks the service will be set up? Is it just about to happen within the next couple of months?

Hon. S E Linares: Mr Speaker, definitely before the election.

Q84/2015
GS LA school swimming classes –
Cancellations

990

Clerk: Question 84, the Hon. E J Reyes.

995

Hon. E J Reyes: Mr Speaker, can Government provide details as to how many, and why some swimming classes at the Gibraltar Sports and Leisure Authority's facilities have been cancelled by schools in 2015?

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

1000

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, a total of nine school classes at the pool for the elderly, disabled and teaching have been cancelled in 2015. This has been due to a problem with the air treatment system, which has now been addressed.

The pool has been fully operational since 26th January 2015.

1005

Hon. E J Reyes: Mr Speaker, this treatment system which seems to have caused a problem, is this the new one that was installed recently or is it a recurring problem which has been there in the system from its original construction time?

1010

Hon. S E Linares: No, Mr Speaker, it is definitely not the new one, the new one is working perfectly. There are two pools as he knows, there is what we used to call the GASA pool, the 25-metre pool, and there is the pool for the elderly, disabled and teaching. It is the one for the elderly, disabled and teaching which is not incorporated into the system of which is in the 25-metre pool.

1015

Therefore what we are looking at now is to incorporate the system that is working perfectly with the solar panels. I am happy to say that it is a system that is making a tremendous saving to the pool running costs, where we do not even have to buy diesel so it is even better for the environment and it is being used in many places as an example as to how we should be moving towards zero carbon emissions.

1020

Therefore, what we are looking at now is that the air treatment of the second pool which has been historic has been there for since it was built and there were loads of problems, we are now looking at how we are going to solve that for the long term. But as I said, at least in the short term it has been addressed and it is now working, not as we wish it to be working, it will be working much better when we fix it properly and do the whole system again overall.

Therefore what I am saying is we are hoping that all the system will be up and running soon with all the new systems that we need to put in place.

1025

Hon. J J Netto: Mr Speaker, the Hon. Minister in his contribution just now said that thanks to the solar panel which has been installed there are huge savings which have been made in expenditure. Could the Hon. Minister provide us with some figures in terms of what the figure for savings is?

1030

Hon. S E Linares: Mr Speaker, I believe the hon. Member already has in the Order Paper a question to the Minister for the Environment asking about how much the savings – last night reading all the questions that he was asking – I do not have figures as such but I can tell you –

Mr Speaker: Not only do you not have figures but it does not arise from the original – again new matter being introduced which is not covered in the original question.

Q85/2015
Gibraltar Sports and Leisure Authority –
Vacancies

1035

Clerk: Question 85, the Hon. E J Reyes.

1040

Hon. E J Reyes: Further to the answer provided to Question 728/2014, can the Minister for Sports provide details of any vacancies within the Gibraltar Sports and Leisure Authority, as well as indicating by when it is estimated these will be filled?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, we are currently in discussions with the Gibraltar Sports and Leisure Authority regarding improvements to management structures. Discussions are at an advanced stage and these changes should take place in the near future.

1045

Hon. E J Reyes: Yes, Mr Speaker, I note the Minister said that they should take place in the near future at the tail end of 2014 in a question there the Minister led me to believe that he hoped to have made a decision in respect of whether to keep or otherwise reorganise the post of the Deputy Chief Executive Officer and so on and he said that he hoped to have this completed by the end of the Financial Year which is next month.

1050

Are we still on target, Mr Speaker, for the end of the Financial Year?

Hon. S E Linares: Yes, Mr Speaker.

Q84/2015 continued
GSLA school swimming classes –
Supplementary question

1055

Mr Speaker: Before we deal with the next question, perhaps I should clarify one matter. I apologise to hon. Members that I did miss out that I think the Minister... It is very difficult for me to hear everything and catch everything that is being said. I think the Minister himself introduced the question of savings.

Where that happens, where a Minister in providing an answer widens the ambit of a question, then it is legitimate to ask a supplementary – and if I make a mistake, please draw my attention to it. (*Interjection*)

1060

Where it is not legitimate is of course, if the hon. questioner himself should have introduced it and did not. I apologise to the hon. Member if I misled him.

Hon. J J Netto: No, obviously Mr Speaker, I bow to your rulings whenever you make them.

1065

Mr Speaker: But it is not easy to be here, hour after hour, trying to pay attention all the times and sometimes there are matters which escape the Speaker's attention. I am only human.

Hon. J J Netto: It just caught my attention, given that I follow this type of issues and of course one is glad to hear that as a result of the installation of the solar panels whether in that particular location or any other particular part of the public service, there are savings to be made in relation to expenditure arising from that.

1070

Having said it, the Minister... obviously I want to try and get to the bottom of it. Now the Hon. Minister in his reply did say that I have a question on the Order Paper which... not quite, it is a separate type of question because later on, presumably this afternoon, when I have the opportunity to ask the Minister of the Environment, it is basically where is that the Government at the moment is obtaining renewable energy to the tune of 3.1% arising from the statement in the ERDF Operational Report 2014 to 2020? It is a separate question, it only arises as a result of that.

1075

If the hon. Member has the information, fine; if not, I will simply ask the question next month.

1080

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I do not have the exact savings because it was not asked. The relationship between the questions that he is asking and the financial savings is that he will realise by the answer to the questions why the GASA pool is being used as an example of how much we are producing in kilowatts or how much we are saving from the power station because the kilowatts have been produced by the solar panels. So it is not a quantity as in financial quantity; it is to do with kilowatts and all the technical issues that are to do with electricity and energy.

1085

But from the top of my head, I can tell him that the GASA pool used to spend an average of nearly £3,000 per month on diesel, buying diesel for the pumps and for the workings of the pool and that is not being spent now.

There is hardly any and there is a reserve there just in case it needs to be put into the system, should the system break down, as a last resort. But I can tell him and I was looking at the actual Vote Book and the expenditure is not there anymore, so that is only but one of the savings that I can just mention as I stand on my feet.

1090

Hon. J J Netto: Mr Speaker, I am very grateful for that answer.

1095

Q86/2015

**Gibraltar Rugby Football Union and Gibraltar Cricket Association –
Provision of alternative facilities**

Clerk: Question 86, the Hon. E J Reyes.

1100 **Hon. E J Reyes:** Further to the answer to Questions 9 and 10/2015, can the Minister for Sports say if any potential alternative facilities have been identified for use by the Gibraltar Rugby Football Union and the Gibraltar Cricket Association in respect of provision of facilities for the playing, teaching and development of their respective sports in Gibraltar?

1105 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the answer remains the same as my answer to Question 9 and 10/2015 in the previous session of Parliament.

1110 **Hon. E J Reyes:** Mr Speaker, the Minister in answer to Questions 9 and 10 said that no identification had been made as he has done previously throughout 2014, yet I can assure Mr Speaker, that the representatives of both the Gibraltar Rugby Football Union and Gibraltar Cricket Association have been able to mention that there seems to be an area that has been identified, which is what I am asking.

I have not asked if there has been a final agreement or settlement or whatever, my question has always been have alternative facilities been identified.

1115 Can the Minister please enlighten us as to what sort of areas have been identified as potential use by these two Associations?

1120 **Hon. S E Linares:** No, Mr Speaker, I cannot specifically say because as he rightly says, this is a discussion we are having with them in order to ascertain whether some areas or a big area we can give to them to see if there is a potential of, so therefore this is what I have been saying all the time, that we have been in discussion with them. The question does not ask whether I have had a meeting with them, but I had a meeting with them only last week where we were discussing issues of how we can improve.

1125 I cannot specifically say to the hon. Member which is the area where we are looking at. There are many areas – he can look at the map of Gibraltar and try and identify areas we could use for the development and teaching of these two sports – but it is not only these two sports that we are looking at areas. We are looking at areas for all other sports and any area that I can identify and I can go to the Deputy Chief Minister and the Lands Management Committee in order to get for sports, then I will do so. This is what we are doing constantly. All the time we are doing that, so it is not a question of saying, ‘Oh, we have identified this for cricket or this for rugby.’

1130 I mentioned to him last time that in relation to the Cricket Association, we have been able to get the Garrison Gym to be shared with the basketball, so that is an area where we can expand on the development of the teaching of cricket. And in the rugby, like I also said to the hon. Member last time, we have been able to sit down with the MOD in order that the Devil’s Tower Camp (DTC) can be used for free for the rugby more often than it used to, obviously because before they used to have to pay and now they do not.

1135 So these are the issues that we are constantly all the time trying to develop, so if that is an answer to the question has there been any advance or any – that is as far as – but there has not been any advance from the last question only three weeks ago in the last session of Parliament.

1140 **Hon. E J Reyes:** Well I have to accept it is a pity, Mr Speaker, that these Associations tell me that the Government does seem to sort of have more advanced planning and so on in a particular area and the Minister has chosen at this particular stage not to make that public and since I am sat on this side of the House, I am going to have to put up with that.

1145 However, Mr Speaker, arising from the information that the Minister has just provided back, he said and in many ways I even welcome, that they have eased the use of the facilities at Devil’s Tower Camp by the Gibraltar Rugby Union and so on.

1150 Can the Minister confirm that the additional use of these facilities is because it is the Gibraltar Sports Authority or some other Government entity that has taken over the locations and then administers them to the Gibraltar Rugby Union; or does the Gibraltar Rugby Football Union have to deal directly with the MOD and with the Sports and Leisure Authority not even getting themselves involved in helping with the development of this sport?

Hon. S E Linares: No, Mr Speaker, as the hon. Member knows, the DTC has had issues and still has issues of security on how you go in, how you come out, who goes in, and all these issues. The other issue was that the MOD was charging different entities for the usage of the Devil's Tower Camp.

1155 What we have done is sat with the MOD, we have got a Memorandum of Understanding with them that we will – and he is right there – through the GSLA, we could have a system and in this case it was football and rugby who were the ones that were mainly using the astroturf in the Devil's Tower Camp, that we would have a system where people will have a type of ID card specifically given so that they can go in and out in a safe manner fulfilling all the security issues that the MOD have.

1160 So these are the sort of things that we have tried to clear up because those were the problematic things when the rugby people could not even – well, still cannot – go. A parent cannot come in to see the child who is playing inside the DTC because of security reasons, they have to just wait outside. But then the team manager can take the whole team in because they have a specific security card which they already know at the door, yes okay, these children can come in.

1165 So all these things we have ironed out with the MOD and this is what I am saying that we have got a memorandum of understanding and rugby is a great beneficiary of that system because they have been using that place quite a lot for the rugby. And the hon. Member is right: it is done through the GSLA but it is sort of, like slots are given to rugby and then rugby handles, with the MOD, all these issues that I have just explained.

**Q87-88/2015
Cultural grants –
Awards for 2014-15**

1170

Clerk: Question 87, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Culture provide updated details, since the answer provided to Question 12/2015, of any cultural grants awarded so far pertaining to the financial year 2014-15?

1175

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this question together with Question 88/2015.

1180

Clerk: Question 88, the Hon. E J Reyes.

Hon. E J Reyes: Is the Minister for Culture now in a position to provide this House with a revised schedule showing details of cultural grants awarded so far pertaining to financial year 2014-15, explaining the queries raised through supplementary questions in reply to Question 12/2015?

1185

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, due to the fact that only three weeks has passed since the last Parliament session I have been unable to write to the hon. Member – and I think he got a call from my office anyway – as promised.

1190

Therefore I now hand over to the hon. Member opposite, updated details of all cultural grants awarded so far, appertaining to the financial year 2014-15.

This information is now the correct one and is now recorded in *Hansard*.

1195

Mr Speaker: Strictly speaking, the schedule is not recorded in *Hansard*. The schedule that he is now providing is not recorded in *Hansard*, if he is just handing it over. If he does not incorporate it in the main answer, I do not think it will be recorded in *Hansard*. Is that the case, Mr Clerk?

1200

Yes, because we are making the schedule part of the answer, it will be recorded; normally a schedule is not recorded, okay.

Hon. S E Linares: Mr Speaker, I just wanted... because last time there was a mistake in the schedule that I gave him and I promised him that I would write to him with the correct one, but if I had written to him directly, it would not be now in *Hansard*. That is what I am on about.

1205

Schedule to Question No. 88/2015

Gibraltar Productions - Sponsorship for Gibraltar World Music Festival 2014	£15,000.00
Dragonfly Arts Ltd - Performing a solo comedy show/ 11th July 2014	£5,750.00
Jonathan Lutwyche – Travel assistance re: Summer school in New York	£3000.00
GNDO	£8,700.00
Gib Photographic Society	£1,800.00
Gibraltar Sea Scouts Band	£600.00
MO Productions	£6,700.00
Stylos Dance Studio	£6,000.00
Allegro Music Productions	£6,411.00
Kings Chapel Singers	£1,340.36
Santos Productions	£7,000.00
Gibraltar Philharmonic Society	£10,000.00
Gibraltar National Choir	£500.00
Andrew Felices on behalf of Janice Felices – Dance Academy	£3,000.00
Gib Re-Enactment Society	£350.00
Gib Face & Body Paint Association	£2,882.50
Gibraltar Arts & Crafts	£1,750.00
1st/ 4th Scout Group	£1,334.00
Manuel Ruiz – book grant	£929.00
Group 2000 - Poetry recital grant	£576.45
Fringe Festival Sponsorship (Its 3 o'clock Somewhere Entertainment Ltd)	£5,000.00
Gibraltar Re-Enactment Society	£350.00
Gibraltar Interfaith Group – Support for Interfaith Calendar	£996.50
Andrew Felices - Cultural Grants on behalf of Janice Felices - Dance Academy	£12,000.00
GFSB - Sponsorship for Rock Chef prize money	£2,000.00
Sonia Golt - Book grant	£1,600.00
Tracy Lee - Book grant	£ 9,650.00
M Olivera – Participation at the World Beauty Fitness & Fashion London	£ 350.00
Danza Academy	£ 5,850.00

Contd. Schedule to Question No. 88/2015

Adolfo Canepa- book grant 'Serving my Gibraltar'	£ 9,500.00
Gibraltar Productions Ltd (GWMF) - Sponsorship for Gibraltar World Music Festival	£ 20,000.00
Re-Enactment Society	£ 2,088.00
Humbert Hernandez - Book grant –'Conscript or Convict'	£ 2407.00
Sunborn Gibraltar - Reception for Gibraltar World Music Festival	£ 5,000.00
Masonic Institute - Assistance, reception for book launch	£ 150.30
Re-Enactment Society grant	£ 11,000.00
Patricia Lutwyche - Cultural Grant for Mr Jonathan Lutwyche to attend Britain Got Talent	£ 400.00

Mr Speaker: I have been in touch with the hon. questioner and he has kept me *au courant* with this particular answer, thank you.

1210 **Hon. E J Reyes:** Yes, thank you. What my communication Mr Speaker was that after the deadline for submission of questions, the Minister's office did give me in fact from what I received, an exact copy of this schedule but I still wanted to maintain the question so that it is recorded in *Hansard* and also so that I am within the Rules and Mr Speaker should therefore allow me to make a supplementary question in this respect.

1215 Mr Speaker, if I may start with the third item down, there is a young performing dancer who has been granted £3,000 and it says 'travel assistance'. By that nomenclature it means that he seems to have travelled either first class or whatever to New York because £3,000 does take you a hell of a long way further than just New York. Or does that £3,000 incorporate some sort of tuition fees and so on?

1220 **Hon. S E Linares:** Mr Speaker, it is both.

Hon. E J Reyes: Right, so if it is for everything then travel assistance can be a bit misleading. Mr Speaker, can I take him further down, to a certain extent I am referring a little bit as well to help facilitate matters to the previous schedule I have been given last month, although there has been a great amendment to that and so on.

1225 Can I ask the Minister to clarify where it says 'Gibraltar Sea Scouts Band'? The last time it was in respect of the purchase of instruments and so on for the band. Am I therefore also correct in deducing that just beyond half way down where it says '1st/4th Scout Group £1,334.00' that it is also in respect of musical instruments? Because the Sea Scouts does specify the band and for the 1st/4th it does not. I know that these sort of Scout groups receive some money from youth grants and other places, so can he confirm to me that it is actually to do with the band, the 1st/4th contribution?

1230 **Hon. S E Linares:** Yes, Mr Speaker, as he rightly says, the Scouts themselves get grants through the youth grants and therefore it is the right assumption that this should be for the band.

1235 **Hon. E J Reyes:** Great, that helps tremendously, Mr Speaker. We had raised it last time and the Minister was going to look into it, when a payment is given to the parent to Andrew Felices in respect of tuition fees and so on for the Dance Academy for his daughter Janice Felices, it says here now, £12,000.

1240 The Minister was going to try and find out whether that is related to just one academic year or does it spread out over two years because of the way that payments are made? Has the Minister been able to get any information?

Hon. S E Linares: Mr Speaker, this is appertaining to her annual... so it is a yearly thing and therefore it might roll over the £12,000. We might pay £6,000 and then £6,000 or £3,000 and £9,000 but the annual amount is £12,000 because this includes all her travel expenses, all her maintenance expenses, so therefore it is, if the hon. Member thinks about for example a student and I think again in the Order Paper, there is a question of how much a student on tuition fees, they are usually for example in the UK £9,000 which is the average, so this would be like if it were the £9,000 plus another £3,000 for maintenance which, as the hon. Member knows the Department of Education pays maintenance. So the £12,000 is inclusive of all that and it is an annual thing.

1245 **Hon. E J Reyes:** That clarifies it a bit. And Mr Speaker, may I round up by asking: the Gibraltar Re-Enactment Society appears four times in the schedule. The very last payment, the penultimate entry Re-Enactment Society Grant, I think that is an annual grant basis of £11,000 but then there are other payments not huge amounts but £350 on one side, then £350 again, then £2,088.

1250 Given that this is over and above the grant am I right (1) in assuming this is a one-off payment and not just simply an increase due to inflation on the grant and (2) may I ask the Minister for some enlightenment on why beyond the £11,000 per annum grant, these three separate payments were given in respect of the Re-Enactment Society?

1260 **Hon. S E Linares:** Mr Speaker, these payments, as I understand it, were that for example the £350: they came to us to ask – 'us' as in the committee that actually decides this, which is the Cultural Grants Committee – and they asked for £350 for a specific capital expenditure sort of thing. They wanted to buy a gun or a cannon or some uniforms, which are not part and parcel really of the grant that they get. The grant is for running costs as opposed to buying something specific, so all these items are specific.

1265

We give them the grant of £11,000 in order to maintain and do things during the year but then in these cases they have come to ask for something specific. It could well be something like fixing lockers within their premises. These are the sort of things that are the smaller amounts.

1270 **Hon. E J Reyes:** Yes, Mr Speaker, my understanding always was that the big sum of the grant, £11,000 included recurring costs and certain maintenance and upkeep of uniforms and so on. I can to a certain extent understand what the Minister is trying to say that there are two payments of £350. One takes it that it is two separate payments and not a clerical error again, could be a one-off – perhaps if one had seen from the press that they helped to create an old gun and so on. But there is one that is a slightly bigger figure, it is £2,088 –
1275 that is an additional 20% to the annual grant.

Can the Minister provide some information at least in respect of the bigger figure, £2,088, which is the third line down on the second page of the schedule?

1280 **Hon. S E Linares:** Mr Speaker, I cannot specifically say what it is, that amount, I do not think it is a vast amount, some of these uniforms and equipment cost quite a lot of money. Therefore I would assume that these are like buying ten new uniforms, which is the amount that they cost. They cost quite a lot of money these uniforms, but what I am saying is that I do not specifically have the information but it should be something that they have asked for and it has been paid. I mean, that is what it is.

1285 **Hon. E J Reyes:** The Minister does not have that information but, Mr Speaker, that is precisely what I am asking, what is it? Exactly £2,088, given the cost of the upkeep of uniforms and so on, £11,000 per annum is quite a substantial sum of money. To require an additional 20% of additional supplementary funding, I do not think I am out of order, Mr Speaker in asking, as I would like to know what the £2,088 is for, if the £11,000 already includes the upkeep of uniforms and so on.

1290 If he does not have it now, could he at least commit himself to trying to provide that information to the House when possible? Your guidance is appreciated, Mr Speaker.

Hon. S E Linares: It does not need the guidance of the Speaker. I will do that.

Q89/2015
Sports Development Projects –
Details of grants

1295 **Clerk:** Question 89, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Written Question W5/2015, can the Minister for Sports provide a breakdown with detailed information showing what Sports Development Projects the grants for £8,037.07 and £6,000 given to the Gibraltar Shooting Federation were for?

1300 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the breakdown of payments given to the Gibraltar Shooting Federation from Sports Development projects are as follows:
1305 (1) a payment of £7,000 towards electronic targets for the Gibraltar Target Shooting Association and £1,038.07 for financial assistance towards the Gibraltar Pistol Association's attendance at the IPSC General Assembly in Florida, October 2014, so it's a total of £8,038.07.
(2) £6,000 second and final payment towards electronic targets for the Gibraltar Target Shooting Association.

1310 Mr Speaker, if the hon. Member wishes, I can pass him the answers so that he does not have to note it down.

Q90/2015
Gibraltar Philharmonic Society –
Grants awarded 2014-15

Clerk: Question 90, the Hon. E J Reyes.

1315 **Hon. E J Reyes:** Can the Minister for Culture provide details of any grants awarded to the Gibraltar Philharmonic Society in the Financial Year 2014-15, indicating the amounts awarded as well as the Head and Subhead to which this has been debited; showing the purpose or purposes for which the grant was awarded?

1320 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Gibraltar Philharmonic Society receives an annual cultural grant of £10,000 and it comes from the Head that he asked the question before, which is the Cultural Grants Head.

1325 **Hon. E J Reyes:** Yes, Mr Speaker, the reason why I had to pose this question before the deadline is that in the previous schedule that we can now more or less call obsolete, in answer to Question 12, the Minister had put down that there was £10,000 given to the Gibraltar Philharmonic Orchestra.

1330 So part one of my supplementary is that it raised a concern so that the Society was not receiving any money. I accept that we have kept to that £10,000 well spent in being one of the sponsors, it is nice to see Mr Speaker, when we do go to the concert that among the list of sponsors of individual companies and so on that the Government of Gibraltar is a sponsor and I think that is right and fitting and therefore there is no query in respect of that £10,000.

1335 The schedule given to me just a few minutes ago clarifies that. But then, Mr Speaker, can the Minister sort of confirm or deny whatever that no additional money has been given to anybody, be it the Gibraltar Philharmonic Orchestra or whoever, in respect of purchasing woodwind instruments to develop the Gibraltar Youth Orchestra. Have we made any contributions towards an orchestra or is that just a simple human clerical error, I would say?

1340 **Hon. S E Linares:** Mr Speaker, if he got that information from the previous schedule, it was an error. This now updates and corrects all the errors that is why we are having this discussion and I have given him the new one.

Q91/2015
Heritage sites –
Details and costs of works

Clerk: Question 91, the Hon. E J Reyes.

1345 **Hon. E J Reyes:** Can the Minister for Heritage provide details of all works, together with a breakdown of the respective costs undertaken at any heritage related site, since the answer provided to Question 13/2015 as well as stating by whom these works were carried out?

1350 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, further to the answer to Question 13/2015, further works undertaken at heritage sites inclusive of costs and works carried out are:

1355 (a) Site: Europa Pass
Works: Emergency Works
Constructor: Koala Construction
Amount: £1,534.32

1360 (b) Site: South Port Gates
Works: Repairs to wooden door
Contractor: Gibraltar Cultural Services Limited
Amount: £300

1365 (c) Site: Montagu Bastion Bunker
Works: Removal of loose concrete blocks
Contractor: Construction and Maintenance Company Limited
Amount: £1,680

1370 (d) Site: Trafalgar Cemetery and St Jago's Stone Block
Works: Fixing of gate posts, balustrade and painting works
Contractor: Straits Overseas Limited
Amount: £1,620.

1375 **Hon. E J Reyes:** Yes, fair enough Mr Speaker, but he did say that the Europa Pass was sort of emergency works, but he has not said whether it was the gate, the painting or so on. What type of emergency work, does the Minister have any pertinent information?

1380 **Hon. S E Linares:** Yes, Mr Speaker, because I remember the day that it happened. If he knows where the Europa path is, there were some rocks that were falling off the actual wall and there is a house just beside a property and if any accident had happened... It is also to do with the buildings that are at the top, if the hon. Member knows where I am talking about, there must have been probably some works happening at the top and part of the wall was falling down, some of the rocks had fallen down so these are emergency works.

1385 What we did was, we sent the contractor there, they put scaffolding up, in these cases they are stone blocks that might move and therefore what you do is you put them back in and you make them safe. So that is exactly the type of work it was.

1390 **Hon. E J Reyes:** No, Mr Speaker, let me just double-check. The repair works carried out at South Port Gates, am I correct – my note says Gibraltar Construction Services Limited, no? Then can the Minister enlighten me?

1395 **Hon. S E Linares:** Mr Speaker, this was another emergency work of which one of the doors was flapping and it was dangerous and it is Gibraltar Cultural Services. Gibraltar Cultural Services is the company that runs the Mackintosh Hall, that runs the Ince's Hall and all this has replaced the agency.

1400 What happens is that these works and the maintenance team had to go out, which is a heritage job, but because it was such an emergency works, we could not get anybody I think it was a Saturday evening, so when I called the Cultural Services because they were the ones who reported it to me, I said, 'Why don't you go out and do the work yourselves?' and they did. So that is exactly what they did. They just made it safe so that at a later date we will do the whole works again.

Q92/2015

Liberator Bomber AM911 – Progress on removing and exhibiting wreck

Clerk: Question 92, the Hon. E J Reyes.

1405 **Hon. E J Reyes:** Can the Minister for Heritage provide an update on the progress made so far in respect of Government's intentions as stated by the Chief Minister at the National Press Club on Tuesday, 8th October 2013, 'to work with the Museum in order to bring Liberator Bomber AM, or Alpha Mike, AM911 out of the sea and placed on permanent exhibition in Gibraltar'?

1410 **Clerk:** Answer, the Hon. the Minister for Sport, Culture Heritage and Youth.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the HM Government of Gibraltar is still exploring the feasibility and technical aspects of removing the wreck from the bottom of the sea in conjunction with the Gibraltar Museum.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q123-132/2015

Sustainable Traffic, Transport and Parking Plan – Cycling

1415 **Clerk:** We now move to Question 123, and the questioner is the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, can the Minister for Transport say on what basis the Sustainable Traffic, Transport and Parking Plan states that cycling is not currently seen as a viable form of transport?

1420 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 124 to 132/2015.

1425 **Clerk:** Question 124, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say when a comprehensive cycle strategy will be formulated for Gibraltar and explain why one has not been devised in the last three years?

1430 **Clerk:** Question 125, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport detail the strategy/strategies the Government has developed to ensure the safety of cyclists in Gibraltar?

1435 **Clerk:** Question 126, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say when a comprehensive programme of cycle facilities will be delivered by this Government?

1440 **Clerk:** Question 127, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say whether cycling will be allowed as part of the Core Cycle Network between Convent Place and Casemates along the pedestrianised areas of Main Street?

1445 **Clerk:** Question 128, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say whether cycling will be allowed along Irish Town?

1450 **Clerk:** Question 129, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say whether he has identified potential locations for the establishment of Toucan crossings and advanced stop lines for cyclists?

1455 **Clerk:** Question 130, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say how soon work will begin on the introduction of cycle safety routes as set out in the Sustainable Traffic, Transport and Parking Plan and provide details of the features of these cycle safety routes?

1460 **Clerk:** Question 131, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say whether the Government will be introducing 'Ride to Work' schemes in the nature of similar schemes available from time to time in the UK?

1465 **Clerk:** Question 132, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say what the total amount of expenditure being budgeted for by his Department for investment in cycling infrastructure is?

1470 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the draft Sustainable Traffic, Transport and Parking Plan includes proposed indicative routes for cycle and pedestrian priority.

1475 At the current consultation stage, feedback is being sought on the principles of the route network and the policies to promote cycling and walking. The deadline for feedback to be provided is tomorrow

20th February 2015 and I very much look forward to reading the input provided by the public and if he is to be positive about this in any way, the hon. Member opposite.

1480 Once the Sustainable Traffic, Transport and Parking Plan consultation is complete and account has been taken of the responses, further work will be required to develop and design the routes as part of the implementation stage. If adopted, these routes are expected to incorporate a range of measures, such as Toucan crossings and advanced stop lines.

1485 Cycle routes are not meant to replace pedestrian routes but be complementary to them as part of the wider modal shift in forms of transport being proposed. However, the compatibility of pedestrian and cycle movements need to be taken into account and to this end, Main Street and Irish Town are not included as cycle routes at present.

1490 **Hon. S M Figueras:** Mr Speaker, I have asked a significant number of questions which the Minister has asked be bunched together, but there really are a significant number of issues that he has not dealt with.

I start with the first question, which is the one I asked the Minister for Transport to say on what basis the Sustainable Traffic, Transport and Parking Plan states that cycling is not currently seen as a viable form of transport.

1495 **Hon. P J Balban:** Mr Speaker, we must remember that this is a draft plan; it does not necessarily mean that everything in that plan is what the Government's view of entirely what the plan should be. Remember, Mott MacDonald Consultants who were engaged in this were tasked to actually give the Government their proposals and their views independently of what I thought, or we thought or anybody else thought for that matter.

1500 Hence the perception that they have received when they have been interviewing individuals, people who could possibly use cycling as a form of transport and the main problem or issue raised was that people who were questioned felt that at this point in time, cycling was not currently seen as a viable form of transport. They perceived that they did not feel safe or secure.

1505 So it is not why the Minister for Transport says that it is not considered viable, it is not the Government's opinion; it is what has come about from public consultation.

Hon. S M Figueras: Mr Speaker, a number of points on that answer.

1510 The summary published not last week but the week before, is a summary of the plan itself. Therefore when I asked the question about why it is that the summary of the plan says certain things, I enquire as to why it is that it says such things.

Now the Hon. Minister tells us that this is about Mott MacDonald's independent view and it is also as a result of the responses received.

1515 But, Mr Speaker, would it not be in fact the case, or is it not the case, that given the likely preponderance of responses to the survey having come from people who want cycling, given the disproportionate bias to other forms of transport other than cycling, that this was a likely outcome; and that in fact, Mr Speaker, as has become clear in cities around the world, it is through political leadership and a genuine commitment to the idea of cycling that cycling in fact flourishes?

1520 **Hon. P J Balban:** Mr Speaker, the hon. Member's view of the plan is intrinsically flawed. This is not a draft; this is a draft Sustainable Traffic, Transport and Parking Plan and as I said earlier, it is the views of the consultants and is also partly the view of the Government. We chose to publish the whole lot, the whole findings of the plan and not hide anything or say and there are things here which are contentious but everything is here now.

1525 Having said that this is not the plan, this is a very abridged version of the plan. The plan itself when it is printed in due course will be a very, very thorough document which will have things and contingents which are not within this plan or may at least have only been slightly touched upon within the plan and they will be elaborated upon and built upon. So those people who are interested in seeing the reasons for certain proposals or want to go into further detail can do so. But the plan itself will be a very, very detailed and large document.

1530 **Hon. S M Figueras:** Mr Speaker, before I go on to labour the point which I consider is a very important one about political leadership in this context, I would hasten to add to the Minister that in fact, my description of the document, for clarification sake, was that it is a summary of the plan because that is what it is, that is what I have called it, that is what they have called it and yes, it is in draft to the extent that it is still subject to more consultation, still subject to the kind of consultation that means that he does not give answers in this House to questions that I ask.

1535 Now in his original answer, Mr Speaker, he invites me to make a positive contribution to this debate by participating in the consultation process. Well, Mr Speaker, you really do not get more positive than having

1540 come to this House practically every month since we were elected to Opposition to talk about solutions, to talk about possibilities which surely the Minister will have taken note of and will constitute my participation in the process which I think is significant enough.

1545 However, to labour the point about the political leadership, Mr Speaker, my concern and the reason why I raise this, is because a plan that identifies cycling and walking as alternatives that should be explored as alternatives, that should be developed as alternatives that people should be made aware of, as being good alternatives of transport to the car and to the motorcycle as they have been for a very, very long time, cannot in my view do well by departing from the premise that cycling in Gibraltar is dangerous, which is the view that the Hon. Minister for Transport, the previous Hon. Minister for Transport expressed in this House the first time we met in January 2012 and the view that is expressed in the plan.

1550 Does the Minister not agree that by expressing the view that it is not safe, that it is not a viable form of transport in Gibraltar, without saying more, Mr Speaker, without saying it will be because we will invest x amount or we will do this and that to make it so, is not the basis upon which to depart on trying to make this a cycling community, as I know and I am sure he knows, this community can become.

1555 **Hon. P J Balban:** Mr Speaker, personally I do not have a death wish so I do not go out on my bicycle to get run over or killed or maimed in any way, and I am sure he does not do so either. But that does not mean that the perception of the general public out there, and the reason why there are no more people joining us when we cycle out there, is because they feel that it is perfectly safe.

1560 I mean these are exactly the views that came out of the public consultation. People do not think like we do. And one of the things that the hon. Member did ask me to look at – because he was very concerned because he himself had actually been hit in the rear while he was riding his bicycle – (*Interjections and laughter*) One of the things that he highlighted because he had actually been hit by a car, was the possibility of a zebra crossing or a pelican crossing outside Portland House. So it is clear... That was just his brush with danger in that respect. (*Interjection*) Well, it might have been a motorcycle, but anyway...

1565 People's perception of whether cycling is safe is not what we feel and I find that cycling is safe enough for me to actually take to the road but that is not the perception of the people that were questioned.

Hon. S M Figueras: Which brings me to another point I would make in relation to a number of questions that he has not actually answered.

1570 The second question I asked, number 124, asked when a comprehensive cycle strategy will be formulated for Gibraltar and to explain why one has not been devised during the last three years. You see, Mr Speaker, the comprehensive cycle strategy is one that is mentioned in the summary of the draft Sustainable Traffic, Transport and Parking Plan – I hope I got its label right – and I was simply asking the Minister to elucidate upon the details of what that comprehensive cycle strategy will be and when we can expect it to be devised.

1575 And again, Mr Speaker, I have made no secret over the last three years in this House of my disappointment at the fact that nothing has been done in terms of increasing cycling safety awareness by having advertising campaigns or anything of the sort, an initiative which the plan itself identifies as being necessary to promoting the safe use and adoption of cycling as an alternative form of transport and the Minister insists in telling me that because it is going through another process of consultation, he is not going to give me any more details.

1580 Mr Speaker, the question is asked in this House and I believe that this is information that he now has, because the plan has been in the making for the last three years. So will the Minister, and this is not my last supplementary because, Mr Speaker, he has not answered many of the questions, will the Minister tell us when that comprehensive cycle strategy will be formulated for Gibraltar and tell us why no advance, no progress has been made in the development of one in the last three years, when surely he will have been appraised of the information and the likely recommendations that the consultants, who we hope have not brainwashed him, will have brought to his attention during the course of the last three years. (*Banging on desks*)

1590 **Hon. P J Balban:** Mr Speaker, it is incredible that the hon. Member who had 16 years to set up a safety for cyclists (**Several Members:** Hear, hear) –

1595 **Mr Speaker:** No, no, now we are beginning to debate and this is not the time to debate. If you want to debate, then let us have a motion on the Sustainable Traffic, Transport and Parking Plan and you can debate it under the rules of debate. So get to the point.

Hon. P J Balban: Mr Speaker, as I was saying I think the comments made by the hon. Member are extremely unfair. Now the traffic plan is in a stage of development, it is still in the stage of development and the Government will announce all these measures when it feels fit to do so.

1600 The only reason why I think the hon. Member has been pushing for a traffic plan, traffic plan, traffic plan, is to have an opportunity just to look at it with a fine tooth comb and just criticise it like they criticise all other Government projects to the hilt. That is exactly the impression of what is happening here.

1605 So whether there is a comprehensive cycle strategy he will have to wait and see, but it is the intention of this Government to help promote other forms of transport, other sustainable forms of transport and cycling is one of them in question, as is walking.

So as and when the Government is prepared to make mention of these initiatives and as the final traffic plan comes into the public, he will then be furnished with the information he requires.

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

1610

Hon. S M Figueras: Mr Speaker, the hon. Members applaud a lack of a plan because there is nothing yet concrete. Which brings me to the next question and that is Question 125 which is asking for the Minister to detail the strategy or strategies the Government has developed to ensure the safety of cyclists in Gibraltar. At first glance, Mr Speaker, I have to say none from my own personal experience.

1615 However, the reason why I was asking the question is because as an example in the UK and elsewhere, construction vehicles of which there are many in Gibraltar these days, many carrying scaffolding or empty scaffolding lorries, represent a clear and present danger to cyclists in those communities.

1620 Now I asked the question because I am interested to understand what the plan has unearthed in terms of cycling safety measures that this Government will be taking and I would ask the Minister to articulate a few of those for our benefit.

Hon. P J Balban: Let me see what the previous plan actually said about those things to see whether we can gain any insight.

1625 **Mr Speaker:** Let me give a little bit of guidance. Please sit down.

I think there is an alternative procedure that I would commend to hon. Members generally and particularly to Members of the Opposition. If you want to discuss, if you want to debate something like the traffic plan, all you have to do is to introduce a neutral motion: 'This House notes the recommendations, the contents of the traffic plan.'

1630 You can then debate the matter, raise all the points that you want. It is not as if you are introducing a motion which you might lose by Government majority. It is a totally neutral device which was adopted very often during the years when I was a Member of the House. It can be done with the traffic plan, it can be done with the report of the Ombudsman, it can be done with the report of the Principal Auditor and either the Government or the Opposition can introduce a very short motion. 'This House takes note of the...' and then the rules of debate apply.

1635 It is a far better method of procedure in my view than the present one, where you are constrained by the rules applying to questions.

1640 **Hon. S M Figueras:** Mr Speaker, I am grateful for the Chair's intervention and I take on board the recommendation as we have on a number of occasions in the past, but if the Chair will indulge me, Mr Speaker, I have been nothing but positive about the plan since it was published. I said so publicly on *Newswatch* last week when the plan was published.

1645 All I want to do, Mr Speaker, is to elucidate information from the Minister and that is all I am seeking to do. I do not wish to debate the plan today; I wish to elucidate information, Mr Speaker.

Mr Speaker: What I do not want hon. Members to do is to keep on going back over what happened over the last 16 or 20 years and both sides do that. Both sides of the House do that. That is what I do not want them to do.

1650 **Hon. S M Figueras:** Mr Speaker, granted, but today during this question and answer session, Mr Speaker, I have only asked about the Government's performance in respect of this very particular project and nothing else. I have not alluded to the last 16 years and neither do I want to. I only want information, Mr Speaker. (*Interjection and Laughter*) No, and Mr Speaker I am perfectly happy to talk about the last 16 years if it is in fact what we are going to do here today, but it is not.

1655 What I want to do, is to elucidate information from the Minister which he is hesitant to give me and he betrays his nervousness by so very quickly alluding to the last 16 years of GSD Government, because of course, Mr Speaker, he is nervous about the fact that in the 16 years of the GSD Government, so much was achieved that they cannot hope to emulate in four, eight or even 20 years.

1660 **Hon. P J Balban:** Mr Speaker, the hon. Member has gone back to the past 16 years once again and I feel that it is only... Why can't I go back to the last 16 years?

I totally disagree with what the hon. Member is saying, the Government has brought out a very positive plan, a very thorough plan, a plan which has been generally very well received even by the hon. Member as he rightly says. But when we look at cycle safety which is something which the hon. Member is raising, and I unfortunately have to see where we are today and what we have inherited along the years and what we did was a scheme which we will talk about later because it is part of...there are questions related to this later on, a scheme which failed, which was the GibiBike scheme.

1665
1670 Now the Government, as I said, is very, very keen and is going to be pushing to help encourage people to sustainable forms of transport, cycling being one of them and the Government will be looking at – as you can see in the plan – the possibility of cycle lanes, which we have been very clear about, with Wellington Front and the walls being used as a segregated cycle lane, so people are not in contact with vehicles. We are looking at every single road in Gibraltar to see whether there is a possibility of having segregated bicycle lanes, which appears to be extremely difficult because of Gibraltar's roads and Gibraltar is too small in size to be able to merit and have this sort of infrastructural changes.

1675 Obviously the Government, like any other Government, will be keen on ensuring the safety of cyclists by use of protective gear if necessary and the Government will most certainly be looking at a scheme for bicycle rental which works, because unfortunately the one – and I am sorry, Mr Speaker, having to go back to that – because what we took over in 2011 was a system which was rushed, which did not work, spares were not available, many of them got stolen and we inherited a lump of bicycles that were unusable.

1680 The Government will take its time, do things properly, because we think that in most modern urban cities around the world, there are schemes which work better or worse, but there are schemes where people can borrow bikes or rent bikes or whatever, and the Government is keen to look at all these schemes but we will do things correctly. We are not rushed to do it and we will make sure that when we have them, that they work.

1685
1690 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for that reply, inasmuch as he provides at least a glimpse of a variety of initiatives that the Government might be able to adopt for itself in terms of enhancing cycling safety. It is lamentable, however, that they have had three years to embark on a programme of awareness on television or in the press, which did not require external consultants at a cost of hundreds of thousands of pounds to brainwash the Minister into agreeing to, but I will now continue and ask a further supplementary arising from specific questions that I have already asked.

In relation to the GibiBike scheme, Mr Speaker, the Hon. Minister will know that there are two or three questions in the Order Paper on that subject and I will therefore not deal with those suggestions, wrong as they are, at this juncture.

1695 I asked the Minister whether he could say when a comprehensive programme of cycle facilities will be delivered by the Government. Again, the answer to the question, Mr Speaker, was a very general one where everything is being looked at. But I would be grateful if the Minister could give me particular attention to that and tell me when it is in fact, that we can expect this comprehensive programme of cycle facilities.

1700 **Hon. P J Balban:** Mr Speaker, before the actual question was asked, the prelude to the question is that obviously he is begging me to go back to the 16 years. I will refrain from doing so because you have said that we should not, but he keeps on saying what have we done in the three years that we have had.

1705 Well, we have a traffic plan which we have said will be a thorough investigation which will give us a very good idea of what we want to do. If he is saying what have we done in the past three years, well if we had inherited something better we would have continued with that, but we did not unfortunately. Again he keeps on asking me to go back and I will try to refrain from doing so.

1710 Again, the hon. Member expects me from the plan to start giving him dates, when am I going to do this, when am I going to do that and when is the Government going to embark on the other? He will learn in due course when the Government is ready to have a timeframe if the Government sees that system to be fit, he will have it. But what he cannot expect is a document which has gone out for public consultation which is almost towards the end of that public consultation, for me to give him details of what he is asking.

He is asking for costs, he is asking for timeframes, he is asking for specifics and unfortunately, those specifics are not available to the hon. Member. This work is still being developed and once we are ready to give him more specific information, we will be happy to do so.

1715 **Hon. S M Figueras:** Well, Mr Speaker, that is just inaction hiding behind consultation, but we will leave that there.

1720 Moving on to Question 127 which he did answer, remarkably, in saying no cycling will not be allowed along the pedestrianised areas of Main Street or Irish Town. I would ask, Mr Speaker, is the Minister content that it is okay, it is legal, it is in fact allowed for goods vehicles to be in the area of Main Street and

Irish Town before 10.00 a.m., or 11.00 a.m. I think it is, in the morning; but yet an eco-friendly, quiet, inoffensive form of transport as cycling is not allowed in that area? Is that something that has the potential of being revisited in that context?

1725 **Hon. P J Balban:** Once again, Mr Speaker, this is what we have had. There have never been bicycles allowed to cycle through Main Street or Irish Town. Why is it all of a sudden so important that bicycles should cycle down there? If you want my opinion – (*Interjection*) But the Government – we could have been briefed by them, but if you want my opinion on whether cycling through Main Street and Irish Town is safe, well I have my doubts.

1730 Bicycles are quiet methods of transport. They can travel in one direction or they can travel in others whereas goods vehicles will travel in one direction, their engines make noise, they travel at slow speeds, whereas the bicycle can whisk silently south, west, east, north and people are coming through tributaries, pedestrians are walking. Take Irish Town for example, we have pedestrians coming through all the tributaries to Irish Town and if you are going to make walking dangerous as a result of encouraging bicycles, then I do not think that is convenient.

1735 I think pedestrians, who are the majority of persons, should be encouraged and should not be having to look behind their backs. We have problems with mobility scooters who run people over in Main Street and there are all sorts of issues. So I think these things have to be thought about very carefully.

1740 **Hon. S M Figueras:** Mr Speaker, I am grateful that he has confirmed that it is of his own initiative that he does not want to pursue the idea of allowing cycling on Main Street before 11.00 a.m. like the heavy goods vehicles and to explore the possibility of restricting cycle traffic to those hours and in the direction of the flow of traffic as they exist today. But I can move on, Mr Speaker, because I have my answer.

In relation to –

1745

Hon. P J Balban: Mr Speaker, if I may, would the hon. Member give way? I have given the hon. Gentleman –

1750 **Hon. S M Figueras:** Mr Speaker, I am not going to give way unless it is a Point of Order. (*Interjections by Mr Speaker and other Members*) No, no, thank you very much. Thank you very much, Mr Speaker. As I was saying, I am happy to give way for a Point of Order though. There is not one? Oh good. (*Interjections*)

1755 Mr Speaker, Question 131 – we got to 132, is that right? (**A Member:** Yes.) Again, there was no mention of the Hon. Minister in his replies to the questions of whether the Government is looking to introduce something like a ‘ride to work scheme’ as has existed in the UK from time to time and it is not something that from my review of the plan, was present in it, or rather the summary of the draft Sustainable Traffic, Transport and Parking Plan.

Could the Minister please enlighten us as to whether this is something that the Government is looking at but is not in the plan?

1760 **Hon. P J Balban:** Mr Speaker, just to answer a question or comment that the hon. Member made earlier, I gave a reply to a question which was my opinion of cycle riding in Irish Town and along Main Street. That does not necessarily mean... I said it was my opinion, that does not necessarily reflect the Government’s opinion. What will happen is, all these things have been looked at and will be taken into account. Just because I think that this should be done, or I think that should be done, this is not my plan and any way this has not been my brain child; this has been something that has come across – no I will not –

1765

Hon. S M Figueras: On a Point of Order, Mr Speaker.

Mr Speaker: Yes, what is the Point of Order.

1770

Hon. S M Figueras: Yes, I wanted to refer to the Hon. Minister’s original answer in relation to that particular question and the answer was no. Not that it was up for consultation; that the answer was no. That was the Point of Order, Mr Speaker.

1775 **Hon. P J Balban:** I do not know what that was all about, Mr Speaker, but what I am saying is whether in future bicycles will be seen riding along Irish Town or on Main Street, that is something which the plan will develop further and we will see what will happen. (*Interjection*)

1780 **Mr Speaker:** Now you have had... I think we can now leave the question of Main Street and Irish Town. You have been asked about Question... [*Inaudible*].

1785 **Hon. P J Balban:** Mr Speaker, all these things are being looked at as part of the plan, the consultants are UK consultants and they are very up to date on all sorts of plans, including the ‘ride to work’ scheme which is in fact the ‘cycle to work’ scheme. I do not know whether, it is official, in order to... – it is ‘cycle to work’ scheme and not the ride. I do not know where he has got the term ‘ride’ from, he has probably heard it somewhere. But our UK consultants are providing us with all these similar schemes to try to incentivise and if the Government decides to adopt some of these we will make an announcement when necessary.

1790 **Hon. S M Figueras:** Finally, Mr Speaker in relation to these questions specifically on cycling, I asked what I thought was a valid question certainly, and one which I think the Minister will agree is important in the grand scheme of this debate.

1795 That is to enquire as to what the extent of the investment planned by his budget entitling infrastructure is. You see, Mr Speaker, I asked the question because in countries on the continent such as the Netherlands where investment is very significant, the modal share of commuting trips or journeys carried out on bicycles is much, much higher than in other places in Europe. In the Netherlands for example it is 27% and in Denmark it is 19% and the UK languishes behind at about 2% in terms of the modal share.

1800 But it is evident from the report of the All Parliamentary Cycling Group in the UK that cities that invest in infrastructure see a significant increase in the modal share of cycling, such as Oxford and Cambridge who respectively have a rate of 17% and 30%. So my question to the Minister would be twofold. One, what is the current modal share of cycling as a form of transport in Gibraltar and have those findings been provided to him and his Department by the plan, or by Messrs Mott MacDonald; and secondly, how much money is budgeted by his Department – and I am talking about looking forward not back, in terms of investment in cycling infrastructure.

1805 **Hon. P J Balban:** A very clever bit of reading there on the part of the hon. Member, coming up with ‘modal shares of cycling’ and all these things which he is very up on.

1810 Mr Speaker, the Government will be – what we cannot do is compare little Gibraltar to Oxford and Cambridge or places in Holland as to what we invest in cycling infrastructure. We are very limited in Gibraltar, which means to say that no matter how much we invest in trying to encourage people to cycle in Gibraltar, there is so much we can do. So what we are looking at is a possibility of including some cycle lanes, which is the most we can do and encouraging people to use this form of transport.

1815 So as I said, the full report, when the report is published... What the hon. Gentleman wants is for the Government to say, ‘We want more and more information, because that gives me more and more fuel to be able to attack and criticise and whatever.’ No, unfortunately we are not ready to provide you with all this information, and I do think at this stage, which is a draft *public* document, that people really want to know what the Government is going to be budgeting or what the modal share or any fancy term in that respect.

1820 The Government obviously will be budgeting for the traffic plan, the Government will be investing considerably in the traffic plan and the hon. Member will have to wait and see how that is shared throughout all the different aspects of the plan itself.

1825 **Hon. S M Figueras:** Well, Mr Speaker, I rise only to disagree with the Hon. Minister’s assessment of the terms that I have used as fancy language. It is what it is, a modal share of use and I also disagree with his assessment of my approach to these questions this morning, Mr Speaker.

I have been doing nothing but seeking information from him to try and understand the reach of this plan and the extent to which we can all expect that in years to come, because this is not going to happen overnight and I acknowledge that, how we are going to see cycling develop as a form of transport in Gibraltar.

1830 Of course the plan is not limited to that, it has many other aspects, many of which we touch upon in further questions in the Order Paper but, Mr Speaker, I suppose what is most regrettable is that whilst he perhaps to a certain extent, rightly identifies that Gibraltar has certain limitations – not that we are limited because we are certainly limited only by our imagination and that of our political leadership – I would ask the Minister to say what he considers are the series of measures that he can take, starting today, to try and encourage the use of cycling as an alternative form of transport in Gibraltar?

1835 **Hon. P J Balban:** Mr Speaker, it is not what I think. When the Government is ready to provide him with information of what the Government thinks, I will do that.

1840 Now, no matter how much forward planning: I have not planned ahead because eventually in the future I suppose we will see cars that fly! (*Laughter*) But we are not going to go down that route in that respect. As I said, when the Government is ready to provide the hon. Member with that sort of information, then we will do but we are not ready yet.

Q133-135/2015
Bicycle rental scheme –
Plans for delivery

Clerk: Question 133, the Hon. S M Figueras.

1845

Hon. S M Figueras: Mr Speaker, can the Minister for Transport provide full specifications of the urban bike rental scheme contemplated by the Sustainable Traffic, Transport and Parking Plan – that should read ‘the summary of the Sustainable Traffic, Transport and Parking Plan’ (A Member: Draft.) ‘draft’ – including information as to when such a scheme will be available?

1850

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Questions 134 and 135.

1855

Clerk: Question 134, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say whether the Government has now formulated plans for the delivery of an urban bicycle rental scheme or whether they will be resurrecting the GibiBikes?

1860

Clerk: Question 135, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say if Members of the original GibiBike scheme will automatically be registered as members of a new urban bicycle rental scheme, whatever shape that may take, in the future?

1865

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the Government has no plans to resurrect the ill-thought out and so badly rushed GibiBike scheme, which has been a huge GSD waste of money for our community.

1870

However, the Government is looking into the possibility of introducing a new, well-thought out, unrushed and value-for-money bicycle rental scheme. We are therefore looking at all the commercial options that are available in that respect.

1875

At this point, I am not in a position to provide any further details. If such a scheme will be introduced, we would welcome back all the members of the original and ill-fated GibiBike scheme. However, a decision as to whether registration will be automatic cannot be taken at this stage.

Hon. S M Figueras: Mr Speaker, I welcome the answer by the Minister inasmuch as he says that there will at some point – nobody knows when – be a GibiBike equivalent urban bicycle rental scheme.

1880

I do, however, have to disagree with the premise that it was a GSD failure that the GibiBike scheme became as problematic as it did. At the time there were many questions and answers across this floor –

Mr Speaker: Now you have made your point. You said and that you disagree, but we are not going to debate that.

1885

Hon. S M Figueras: Mr Speaker –

Mr Speaker: We are not going to go into detail in debating – you have refuted the point –

1890

Hon. S M Figueras: Grateful, Mr Speaker.

Mr Speaker: – that has been made about a waste of money, so leave it at that and now you go on.

1895

Hon. S M Figueras: Grateful, Mr Speaker. Yes, happy to, Mr Speaker. I am grateful for the guidance. In relation to the urban bicycle rental scheme that the Government is looking at, I note that he says that the automatic registration of members will not be possible.

Is there any indication at this stage of whether the integration of that urban bicycle rental scheme in terms of locating it close to bus stops, which is something I saw in one of the images in the draft, in the summary of the draft Sustainable Traffic and Transport Plan, will be more or less *a la* GibiBikes in terms of

1900

having it close to bus stops, as they were intended to be when the scheme rolled out to the South District and other areas, which in the event it never did?

1905 **Hon. P J Balban:** Mr Speaker, I think I heard the hon. Member say that I had said that it will not be possible to automatically register persons – if that is what he said then I need to correct his view because I said that at this moment in time, a decision as to whether registration would be automatic cannot be taken at this stage. So just to correct that point in case I misheard.

Now again, Mr Speaker would not wish me to go back and debate why the bikes were so good or so bad or whatever. Clearly the public at large knows whether they were good or bad and why they did not survive.

1910 Anyway, in order to be able to – which is part of the question – in order to be able to, resurrect the GibiBikes you would need nothing close to a miracle really, because in order to resurrect these bicycles is just not possible. The bicycles had serious issues with the locking mechanisms, they had issues with bikes which were stolen as a result of their faulty locking mechanisms, which would have been fine as long as the locking mechanisms could have been repaired or spares could be bought or they could be upgraded. But
1915 then, the company was not there to be able to deliver on spares, on service and so the bicycles just died a natural death. So unfortunately that is GibiBikes and many of these bikes are lying in the bus depot as a carcass of rotted metal, which is a shame, because it was a huge expense to the Taxpayer at the time.

Now the Government's idea is that Government is looking into potential schemes because as I said earlier, in most modern urban cities, bicycle sharing systems do work. They are not profit making schemes
1920 as the hon. Members knows, so care has to be taken that at least if we are going to invest money in a scheme that it stands the test of time, which unfortunately the others did not. So that is imperative.

Whether the racks will be close to the bus stops or not, well if you think about the size of Gibraltar, there are bus stops very close to each other so these racks will be close enough to bus stops. They will be very much within walking distance or a stone's throw away from buses. Whether they will appear like the picture shows which is the bus stop which has a rack right beside it, whether it will be that configuration or slightly apart, well again these are just ideas.
1925

The idea of the document was to charge people's views on the plan and they can come back to us with ideas. It was meant to be a plan, a document which would see how people thought and get them interested and get them debating and saying well this is really bad or this is really good or this will work or this will
1930 not work. I think the plan has done that, I think... the closing date is tomorrow, I think people have been interested either way, whether they are interested because this will affect them or interested positively or whether interest because it will affect them negatively.

I think everyone loves the idea of a traffic plan as long as it does not affect their immediate vicinity and I think people have said and even NGOs have stated, we have to wait and see how things go. There has got
1935 to be a series of pilot schemes and I think the plan has done that. It has created a lot of interest, a lot of comments. Some have been negative, some have been positive; some people have written objective pieces on the plan in very much detail which Government really appreciates. I have actually gone through it section by section, so I think the Government has achieved what it set out to do.

Now it will be a time to look at all of these, reflect upon all the ideas and come up with a plan which is well balanced and for the good of the whole community in every respect to try and encourage people to stop
1940 using their vehicles as often, to use the excellent bus service that we have, eventually to hopefully use a bike scheme when we are able to decide on how to proceed on that, encourage walking and all the other methods which include sustainability to.

So as I said, this plan is a plan in progress. I know it has taken time and the hon. Member has been really enthusiastic, he has been positive – so much so that he did say publicly that if they ever took office in
1945 the future they would not bin it. Of course they would not because I truly think it is a great plan.

So as I said, if the hon. Member just gives us the gift of that extra time, we are almost there now and then all these things will be revealed in due course.

1950 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister and there is only one more question. But what I would say is that of course I understand that a certain amount of artistic licence has to be given in the production of illustrations and diagrams in the plan. There is one in the plan of a lady riding a moped on Zoca Flank in a bikini not wearing a helmet. So we are perfectly happy to allow them the artistic licence you need to give in these instances, Mr Speaker.

1955 Also to touch upon a point that he has made which I think is very important and one which I have made publicly but which I wish to make here in this Parliament. Mr Speaker, our approach to these things will be very different to theirs. We will not, if elected to Government this year, take that plan and rubbish it just because it is not our plan. That is not how we do things and that is not how we will do things if we are entrusted with the stewardship of this community this year.

1960 What I would ask, what I would ask the hon. Member is whether he can say whether he has any regrets that this investment that they are looking at and there is no account of how much that could be, but certainly

1965 in the context of the very, very many and splendid investments being made by this Government in projects for the better of the community at large, whether perhaps this might not have been one of those projects which the Government could have taken under its wing at an earlier stage, as soon as it had identified that the GibiBike scheme was not going to exist for much longer, in order to continue to reap the benefits of the interest and the commitment of so many users who were coming to GibiBikes in their droves?

1970 **Hon. P J Balban:** Mr Speaker, yes the Government could have just as they did, got rid of the GibiBike scheme and started looking for another scheme but again, we have the main issue of public perception of cycling in Gibraltar, which we spoke about initially. For us to place a new scheme to replace the old without looking at the actual real reasons why perhaps the bicycle scheme would never be used by people... I do recall that people would use it from the frontier to 6/7 Europort and from the frontier to Waterport Place. Those were the most common routes because people who came to work who lived across the border would use them.

1975 I know that they were popular for the short life they had within that route, but people, I do not think – I may be wrong as I was not there at the time, but I do not think that people... If they are worried about cycling in Gibraltar and the perception is that it is not entirely safe, I do not think any bicycle scheme would encourage people to just take up cycling.

1980 As I said, but once we have segregated bicycle lanes, hopefully which is what we are looking at which is part of the Wellington Front Project then people I think will start realising that cycling can be another way of moving from A to B even if it is just through leisure, it does not have to be a form of transport but encourage people through leisure to use these bicycles, keep people fit which is another reason why people walk or cycle, not just to get cars off the street, it is also to become healthier people.

1985 I do not think, personally, that at the time it would have been a good idea to have scrapped one scheme and replaced it with another because one did not work and this one would have. I think when we are ready and I think when people are ready, I think it is something which we definitely need to explore.

1990 Now, when I mentioned that the hon. Member was looking at the plan with a fine tooth comb, I have got excellent vision, I have got very, very good vision, but I would need a magnifying glass to see whether the lady driving her bicycle on Zoca Flank is wearing a bikini or not. It just goes to show how in-depth the gentleman has gone into the plan just to be able to make useless comments or comments which do not really mean much in terms of, it is not a comment which is constructive in any way; it is just a little... I do not want to use a rude word, just a little... you know. So anyway it just goes to show my perception of what the hon. Gentleman has been doing with the plan.

1995 So as I said just to round off, in essence first let us correct the perception of people, let us encourage people, let us make cycling safer in the perception of people and once we do so, once we have our segregated bicycle lanes, then let us invest in a scheme in a system of the rental bikes perhaps which would also explore, which we do need to explore, because the previous scheme only rented bicycles, but they never thought I think anyway of renting helmets because that would have been the cherry on the cake I suppose because people can use a bicycle but not wear a helmet. There is no law that says you have to use a helmet. Now whether we want to or whether we do not want to, that is a different story. Will people encourage that or will it be another thing to carry around.

2000 But again, we need to look at everything and the Government will be looking at a scheme which works throughout.

2005 **Hon. S M Figueras:** Mr Speaker, the Minister betrays his fragility when he touches upon once more just an amusing side comment that I made in relation to the plan in terms of artistic licence and that is where I am going to leave that point.

2010 I am going to say, Mr Speaker, that we are going to have to agree to disagree on the popularity of the GibiBike scheme because I recall asking in this House, Mr Speaker, questions in relation to the numbers of people who were signing up to the scheme when it was already in full scale descent to detritus and the numbers of people signing up were still significant because there were a lot of people depending on that scheme.

2015 Now, we will agree to disagree on the point of whether it was a good idea to just take one scheme and replace it with another one which was not beset by all the difficulties and problems that the first one was. But what I will ask the Minister now, Mr Speaker, is a question which I think arises from the answer and which I think needs to be answered to do away with any kind of ambiguity. That is, whether there is any question whatsoever, that an urban bike rental scheme will at some point return to Gibraltar?

2020 **Hon. P J Balban:** Mr Speaker, Government is looking positively at it, very positively at it. It is something which, as I said, all major cities have. I personally think it is a good idea, As the hon. Member said, there were people who signed up for the scheme but I think it is very different, I think when a new scheme comes up and something different arises, I think many people are keen to sign on. We have to really

analyse and what should have been analysed is what the use was after that. As I said when something new turns up it is a great idea, you go and you sign up. Whether you then use it or not is a different issue.

2025

Hon. N F Costa: May I?

Hon. P J Balban: Yes, please do, yes.

2030

Hon. N F Costa: Mr Speaker, if I may, my hon. Friend is being far too generous. He should not accept the premise of the hon. Gentleman's questions. The GibiBike scheme did not –

Mr Speaker: No, out of order. The hon. Member is out of order.

2035

Hon. N F Costa: Mr Speaker, I am answering the premises of his question –

Mr Speaker: No, I will not allow it, the question –

2040

Hon. N F Costa: – which relates to the GibiBike scheme, and I was the Minister responsible for the GibiBike scheme for three years.

Mr Speaker: I am sorry, the Hon. Minister will sit down because the questions have not been addressed to him. In the last three quarters of an hour to an hour, we have been dealing with cycling, and it does not involve –

2045

Hon. N F Costa: Mr Speaker, the hon. Gentleman gave way to allow me –

Mr Speaker: To who?

2050

Hon. N F Costa: To me, the hon. Gentleman –

Mr Speaker: He had no business to give way to you – what for?

Hon. N F Costa: Because I am answering –

2055

Mr Speaker: He has answered the question –

Hon. N F Costa: Mr Speaker, the hon. Gentleman has not answered the question because he is leaving out an important part, which is the part that I wish to address to the hon. Gentleman, which is a very simple one.

2060

The hon. Gentleman keeps making the implied criticism in everything that he asks, that we have allowed the GibiBike scheme to deteriorate and as I explained to him, during the course of the last three years, that was not the case. There was no intentional policy of allowing the GibiBike scheme to come to nothing. The GibiBike scheme collapsed because it was a rushed through, ill-thought out, completely inadequate scheme for Gibraltar. That is the answer.

2065

Mr Speaker: Next question.

Q136/2015
Adult cycling proficiency courses –
Potential introduction

Clerk: Question 136, the Hon. S M Figueras.

2070

Hon. S M Figueras: Mr Speaker, can the Minister for Transport say, and I think I know the answer already, whether the Government is contemplating the introduction of adult cycling proficiency courses?

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

2075

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, if the hon. Gentleman knows the answer, why ask the question in the first place, but I will go ahead and answer. It is

the comments which are totally unnecessary, I think and they do not help in any way. (**Several Members:** Ooh!) (*Interjections*)

2080 Mr Speaker... (*Laughter*) Well, it adds some fun to this, otherwise it gets a bit boring.

Mr Speaker: May I call hon. Members to order. This is a serious business. Let's get on like adults, that we are responsible persons, please. (**A Member:** Hear, hear.) Anyone would think that only children sat here.

2085 Now answer the question, please.

Hon. P J Balban: Mr Speaker, the RGP currently conducts cycling proficiency courses for young people, particularly with children at school and numerous different social organisations. This also includes HM Government of Gibraltar GSLA summer sports programme.

2090 The RGP have offered cycling proficiency courses to adults before, but this was a programme for people with disability needs.

As part of a plan to encourage a greater take up of cycling in Gibraltar, we will continue to work closely with the RGP in this regard.

Q137-138/2015

Buses –

Full specifications of old and new

2095 **Clerk:** Question 137, the Hon. S M Figueras.

Hon. S M Figueras: We will be moving along a bit more swiftly now, Mr Speaker. Can the Minister for Transport provide full specifications of the old Dennis buses, including but not limited to engine type, size, number of cylinders, power output and all other technical specifications available for these vehicles?

2100

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 138.

2105

Clerk: Question 138, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Transport provide full specifications of the new buses, including but not limited to engine type, size, number of cylinders, service intervals, power output and all other technical specifications available for the new buses?

2110

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, in answer to Question 137, although those buses were ordered by the previous Administration when they were on this side of the House, I shall be happy to oblige.

The technical specifications of the Dennis Dart buses are as follows:

Engine type: Cummins

Make (trade name of manufacturer) Dennis Dart

2120

Cylinder capacity: 3,900 cc

Number of cylinders: 4

Propulsion: Diesel

As to the answer to Question 138, which is exactly the same answer but for the new buses, the technical specifications for the new buses are as follows:

2125

Engine type: MAN

Make (trade name of manufacturer) Man-Caetano

Cylinder capacity: 6,871 cc

Number of cylinders: 6

Maximum net power: 213 KW

2130

Propulsion: Diesel

Service intervals: The manufacturer's first vehicle maintenance interval is recommended at 4,000 kilometres. As of yet, the vehicles have not reached such mileage.

Hon. S M Figueras: I am grateful, Mr Speaker, so the new buses are diesel like the old buses were.

2135 **Hon. P J Balban:** Mr Speaker, the new buses are...yes, I said propulsion of both these buses were diesel.

2140 **Hon. S M Figueras:** I am grateful, Mr Speaker, can the hon. Member just very quickly – and I do not have too many supplementaries on this issue – say whether the new buses have yet required a service of any kind in terms of their maintenance, not a regular service in terms of maintenance, anything that is not routine?

2145 **Hon. P J Balban:** Mr Speaker, at present, as I said, the service interval has not been reached yet, at 4,000 kilometres the buses will need to undergo their first service. Apart from that, the buses have had certain things checked which are I believe the ramps had to be checked, but again, if you actually give notice of that specific question then I can get more details for him. What I have based this question on is actually the characteristics of the engines, plus the service and the oil changes, filters etc. but no more than that.

2150 **Hon. S M Figueras:** I am happy to give notice of the question but just to clarify what I was asking for, was whether anything out of routine service had needed to be done on the buses, which the Hon. Minister says in relation to the ramps, but I will give notice of that question. I believe my learned and Hon. Leader of the Opposition –

2155 **Hon. D A Feetham:** Mr Speaker, yes. Perhaps the hon. Gentleman cannot answer this question; it arises out of his answer, the answer in relation to maintenance, and also a question that I asked the Hon. Minister Costa in December of last year about maintenance.

2160 Has the Government now concluded a contract for the maintenance of the new buses which was still pending in December of last year when I asked this question of the Hon. Minister Costa? If it has, can he identify who has been awarded the contract in relation to the maintenance? If he cannot answer it because he needs notice, I will ask it next time round.

2165 **Hon. P J Balban:** Mr Speaker, I would rather he ask the question next time round and I will have a fuller idea of the reply plus supplementaries to that because as I said, I do not think that has been concluded yet. But I really need notice of that question because obviously it will lead to other supplementaries and I would rather be fully informed by my team before I engage in that sort of debate on that question.

Q139/2015

Bus drivers merging onto Rosia Road – Resolving difficulties at Red Sands Road

Clerk: Question 139, the Hon. S M Figueras.

2170 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say how he has dealt with the difficulties experienced by bus drivers merging onto Rosia Road from Red Sands Road at the southern end of Rosia Road?

2175 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, an application was made to the Traffic Commission for the placing of a mirror opposite the bottom of Red Sands Road. This application was approved and the traffic mirror was subsequently placed.

2180 I am glad to report that the issue has now been resolved.

Q140/2015
Safety of red buses –
Works on Europa Road

Clerk: Question 140, the Hon. S M Figueras.

2185 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport detail the works carried out to ensure that Europa Road is safe for the recently acquired red buses to travel along it?

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

2190 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, no physical works have been carried out to Europa Road as these have not been deemed necessary at this moment in time.

2195 The whole of Europa Road has, however, been assessed by HM Government Engineers, in conjunction with a firm of specialists Geotechnical Engineers. The assessment has included detailed surveys of the road using ground penetrating radar and intrusive bore holes to allow stability analysis checks to be carried out on the existing walls.

The conclusion of the assessment is that Europa Road can safely carry the weight of the newly acquired buses and a programme of monitoring is currently in place.

Q141-143/2015
Buses–
Increasing service levels

Clerk: Question 141, the Hon. S M Figueras.

2200 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say when the pilot scheme for an evening bus service will commence?

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

2205 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 142 and 143/2015.

Clerk: Question 142, the Hon. S M Figueras.

2210 **Hon. S M Figueras:** Can the Minister for Transport say to what extent the bus service will be increasing the level of its service and whether or not the Government is looking to acquire more buses?

Clerk: Question 143, the Hon. S M Figueras.

2215 **Hon. S M Figueras:** Can the Minister for Transport say what changes the Government is making to the layout of the buses and at what cost?

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

2220 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the modifications that are going to be carried out to the buses is to modify the steps to lower the height of the steps.

2225 The estimated cost of this modification is €4,912. Although the new buses conform to EU approved standards, on-site meetings with the Senior Citizens' Associations, Social Services, Disability Groups and the Occupational Therapists were undertaken to better assess their accessibility. In view of the findings it was decided to modify the steps by adding one extra step.

2230 With regard to the evening bus service, there is no definite date for the introduction of this pilot scheme. All the administrative arrangements for such a scheme are currently being studied, which includes routes, timings and pricing etc. The Government will make an announcement in due course.

As part of the STTPP there are proposals to establish new bus interchange hubs. This would create more travel opportunities aimed at co-ordinating bus timetables more efficiently and minimising waiting times between services.

2235 The Government will also be looking at the possible introduction of new ribbon routes which will run at a lower level of frequency of the normal bus routes but would provide connections to key destinations like the hospital. In addition, the Government is looking to acquire more buses to service the Upper Town area.

2240 **Hon. S M Figueras:** I am grateful for the answer, Mr Speaker. Can the Minister for Transport say whether it is this intended investment in new buses that has promoted the insertion into the plan of reference to the possibility of starting to charge for the bus service at some date in the future?

2245 **Hon. P J Balban:** No, Mr Speaker. As I said when the consultants quizzed people and they went out on their surveys, some comments came back – in fact they were surprised by the amount of people who said ‘why should people not pay for the bus?’, people said why have a free bus service? They were keen, people thought it would increase the value of the service somehow, so as part of the... This is a perfect example, as I said before, it was something which could have been omitted because it could well be contentious because it is very easy to say, ‘Well if you are going to be charging, we want whatever.’ But that is not the point, the point was to show what people’s views are and we were surprised that we found quite a few people said ‘Why not pay for buses? Why should it be free? It is costing the Taxpayer a lot of money to have these buses, why can’t people contribute when they are using them?’

2250 **Hon. S M Figueras:** And you know, Mr Speaker, this is the reason why I have raised it in such a neutral fashion because genuinely the plan has been conducted in the way that it has and this is the kind of feedback that Government and the consultants have received, then fair enough, Mr Speaker, you cannot say anything other than that.

2260 However, Mr Speaker, I would say and I would perhaps caution the Minister, that it strikes me that if I were a bus user, if I were to use the bus every day to rely on it for commuting and I found that in the mornings when, as the plan says, the buses are full to the brim and often buses will go by because they are full and there is just not enough capacity, that as a bus user answering questions about the bus service, I may well be inclined to say, ‘Actually, why don’t we charge so we have less people on the bus?’ and frankly –

Mr Speaker: Charging does not arise from any of the three questions.

2265 Look, I did allow the Minister to reply to a question when I should not have allowed it. I allowed the question, I allowed the Minister, hoping that the Minister would just say yes or no, to give a short answer, and now you are no longer dealing with the subject matter of the three questions. You are now dealing with a question of charging, which is a totally separate issue.

2270 I have been liberal, I have allowed people to ask, I have allowed the Minister to give a short answer, but for heaven’s sake, you must not elaborate now and have a debate on whether people are going to pay for the bus service or not!

2275 **Hon. S M Figueras:** Mr Speaker, I am grateful for the guidance and I am happy to leave the issue there and bring it up in a question next month. But only to say, Mr Speaker, that it only arose in the context of the additional cost for acquiring more buses and covering that cost. I thought it was a convenient point to bring it together. So that, Mr Speaker, was the reason why I raised it, in the context of the Minister saying we are going to acquire more buses and therefore there was a cost that was going to be covered and the Minister himself did very helpfully provide – and it arises from the plan – a very full answer to which I thought a quick supplementary was appropriate.

2280 If it is the Chair’s view that it is not appropriate, then I am certainly happy to move on.

Mr Speaker: The Chair... I allowed him to answer, conscious as I was of the fact that the supplementary did not really... I thought well fine, let the Minister... He gave a reasonable answer, short, to the point. That should be it, I would imagine. We must not elaborate and now have a debate on something that does not even arise.

2285 So on the one hand I am liberal and I allow it, and then...

Hon. S M Figueras: Mr Speaker, I will raise it as a separate question in next month’s meeting of Parliament, but I believe that the Hon. Leader of the –

2290 **Mr Speaker:** ‘What is the Government’s policy about people paying for the buses?’ That is the question. Why not...?

2295 **Hon. S M Figueras:** But, Mr Speaker, the point that I was getting to, Mr Speaker, but unfortunately I was unable to get to the point, was that there is a concern on this side of the House that consultation, good though it is, can if not tempered by the expertise and the knowledge and experience of the consultants on board and the Minister's own Department's guidance and leadership in this context... I was giving an example of how perhaps the responses might be skewed one way or another and how we needed to guard against being guided by those in a way that might not be representative.

I am happy to leave this issue for discussion by way of further questions next month, but I do believe that the Hon. the Leader of the Opposition has a supplementary to ask.

2300 **Hon. D A Feetham:** Mr Speaker, before I ask the question, I have to declare an interest, in that I live in the Upper Rock and under the Rules I need to declare that.

2305 But it arises out of Question 142 and the increase in the levels of service and I wonder whether the Government has thought about introducing a bus service for the Upper Rock. I will tell you why I am asking, there have been a number of people in the Devil's Gap area and also further down, the Bruce's Farm area and we are talking about 20 something families up there, asking me as to whether there are any plans in relation to the introduction of a bus service there that then links with Moorish Castle and Calpe on the way down.

I just wondered whether the Minister can provide some information in relation to that if he has any?

2310 **Hon. P J Balban:** Mr Speaker, as far as I am aware, this is the first I hear of a proposal in that respect. It has not come across, as far as I am aware as part of the consultation period, or even as part of your comments on the traffic plan, no-one has raised that.

2315 I would not like to speculate, as there are just a few families up there and I think we have to very careful. I do not think we can provide a bus service everywhere in Gibraltar because there is no need or there has been no demand and obviously it is difficult but again if it is something that is popular with people in the area, Government will look at everything that is proposed for sure. Then we will weigh up on whether that decision, on what the usage is.

2320 If the hon. Gentleman would like to make that as a proposal, we welcome that sort of thing. But again, I have not heard any comments; they have come to see you, but not me or the Government.

Q144-158/2015
City centre traffic –
Government's plans

Clerk: Question 144, the Hon. S M Figueras.

2325 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say if it is in fact the case that it plans to exclude all non-public service, non-eco-friendly traffic, from within the city walls?

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

2330 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 145 to 158.

Clerk: Question 145, the Hon. S M Figueras.

2335 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say whether the Government will be providing dedicated parking spaces in and around the city centre for so-called micro cars?

Clerk: Question 146, the Hon. S M Figueras.

2340 **Hon. S M Figueras:** Can the Minister for Transport say which areas in the city centre are now earmarked to become paid parking spaces and when?

Clerk: Question 147, the Hon. S M Figueras.

2345 **Hon. S M Figueras:** Can the Minister for Transport say when the Government will start charging users for parking in the city centre?

Clerk: Question 148, the Hon. S M Figueras.

2350 **Hon. S M Figueras:** Can the Minister for Transport say if it is in fact the case that the Government is contemplating the introduction of a congestion charge for Gibraltar?

Clerk: Question 149, the Hon. S M Figueras.

2355 **Hon. S M Figueras:** Can the Minister for Transport say whether it will be introducing measures to encourage, incentivise and monitor car-pooling in Gibraltar?

Clerk: Question 150, the Hon. S M Figueras.

2360 **Hon. S M Figueras:** Can the Minister for Transport say what he means when in the summary of the draft Sustainable Traffic, Transport and Parking Plan, the Government refers to the development of car sharing networks, car clubs, etc?

Clerk: Question 151, the Hon. S M Figueras.

2365 **Hon. S M Figueras:** Can the Minister for Transport say whether there are any plans to license a social car sharing scheme in Gibraltar along the lines of the Uber service?

Clerk: Question 152, the Hon. S M Figueras.

2370 **Hon. S M Figueras:** Can the Minister for Transport say whether the Government will be reviewing arrangements implemented in the area of St Joseph's School in the days following the announcement of the draft Sustainable Traffic, Transport and Parking Plan summary?

Clerk: Question 153, the Hon. S M Figueras.

2375 **Hon. S M Figueras:** Can the Minister for Transport say where it is proposed to create resident parking schemes as raised in the summary of the draft Sustainable Traffic, Transport and Parking Plan?

Clerk: Question 154, the Hon. S M Figueras.

2380 **Hon. S M Figueras:** Can the Minister for Transport say whether it is in fact the case that one of the ribbon routes announced as part of the summary of the draft Sustainable Traffic, Transport and Parking Plan will be around the outside of Waterport Terraces?

Clerk: Question 155, the Hon. S M Figueras.

2385 **Hon. S M Figueras:** Can the Minister for Transport detail the measures it is planning to make to the area of the Trafalgar Interchange?

Clerk: Question 156, the Hon. S M Figueras.

2390 **Hon. S M Figueras:** Can the Minister for Transport say what measures he is discussing with the Taxi Association to improve the quality of the service available to users?

Clerk: Question 157, the Hon. S M Figueras.

2395 **Hon. S M Figueras:** Can the Minister for Transport say how the Government expects to monitor and maintain appropriate levels of enforcement of traffic laws in Gibraltar?

Clerk: Question 158, the Hon. S M Figueras.

2400 **Hon. S M Figueras:** And finally, Mr Speaker, can the Minister for Transport say what the Government means when it refers to 'longer term plans' in the summary of the draft Sustainable Traffic, Transport and Parking Plan?

2405 **Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the draft Sustainable Traffic, Transport and Parking Plan does not suggest exclusion of non-public service or non-eco-friendly vehicles within the city walls.

2410

At present, Government has no specific plan to provide dedicated parking spaces for micro-cars in and around the city centre, but doing so in future is not necessarily discarded.

Mr Speaker, the draft Sustainable Traffic, Transport and Parking Plan identifies pilot schemes which will be introduced along Linewall Road and Waterport Road. They will operate on a pay and display basis as is already the case in a number of areas around Gibraltar. An announcement will be made in due course.

2415

The Government is not contemplating the introduction of a congestion charge for Gibraltar at present and there is no mention of this in the draft summary document of the Sustainable Traffic, Transport and Parking Plan.

The plan makes recommendations aimed at encouraging shared car usage to reduce the number of vehicles on our roads. These recommendations will be fully considered at the end of the public consultation period. However, there are no plans at present to license a social car-sharing scheme in Gibraltar.

2420

Mr Speaker, the traffic and parking arrangements introduced in the area of St Joseph's School are part of a pilot scheme launched under the draft Sustainable Traffic, Transport and Parking Plan. This pilot scheme and others to follow will be constantly monitored. At present, the RGP who are on site are also monitoring the scheme on the ground and will relay any concerns, or otherwise, to the Ministry as they see fit.

2425

In moving on, Mr Speaker, the draft plan states that residential parking zones have met with support in principle from stakeholders. Further engagements with the tenants' association and residents will now ensue in order to proceed with the pilot schemes in given areas, which will help address the serious misgivings of the residential parking scheme as laid out in the integrated Traffic, Transport and Parking Plan, such as the lack of provision for visitors, carers and commercial vehicles. At present it is not possible to advise on the exact extent and number of zones that might be introduced.

2430

The plan also incorporates a number of proposals to develop a new bus network for the use of core routes supported by ribbon routes. The introduction of one such ribbon route around and outside of Waterport Terraces was shown on the plan as a possibility. Work on core routes and ribbon routes is still ongoing. This, Mr Speaker, is still very much work in progress.

2435

With reference to the Trafalgar Interchange, micro-simulation modelling has been used to examine and review concepts and proposals for different areas of the transport network. These have been used to develop the draft Sustainable Traffic, Transport and Parking Plan and once the consultation period has been completed and responses taken into account, further work will be required to develop the actual measures. It is, however, expected that these will include the introduction of a new pelican crossing, along Ragged Staff Road as well as changes to the northern area of Alameda Estate to improve pedestrian access.

2440

Mr Speaker, enforcement of traffic laws in Gibraltar are currently monitored by the RGP. Furthermore, there are weekly briefings for the Senior Command on Operation Roadwatch. Offences and Fixed Penalty Notices are issued by the Highways Enforcement Officers. HM Government of Gibraltar will continue to work and liaise closely with the RGP to ensure that enforcement is monitored and maintained to the appropriate levels.

2445

Mr Speaker, in using the phrase 'long term' within the context of the draft Sustainable Traffic, Transport and Parking Plan, this is to be taken as being a period of between six to ten years and beyond.

2450

In conclusion, Mr Speaker, I am happy to state that consultations with the Gibraltar Taxi Association are presently ongoing to improve the quality of the service to users and any possible changes arising out of these discussions with the GTA will be announced where necessary. The purpose of these discussions are to help improve the service already being provided.

2455

Hon. S M Figueras: Mr Speaker, I am grateful to the Hon. Minister for the very comprehensive answer that he has given. He has in fact, on this occasion answered I think most of the questions I have asked and the supplementaries will therefore arise out of the answers that he has given, that I have scribbled quickly as he gave it.

In relation to the exclusion of non-public service, non-eco-friendly traffic and congestion charging for Gibraltar, I recognise that those are nuclear options if one can describe them like that. It is perhaps quite appropriate in the sense that they would be the hardest ones for a community of our kind to stomach. However, I mention them in the context of the longer-term solutions in the plan and the reason I ask that particular question, which he has answered by saying six to ten years and beyond, is because it strikes me, Mr Speaker, and unnecessarily this will be a political point, but I give due warning of it, that any revolutionary, any genuinely ground-breaking, gain-changing initiatives contained within the plan – and there are a couple, or three – are contained in the longer term outlook.

2460

2465

Would the Minister agree that the plan, good as it is as I have described publicly and repeat here, does not go far enough in terms of setting out ambitions with clearly set out goals and objectives in terms of the

2470 development within this community of alternative forms of transport such as the personal rapid transit system and ultimately solutions such as congestion charges and anything but eco-friendly traffic being excluded from the city walls, as possibilities?

Hon. P J Balban: Mr Speaker, in view of the very long winded prelude, can I just have the question? With all the hon. Gentleman just said, I am lost within... what is the exact question he is trying to ask?

2475 **Hon. S M Figueras:** The question I suppose, if it can be summarised – it was complex but certainly not long-winded, Mr Speaker (*Laughter*) – whether the Minister agrees with the assessment that the plan can perhaps be accused of having fallen short in respect of setting clearly defined, long-term goals and objectives and that in doing so, it has failed to seize the opportunity of this momentum that we see in this community, of establishing what perhaps some might describe as lofty goals as something realistic that this community can achieve, including but not limited to, ideas such as excluding vehicular traffic which is non-eco-friendly and non-public service from within the city walls, or a congestion charge – which is not to say that a GSD Opposition would be pursuing that, but certainly I am keen to understand what the Minister's assessment of that is.

2485 **Hon. P J Balban:** Mr Speaker, I sincerely struggle with the length of the questions. But I cannot agree, remember as I said before, this is a draft plan and if what the hon. Member is asking for is set times and dates similar to what they had when they wrote theirs out, which was a checklist – in fact I do not recall them having timeframes but I do recall a checklist of things as and when they were being done – I do not think the draft plan which has been produced now for the public deems it necessary to have timeframes of when we are going to do this or when we are going to do that and how long are long term and short term etc. As the plan comes out, as we develop the plan, if the Government feels that there is a need to pinpoint timeframes to these things, we will do.

2490 A lot of these things are dependent upon others so there is a domino and cascading effect and you probably want to do things slowly to give people time to react and respond, time to get used to things. If we do these game changing changes, as the hon. Member is mentioning, people are resistant to change. People worry about change. Again, I do not want to go into St Joseph's, because we have had chance to discuss that, but even minor changes do... People are concerned whatever you do. So I think we have to be very careful how we roll things out, we have to be very clear that things depend on other things and we will need to take this as they come.

2495 So again, I do not agree that at this stage of the plan there was any need whatsoever to set dates because dates need to be adhered to. That is something which is clear and the Opposition will hold us to account if I say by 3rd April we will have this done and it is not done. So at this stage there is absolutely no need in my mind that we should have gone the other route. Again, this is a public document, tomorrow is the closing date, let us see what comes from it and then we will have – within a short period of time hopefully – we will have the full document which will not only include the non-technical part of things which is what we have seen now but will also have the technical details of the plan which some people may be interested in, in learning the statistics and all the research that came as part of the plan.

2510 **Hon. S M Figueras:** I am grateful for that answer. Moving on, Mr Speaker, in relation to parking and charging for same in the city centre, much as I personally and certainly this party welcomes the initiative because it is clearly one of the strategies that can be deployed in putting – not necessarily putting people off using their cars, but incentivising them somehow to get where they are going somehow else.

2515 Much as that aspect of the plan might be welcome, how does the Minister, if he would be so kind as to answer, juxtapose that with the commitment to free resident parking so colourfully displayed in the general election manifesto in 2011?

2520 **Hon. P J Balban:** Mr Speaker, they are totally different things. A residential parking scheme is where people reside and there necessarily might not be a need to... Let us analyse what the reasons for paid parking are.

2525 I think that you want to charge people to park so that they do not stay there all day, so in areas where there should be a flow of people, there should be a circulation of vehicles like for example the city centre. So if you want to go down to do a bit of shopping or go and have a coffee or you want to meet someone, then if we do not have areas which are dedicated to pay and display for example, people would not move their vehicles so it does not give enough opportunity for everyone to benefit from going into town.

So there are clearly areas which will require some sort of method which will allow people to go in and guarantee a parking and there are other areas of Gibraltar within more residential areas and there may not be a need for pay and display for that reason.

2530 Now, there may also be a need to have combinations of, because as I said initially one of the reason why the previous plan was put on hold, was because there were many, many complaints that emanated from the North District Plan and that was because anybody going to visit a family member or anybody going in that wanted to deliver a plate of food to someone's home could not do so because there was nowhere to park.

2535 So there may be reasons why one may wish to combine areas of free residential parking with a small limited number of visitors parking, which could be controlled or not by way of pay and display, it could be way of signage which says no more than 30 minutes like we have in Waterport Road, there are numerous methods which can be used to encourage people, so that people do not stay with the parking for long periods of time. So that is why I say they are different issues.

2540 **Hon. S M Figueras:** Mr Speaker, I am grateful for the answer. Again, it flies in the face of the expression in their own manifesto for 2011 of the very good looking but unfortunately never to pass two-tier multi-level underground car park below Commonwealth Park, where the manifesto itself had a signed 'free parking' for residents and the manifesto itself said it would be free for residents of Gibraltar, not for residents of the area.

2545 But moving on, as I am keen to do Mr Speaker, he also mentioned in relation to the question of the St Joseph's School reorganisation pilot scheme, has he now received a significant amount of representations from neighbours in the area and are these representations and concerns being taken into account? In particular, representations from people who frequent the area and are now unable to negotiate the area because they are diverted in another direction.

2550 Could the Hon. Minister please provide us with a flavour of how it is that he is hoping to balance the needs of residents and users alike?

2555 **Hon. P J Balban:** Mr Speaker, referring to our manifesto whereby the hon. Gentleman keeps referring to our underground parking scheme, I must remind the hon. Gentleman that this was always subject to a technical survey. It was something that was placed in our manifesto, but it was always subject to a technical survey.

2560 But the manifesto commitment still holds. We said that we would provide double the amount of parking in that area and this is something which you will be pleased to know will happen. Whether the package whereby the cars are kept is underground or multi-storey or floating in space does not matter. I think that what the commitment is that we will increase, we will double – (*Interjection*) I am sorry if what I am saying sounds ridiculous, because I think the constant badgering about that, I think is dead and it is ridiculous. This is why I think it requires that little bit of a ridiculous response back just to prove a point.

2565 Now coming to the St Joseph's parking scheme, remember one thing as I told the hon. Gentleman earlier. Yes, there have been complaints by, in fact from members of the public. You will note that there have been numerous complaints from the same people, so if we look at the amount of complaints, there have been up to five, seven complaints from the same individual on different days saying, 'Well this is my complaint for Monday, Tuesday, Wednesday, Thursday and Friday.'

2570 There are people who are adamant that they do not want this to work because it affects them and as I said, a traffic plan is something which we have to understand will not be popular for everyone. But it is not this Government's intention or any Government's intention for that matter, to do something which is unpopular or something which is wrong or flawed. Everyone is seeking what is right and what will help everyone in the long term. And I have used this example when we were on *Viewpoint*, when Main Street was pedestrianised originally; the complaints were incredible, I am told. It was viewed that people did not want that, nightlife in town would cease, we were losing a road, etc.

2575 If today you tell people that we are going to introduce cars into Main Street, there would be another uproar about that. So as change comes, people I think need time to settle (**A Member:** Hear, hear.) so it is not the Government's intention, just because a pilot plan is perhaps being perceived as not working to a certain sector of the community we are now going to turn back and say let us stop that because it is not popular, let us go with this instead and that is not popular either, so let us not do anything because we are going to rock the boat whatever we do.

2580 I think it takes a brave Government to say that we are going to give this time and if it fails in the longer term, then we will have to re-assess. (**A Member:** Hear, hear.) There are many things that can be done as well because we want this, we want people to come and complain and even say positive things about it because it is only this way that we will be able to see how it works. People are good to complain but they are not very good to say well it works.

2585 You will be surprised that there have been no positive comments from people coming from wherever to drop their kids off there. That would be expected because these people now benefit from areas to be able to drop their kids or their grandchildren off or whatever, it is just the people who are in the area. Now we may have to adapt it, where at the moment there are around 30 spaces which are there for people to come and drop off their kids, maybe we need to bring that down to 15.

2590 Everything is fluid so as I said, we really appreciate the patience of people who live in the area, we appreciate the comments coming through, we will now be able to see clearly what the views are and the Government in due course will take a decision of what will happen.

2595 **Hon. S M Figueras:** One final supplementary, Mr Speaker and I am grateful for the answer that he has given in relation to that.

2600 Would the Minister, however though, concede that perhaps some more time might have been given to the residents of St Joseph's to assimilate the changes given that they were announced in a summary which was published and was said to go to consultation but then the scheme was effectively, to use quite an unkind word, 'foisted' on the residents within a couple of days? (**A Member:** Hear, hear.) That is the only point I would make in that regard and would the Hon. Minister perhaps concur that that might be a reasonable view to take?

2605 **Hon. P J Balban:** Mr Speaker, I mean I see what the hon. Gentleman is asking and I wonder to myself, if we take too long to do things, we take too long to do things; if we do things quickly, it is done too quickly. (**A Member:** Hear, hear.) (*Banging on desks*) So it is very difficult to get it right. But I think the purpose of... Remember what we have not done is conducted all our pilot schemes at once throughout the whole area, we have done something quickly just to gauge a response and I think it has been extremely effective because this was the intention of this, we are going to launch the traffic plan, we are going to set this pilot scheme up quickly. Yes, you think, let us give people time to read the document. Well, they had a few days, the plan was out on a Thursday, I think it was, and this happened on a Wednesday so people had a bit of time but we wanted to just throw something out there to see what the response would be and I think in that respect it has been positive.

2615 Now as I said, if we give people more time it is a problem, if we give them less time it is a problem, so I think it is a matter of opinion. You have your opinion and we have ours.

A Member: Hear, hear. (*Banging on desks*)

Hon. E J Reyes: Mr Speaker, may I –

2620 **Mr Speaker:** A very short supplementary I hope.

Hon. E J Reyes: May I please put a short supplementary, Mr Speaker?

2625 Would the Minister for Transport commit himself in this House that he will consult closely with his colleague the Minister for Education? Because in all these arrangements at St Joseph's Schools, and there are two schools there, we are taking into account residents and we are taking into account parents or grandparents who deliver the children, but there has been no mention... and I hope this House reassures the teaching staff of both St Joseph's Schools that their needs, since they have to be in school before the arrival of any pupils to open the gate and for safety reasons, that their needs will also be taken on board in the consultation process.

2630 **Hon. P J Balban:** Mr Speaker, there is plenty of consultation between the Ministry for Transport and the Ministry for Education. We do discuss ideas constantly and especially when it comes to school children: ideas that I may have that I pass to the hon. Member for his opinion, he then sometimes seeks the opinion of the experts who are there at ground level. So yes, Mr Speaker, the consultation not only does it exist but it will continue existing as long as we are here.

2635 **Mr Speaker:** The House will now recess until 3.00 p.m. this afternoon for Chief Minister's Questions.

The House recessed at 1.08 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.55 p.m.

Gibraltar, Thursday, 19th February 2015

Business transacted

Questions for Oral Answer	4
Health, the Environment, Energy and Climate Change	4
Q93-97/2015 ERDF Operational Programme 2014-20 – Renewable Energy Action Plan	4
Q98/2015 New power station – Payments to successful contractor	7
Q99/2015 Cycling related injuries – A&E figures for last five years	8
Q100/2015 Mount Alvernia balconies – Safety	8
Q101/2015 Abdominal aortic aneurism screening – Commencement and eligibility	9
Q102/2015 Sponsored Patients Scheme – Review	10
Q103/2015 Consultants’ contract – Negotiations	10
Tourism, Housing, Equality and Social Services	10
Q104/2015 Cruise liner arrivals – January 2015 numbers	10
Standing Order 7(3) suspended to proceed with a Government Statement	11
Statement by the Chief Minister	11
Questions for Oral Answer (continued)	12
Chief Minister	12
Q181/2015 Central Register of Ultimate Beneficial Ownership – Correspondence with UK Leader of Opposition	12
Q182/2015 Joe Carseni – Payments made by Government	14
Q183-184/2015 Chief Minister’s talk in Madrid – Invitees; associated costs	14
Q185/2015 Plans for GBC – Update	24
Tourism, Housing, Equality and Social Services	25
Q105/2015 Upper Rock Nature Reserve – Visitor numbers, January 2015	25
Q106-107/2015 Mid-Harbour Estate– CCTV and garage barriers	26
Q108/2015 Weather damage to rental homes – Details	27

Q109/2015 Government co-ownership housing projects – Unsold homes	28
Q110 & 117/2015 Government rental homes – Unpaid rents	28
Q111/2015 Reallocation of empty homes – Expenditure and details.....	29
Q112/2015 Urgent decanting from homes – Details	29
Q113/2015 Housing Works Agency – Seconded Building Surveyor and M/T Driver	30
Q114/2015 Government rental homes – Eviction of squatters.....	30
Q115/2015 Vacant flats – Details	30
Q116/2015 Governor’s Meadow House, Alameda Estate – Cost of resurfacing work	31
Question 88/2015 continued – Supplementary information.....	31
Q118-119/2015 Disability – Definition and review in law	31
Q120/2015 St Bernadette’s Resource Centre – Plans to increase places	32
Q121/2015 Supported Employment Scheme – Participating companies	32
Q122/2015 Dr Giraldi Inquiry – Final cost	32
Financial Services and Gaming	33
Q159/2015 Flagship events – Business development goals.....	33
Q160/2015 Finance Centre Department travel expenses – Details	34
Education and Justice & International Exchange of Information	35
Q161/2015 Supply teachers and/or support auxiliary staff – Details.....	35
Q162/2015 Government subsidised students outside Gibraltar – Full details.....	36
Deputy Chief Minister	47
Q180/2015 European Single Skies – Gibraltar’s inclusion	47
Question 184/2015 continued – Supplementary information.....	48
Questions for Written Answer.....	48
<i>The House recessed for 20 minutes.</i>	49
Order of the Day	49
Bills	49
First and Second Reading	49
Royal Gibraltar Regiment (Amendment) Bill 2014 – First Reading approved.....	49
Royal Gibraltar Regiment (Amendment) Bill 2014 – Second Reading approved.....	49
Royal Gibraltar Regiment (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting.....	51
Tobacco (Amendment No. 3) Bill 2014 – First Reading approved.....	51
Tobacco (Amendment No. 3) Bill 2014 – Second Reading approved	51
Tobacco (Amendment No. 3) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting.....	52
Criminal Procedure and Evidence (Amendment No. 2) Bill 2014 – First Reading approved.....	52
Criminal Procedure and Evidence (Amendment No. 2) Bill 2014 – Second Reading approved	53
Criminal Procedure and Evidence (Amendment No. 2) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting	54
International Co-operation (Tax Information) (Amendment) Act 2014 – First Reading approved	54
International Co-operation (Tax Information) (Amendment) Act 2014 – Second Reading approved ..	54
International Co-operation (Tax Information) (Amendment) Act 2014 – Committee Stage and Third Reading to be taken at this sitting	54
Parliament (Amendment) Bill 2014 – First Reading approved.....	55

Parliament (Amendment) Bill 2014 – Second Reading approved	55
Parliament (Amendment) Bill 2014 – Committee Stage and Third Reading to be taken at this sitting	55
Committee Stage and Third Reading	56
Royal Gibraltar Regiment (Amendment) Bill 2014 – Clauses considered and approved	56
Tobacco (Amendment No. 3) Bill 2014 – Clauses considered and approved	57
Criminal Procedure and Evidence (Amendment No. 2) Bill 2014 – Clauses considered and approved	59
International Co-operation (Tax Information) (Amendment) Act 2009 – Clauses considered and approved	59
Parliament (Amendment) Bill 2014 – Clauses considered and approved	59
Royal Gibraltar Regiment (Amendment) Bill 2014; Tobacco (Amendment) Bill 2014; Criminal Procedure and Evidence (Amendment No. 2) Bill 2014; International Co-operation (Tax Information) (Amendment) Bill 2014; and Parliament (Amendment) Bill 2014 – Third Readings approved: Bills passed	60
Government Motion	60
Royal Anglian Regiment – Conferring of Freedom of the City of Gibraltar – Motion carried unanimously	60
Personal Statement by the Leader of the Opposition	62
Adjournment	62
<i>The House adjourned at 6.55 p.m.</i>	62

The Gibraltar Parliament

The Parliament resumed at 3.00 p.m.

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

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

Questions for Oral Answer

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q93-97/2015

ERDF Operational Programme 2014-20 – Renewable Energy Action Plan

Mr Speaker: In the absence of the Chief Minister, we are going to proceed with questions to the Hon. the Minister for Health and the Environment.

5 Question 93.

Clerk: Question 93, the Hon. J J Netto.

10 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if the Gibraltar Climate Change Taskforce has now finalised the Renewable Energy Action Plan as stated in the new ERDF programme plan and if so, will the Hon. Minister provide a copy to Parliament?

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

15 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 94 to 97.

Clerk: Question 94, the Hon. J J Netto.

20 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state from which renewable sources we are currently obtaining 3.1 MW/year of renewable energy as stated on page 5 of the ERDF Operational Programme 2014-20 stating the individual amounts by each source and whether this is produced by the Government or privately?

25 **Clerk:** Question 95, the Hon. J J Netto.

30 **Hon. J J Netto:** Mr Speaker, given the statement on page 11 of the ERDF Operational Programme in which it states that Gibraltar is an excellent for placing solar and wind production, can the Minister for the Environment say if any wind turbines are envisaged to be erected during this new programme and if so, provide a statement to Parliament?

Clerk: Question 96, the Hon. J J Netto.

35 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if we have already had a project that has been partly funded or in the process of being funded through the new ERDF programme. If so, could the Hon. Minister provide details of such?

Clerk: Question 97, the Hon. J J Netto.

40 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if the Government or any other organisation working for the Government is likely to obtain any funding from the new ERDF programme as a result of the new power station to be built?

45 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, in answer to Question 93 yes, Mr Speaker. A copy of the plan will be provided electronically during the course of this afternoon.

50 The figure included in the ERDF Programme Report indicating that 3.1 MW/year was being generated from renewable sources was based on a previously estimated forecast base line that Gibraltar would be generating approximately 0.002% of its total electricity requirement from renewable energy sources. The figure should have been correctly expressed as 310,000 kWh per year.

55 Moreover, it should be stressed that the figure used was an estimate since forecasting the actual electrical output from renewables per annum is as difficult – particularly in solar power – as trying to forecast the weather for a whole year.

The actual recorded production of renewable energy fed into the network in 2014 – and this is the first time this has ever been done – was 123,880.5 kWh. With the exception of the solar photovoltaic systems set up in Sir William Jackson Grove and the swimming pool, which are operated by private companies all the remaining sources were produced by the Gibraltar Electrical Authority. The complete breakdown is as follows: the GSLA Swimming Pool – 85,218 kWh; bus stops – 17,798 kWh; King’s Wharf Car Park – 2,706 kWh; the Frontier – 1,503 kWh; various street lights – 601 kWh; Sir William Jackson Grove – 16,054.5 kWh.

60 The Government is currently investigating the feasibility of installing wind turbines in both onshore and/or offshore environments. It is currently not possible to ascertain whether any wind turbines will be erected during the new programme period until all the required assessments are carried out.

65 It is nevertheless the Government’s desire to generate renewable energy from wind turbines by the year 2018 as highlighted in Gibraltar’s National Renewable Energy Action Plan of which a copy, as I said earlier, will be forwarded this afternoon.

70 To date there are no projects that have been partly funded or in the process of being funded under the new ERDF programme and finally, Mr Speaker, there is no present intention for ERDF money to be used in the funding of the new power station.

Hon. J J Netto: Yes, Mr Speaker, I am grateful to the Hon. Minister for the information given and also indeed for providing the report I have asked for.

75 In relation to one of the questions that deals with the possibility of introducing wind turbines, I think the Minister said that they were looking at a number of places both onshore and offshore. Could perhaps the Minister elaborate a bit more in relation to the specific areas they are looking as to see whether it is feasible or not, at this stage anyway?

80 **Hon. Dr J E Cortes:** Yes, Mr Speaker, the wind turbine technology is progressing and now it is increasingly possible to generate a considerable amount of wind energy from smaller plants and also plants that rotate on a vertical access rather than a horizontal access, which obviously means there is no danger to birds which is a concern that I have often had and we have had this conversation before, when the hon. Member opposite was Minister.

85 Therefore, because of the possibility of smaller, non-dangerous wind turbines, there are a number of possibilities in Gibraltar which would have to be assessed from the point of view of the wind and also the visual impact. There are in fact some wind turbines now that almost look like artificial trees and there are a number of locations, possibly the Europa Point area for that sort of thing.

90 As far as offshore wind turbines are concerned, we are beginning a number of studies to ascertain wind velocity and reliability of wind and these would clearly likely be, but this is not a commitment, off the east side of Gibraltar. But it is very early stages yet but because this technology is progressing, it is something that we need to look into for the future.

95 **Hon. J J Netto:** I am grateful, Mr Speaker. Could the Minister perhaps indicate whether any sort of feasibility study has been provided to the Government and to the Department of the Environment in relation to the possibility of installing some wind turbines at the Detached Mole and in the Upper Rock Nature Reserve?

100 **Hon. Dr J E Cortes:** Mr Speaker, I will start with the last one. The Upper Rock Nature Reserve to my mind is not a suitable location because of the other types of environmental impact. There have been studies

carried out in the past on the Detached Mole and that is one area that one will have to consider. But I recall those studies from quite a way back and those are obviously still there but we are looking at other areas because we know the Detached Mole has other possibilities as well for the future.

105 **Hon. D A Feetham:** Mr Speaker, exactly, that is precisely what I was thinking about when I was listening to the exchanges between the Hon. Minister and my colleague Mr Netto, that there are studies that indicate that actually the best place to site wind turbines – and now even more so because you have got these vertical ones that operate almost like a corkscrew technology – is in the Detached Mole.

110 Bearing in mind that the Government – any Government, it does not matter whether it is them or us – will have to have 20% renewable energy by 2020, it does seem to us like a waste of space actually locating the liquefied natural gas there.

115 I have to say that if we were to win the next election that is precisely what we would be looking to use, the Detached Mole, in order to build these wind turbines because it is the ideal location. Does he not agree with me that there are these studies that appear to indicate that that is the best location in Gibraltar for wind technology?

Hon. Dr J E Cortes: If the Member opposite were to win the next election, I can assure you, Mr Speaker, that there will be less renewable energy than if I am in the winning team next time. But anyway there we are, I could not resist that one, Mr Speaker. (*Laughter*)

120 The studies at the time indicate that of the areas studied, the Detached Mole did in fact seem to be one of the best locations. I cannot confirm whether it is the best because my recollection is not as acute as that, it is a little while since I read the report and clearly that is a possibility.

125 At the time I am not sure whether offshore wind farms were being considered, these are obviously very expensive and you have to measure up the investment and the return of that investment and as technology progresses it will be better. So that is a possibility.

I will not comment on the location of liquid natural gas because the final decision on that and where that will go has not been taken and obviously it is not a supplementary to this particular question but it is a supplementary to other exchanges that there has been over the last few days.

130 **Hon. D A Feetham:** Mr Speaker, bearing in mind that on this side of the House we have been publishing our policies in relation to a number of areas where in our view, we have been breaking away from past practices of keeping cards close to one's chest and publishing a policy that people can see what the GSD is about and what the GSD is going to be doing if it were to get into Government, well in advance of the General Election, may I invite him to consider this policy that we feel is an attractive one and would help in assisting the Government to meet, any Government, to meet its 20% quota by 2020?

135 It is having a system whereby private residences can plug into the distribution network and incentivise through tax incentives for example, those private residences building say for example solar panels, so that if there is a net production of electricity by the private individual within his home, they can then effectively plug that into the system so that they are net producers of electricity, those homes, and then the Government will give them some kind of credit for example in relation to electricity. Is that something that the Government can consider as a policy and adopt themselves?

Hon. Dr J E Cortes: Mr Speaker, I claim some credit for the conversion of the Members opposite to the environmental movement (*Laughter*) and you cannot deny that. (*Interjection*)

145 Anyway, Mr Speaker, it is a very good idea but it is not exclusively the idea of the Member opposite. We are in fact currently discussing the question of feed-in tariffs for this sort of initiative. In fact already, there is, as I have said, some solar power being fed into the grid for the first time but these are in Government buildings so obviously there is not the same need for a feed-in tariff. But absolutely, this will probably be rolled out I suspect before the next election, so he will not be able to get the credit for it, whether or not he wins it. (*Laughter*)

155 **Hon. D A Feetham:** Mr Speaker, I have to say that I did not know that the Government was thinking of doing this. It seemed to me to be a good idea just based on my reading that other jurisdictions were doing it and I am delighted that the Government has, as it were, decided to adopt this particular policy, which is a policy that we were in fact going to be announcing ourselves when we announce how we would meet the 20% requirement by 2020.

160 Now, Mr Speaker, the hon. Gentleman has spoken about wind turbines. The hon. Gentleman has spoken and indeed the Government has installed solar panels as well. What other forms of renewable energy does the Government envisage it will be adopting in order to meet this 20% requirement by 2020?

Hon. Dr J E Cortes: Mr Speaker, I have to be careful because if I give too much away, I may actually be writing the hon. Member's manifesto. (*Laughter*)

165 The sea is clearly one. As we have announced we have one initiative which is looking at wave energy and we have one or two others and I say one or two because I am not sure whether one of those two is still on the cards in which we are looking at the use of marine currents. The technology there is much newer and it is not completely tried and tested, but we are encouraging developers of this technology to come and use Gibraltar to carry out these tests and we will shortly be carrying out some marine current surveys off the south west of Gibraltar, to see if there is enough to generate electricity from that source.

170 So the wind, the sun and the sea are the three main ones that I think will be applicable to Gibraltar.

Hon. D A Feetham: Mr Speaker, I agree entirely with him that those are the three areas. May I invite the hon. Gentleman that perhaps he might meet myself and also the Shadow Minister for the Environment Mr Netto, because it strikes me that this is one of those areas where perhaps – it does not matter what Government or what political persuasion there may be after the next election – that we could do with continuity of policy irrespective of who is in Government. There is an obligation –

175 I will give way to Mr Licudi – do you want me to give way?

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Yes, Mr Speaker, I am very happy for him to give way.

180 I can confirm that there will be continuity of policy, because we will win the next election. (*Laughter*)

Hon. D A Feetham: Well, Mr Speaker, thank you very much for that comment. Since the hon. Gentleman was stripped away from his most important portfolios, he has obviously got very little to say. (**Several Members:** Ooh!)

185 May I return to the main purpose of this supplementary, and it is an invitation to meet with myself and his Shadow on this side of the House, to perhaps try and pool ideas so that there is continuity of policy in terms of the environment looking towards 2020, where there is clearly this requirement for there to be the provision of 20% renewable energy. It is an invitation I make publicly to the hon. Gentleman as a sign of good faith and also as a sign of the constructive politics that we are certainly about, particularly in this area.

190 **Hon. Dr J E Cortes:** Mr Speaker, I have been teaching the Members opposite about the environment for several decades. I have no problem in continuing to do so.

A Member: Hear, hear. (*Laughter and banging on desks*)

Q98/2015
New power station –
Payments to successful contractor

195 **Clerk:** Question 98, the Hon. D A Feetham.

Hon. D A Feetham: Yes, I think we might be less constructive on this question.

200 Mr Speaker, how much has the Government paid the successful contractor thus far, in respect of the contract to build the new power station?

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

205 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, no payments have yet been made.

210 **Hon. D A Feetham:** Mr Speaker, is the reason for that because effectively the Government only has £52 million (*Laughter*) worth of reserves, Mr Speaker, (**A Member:** Hear, hear.) and in fact can only borrow another £51 million before it reaches the legal borrowing limit – therefore this Government is yes, skint and does not have the money in order to pay for the £77 million for the power station before the end of the financial year?

215 **Hon. Dr J E Cortes:** No, Mr Speaker, not at all. The first payment as far as the agreement is concerned is not due until April.

Hon. D A Feetham: Mr Speaker, is that pursuant to a request that the Government has made of this particular company that no invoices are submitted until after 31st March because prior to 31st March the Government is skint and does not have the money to pay for outlays of this nature?

220 **Hon. Dr J E Cortes:** Mr Speaker, the Member opposite will remember that I became Minister responsible for energy two days before we signed the contract so it took me very little time to sort that one out, didn't it?

So the arrangements were made prior to that but I am absolutely certain that this was just part of what was programmed and that the relevance of what the hon. Member opposite has said is just non-existent.

225

Hon. D A Feetham: And, Mr Speaker, can he confirm that the £77 million for this particular power station and indeed, it is going to be nearer £140 million – actually slightly more than £140 million for a variety of reasons, but let us just concentrate on the £77 million – that the £77 million is going to be paid out of the Consolidated Fund and that no monies that have been deposited by the Government, or caused by the Government from Credit Finance to Gibraltar Investment Holdings Limited is going to be used in order to pay for this particular project?

230

Hon. Dr J E Cortes: Mr Speaker, I would have thought so but I have answered the question. This is a supplementary that I do not think I have to answer but I do not think it is relevant. No payments have been made and the intricacies of how the payments are being made do not fall under my area of responsibility. Therefore I think that should be asked more specifically again on a future occasion.

235

Q99/2015
Cycling related injuries –
A&E figures for last five years

Clerk: Question 99, the Hon. S M Figueras.

240 **Hon. S M Figueras:** Mr Speaker, can the Minister for Health provide details of the number of cycling related injuries dealt with by the A&E department at the Hospital on a month by month basis for the last five years?

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

245

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the information is not accessible as it is recorded as a road traffic accident and is not specifically recorded as a cycling accident. So I am not able to provide that information.

250 **Hon. S M Figueras:** Mr Speaker, just one supplementary. In the context of everything that we were discussing this morning and we are not going to labour the point at all this afternoon, is looking at the possibility of somehow categorising incidents in that way something that the Government might look at? Thank you.

255 **Hon. Dr J E Cortes:** Yes, Mr Speaker, on receiving this answer, it became apparent that there are some categories that could be subdivided more greatly. Clearly, we do not want the staff at A&E to spend too much time on recording and less time on treating, but with the advent of the electronic health record and the A&E module is due to come on line in just a couple of months, we are looking at actually being able to key in more categories so that more information will be accessible in the future.

Q100/2015
Mount Alvernia balconies –
Safety

260

Clerk: Question 100, the Hon. Mrs I M Ellul-Hammond.

265 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister responsible for Elderly Care advise whether the newly refurbished balconies at Mount Alvernia are safe and are open for use by the service users and their families?

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

270 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, yes sir, the refurbishment of Mount Alvernia balconies and façades received their approval notice and certificate of completion, number 7229, from the Department of Planning and Building Control. The Health and Safety Plan was approved by the Planning Supervisor of Technical Services.

275 Mobile residents and relatives can enjoy the use of the balconies whenever they wish. The balustrades have been designed to a height to maintain safety measures and all risk assessments have been carried out by the Health and Safety Officer.

Presently we are in the process of implementing disabled accessible ramps for balcony access for those in wheelchairs. However, the premises were completed in the 1960s when no requirement for disability was in place and therefore we have issues that are being assessed in order to find the best option for wheelchair users.

280 All balconies have awnings for the summer period which is the best time for residents to enjoy the sunshine and view. Residents are happy that finally they now have a splendid view of the bay, resplendent in the beautiful light of the new dawn that this Government has brought about, (*Laughter*) as they have previously had the scaffolding blocking their view and making their rooms dull for more than 12 years. (*Applause*)

285 **Hon. D A Feetham:** Mr Speaker, when have these particular balconies been opened for members of the public and also for service users? The hon. Lady has said the summer, but I have been there visiting a relative of mine and I was told that the balconies were not accessible to service users because the Government was still assessing whether it was safe for service users to be able to use them.

290 Now that was in December and those reports are actually coming to us thick and fast and that is the reason why this particular question has been asked. Is he aware that service users are being prevented from going onto those balconies because there is this impression on the part of staff, that it is unsafe and that the Government is looking at safety issues in relation to the balconies?

295 **Hon. Dr J E Cortes:** Mr Speaker, obviously a service user with certain conditions like dementia, or whatever, would not be allowed out on their own and unescorted. I have not had this information passed to me, I have consulted my hon. Friend who was previously Minister with responsibility for the elderly and she shares that view.

300 I will, however, be there tomorrow afternoon – I go there as often as I can – and I will myself assess it and attempt to step onto the balcony. If there is that kind of issue I will certainly deal with it right away, but the prepared reply that I have from the officials responsible is the one that I have mentioned, clearly with a little bit of flourish added, and therefore that is the information that I have.

Q101/2015
Abdominal aortic aneurism screening –
Commencement and eligibility

305 **Clerk:** Question 101, the Hon. Mrs I M Ellul Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say when the abdominal aortic aneurism screening will be starting and who will be eligible for it?

310 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Yes, Mr Speaker. The hon. Lady will be very happy to learn that the programme will be launched on 25th February – the prepared answer says 24th but actually it is 25th February – and is due to commence in March. Screening will be for men approaching their 65th birthday.

315 The hon. Lady will no doubt wish to congratulate the Government for this great innovation. (*Banging on desks*)

Q102/2015
Sponsored Patients Scheme –
Review

Clerk: Question 102, the Hon. Mrs I M Ellul-Hammond.

320

Hon. Mrs I M Ellul-Hammond: Very welcome news, the AAA screening.

Mr Speaker, can the Minister for Health say at what stage the review of the Sponsored Patients Scheme is?

325

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Apologies, Mr Speaker, the actual green paper was not in front of me so I thank the Deputy Chief Minister for loaning me his iPad so that I can reply from here. Oh, it has just been found, thank you. It was buried under other green papers!

330

Mr Speaker, yes sir, I have this week had what will have been the final meeting of the working group and I now have proposals ready for discussion and approval by Cabinet.

Q103/2015
Consultants' contract –
Negotiations

Clerk: Question 103, the Hon. Mrs I M Ellul-Hammond.

335

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say what stage the negotiations for the consultants' contract are at?

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

340

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, yes sir, the negotiations are at an advanced stage with the final draft contract having just been reviewed by the GHA's legal advisers. It will be presented to Unite for final discussions within weeks.

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q104/2015
Cruise liner arrivals –
January 2015 numbers

Clerk: Question 104, the Hon. D J Bossino.

345

Hon. D J Bossino: Can the Hon. Minister for Tourism please provide details of the number of cruise liner arrivals for the month of January, 2015?

350

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, two cruise ships arrived in Gibraltar during January 2015.

355

Hon. D J Bossino: Mr Speaker, I am simply making a direct comparison to the position as it was last year, I have not had the opportunity of looking at previous seasons and years and to see whether this is a trend and which direction it is going. But certainly, the difference between January 2014 and January 2015 is in effect three less.

360

Does she have an explanation as to why that is the case? Had she prepared that as an expected supplementary from me?

Hon. Miss S J Sacramento: Mr Speaker, I do have the figures for the expected annual figures which we expect during the course of the year, not just the month, and we have an additional 216 ships expected in 2015, no sorry 216 ships are expected in total which is 35 more than last year.

365 I would like to add to that that passenger numbers will also be up.

Hon. D J Bossino: Yes Mr Speaker, that is the expectation but does she have an explanation as to why there were three less from last year?

370 **Hon. Miss S J Sacramento:** Mr Speaker, this is a fluid arrangement so companies' itineraries fluctuate from time to time.

**Standing Order 7(3) suspended
to proceed with a Government Statement**

Mr Speaker: The Hon. the Chief Minister.

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

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

STATEMENT BY THE CHIEF MINISTER

380

Chief Minister (Hon. F R Picardo): Mr Speaker, as hon. Members are aware, the Foreign Secretary, the Right Hon. Philip Hammond MP, is today in Madrid for the purposes of meeting with the Spanish Foreign Secretary Sñr Garcia Margallo y Marfil. I have this afternoon heard from the Foreign Secretary after he has finished his meeting with Sñr Margallo.

385

As hon. Members will also be aware, the Foreign Secretary has in the past months, been embarked on a tour of European Capitals holding talks with all EU partners in respect of EU reform. This visit was part of that tour and included discussion of the Foreign Policy challenges the UK and Spain share, including continuing Russian-backed aggression in Ukraine and the threat of global terrorism.

390

The Foreign Secretary has confirmed that during the course of the meetings with his Spanish counterpart, he also took the opportunity – as we had agreed that he would – to raise the concerns of the UK Government and those of HM Government of Gibraltar.

In particular, the Foreign Secretary raised the issue of the continued incursions by Spanish state vessels into British Gibraltar Territorial Waters which he told Sñr Margallo are illegal under international law and therefore unacceptable.

395

He also raised the continued delays at the frontier between Gibraltar and Spain.

The Foreign Secretary has also confirmed that he told his Spanish counterpart, as we had agreed, that Spain needs to address delays at the border, which the European Commission has already found to be disproportionate.

400

Further, and also as agreed between us, Mr Hammond raised our joint disappointment at Spain's holding up EU aviation legislation by seeking to exclude Gibraltar, in a blatant further breach of the Córdoba Agreements, which the UK and Gibraltar continue to honour, and are EU law.

Mr Hammond restated our common call for a return to dialogue in order to deal with these and all other issues and matters of mutual interest to people who live and work on both sides of the frontier.

405

Mr Speaker, the House will be pleased to note that, in that context, the Foreign Secretary reminded Sñr Margallo that the UK remains strongly committed to the Trilateral Forum for dialogue. He also told him that until we can return to that forum, we in the United Kingdom and Gibraltar will continue to work towards ad hoc talks, involving all relevant parties, on issues of mutual interest.

The Foreign Secretary informed me that Sñr Margallo has made a further proposal in this respect today which the Government will now be further considering with UK colleagues.

410

Mr Speaker, no-one should confuse, or allow anyone else to confuse them into thinking that the raising of the issues about Gibraltar today amounted in any way to a bilateral negotiation about Gibraltar. No such negotiation will be acceptable to the people or Government of Gibraltar and this House.

Indeed the UK, through its Foreign Secretary, has confirmed again today in Madrid, its strong commitment to the Trilateral Forum and its and our hopes to return to that forum whenever possible.

415 As Ministers have already stated, Spain is a key partner for the UK, as it is for Gibraltar, but the UK/Spain bilateral relationship is not as strong as it could be due to recent Spanish actions towards Gibraltar and its people.

Mr Speaker, in that context, the Government is pleased that the position set out by the Foreign Secretary in Madrid is exactly in keeping with what was agreed between us and entirely represents the position of the Government and people of Gibraltar.

420 Mr Speaker, I trust that this statement will assist in informing the House as to the events of today in Madrid. This is what has delayed me from arriving in time for three o'clock this afternoon.

Hon. D A Feetham: Yes, Mr Speaker, certainly from this side of the House, 'no to bilateralism, yes to trilateralism' is our policy and has been our policy for over 16 years. So in that sense, Mr Speaker, we associate ourselves with the sentiments expressed by the Chief Minister and we certainly welcome that that is the position that has been made clear by the Foreign Secretary to the Foreign Secretary of Spain in Madrid.

430 But, Mr Speaker, the Hon. the Chief Minister spoke about further proposals being made by Sñr Margallo and I wonder whether in the interests of providing a full statement to this House about the report that has been provided to him of that meeting in Madrid, if he can give us some further information about what that further proposal from the Spanish side entails?

Hon. Chief Minister: Mr Speaker, not at this stage. The Government is considering the proposal made, it has literally just come in and I do not think it is in the interests of the community that without having an opportunity to consider something that we should make a statement about it, it is literally less than half an hour since I have had the benefit of communications from the Foreign Secretary in respect of the subject.

440 **Hon. D A Feetham:** Well, Mr Speaker, is he prepared to brief me in private as to the proposal that has been made. I am not asking the Government to comment on the proposal, to say whether the proposal is good or bad, but at the very least for the Government to brief the Opposition on what is that proposal that has been made by the Spanish Foreign Secretary to his counterpart, Mr Hammond?

445 **Hon. Chief Minister:** Mr Speaker, as he knows, I am quite happy to brief him in private if he wishes, on the basis of complete confidentiality. We have business to be getting on with now and I will be quite happy to brief him afterwards. That is why this Government is the one that is going to pursue the establishment of the Chief Minister's Consultative Council, to enable that sort of communication to occur, but it will be on the basis of strict and utter confidentiality.

450 **Mr Speaker:** We will now proceed with questions to the Chief Minister.
Question 181.

Questions for Oral Answer (continued)

CHIEF MINISTER

Q181/2015

Central Register of Ultimate Beneficial Ownership –
Correspondence with UK Leader of Opposition

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

455 **Hon. D J Bossino:** Can the Chief Minister state whether he has received a reply to his letter to the UK's Leader of the Opposition in relation to comments regarding the implementation of a Central Register of Ultimate Beneficial Ownership?

Clerk: Answer, the Hon. the Chief Minister.

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

Hon. D J Bossino: Mr Speaker, I have had the opportunity of reading the Hon. the Chief Minister's letter, I think I saw it posted on Twitter and I have also had the benefit of reading some details in a press release he issued in relation to this point, so I know what he said. But can he give me an indication of what the Right Hon. UK Leader of the Opposition told him in response?
465

Hon. Chief Minister: Mr Speaker, I had various conversations with the Leader of the Opposition since he received my letter, and I think he now understands why it was that Gibraltar felt it was important that he should understand the issues relating to the Central Register, the progress Gibraltar in particular makes together with the United Kingdom and all other 28 member states of the European Union in respect of financial services matters, where we stand on whether such a register should be public or not.
470

Hon. D J Bossino: Do I take it that the reply has not been done formally in writing but by way of telephone conversations? Is that what he is telling me? I have a further supplementary, just that detail.
475

Hon. Chief Minister: Well I do not think there is any formality that is attributed to something which is in writing which is not attributed to something which happens on the telephone or in conversation. It was a formal response to the issues that I put in writing.

Hon. D J Bossino: Mr Speaker, he I am sure will agree with me when I say that this was a matter of crucial importance for Gibraltar and the way that the Right Hon. the UK Leader of the Opposition represented Gibraltar's status with regard to this in particular misstated the position in relation to Gibraltar's position in relation to this matter.
480

Is there, as a result of those conversations, any possibility of the Labour Party in the United Kingdom, particularly its leader, to retract publicly the statement it has made, at least insofar as it affects Gibraltar's position in relation to this point? Is there any possibility of that happening? I was pretty shocked, I am sure as he was, when – I think it was on a Sunday – the report of this policy was made in the news media in the UK, and Gibraltar featured very much in it when I went through all the different Overseas Territories. I think it did quite a lot of unfair damage in terms of what he said.
485
490

Hon. Chief Minister: Well, Mr Speaker, which part is it that he thinks should be retracted? It is up to you. The hon. Gentleman has asked me whether I think any part of it is going to be retracted. Which part of the letter from the Leader of the Opposition is it that he is asking me there is a chance would be retracted?

If he does not want to answer that to enable me to answer his question it is up to him, but I mean...

Hon. D J Bossino: Mr Speaker, I have asked the question and I expect an answer from the Chief Minister. Certain disparaging comments were made in relation, not just to the Overseas Territories, but Gibraltar within the Overseas Territories, which caused him to come out in I think in *Sky News* and various other news media outlets to defend Gibraltar's position and made him write a letter, quite a strongly worded letter, to the Leader of the Opposition.
495
500

Hon. Chief Minister: Mr Speaker, I have been asked a question, which was is there a chance that the Leader of the Opposition in the UK is going to retract any part of his letter, and I am saying which part of the letter is it that the hon. Gentleman is asking me is there a chance he will retract?
505

Hon. D J Bossino: Mr Speaker, generally the statements that he made, the policy statement in relation to the blacklisting of Gibraltar in relation to the OECD. It was a threatening letter which he certainly sent to at least one of the Overseas Territories, published in Twitter, I think by the editor of the *Gibraltar Chronicle*. I am not sure that the Hon. the Chief Minister received a similar letter to that. I assume he did but I am not sure whether he did, but certainly he threatened that unless the Overseas Territories got their act in order in relation to central registers, he would ask the OECD to blacklist us.
510

In relation to that, I would have thought that if there has been a clarification at least as far as Gibraltar is concerned of its position, that the Right Hon. Gentleman should retract the issue publicly, at least in relation to that specific issue.
515

Hon. Chief Minister: Mr Speaker, look, I am afraid the hon. Gentleman needs to show this Parliament an element of respect by at least coming a bit more prepared for these sessions.

The letter that the Hon. the Leader of the Opposition in the United Kingdom sent to all the Leaders of the Overseas Territories was published in generic form in *The Guardian*. It was published on Saturday, Mr

520 Speaker, not on Sunday, although I acknowledge that he might not have picked that up until I replied to it, which was during the course of Sunday.

The letter, Mr Speaker, talks not about the issues so much of central registers but much more about the issue of whether beneficial ownership, which is what the central registers are about, will be available publicly if those registers are to be accessed publicly.

525 What the Leader of the Opposition in the UK said was that if within six months of their being elected the territories had not agreed to have these central registers made public, then he would ask the OECD to blacklist those territories.

530 He was not making any allegations, Mr Speaker, about Gibraltar which he could retract, so if the hon. Member looks at my letter, what I am telling the Leader of the Opposition in the United Kingdom is what is wrong with that policy. But it is not something he said about Gibraltar which requires retraction. Of course, as a result of his letter a lot of other people have commented about the Overseas Territories, whether we are tax havens or not and whether the issue of central registers, etc is one that is determinative of whether one is a tax haven or not. But he will have seen that my letter sets out the Gibraltar position.

535 The Gibraltar position is that we will be complying with the Fourth Anti-Money Laundering Directive within the transitional provision provided in the directive, once it is published, and publication is expected during the course of September of this year, with a transitional provision of two years. Now, is he asking me, have I managed to get the Leader of the Opposition to change his Party's policy in that respect? Is that the question?

Q182/2015

Joe Carseni –

Payments made by Government

540 **Clerk:** Question 182, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state how much it has paid either directly or indirectly, and either in money or benefits, to Joe Carseni since it took office, divided into calendar years?

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

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

ANSWER TO QUESTION 182

	Amount Paid
2012 (w.e.f. 1st Sept 12)	£11,145.98
2013	£32,079.98
2014	£34,802.34
2015 (up to Feb-15)	£5,105.21

550 **Mr Speaker:** Next question.

Q183-184/2015

Chief Minister's talk in Madrid –

Invitees; associated costs

Clerk: Question 183, the Hon. D A Feetham.

555 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister provide a list of all people invited by Government to his recent talk in Madrid?

Clerk: Answer, the Hon. the Chief Minister.

560 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we are unable to provide the details requested at this time. The information requested requires that all accounts be reconciled.

To date we have still not received – (*Interjection*) Oh sorry, the first answer, yes. I will answer together with Question 184.

565 **Clerk:** Question 184, the Hon. the Chief Minister.

Hon. D A Feetham: Mr Speaker, can the Chief Minister provide a breakdown of all costs associated with his recent talk in Madrid, including the cost of accommodation, travel and expenses of anyone travelling with or invited by the Government to that event?

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

Hon. Chief Minister: Mr Speaker, now, we are unable to provide the details requested at this time as the information requested requires that all accounts be reconciled. To date we have still not received all invoices in order for us to complete this exercise.

575 In any event, Mr Speaker, the information will not be publicly provided. The costs of my travel, however, will be set out in the Government website when available.

Hon. D A Feetham: Mr Speaker, can the Chief Minister provide a reason why he cannot provide me with a list, first of all, of people that had been invited to this event in Madrid by the Government of Gibraltar and also, secondly, the people that have been paid for by the Government to go to Madrid in order to attend this talk?

580 Surely that information ought to be disclosable by the Government as something for which the Government is accountable for. This is effectively Taxpayers' money which the Government is using in order to invite people to attend this talk in Madrid and he is accountable to this House and I cannot see any conceivable reason why this information is not to be provided to this House.

Hon. Chief Minister: Well, Mr Speaker, he must not have read a Spanish newspaper in the past few weeks then or is it that he does not know that at every turn, the Spanish Foreign Ministry has been trying to suggest that the opportunity afforded to the Chief Minister of Gibraltar to address a number of prominent people in Madrid – not five or six people; a very large number of prominent people in Madrid – was simply engineered and paid for by the Government of Gibraltar as a stage show.

590 Now, I have been very careful what I have told him. I have told him what I have told him before. I have said I will not give the information publicly, Mr Speaker. Now, of course we are accountable in this House for every penny of Taxpayers' money that we spend. I am quite happy to give him the information and have the discussion with him, Mr Speaker, but it is quite another for me to stand in this House and give him all the information of all the money that we have to spend in Spain, given the hostility that we face from that Government there, in order to be able to get across the message of the people of Gibraltar.

600 I have told him before in relation to another matter and I will tell him again. I am happy to give him the information, but if he does not see that it is not in the public interest of Gibraltar for that information to be, not bandied across the House, it is not just the 17 of us here, but to be made publicly available in order to have thrown in our face, then he has never heard the Spanish Foreign Minister talk about how Gibraltar uses its economic power in order to be able to get its message across.

605 It was something that was done by the previous Administration when they needed to do it in the early part of the last decade when Gibraltar faced the issue of joint sovereignty, it is something that we are having to do today in order to ensure that all of the lies and all of the defamation that there is about Gibraltar does not find itself uncounted in the Spanish press and in the Spanish media and in Spanish public opinion, but we are doing it now.

610 Now, Mr Speaker, he can have the information if he likes behind the Speaker's Chair. I am not suggesting he cannot have it and I was very careful about what I said, I will not make the information publicly available, but I am not, Mr Speaker, going to be persuaded that that is information for which there is any benefit in making public in this House to the world at large.

615 **Hon. D A Feetham:** Mr Speaker, I am afraid that he continuously uses and demeans debates and sessions in this House by constantly playing this particular card every time we ask what is a legitimate question.

Look, unless the Government effectively has engineered an attendance at the Madrid talk, by paying dozens of Spaniards accommodation and subsistence in order to get them to attend, it cannot possibly be an issue, Mr Speaker, the provision of this information.

620 Now in order to make it easier for the Hon. the Chief Minister, well look do not provide me with the information of those in Spain that have been invited at Government expense to attend that Madrid talk, but at least provide me with the information of those who are Gibraltar residents that have travelled to Madrid at public expense for the purpose of that talk. That surely cannot be of any sensitive nature and it would at least allow us to see whether the Taxpayers' money is being properly spent.

625 Because look, if what you have is a situation that out of 100 people attending that Madrid talk, 80 are from Gibraltar and they have been subsidised by the Government to go up to Madrid, then all he is doing is paying for cheerleaders to go with him to Madrid and we would say I am afraid that is not good use of Taxpayers' money.

630 So in order to assist him, I am drawing that distinction and perhaps he can provide me with the information as far as the local contingent is concerned.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman opposite does not care about the national interest of Gibraltar. He has given a mischievous Spanish headline writer two great opportunities to score, or attempt to score a goal against the Government of Gibraltar, which we will not have an opportunity to reply to.

635 The first is: '*Feetham pregunta si Picardo invita a docenas de españoles sin que tengan que pagar sus gastos para su discurso en España*' Feetham suggests that the Chief Minister of Gibraltar engineered dozens of Spaniards, all expenses paid, to his talk in Spain. The headline is enough, Mr Speaker, to damage Gibraltar. The headline is enough: he plays directly into the hands of Gibraltar's enemies, Mr Speaker.

640 The next one: 'Is the Chief Minister of Gibraltar paying for cheerleaders to go with him up to Spain, to Madrid?' – another *gift* to a Spanish headline writer, regardless of what the national interests of Gibraltar may be.

645 Such is his ambition, Mr Speaker, that he does not even see, in an infantile question like this, the potential dangers for Gibraltar. All he wants to do is to score a goal, now Mr. Speaker, on expenses because everything is now about expenses. Mr Speaker, I heard him say a moment ago before I came into the House, that Gibraltar is skint. That is the first time in the history of Gibraltar that a Leader of the Opposition has suggested that Gibraltar is bankrupt – that is what skint means.

650 What will Mr Margallo make of that, what will Mr Margallo make of that, or any one more of our enemies, because even in 1992 and 1996, even at every time when the dispute between this side of the House and that side of the House has been at its worst, nobody has ever suggested that Gibraltar is bankrupt, like he has this afternoon. The absolute irresponsibility of the man is just incredible, Mr Speaker.

655 Look, skint we are Mr Speaker: skint in this House of a good Opposition. Skint of an Opposition that knows what it is doing and skint of an Opposition that discharges its obligations loyally to Gibraltar. Absolutely skint and bankrupt, because what he is telling us, Mr Speaker, is that he wants information which he could have by simply turning on his television and watching the magnificent recording that our media made of that excellent opportunity I had in Madrid to deliver the Gibraltar point of view.

660 He can see who was there from Gibraltar and who was not. He can see, Mr Speaker, that there were not 80 from Gibraltar who were cheerleaders; there was actually a huge majority of people who were Spaniards, leading politicians, Mr Speaker. Not one or two, Mr Speaker. *Leading* politicians – people who are *today* in the Parliament, people who are opinion formers, people who speak for their party, not regional or municipal individuals who do not speak for their party. *Leading individuals in their party* who have restated at last the policy of the party in Opposition to continue committed to the Trilateral Forum. That is the level of achievement that the Chief Minister's speech in Madrid two weeks ago finally delivered for Gibraltar.

665 Not a question of taking cheerleaders anywhere. I do not need to take cheerleaders anywhere, Mr Speaker – thank goodness, I have got supporters in the places that he might least expect!

670 But, Mr Speaker, to hear that the first argument is that Joe Bossano, who has given his life to Gibraltar, Joseph Garcia who has given the past 30 years of his life to Gibraltar, who they used to say were so in love with Gibraltar that they could not be objective when it came to sitting down perhaps with Spaniards and considering talking about our future with them, that we all collectively want to bankrupt Gibraltar... But actually not even *want* to, Mr Speaker; today we have been told that we *have* bankrupted Gibraltar because we are skint. That we are going to blow up the whole of the western face of this Rock. And not just Bossano and Garcia, but also Cortes, Mr Speaker, the environmentalist who cared about smoke but is not going to care about a huge explosion that is going to deliver us into the Neolithic age. And that now finally, skint as we are, I am paying for the croissants and orange juices of cheerleaders, Mr Speaker.

675 What a pity that we are so skint of an Opposition in this House.

Hon. D A Feetham: Mr Speaker, the Hon. Chief Minister had shown signs that the pressure was getting to him, (*Laughter*) even before this question and answer session. But that answer demonstrates to me, just

680 the extent to which the pressure is getting to him. It really is proving far too much, he is carrying the office in which he serves on his shoulders. It really is bearing down on him and he cannot take the pressure.

Now, Mr Speaker, he plays on the ambition card. First it was the nationalistic card, now it is Daniel Feetham being too ambitious. I am playing to a Spanish gallery. Well, Mr Speaker, barely a few weeks after we have had the Dr Giraldi Home, where Ministers opposite participated in a programme –

685 **Mr Speaker:** No, no. The Dr Giraldi Home is a separate matter. There is a motion on the Order Paper and you can say whatever you want in that regard but I am not going to allow you to anticipate that motion.

690 **Hon. D A Feetham:** Mr Speaker, absolutely, I think the people of Gibraltar get the drift of where I was going in the light of the comments made by the Chief Minister that we on this side of the House, that we on this side of the House are playing to Spanish galleries. I have not participated in any Spanish television programme, doing the people of Gibraltar down, Mr Speaker. That is the point that I was going to be making.

695 But, Mr Speaker, does he not realise, the Hon. the Chief Minister, that it is actually he, with the way that he has answered this particular question, a fairly innocuous question, designed to deal with, designed to show how much the Government has actually spent on this particular event, but the way that he has answered it, he is giving ammunition does he not realise to our critics in Spain by making a mountain out of a molehill because it looks as if the Government has got something to hide.

700 Now I repeat, Mr Speaker, will he not at the very least provide me with the information of who exactly on the Gibraltar side went to this particular event and at what cost. There cannot possibly be any national interest in the provision of that information and that is a legitimate question, bearing in mind that he is accountable for the Taxpayers' money to this House and that goes to expenditure that the Government is incurring.

705 I will leave for the moment, and he can give me the information behind the Speaker's Chair if he wants to, the Spanish contingent and how much he has paid in relation to that, but surely there cannot be any excuse for the hon. Gentleman not providing me with the information in respect of whom from Gibraltar went to this event at the invitation of the Government and paid for by the Government. That is what I am interested in.

710 **Hon. Chief Minister:** Mr Speaker, I will happily give him the information, behind the Speaker's Chair. I am not going to give him the information here, publicly. Now, Mr Netto, Mr Speaker has been overheard to use rather unparliamentary language to describe what I am full of. It is just that, the feeling is so mutual Mr Speaker, that perhaps we do not need to understand what the words used were.

715 Mr Speaker, the hon. Gentleman needs to understand what it is that he is doing. He needs to read a bit more, he needs to be a little bit more concerned about Gibraltar and a little bit less concerned about himself. I heard him say the other afternoon, Mr Speaker, in one of his – I do not know if it was the podcast which they themselves characterised as comedy when they put it up on YouTube or whether it was one of his interviews on GBC, Mr Speaker, that when he talks about things people do not realise the importance initially, but then eventually everybody realises how he has been right from the beginning and he uses an example of public finances.

720 You see, Mr Speaker, he said on *Newswatch*, 'I am talking about the power station now and you think this is not so important, but eventually everyone will agree with me, as they all – everyone – now agrees with me on the issue of public finances.' Well, Mr Speaker, I do not know where he gets that from! Maybe he is relying on the last poll. We do not comment on polls but maybe he is relying on the last poll that gave him an extraordinary lead of 20% over our 74% if you took out the undecided. But anyway, if that is what 725 he is taking comfort from, maybe that is what he is working out is everybody who agrees with him in relation to public finances.

730 But he needs to read a bit more around the issues because you see, Mr Speaker, on that subject what he was doing in relation to the answer I am giving him about why things matter in Spain and why we should not share them, and why he should be a bit more circumspect when he says things – even things as adventurous as the fact that we might want to be reckless as to whether we blow up the western side of Gibraltar. It is that there is a huge confluence – to such an extent I wonder whether they speak every night, Mr Speaker – between what the hon. Gentleman says and the things that Sñr Landaluce says; what the hon. Gentleman says and the things that Sñr Margallo says when they are criticising the Chief Minister of Gibraltar and the Government of Gibraltar.

735 Sñr Landaluce said recently that the power station, because it was gas and because it was going to be on the area of the reclamation on the North Mole, was a danger to the whole of the Campo de Gibraltar. Now, Mr Speaker, I switch on my television and I see Daniel Feetham saying the same thing.

Mr Speaker, Sñr Margallo says the Government of Gibraltar uses its economic power in order to be able to address the media and the public opinion formers in Spain. Then the Leader of the Opposition in

740 Gibraltar asks me, oh yes, how much of that economic power have you invested in this particular speech? Mr Speaker, look, the hon. Gentleman may want to be Chief Minister more than he cares about Gibraltar – that is obvious to most who are following his political career – but he needs to be a little bit more careful about the way he goes about things.

745 *Even, Mr Speaker – let me give him this little tip – even if he were to think, ‘Well actually, maybe if I am saying the same things as Landaluce and Margallo all the time, it may not suit me so much so perhaps I should try a different tack.’*

750 So I will give him the information behind the Speaker’s Chair, I will not give it to him otherwise. If he looks at the video of who was in Madrid then he will be able to see for himself. It is, Mr Speaker, available. I thought it was fantastic that it was available to the people of Gibraltar when the Broadcasting Corporation put it on *Viewpoint*. I think it is available on their website and all he needs to do is sit down and watch it.

755 Now if it is that he cannot bear to hear my voice on television and he does not want to sit and watch the video and does not want to watch the camera pan to show him who was there and who was not, well look, so be it. I will tell him for nothing, Mr Speaker, that the Nueva Economía Fórum provides the orange juice, the croissants, the hot chocolate and the coffee for everyone who turns up. So everyone he sees on camera, he can work out, have their coffee, their orange juice, their hot chocolate and their croissants paid for by the Government of Gibraltar. What more does he need? Why is it so important?

760 Or perhaps, Mr Speaker, it is that he has persuaded himself that we are in fact skint and that we cannot even afford the orange juice. What a pity Mr Speaker, that there might actually be a Leader of the Opposition who fails to understand the economics, the public finances and the reality of Gibraltar to such an extent that he might actually believe that.

Hon. D A Feetham: Well, Mr Speaker, we will see who understands the economics of the public finances of Gibraltar when he and I participate in the debate on GBC, unconstrained by the Rules of this House. And then we will see who understands the public finances of Gibraltar and who does not.

765 Because I have to say, I concluded a long time ago that he certainly does not and that is precisely the reason why his erstwhile leader, the Hon. Minister Bossano, answers every single session of the House, answers questions on the economy of Gibraltar and the public finances of Gibraltar, instead of him. He does not; it is Mr Bossano because he understands them and the hon. Gentleman, the Chief Minister does not.

770 And talking about ambitions, Mr Speaker, and talking about bankruptcy and being skint, was it not the hon. Gentleman that for months before the last General Election was telling the people of Gibraltar that the GSD was addicted to debt, that we were very close to bankruptcy and that they needed a saviour in the form of a New Dawn Government? Well look, he is accusing me of precisely what he did prior to the 2011 election. I do not understand how an earth he can criticise me in those terms when he did it to a greater extent when he was trying to become Chief Minister of Gibraltar.

775 But, Mr Speaker, how – (*Interjection*) Indeed, he was successful absolutely, his arguments were successful. We will see whether my arguments are successful or not, but that is democracy. But, Mr Speaker, he has talked about how much economic power is used by the Government to invite people from Spain to his talks. He has also said during the course of his answers that in fact this was a very, very successful meeting for him and I am glad that if it was a very successful meeting for Gibraltar, I really am glad.

780 But look, at the end of the day I am entitled to know, and I am entitled to assess that information that he is providing, by asking questions in this House and I just do not understand why he is not prepared to provide me with the information as to how much he has paid for example, a particular trade unionist to go to Madrid in order to listen to his speech. At first blush I do not understand what the benefit of that to Gibraltar is. I can understand the benefit of going to Spain and addressing a Spanish audience and I can understand at a push that he may not want to give me information – I do not agree with it but I can understand it – as to exactly who on the Spanish side had been invited by the Government of Gibraltar – at Government expense, I am talking about – at Government expense, because they might be criticised there.

790 Look, I can understand that argument. But who an earth from Spain is going to criticise Victor Ochello or who or earth from Spain is going to criticise Mr Buttigieg of the Self Determination Group for going with the Gibraltar delegation to Madrid? What I want to know is what the Government has spent in inviting those people – and surely, that is not something that the Chief Minister ought to refuse to provide across the floor of this House.

795 **Hon. Chief Minister:** Well, Mr Speaker, so what is next? So he cannot win the debate as he has accepted because he is looking forward to it being a debate unconstrained by the Rules of the House. He cannot win the debate constrained by the Rules of the House because of course the only way that he can win a debate is by saying, ‘You are lying, you are lying, you are lying’ or using another insult. He cannot use that insult here so therefore he wants to have the argument unconstrained by the Rules of the House

800 because I do not find the Rules of the House constraining when it comes to having any debate on any particular issue.

805 But I very much look forward to having the debate on public finances on GBC, not because it will be unconstrained by the Rules of the House but because we might be unconstrained by the timing of the House, the fact that people might not be available to watch us at three or four o'clock in the afternoon and everybody will be watching us at 9.30. Well, 'everybody' – maybe people who might have better interest and may be doing something else, but at 9.30 they might actually listen to the debate and he might not get away with pretending that the Government does not give information, that the Government is pretending to keep things hidden when it comes to public finances etc, because people will see the Government giving the information and debating it with me embodying the Government in that debate.

810 But then if he does not win it unconstrained by the Rules of the House because he will be on television, is it that he is going to say that he wants to win it unconstrained by the rules of human decency and he wants to go outside GBC and have a slap up, like he challenged the Hon. the Father of the House to do at the beginning of the lifetime of this Parliament? Why does he have to be – ?

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

Hon. Chief Minister: Why does he have to be... Why does he have to be... Let me finish the phrase, let me finish the phrase –

820 **Mr Speaker:** A Point of Order.

Hon. D A Feetham: On a Point of Order. Mr Speaker, he has to make himself responsible for the accuracy of the information that he provides to this House.

825 I never challenged the Hon. Mr Bossano; Mr Bossano challenged me to the Antechamber, so it was the reverse.

Hon. Chief Minister: Mr Speaker, I do not accept that. I believe that the hon. Gentleman challenged the Hon. the Father of the House to a *mano a mano* and this is very simple: he can just go into *Hansard* and he can look at what he said at the time, whether he likes it or not.

830 I know that he hates, Mr Speaker, (*Interjections*) I know that he hates *Hansard*, Mr Speaker, that little liar that reminds him of the truth, that little *chivatito* that reminds him of the things he used to say, (*Interjections*) that little *chivato* that does not lie, Mr Speaker!

Mr Speaker: Order! Order!

835

Hon. Chief Minister: Of course I know he hates to be told about *Hansard*, but it is all in *Hansard*, Mr Speaker.

So I do not fear a debate constrained or unconstrained by the Rules of the House because in a proper debate, the Rules actually help to get to the nub of the issue.

840 But, Mr Speaker, why is it that the Hon. the Father of the House answers questions that he puts about the debentures issued by the Gibraltar Savings Bank, etc? Well there was a small matter of a Government reshuffle, Mr Speaker, in the early weeks of December last year, where the Hon. the Father of the House took specific ministerial responsibility for the Gibraltar Savings Bank. Mr Speaker, that is why he now answers those questions.

845 Perhaps, Mr Speaker, the Hon. the Leader of the Opposition was not alive to that and he might still be calling us by our old ministerial names. Mine still happens to be Chief Minister; the Hon. Minister now includes in his title the words 'Gibraltar Savings Bank'. That is why he answers those questions, nothing to do with competence. But of course, the hon. Gentleman has to always comment on people's competence because he cannot talk about issues, he has to comment about competences.

850 Well, Mr Speaker, you know it is not unlike what his predecessor used to be, it is the one thing which he is actually, quite remarkably similar to Sir Peter, when Sir Peter was Chief Minister. Because as Chief Minister, Sir Peter spent a lot of time telling me that I was unfit to govern. Well, Mr Speaker, people took a different view.

855 He just commented on my competence and this is not a place, Mr Speaker, where we come to comment on each other's competence. We should come to look for information and to comment on information and give our opinions on information. But look, given that what is good for the goose is good for the gander and he likes to comment on my competence, I will tell him one thing and he will be very happy to hear me. He will be very happy to hear me on this because I am going to actually credit him. I used to think, Mr Speaker, that he was quite an unbalanced individual but I am clearly wrong, Mr Speaker. He has got a chip on both shoulders, Mr Speaker, not just one. Whether it comes to ambition or whether it comes to his ability

860

to understand public finances, he has got enough chips that he cannot be unbalanced – he has really managed to get that exactly right, 50/50.

865 Mr Speaker, I did not spend the run-up to the last General Election saying that Gibraltar was bankrupt and as ever, Mr Speaker, the devil is in the detail, something that perhaps the hon. Gentleman does not have the time these days to try and look at. All I did in the run-up to the General Election, Mr Speaker, was take the language that had been used by the GSD in 1996 and say to the then Chief Minister, Sir Peter Caruana, this is what you said in 1996 and if we apply the same standard, although we did not share your view in 1996, look at how things have developed.

870 Now if only he had looked at that level of detail, he might not have made the monumental mistake he has made today and it will come back to him as a monumental mistake eventually, Mr Speaker, to be the only Leader of the Opposition, in fact probably the only Gibraltarian politician in our history, to say that our community, that our country, that our nation, our public purse and our exchequer is bankrupt. Nobody has ever said that before until he got up here just before I arrived and said we are skint and that is why you cannot pay for the power station.

875 But never mind, there is, not on this Order Paper but shortly to come on an Order Paper, a Bill known as an Appropriation Bill on which we can have a debate which will demonstrate that he is absolutely wrong.

880 Mr Speaker, he talks about the trade unions and Victor Ochello. I am surprised that a man of his socialist convictions should be picking Victor Ochello out for criticism for a croissant, an orange juice and a hot chocolate. Why is it that he does not talk about the Chairman of the Chamber of Commerce or the Federation of Small Businesses? Why is it that he, the perennial socialist, he who is redder than red but not so red that the Chamber might not want to vote for him, the socialist who the conservatives should choose – the man should be permanently be wearing purple, for goodness' sake, he is so red and blue! – why is it that he chooses to pick out Victor Ochello and not anybody else?

885 Well, Mr Speaker, you know I am now clearer in my view as to why it was this morning that he was talking about this fictional figure of 513 more people in the public sector, because today although he is wearing red, he is trying to appeal to the blues. So, he is trying to get the Chamber on side, the Federation on side and trying to control public expenditure and very concerned about the rising numbers in the public sector, I think that is obvious in the way that he has addressed the whole debate. I mean why would he care that I am paying for the orange juice of a trade unionist and not care that I am paying for the orange juice of a captain of industry like the Chairman of the Chamber of Commerce?

890 Well, to come to the nub of the issue, Mr Speaker, is it that he does not know that in every other state, money is used for purposes of promoting that state in circumstances such as these where there is not a debate across a parliamentary floor about how that money is used? There is actually a debate behind closed doors, like the one I have offered him, which provides oversight on the spending of that money by those elected by the people, Government and Opposition, but is not public.

900 In Spain, Mr Speaker, that debate happens very often and there is a lot of loyalty about the way that people approach those debates. In other words, they keep very confidential, despite their huge differences, what that money has been spent on and why it has been spent. In some instances, it is known as the *fondos reservados*, for example in Spain or Intelligence Committees, Mr Speaker. Or is it that he can point me to any part of the *Hansard* of the Spanish Cortes which sets out what the cost of gathering intelligence on Gibraltar is costing the Spanish State? Does he know what the cost of listening, observing, him, me – I suppose he is their blue-eyed boy and me, their nemesis – is costing the Spanish State? The Spanish Taxpayer pays for that, there is oversight by the elected people of the Kingdom of Spain, but behind closed doors. What I have offered him... and there is oversight of all the spending that is used against us but not all of it – some of it yes, but not all of it is debated across the floor of any parliament.

905 That is what I am offering him, that is mature. Well, Mr Speaker, if he does not want that information or he does not want the information for that purpose, if all he wants, Mr Speaker is to be able to criticise the cost of having invited the trade unionist to Madrid, there is a way out. It is the way out that he always takes and I am offering it to him.

910 Look, I have already told him the video exists. I have already told him that he can sit down and look at who was there. He has already obviously spotted someone who he wants to point out and it happens to be Mr Ochello, so be it. I do not know what problem he has with Mr Ochello but he has picked him out, so Mr Ochello, the others who he can see on the video and then he can do, Mr Speaker, the exercise that he did this morning, he can work it out for himself and come back here with a figure.

915 So this morning he said you have employed 513 new members of the public sector, which at the lowest wage in the public sector at an average of blah, blah, blah is £8 million more to the bottom line each year in recurrent expenditure which you have added. Absolute and utter nonsense, but never mind, let him sit down, let him –

920 Look, Mr Speaker, there is a button that says 'mute' on the remote control: he can press the mute button and he can watch the whole episode of an hour of *Viewpoint* and see the events in Madrid without having to

hear me. I know that obviously my voice grates and he does not want to hear it. Fair enough, I do not like hearing myself either, especially in Spanish, and then he can work it out, Mr Speaker.

925 **Mr Speaker:** I do not know whether the Hon. the Chief Minister and the Leader of the Opposition realise, but they have been hammer and tongs for 55 minutes on two questions. I would like them to tell me whether they think there is any parliament in the Commonwealth where the Speaker would allow that. If so, if they think that is the case, they can carry on. If not, I would suggest to them that we move on.

930 Important as these matters are, but there is a limit and now they are both debating and they have been hammer and tongs at it. By all means bring a motion and I will sit here for as many hours as you like, but not under the guise of two questions. That is a transgression of the fundamental Rules of this House. If that is the way that they want to continue, well look, I may have to think again myself.

935 **Hon. Chief Minister:** Mr Speaker, you are absolutely right. As far as I am concerned I am here to answer questions but when one is baited as one is baited one has no alternative but to reply. This morning I cannot remember how long you took on the few questions that were on the cycle path, but I think we all feel exactly the same way and we have better things to do.

940 **Mr Speaker:** There were about 15 or 20 questions on cycling and I thought I was going to leave the House on a bicycle at that rate (*Laughter*) and they took about 50 or 60 minutes – yes nearly an hour, we were all cycling for about an hour. (*Laughter*)

Hon. Chief Minister: Mr Speaker, I am quite happy to get off this tandem now and move on.

945 **Hon. D A Feetham:** Well, Mr Speaker, I have been very patient in listening to the Hon. the Chief Minister with an answer that has taken him...

Mr Speaker: The only person who has been patient is me. (*Laughter and banging on desks*)

950 **Hon. D A Feetham:** – taken him 20 minutes.

Mr Speaker: I am the one who is patient with hon. Members. I am the one who is patient.

Hon. D A Feetham: Well may I indulge your –

955 **Mr Speaker:** I say that because I follow politics in Gibraltar, as you can imagine, and I know that since the last meeting of the House, outside this House hon. Members have been at it in an *explosive* situation. I know. So it has been debated out there for ages and now it comes here today. Two questions, 55 minutes – come on now.

The Hon. the Leader of the Opposition.

960 **Hon. D A Feetham:** Mr Speaker, I mean the reality is that I have listened to the Hon. the Chief Minister for the last 20 minutes go on and ramble and waffle about this and about that and about the other, and I do have one final supplementary and then I will listen to his rambling and waffling answer for as long as he wants, but I think that I ought to ask him to correct the record in a number of respects.

965 Look, I think, Mr Speaker, that the pressure is really now fogging his memory, I really do think that. Because the Hon. the Chief Minister (*Interjection*) because the Hon. the Chief Minister, he said that the only reason why the Hon. Mr Bossano is answering questions on the public finances of Gibraltar is because there has been a reshuffle. But the Hon. Mr Bossano has been answering my questions on the economy and the public finances of Gibraltar for the last two years, Mr Speaker and I would ask the Hon. the Chief Minister, for the sake of accuracy and because he has to make himself responsible for the answers or for the statements that he makes to this House, to at the very least correct the record in that regard.

975 The questions have always been answered by Mr Bossano because it is Mr Bossano that really understands the public finances of Gibraltar, can speak authoritatively about them to the extent that he can authoritatively say it, Mr Speaker, that Government Ministers, including the Chief Minister of Gibraltar is being brainwashed by consultants to spend too much money. Now, Mr Speaker, if that is not an indictment much more powerful than any indictment or any criticism that I could make of the Government benches, if that is not an indictment, Mr Speaker, what is?

980 And I just again for the sake of accuracy because I know he is not going to provide me with the information that I seek, which is innocuous information but I think one that I am entitled, which is a list of the locals that attended the Madrid event and the cost to the Taxpayer for taking those locals to Madrid. It has nothing to do with Victor Ochello, it is no criticism of Victor Ochello at all or anybody else,

(*Interjection*) none at all, my comment, Mr Speaker, was that there cannot be any national interest in not telling me how much he has paid for Victor Ochello or anybody else in the Gibraltar delegation from going to Madrid.

985 But if I can demonstrate to him, if I can demonstrate to him that I never challenged Mr Bossano to a fisticuffs or anything of the sort, will he stand in this House – because again he is responsible for the accuracy of the information he provides – and apologise to this House for misleading this House by saying that I challenged Mr Bossano, which is certainly not true?

990 What happened there was, that Mr Bossano challenged me and I stood up and I said I have never been challenged to a fisticuffs, to a *mano a mano* by anybody in my life in Parliament and I did not expect it. That was the comment.

995 He should make himself responsible for the comments that he makes. I know that he is under a lot of pressure; I know that the pressure is getting to the Hon. the Chief Minister, but I think that despite pressure, in the interests of fairness, he ought to be able to correct the record so that it is accurate.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, on a Point of Order.

1000 I do not accept that I challenged the hon. Member to a *mano a mano*, which is not terminology that I would use, since I avoid the Spanish language at all costs. If I had decided to take him on outside, I would not have told him about it; it would have happened. (*Laughter*)

1005 **Hon. Chief Minister:** Well, Mr Speaker, (*Interjections and laughter*) I am a fan of parliamentary democracy and I believe that Prime Minister's Question Time in the United Kingdom, although a bear pit, is an important part of democracy. Therefore, Mr Speaker, the fact that the hon. Gentleman gets up and says things that are really quite fanciful and have nothing to do with the original question, is not something that shocks me but frankly, it is really quite outside of the Rules.

1010 But anyway, Mr Speaker, you know why it is that the hon. Gentleman thinks he is going to get up and get an answer about a question which is supposed to be important to our community when he starts talking about my condition. You see, Mr Speaker, he does not get up and say can the Chief Minister say *x, y or z*. He gets up and he says you have a condition; you are suffering because of the pressure. Anybody who knows me knows how much I am enjoying doing this work knows that I am probably one of the people that least suffers pressure in the context of stress that they might come across.

1015 But whether or not I am suffering pressure is totally irrelevant to our democracy and to our community. It might be relevant to my physician and my family, but it is completely irrelevant to our politics and to what decision people are going to make when they decide who is going to be allowed to continue running our community for the next four years once an election is called, one that of course, Mr Speaker, I do not intend to cut and run to as the hon. Gentleman predicted in one of his recent speeches. But then again, most of his predictions are wrong, like the prediction he made during the course of the by-election that we were going to have a huge turnout and he was going to win by 10% which turned out to be a very low turnout but an election that we won by 10%.

1020 But never mind that, Mr Speaker, always he says, Mr Bossano has answered these questions. That is not the case. Once again, Mr Speaker, *Hansard* will demonstrate that that is not the case. But this is now just arguing about an argument. This is no longer about the nub of the issue. But the hon. Gentleman said something which is important in his question and I want to deal with it. He said that Mr Bossano understands the public finance and can talk authoritatively about it. Absolutely true, Mr Speaker and the ten people, or rather the nine people sitting on this side of the House with Mr Bossano, have always accepted that and believe in Mr Bossano's ability to understand public finance. In fact, Mr Speaker, I think he used to be one of the people who used to do that before he turned Labour, then turned GSD.

1030 But so be it, we still believe in that, Mr Speaker, we have never changed our opinion in that. I did not, Mr Speaker, when I became Leader of the Gibraltar Socialist Labour Party; take a new degree in economics. I took, or rather the Chairman of the Party, took a vote based on a simple majority of those present in the room as to who should be the Leader of the Party and starting from my left, Mr Speaker, let me just describe us in academic or in qualification terms. Lawyer, Lawyer, Dietician, Economist, Lawyer, Historian, Lawyer, Lawyer, Environmentalist/Botanist, Doctor of all things he surveys and Lawyer and Teacher. Teacher, Trade Unionist, Journalist/Teacher, Lawyer, Lawyer/Friend, Lawyer and Lawyer.

1035 Only one economist, Mr Speaker. Only one person who can speak authoritatively on the public finances of Gibraltar as an economist because he, Mr Speaker, certainly the Leader of the Opposition certainly on the day that that deal was done where there was neither a show of hands or a secret ballot as there should have been, but some sort of other executive manoeuvre when he became Leader of the Opposition, did not take a degree in economics either. So he is still as much a lawyer as I am. But of course he says as he
1040 always likes to say during the course of these debates that I Fabian am cleverer than you and I can speak

better on these subjects than you can. Well fine, okay if you do not have a grandmother, you do not have a grandmother, what can you do?

1045 But he says, speaking authoritatively on that subject as he did, Mr Bossano said that the Ministers are capable of being brainwashed. That is not what Mr Bossano said, Mr Speaker. He is traducing what Mr Bossano says. Mr Bossano said, that consultants *might try to brainwash* Ministers. (*Laughter*) He cannot even do a false laugh in a way that is convincing, Mr Speaker. (*Laughter*) Consultants might try to brainwash Ministers.

1050 Well, Mr Speaker, in this context what Mr Bossano was saying is, they might try, we will not allow it, it is not going to happen and we will be better guardians of the public finance than ever anyone has been before. Why did he say that and why did he say quite rightly, we will not give political cover to those who try and get away with spending more of the public finances than the Parliament? Not just us, the Parliament has voted because at the last minute when they were about to not vote in favour of the budget, Sir Peter Caruana stepped into the room and said, ‘Do not commit political suicide, no Opposition has ever not voted in favour of a budget. The Parliament votes in favour of the budget.’

1055 Why do we say that and why are we better guardians of that purse than anybody ever has been? Because, Mr Speaker, the hon. Member himself cannot have been brainwashed when he was Minister for Justice and responsible for the spending on the new courts and the new prison. The spending of which went through the roof contrary to the estimates. Even Sir Peter cannot have been –

1060 **Mr Speaker:** May I ask the Chief Minister please to come to a conclusion?

Hon. Chief Minister: Yes, thank you and I will, Mr Speaker.

1065 Even Sir Peter cannot have been brainwashed and I am dealing with his putting to me this statement from Mr Bossano, when he was dealing with the airport which was quoted at £24 million and came in at £84 million. They must have been absolutely, permanently bleeding lobotomised because the spending was in the order of three times what the estimate was on the airport. So it is not a question of attempted brainwashing which we are stopping and quite right too, there are incidences of absolute total lobotomy of the Members opposite, which is why we find the public finance mess that we found when we were elected and by the end of that financial year, the last financial year they were in office, there was £2 million left in the kitty. As close to skint as this community is ever going to come, under them, Mr Speaker. (*Banging on desks*)

1075 **Hon. D A Feetham:** Mr Speaker, my final supplementary. But, Mr Speaker, it is a supplementary that I cannot allow the Hon. the Chief Minister to get away with whitewashing the comments of the Hon. Minister Bossano. Because I am going to quote exactly what Minister Bossano said, quote, ‘The guys that have been brought in as consultants and are still there, are responsible for a lot of projects and they seem to think that they have a free hand to spend money and maybe they go to their Minister and they sort of brainwash him into thinking it without being conscious.’

1080 They brainwash him, Mr Speaker. Mr Speaker, you cannot air brush away interviews that have been given by his Ministers to GBC which are then reported in the press. That is a quote and it is a quote from the *Gibraltar Chronicle* of what Mr Bossano said and Mr Speaker, that is the worst indictment the worst possible indictment of this Government’s runaway expenditure, runaway expenditure that anybody could have possibly come up with and it does not come from the Opposition benches, it comes from one of his own on his own benches. That is a terrible indictment, Mr Speaker.

Hon. Chief Minister: Well, Mr Speaker, the position –

1090 **Mr Speaker:** This is the last intervention from the Chief Minister.

Hon. Chief Minister: Thank you.

Mr Speaker: I am bringing these exchanges to a conclusion.

1095 **Hon. Chief Minister:** Well, Mr Speaker, the hon. Gentleman just gets up full of enthusiasm, thinking he has won the point, reads the quote and realises as he is half way through it, it says *maybe*. ‘Oh damn it, it says maybe. It says maybe, but I had better not repeat that bit when I go back and say the bit that I want Bossano to be indicting them all for.’

1100 So maybe this happens and so we are going to stop it and he does not like that, he does not like that Mr Speaker, so he only repeats the bit he likes which may be unconstrained by the rules of debate in this House. If we were actually slightly more constrained by the rules of the court, he might find the judge asking him to repeat. The judge might say, ‘Well actually Mr Feetham, can you just repeat that? Does it

actually say “maybe”? Does it actually say “maybe”? (*Laughter*) And there is no need Mr Speaker for him to repeat it again for a very simple reason: because as I told him a moment ago, there is that *chivatillo* which is *Hansard* which will have chapter and verse recorded, what he already read a moment ago. So it was all in the context of ‘maybe’ – therefore no indictment.

But look, Mr Speaker, if he wants to talk about indictments and talk about runaway expenditure well, Mr Speaker, that is not what is happening but this is not a debate on public finance, the Appropriation debate is coming and we will see who is right on all of these issues just like we will see in the fullness of time when we sit back and look at all of his predictions, where exactly it is that they all end up. The last one was that I was going to cut and run and have an early election. I guess it is because it is all about running. I do not know whether the hon. Gentleman has decided to become a jogger these days. He talks about runaway expenditure, my cutting and running to go to an election, all of which his predictions will prove to be entirely wrong.

He said during the course, Mr Speaker, of his earlier supplementary that the information that he was seeking was innocuous and could he please have it. Well Mr Speaker, you said 55 minutes, it may be even longer, for innocuous information. If it is so innocuous why bother to insist on it? Why not say to me, ‘Well, Fabian, let me have it behind the Speaker’s Chair and I will take a view’, if it is so innocuous? If it is so innocuous and whether he likes it or not, I am the Chief Minister of Gibraltar, just like whether Mr Margallo likes it or not, Gibraltar is not Spanish. There is a treaty that makes it British *de facto*. It is not Spanish and *de jure* it is not Spanish and today I am the Chief Minister of Gibraltar, however much it hurts. However much it grates, that is the reality. He has to deal with it every morning I know, but it is the reality.

I am therefore saying to him, I believe it is not in the public interest of Gibraltar to do this. Look at what the newspapers say, look at what Mr Margallo is saying in the newspapers, let me give you the information behind the Speaker’s Chair. If it is so innocuous the information that he is seeking, why does he not accept it in that way? Or is it perhaps, Mr Speaker, that the information is not so innocuous, as he knows?

Mr Speaker: Question 185.

**Q185/2015
Plans for GBC –
Update**

Clerk: Question 185, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state whether he considers the plans he announced for GBC in 2012 are still on course to be achieved?

Clerk: Answer, the Hon. the Chief Minister.

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

Hon. D A Feetham: Well, Mr Speaker, he may recall that in relation to those plans when he made the announcement, he said that GBC would be self-funding and profitable through use of the company which GBC was to have a 50% shareholding. That was from recollection, Gibraltar Networks or Gibraltar Entertainment Networks Limited where another UK company, an entertainment company, had the other 50% and that they would have premises at Europa Point and that those premises would be completed by 2015.

So does his prediction that his plans are on course, include the fact that those premises are going to be built in effect for GBC and also for this particular company?

Hon. Chief Minister: Mr Speaker, those premises have already been provided, at one stage GN was operating from premises in Europa Point, I think it was one of the MOD properties that were there. But I am very confident that our overall plan for GBC is moving in the direction in which we want to move it. It may have different permutations but my plan for GBC is on course to be achieved.

Hon. D A Feetham: Mr Speaker, just to be clear, the plan included for GBC to be self-funding and the way that the Government was going to make GBC self-funding was through this subsidiary company, which was going to be attracting productions to Gibraltar using Gibraltar’s beneficial tax system in order for those productions to be done here in Gibraltar, to generate profits so that GBC could then become self-funding, presumably through the profits paid up from the subsidiary company to GBC.

Is he saying that those plans of self-funding for GBC via this particular company are still on course to be achieved?

1160

Hon. Chief Minister: Mr Speaker, I am saying that my plans that GBC should eventually become self-funding are on course to be achieved, they continue to be the view of the Chief Executive of GBC and my view and we think we stand a very good chance of actually making something of GBC rather than consider it just something that costs the community money to provide a service, it could actually be an engine of growth for the community.

1165

Hon. D A Feetham: And that is going to take place, or the plan is that the way that GBC would become profitable, would be through this particular subsidiary company generating those kind of profits through local productions. That is still the plan.

1170

Hon. Chief Minister: Mr Speaker, the plan is that it should become self-financing. The route to that, whether it is through this particular subsidiary or others or in fact through even new and more exciting opportunities, is something that is constantly being worked on by the Chief Executive and by the management of GBC and by us.

1175

I mean what could be better than to achieve that and why shouldn't we want to keep on track, in that respect? I would have thought that we would have enjoyed support from the Opposition in this respect, except of course that they did not think of it when they were in power. Maybe that is why they do not want to be supportive.

1180

Hon. D A Feetham: Mr Speaker, it is not about the Opposition not being supportive. I am asking him questions. I know that it irritates him when I ask him questions, but that is my job. My job is to hold the Government to account on its policy, to enquire as to whether its policy is being successful or is not being successful so that something can be done about it. It should not irk the Hon. the Chief Minister that I am on this side of the House asking questions. It should not at all.

1185

Now, Mr Speaker, Gibraltar Entertainment Networks, I think that is the name of the company. Has this company been profitable? Has it been making profits and has it been making the kind of profits that will allow GBC to be well on the road to self-sufficiency or is Gibraltar Entertainment Networks, has it not been successful and the Government is really looking at other avenues of making GBC self-sufficient?

1190

Hon. Chief Minister: Mr Speaker, I am sorry to have to get up to say these things because they are not pertinent to our democracy or our politics, but I cannot allow things that the hon. Gentleman says to go unanswered so I am going to deal with that point. If he were prevented from saying these things, I would not have to reply to them.

1195

Mr Speaker, I do not find his questions irritating or irksome; I actually find them quite amusing. Mr Speaker, especially in the context of what it is that he is hopefully trying to achieve, I find most amusing much of what he does and how he goes about things. So he need not concern himself about irritating me or irking me.

1200

Mr Speaker, GEN: I cannot tell him what the balance sheet of GEN is without notice, but I can tell him that GEN involves certain individuals who continue to work in part with GBC but not all of them with GBC and therefore that the original concept of GEN is not actually one that is likely to be progressing into the future but the ideas behind GEN and how that would lead to GBC being eventually, we hope self-financing, does continue to be something that we are pursuing very enthusiastically.

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q105/2015

Upper Rock Nature Reserve – Visitor numbers, January 2015

Clerk: Question 105, the Hon. D J Bossino.

1205

Hon. D J Bossino: Can the Minister for Tourism please provide details of the number of Upper Rock Nature Reserve visitors for the month of January 2015?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

1210

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, 18,774 visitors entered the Upper Rock Nature Reserve during the month of January 2015.

1215 **Hon. D J Bossino:** Just to point out, Mr Speaker, in fact on the day that I filed the question, which was the Wednesday, it was actually updated on line but I am grateful for the reply in any event.

Mr Speaker, just to ask, that figure is actually slightly higher than the figure in 2014 and indeed in 2013 although it still represents quite a significant reduction from the position in 2011-12.

1220 Does she have – and probably not a question which can be answered – but does she have any indications from within the Department as to whether this is likely to go in an increasing upward trend over the next few months? I know it is difficult to predict but perhaps she can do something, make an attempt at replying to the question if she can.

Hon. S J Sacramento: Mr Speaker, the figures show that the visitors in January this year are up by 306 from January last year and on the basis that we expect more cruise ships in this year, then that will I think relatively have a knock-on effect of increasing the number of tourists that we will have.

1225

**Q106-107/2015
Mid-Harbour Estate–
CCTV and garage barriers**

Clerk: Question 106, the Hon. E J Reyes.

1230 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 40/2015, can the Minister for Housing inform this House by when it is estimated that the recently installed CCTV project and garage barriers at Mid-Harbour Estate will be operational on a permanent basis?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

1235 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 107.

Clerk: Question 107, the Hon. E J Reyes.

1240 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of any maintenance programme which has been established in respect of the recently installed CCTV project and garage barriers at Mid-Harbour Estate, indicating who will carry out these tasks and their respective cost?

1245 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, as previously informed, the CCTV project is complete. The maintenance of the CCTV project in Mid-Harbour Estate is being carried out by Sheriff Electrical Contractors on a reactive basis.

1250 The maintenance is within the two-year warranty as stipulated in the contract documentation and there is no current financial implication as this was covered under the original contract sum.

In relation to the garage barriers the Housing Department has written to all tenants at Mid-Harbours, advising them of the procedure to be issued with the relevant permits and fobs and that barriers will be operational as soon as this is completed.

1255 Insofar as the maintenance, there are plans to engage the services of an electrical contractor to adopt a maintenance programme.

Hon. E J Reyes: Sorry, Mr Speaker, I did not quite catch the very last part, something in respect of the fobs and talking to the tenants. Could the hon. Lady, because of my hearing problems, please repeat the last part?

1260 **Hon. Miss S J Sacramento:** What I said, Mr Speaker, was that we have written to the tenants advising them of the procedure to collect the fobs and given them a deadline in which to do so. Once that deadline has passed then the barriers will be operational. It should be by next week or the week after.

1265 **Hon. E J Reyes:** Thank you, I was going to jump in, by when the deadline?. So, therefore, Mr Speaker is the hon. Lady confident that probably within the next month or so we should have everything now fully operational?

1270 **Hon. Miss S J Sacramento:** Mr Speaker, tenants were written to last week and the deadline for applications for that is 20th February so it should be operational by the end of the month.

Q108/2015
Weather damage to rental homes –
Details

1275 **Clerk:** Question 108, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide full details of the extent of damages, inclusive of locations, caused to rental homes as a result of inclement weather during the ongoing refurbishment works at any housing estate, since the answer provided to Question 746/2014?

1280

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, up to 9th February, 14 flats have been affected throughout the 1,547 flats in the three estates, of which nine have been affected through the roof, four via the stairwell and one via the window.

1285

Further protective measures and minor repairs are currently being undertaken.

Hon. E J Reyes: Mr Speaker, I can understand the question was submitted on its deadline which was last Thursday morning but the Hon. Minister said up to 9th February – that is over a week prior to that. Surely the information, Mr Speaker, could have been provided up to last Thursday.

1290

I will tell you why: because one of the things that I was hearing and so on, seems to have happened just in the days or in that same week prior to the deadline of the question and with the Minister only being able to provide information up to 9th February, it means that one is now delayed until the latter part of March in order to be able to get any information on something that really happened within the first few days of the first week of February.

1295

Does the Minister require a bit more time and perhaps she can at least get the information up to at least the question deadline time which was Thursday morning. I do not know, Mr Speaker, if she can be helpful on that.

Hon. Miss S J Sacramento: Mr Speaker, I did urge the Department to provide me with as much information as possible, right up to the latest deadline that they could provide. Of course, Mr Speaker, you can appreciate we have the whole internal mechanism and everything for production of answers. In any event, Mr Speaker, the question can be put to me again next month so that the Department can have sufficient time to answer this.

1300

In any event, Mr Speaker, the answer will not change. There is only a month delay, Mr Speaker, now that thankfully we sit in Parliament every month. The hon. Gentleman only has to wait a question of a couple of weeks, four weeks in fact for that answer.

1305

I can only provide as much information as the Department provides to me; though I did ask for as much information as possible, Mr Speaker, I want to make that clear.

1310

Hon. E J Reyes: Mr Speaker, if the Minister does not have the information, if need be, Mr Speaker, I will consult you so that by wording the question, I do not infringe the rules of repeating the question and so on, so any information that refers to anything after 9th February then that might, if need be with your guidance, we can do it in such a manner, Mr Speaker.

1315

Mr Speaker: No problem.

Q109/2015
Government co-ownership housing projects –
Unsold homes

Clerk: Question 109, the Hon. E J Reyes.

1320 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 749/2014, can the Minister for Housing provide revised and updated details of how many homes still remain unsold in respect of Government's new co-ownership housing projects, giving the room size composition in each case?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

1325

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Government's new co-ownership housing projects are a huge success and there are no homes remaining unsold.

Q110 & 117/2015
Government rental homes –
Unpaid rents

1330 **Clerk:** Question 110, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of how much has been written off in respect of unpaid rents pertaining to Government rental homes, since the answer provided to Question 35/2015?

1335

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 117.

1340

Clerk: Question 117, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of arrears in respect of unpaid rents pertaining to Government rental homes as at 31st January 2015?

1345

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, nothing has been written off since the answer provided to Question 35/2015 because work in respect of these areas continues.

1350

The total of arrears in unpaid rent as at 31st January 2015 is £5,368,606.27. From that figure we need to deduct the amounts that are older than six years, which are not therefore recoverable.

1355 **Hon. E J Reyes:** Mr Speaker, again I lacked a bit of hearing at the end. The figure of £5,368,606 I think the Minister said. What did she end up saying, Mr Speaker – that it does not include something that has been written off because time has expired? Can I have a repetition of that please?

Mr Speaker: More than six years.

1360 **Hon. E J Reyes:** Has anything been written off because it has been more than six years?

Hon. Miss S J Sacramento: No.

Q111/2015
Reallocation of empty homes –
Expenditure and details

Clerk: Question 111, the Hon. E J Reyes.

1365

Hon. E J Reyes: Can the Minister for Housing provide details in respect of all expenditure incurred since the answer to Question 36/2015 in respect of contracts awarded for making empty homes suitable for re-allocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type/nature of repair works, or cleaning services undertaken?

1370

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, information for the month of January 2015 is as follows, in relation to one property awarded to AJEC at a cost of £8,444 and to E Lopez and Sons Limited £4,450.

1375

Hon. E J Reyes: And the nature type of work undertaken, Mr Speaker?

1380

Miss S J Sacramento: Sorry, Mr Speaker, all services contracted were for repairs and none were for cleaning.

Hon. E J Reyes: And what type of repairs, Mr Speaker? What nature, what type of repairs? Was it repairs to the roof, to electrical installations? I amended the wording from last month on your suggestion, Mr Speaker, because I just said repairs and I want to know a bit further, the type of repairs.

1385

Hon. S J Sacramento: Mr Speaker, the only information I have been provided with is that they were general repairs. I imagine that when a property is repaired we will have different issues, Mr Speaker. They are not huge repairs because the figures are not that big.

1390

Hon. E J Reyes: Mr Speaker, they may not be huge repairs but I have taken on board the advice given to me and that is why I have said indicating the type and nature. I would like to know, Mr Speaker, whether it was to do with plumbing works or do with electrical works or roof repair please, Mr Speaker.

1395

Hon. Miss S J Sacramento: Mr Speaker, I am sorry I do not have any further information because the officials have not provided the information.

Mr Speaker: Will the hon. Lady please instruct her officials to look at the question carefully because it does say type or nature of repairs.

Q112/2015
Urgent decanting from homes –
Details

1400

Clerk: Question 112, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question 37/2015, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

1405

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, three tenants have required decanting from their homes for the following reasons: on account of a fire since 23rd January 2015; two on account of works, on 12th February and one on 13th February, and no set date for return has yet been established for any of the three.

1410

1415 **Hon. E J Reyes:** I am going to try my luck, Mr Speaker. Any idea what type of work?

Hon. Miss S J Sacramento: No, Mr Speaker, I am afraid I do not have that level of detail.

Q113/2015
Housing Works Agency –
Seconded Building Surveyor and M/T Driver

Clerk: Question 113, the Hon. E J Reyes.

1420

Hon. E J Reyes: Further to the answer provided to Question 39/2015, can the Minister for Housing now state if the Building Surveyor and M/T Driver listed under ‘seconded’ in the schedule provided were either seconded ‘out from’ or ‘into’ the Housing Works Agency?

1425 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the building surveyor and driver were seconded ‘out’ of the Housing Works Agency.

Q114/2015
Government rental homes –
Eviction of squatters

1430 **Clerk:** Question 114, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes, since the answer provided to Question 41/2015, providing a breakdown showing the number of homes involved and to whom payments were made?

1435

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there has been no expenditure incurred since the answer provided to Question 41/2015.

1440

Q115/2015
Vacant flats –
Details

Clerk: Question 115, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the answer provided for Written Question W17/2015, can the Minister for Housing provide details showing which of the five collective reasons listed in the schedules corresponding to flats which are currently vacant; apply in each individual case, together with details of the room composition of each individual home?

1445

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

1450

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, of the 159 pre-war flats, the ones that are beyond economical repair are: 12 x 1RKBs; 29 x 2RKBs; 25 x 3RKBs; 7 x 4RKBs; 6 x 5RKBs; 3 x 6 RKBs.

Of those considered possible for sale or tender, there are: 5 x 1RKBs; 16 x 2RKBs; 23 x 3RKBs; 10 x 4RKBs; 7 x 5RKBs and 1 x 7RKB.

1455

Of those ready for allocation now, there are: 1 x 1RKB; 2 x 4RKBs and 1 x 9RKB.

Refurbished but not yet allocated: there are 3 x 1RKB; 4 x 3RKBs; 2 x 4RKBs and 2 x 5RKBs.

In relation to the 58 post-war flats the breakdown is as follows.

Of those which are beyond economical repair: 8 x 1RKBs; 3 x 2RKBs; 3 x 3RKBs.

1460 For those considered possible for sale or tender there are none.

Those that are in-house and ready for allocation, there are: 4 x 1RKBs; 4 x 2RKBs; 4 x 3RKBs; 3 x 4RKBs.

Refurbished are: 7 x 1RKBs; 6 x 2RKBs; 9 x 3RKBs; 6 x 4RKBs and 1 x 5RKB.

1465

Q116/2015

**Governor's Meadow House, Alameda Estate –
Cost of resurfacing work**

Clerk: Question 116, the Hon. E J Reyes.

1470

Hon. E J Reyes: Can the Minister for Housing provide the breakdown of costs in respect of the recent resurfacing works at the upper entrance to Governor's Meadow House in Alameda Estate, stating which company carried out the works and indicating if these are now complete and approved by Government's Quality Control officials?

1475

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the works were awarded and completed by Limatron Company Limited for the sum of £3,500 and GCC staff has supervised the works.

1480

Clerk: Question 118, the Hon. Mrs I M Ellul-Hammond.

**Question 88/2015 continued –
Supplementary information**

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, if I may with your indulgence since the hon. Member was the one that asked the question –

1485

Mr Speaker: Yes, please do.

Hon. S E Linares: – and he has finished today so I would like just to say to him that the £2,088 that he asked in the previous question as to the Re-Enactment Society and Association, was exactly what I said to him they were, on uniforms.

1490

Q118-119/2015

**Disability –
Definition and review in law**

Clerk: Question 118, the Hon. Mrs I M Ellul-Hammond.

1495

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say when the definition of 'disabled' will change to ensure that all those who suffer a disability, at whatever stage in their lives, will be entitled to disability benefits, what criteria will be used to define disability and at what stage is Government in the review of disability in our laws?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

1500

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 119.

Clerk: Question 119, the Hon. Mrs I M Ellul-Hammond.

1505 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the Government will legislate to further protect disabled people, ratifying and using the terms of the United Nations Convention on the rights of disabled persons as a model?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

1510 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, insofar as changing the definition in relation to disability allowance, this forms part of a wider review of the Benefit System and is work in progress.

1515 Legislation to ratify the UN Convention is drafted and is in the final stages of review and about to go to consultation very, very shortly.

Q120/2015
St Bernadette's Resource Centre –
Plans to increase places

Clerk: Question 120, the Hon. Mrs I M Ellul-Hammond.

1520 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if there are plans to increase the number of sheltered flats and respite places for the disabled and service users of St Bernadette's Resource Centre.

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

1525 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, St Bernadette's Resource Centre is a day centre for adults with learning disabilities and does not provide flats or respite.

The provision of disability services is continuously under review and is monitored depending on demand.

Q121/2015
Supported Employment Scheme –
Participating companies

1530 **Clerk:** Question 121, the Hon. Mrs I M Ellul-Hammond.

1535 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many companies in Gibraltar form part of the Supported Employment Scheme which offers sheltered employment for service users of St Bernadette's Resource Centre and the Dr Giraldi Home.

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

1540 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there is one company.

Q122/2015
Dr Giraldi Inquiry –
Final cost

Clerk: Question 122, the Hon. D A Feetham.

1545 **Hon. D A Feetham:** Mr Speaker, is the figure of £2.6 million the final cost of the Dr Giraldi Inquiry or does the Government envisage the figure will increase?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

1550 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, £2.6 million is not the final cost of the inquiry. Government expects to receive further invoices and will make a statement once the final cost has been determined.

Mr Speaker: Question 159, the Hon. Mr Bossino, it is on financial services.

1555

FINANCIAL SERVICES AND GAMING

Q159/2015

Flagship events – Business development goals

Clerk: Question 159, the Hon. D J Bossino.

1560 **Hon. D J Bossino:** I am sure he is enjoying whatever he is eating (*Laughter*)
Mr Speaker, can the Minister for Financial Services provide details of the business development goals which the Flagship events have?

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

1565

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, Mr Speaker, as the hon. Member will be aware, 'Flagship Events' are those at which Gibraltar Finance arranges a central event with private meetings previously arranged around them and timed to coincide with international conference events in each of the jurisdictions.

1570 The reason for this is simply to enable professionals in the private sector to attend the international conference, attend the flagship event and also where appropriate, participate in the private meetings arranged during that visit.

1575 Further, we always take the opportunity during these events, to engage with the international media in order to further raise the profile of Gibraltar as a quality and reputable financial services centre. This initiative has led to engagement with Swiss local media and on our recent visit with a Bloomberg Interview, in Hong Kong with CNBC Asia and RHK, a major Hong Kong radio station, both with live interviews. In London with a live interview on Sky News on their Business Today programme and in Bermuda with both TV and newspaper interviews.

1580 Our goal in all of the above is, of course, to promote Gibraltar as a quality and reputable international financial services centre in partnership with the private-sector firms, by proactively marketing the benefits of our proposition and stressing that Gibraltar offers a well regulated transparent and internationally co-operative jurisdiction, with access to financial markets including the right of access to the EU single market in financial services.

1585 The recently released Business Development Plan of 2015 details the precise events and conferences we will be supporting this year which exceed 30 different events across the spectrum of our financial services community. The programme has been discussed with and considered by the Finance Centre Council, who have warmly welcomed the Development Plan and are actively supporting our efforts to promote the jurisdiction.

With respect to the flagship events, I would comment as follows:

1590 These past 12 months we have organised Gibraltar Day Lunches in five different cities, being Bermuda, Hong Kong, Geneva, Zurich and London and hosting over 910 guests, including some 200 local professionals supporting these initiatives. These numbers give you an indication of the magnitude of the project we have embarked on and the extent of the support that we have received from those attending and of course, our local firms.

1595 The opportunity to engage directly with professionals in each of these jurisdictions and address them on the benefits of our jurisdiction, hand in hand with the private sector, is an effective and efficient means of promoting business links in these financial hubs with our professionals.

1600 These events, together with attending conferences and road shows and engagement with media, are all part of the programme of increasing serious awareness of our jurisdiction and catching up on the many years of a lack of investment in this area. In addition, our senior executives are constantly engaging with professionals in these and other markets promoting the Gibraltar proposition.

I would like to sincerely thank the entire team of Gibraltar Finance for their conscientious work and attention to detail in ensuring that whatever functions we organise or attend, we always do so perfectly prepared and our presence professionally delivered.

Q160/2015
Finance Centre Department travel expenses –
Details

1605

Clerk: Question 160, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services provide details of his Department's travel expenses to date for 2015?

1610

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

1615

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, Mr Speaker, the travel expenses for the Finance Centre Department paid to date for 2015 are Hotel £4,029; Flights £10,461.28; Subsistence and Expenses £903.

These costs relate to invoices paid in 2015 up to 16th February 2015. If I might just add, Mr Speaker, included within those numbers is one visit to London which was cancelled due to my inability to go through serious neck pains, which we are in the process of recovering the cost of through an insurance claim.

1620

Hon. D J Bossino: I am grateful for that reply, Mr Speaker. Just to be clear in my own mind, he has given me a set of figures because in fact when information has been uploaded – he and I have had this debate across the floor of the House in relation to asking questions in respect of matters which are available in the internet on the Government website – the information which I thought I was seeking in the question has actually been provided on line, it was updated I think on 16th February which post-dates the filing of the question, Mr Speaker.

1625

Now that information online relates to four specific events which took place, two in January and two in February, the total amount of which I calculated to be about £9,350 – well, the specific figure is £9,351.30. Now the information he has given me is not in tandem with this. Can he explain why? Basically, I was really wanting this updated information but he has given me different information.

1630

Hon. A J Isola: Mr Speaker, there may be a difference because what you have on the website will be, I think, ministerial travel and the question is phrased in the Department's travel. So I am including Gibraltar Finance which includes, for example, the members of the Gibraltar Finance Team, Nadiuska and Joanne who travelled to set up an exhibition in London and Zurich, so there are different expenses so you will not be able to relate the information I have given directly to the one you have got from the website because there are different people involved. The Gibraltar Finance Team is not on the website on the same page that you are referring to.

1635

Hon. D J Bossino: But the information he has given me, would it include this information that is on the website, because it is his personal expenses I want, as Minister?

1640

Hon. A J Isola: Mr Speaker, from the information I have been provided, the breakdown for the numbers that I have just given you, which total I think £10,129 – no they do not – so what they have done is they have extracted my costs and given you the Ministry's costs. For example it includes the cost of a visit to Madrid for a LEIROC Conference of £95 and £179 of hotel. That is not on my website but that is included in these numbers.

1645

If the hon. Member would like to have more details, I am happy to let him have them by letter, giving a breakdown of the specific costs relating to each member of Gibraltar Finance in respect of each of those visits which may be of more use to him than the generic total breakdowns.

1650

Hon. D J Bossino: Yes, I probably will be seeking that information from him. Well, I will get the information from the prepared answer once it is on *Hansard* in any event and then I will take a decision once I have had a proper chance of reading it and comparing it with this information. But he has been helpful in his reply.

1655

Now, I have noticed that in terms of making comparisons to how much was spent last year and this year and in terms of his travel expenses there is a three-fold increase. So for example up until March, his travel

expenditure all told, was about £3,500 whilst the information provided on the website suggests he has already spent £9,300. There was a visit to Hong Kong for example which was not included previously.

1660 But, and this is where I am leading to, does he envisage that the overall annual cost, given that he must have a plan and in fact it is published in the Development Plan, the overall annual cost is going to be higher and if so, does he have an idea of how much higher, overall annual for 2015?

1665 **Hon. A J Isola:** Yes, Mr Speaker, the difference between last year and this year obviously is that there was a visit to Hong Kong in January this year and there was not a visit to Hong Kong in January of last year.

1670 In terms of the overall spending, the Business Development Plan which we issued in January has been costed, the expenditure that was in last year's estimate was below the amount that was required to meet the Business Development Plan. So there has been a supplementary funding request made through the Financial Secretary this year and we are within the Budget in terms of what the original estimate was and the supplementary funding request which covers the entirety of the Business Plan. Does that answer your question? (*Interjection by Hon. D J Bossino*) It is above the estimated amount last year but within the budget that we set through the supplementary funding process.

**EDUCATION AND JUSTICE &
INTERNATIONAL EXCHANGE OF INFORMATION**

Q161/2015

**Supply teachers and/or support auxiliary staff –
Details**

1675 **Clerk:** Question 161, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education provide details of any changes there may have been since the answer to Question 54/2015 in respect of supply teachers and/or support auxiliary staff, currently engaged by the Department of Education?

1680 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1685 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, in respect of my answer to Question 54/2015, the only change to report is that out of the 10 supply cleaners mentioned, eight have been made permanent and the other two are in the process of being recruited, one at Bayside School and one at Bishop Fitzgerald Middle School.

The hon. Member will recall that in one of the schedules to Question 54, in particular Table 4, there was a reference to 10 part-time cleaners with a remark column saying 'in the process of being recruited'. Eight of those have now been recruited and two are in the process of being recruited.

1690 The only other change, Mr Speaker, in respect of the tables previously given, is not a change in actual circumstances but simply the filling of a gap which the hon. Member will recall in Table 1 he saw that under the reasons for cover – this is of supply teachers – there was a gap in one of the teachers covering at the college.

1695 I now have that information and can report that the reason for the cover is an SEN Life Skills Course, which I know that the hon. Member will recognise as ASDAN, and that is a specific Life Skills Course which has been delivered over the course of this year for pupils of special educational needs and that is a temporary cover which has been done over the whole of the academic year.

Those are the only two changes to report, Mr Speaker.

1700 **Hon. E J Reyes:** I am really grateful, Mr Speaker, for the updated information. I know it is just a month since the last time but I posed this question now because it has given the Department of Education enough time to consolidate any information or any amendments required from the start of the term. Therefore, I am satisfied now that I have a complete picture at least for the remainder of this term.

Thank you.

1705

Q162/2015
Government subsidised students outside Gibraltar –
Full details

1710 **Clerk:** Question 162, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, please provide a full breakdown of what every Government subsidised student studying outside Gibraltar is studying, broken down by (a) course; (b) university; (c) whether the course is an undergraduate or postgraduate course and (d) the cost of each course.

1715 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the information requested is set out in the schedule which I now hand to the hon. Member.

Schedule to Question 162 of 2015					
QUALIFICATION	UNIVERSITY	COURSE	TUITION (per annum)	UG/PG	
1	BSc	Aberdeen University	Genetics	£9,000.00	UG
2	BSc	Aberystwyth University	Psychology	£9,000.00	UG
3	BA	Academy of Contemporary Music	Creative Sound Design/Music Production	£7,995.00	UG
4	BMUS	Academy of Contemporary Music Guildford	Professional Music Performance	£7,995.00	UG
5	Diploma	Academy of Creative Training	Actor Training	£9,000.00	UG
7	BSc/ACCA	Leeds Metropolitan University	Accounting & Finance	£9,000.00	PG
8	BA	Anglia Ruskin University	History	£8,549.00	UG
9	BA	Anglia Ruskin University	Drama & Film Studies	£8,549.00	UG
10	BSc	Anglia Ruskin University	Crime & Investigative Studies	£9,000.00	UG
11	BSc	Anglia Ruskin University	Forensic Science	£8,549.00	UG
12	BSc	Anglia Ruskin University	Accounting & Finance	£8,549.00	UG
13	BA	Arts University College Bournemouth	Arts & Events Management	£8,600.00	UG
14	BA	Arts University College Bournemouth	Architecture	£9,000.00	UG
15	Foundation-Degree	Askam Bryan College, York	Animal Management	£6,000.00	UG
17	BA	Bangor University	History	£9,000.00	UG
18	BA	Bangor University	Linguistics and English Language	£9,000.00	UG
19	BA	Bangor University	Criminology & Criminal Justice	£9,000.00	UG
20	BSc	Bangor University	Psychology	£9,000.00	UG
21	BSc	Bangor University	Geography	£9,000.00	UG
22	BA	Bath Spa University	Business & Management	£9,000.00	UG
23	MEng	Cardiff University	Civil Engineering	£3,465.00	PG
24	MEng	Cardiff University	Civil Engineering	£3,465.00	PG
25	BMus/MA	Berkeley College of Music Boston	Music	£9,000.00	UG
26	BA	BIMM Brighton	Professional Musicianship	£5,950.00	UG
27	HNC	BIMM Manchester	Artist Development Diploma in Modern Music	£4,950.00	UG
28	HNC	BIMM Manchester	Artist Development Diploma in Modern Music	£4,950.00	UG
29	BA	Birbeck, University of London	Philosophy	£8,000.00	UG
30	BA	Birmingham City University	Visual Communication (Illustration)	£8,200.00	UG
31	BA	Birmingham City University	Theatre Performance & Event Design	£8,200.00	UG
32	CertHE	Blackpool & Fylde College	Musical Theatre	£1,500.00	UG
33	BA	Blackpool College	Performing Arts	£6,000.00	UG
34	HNC	Bournemouth & Poole College	Art & Design	£9,000.00	UG
35	BA	Bournemouth University	Events Management	£9,000.00	UG
36	BA	Bournemouth University	Events Management	£9,000.00	UG
37	BPS QSEP	University of Northumbria	Sports & Exercise Psychology	£5,450.00	PG
38	BPTC	BPP Law School, Leeds	Law	£14,240.00	PG
39	BPTC	City University, London	Law	£17,000.00	PG
40	BPTC	University of Exeter	Law	£12,240.00	PG
41	BPTC	University of Birmingham	Law	£13,575.00	PG
42	BPTC	University of Northumbria	Law	£11,725.00	PG
43	BA	Bradford University College	Performing Arts (Production)	£9,000.00	UG
44	CertMus	Brighton Institute of Modern Music	Professional Musicianship	£5,950.00	UG
45	CertMus	Brighton Institute of Modern Music	Professional Musicianship	£5,950.00	UG
46	BSc	Brunel University	Biomedical Science	£9,000.00	UG
47	BA	Buckinghamshire New University	Event and Festival Management	£9,000.00	UG
48	BA	Buckinghamshire New University	Sports Development & Coaching	£9,000.00	UG
49	BSc	Buckinghamshire New University	Criminology	£9,000.00	UG
50	BSc	Buckinghamshire New University	Psychology & Criminology	£9,000.00	UG
51	BSc	Buckinghamshire New University	Music Management Branding & PR	£9,000.00	UG
52	HND	Buckinghamshire New University	Health & Social Care	£7,500.00	UG
53	BA	Canterbury Christchurch University College	American Studies	£9,000.00	UG
54	BA	Canterbury Christchurch University College	Events Management	£9,000.00	UG
55	BSc	Canterbury Christchurch University College	Business Studies with Politics	£9,000.00	UG
56	BSc	Canterbury Christchurch University College	Accounting & Finance	£9,000.00	UG
57	LLB(BA)	Canterbury Christchurch University College	Law with Business	£9,000.00	UG
58	BA	Cardiff Metropolitan University	Accounting Economics & Finance	£9,000.00	UG
59	BA	Cardiff Metropolitan University	International Tourism Management	£9,000.00	UG
60	BA	Cardiff Metropolitan University	Tourism Management	£9,000.00	UG
61	BA	Cardiff Metropolitan University	Educational and Early Childhood Studies	£9,000.00	UG
62	BA	Cardiff Metropolitan University	Events Management	£9,000.00	UG
63	BA	Cardiff Metropolitan University	Business & Management Studies	£9,000.00	UG
64	BA	Cardiff Metropolitan University	Accounting & Finance	£9,000.00	UG
65	BA	Cardiff Metropolitan University	Events Management	£9,000.00	UG
66	BA	Cardiff Metropolitan University	Accounting & Finance	£9,000.00	UG
67	BA	Cardiff Metropolitan University	Business & Management Studies with Marketing	£9,000.00	UG
68	BA	Cardiff Metropolitan University	Educational Studies & Early Childhood Studies	£9,000.00	UG
69	BA	Cardiff Metropolitan University	Business & Management	£9,000.00	UG
70	BA	Cardiff Metropolitan University	Accounting & Finance	£9,000.00	UG
71	BSc	Cardiff Metropolitan University	Sports Coaching	£9,000.00	UG
72	BSc	Cardiff Metropolitan University	Computing	£9,000.00	UG
73	BSc	Cardiff Metropolitan University	Sport & Exercise Science	£9,000.00	UG
74	BSc	Cardiff Metropolitan University	Sports Biomedicine & Nutrition	£9,000.00	UG
75	BSc	Cardiff Metropolitan University	Environmental Health	£9,000.00	UG
76	BSc	Cardiff Metropolitan University	Computing	£9,000.00	UG
77	BSc	Cardiff Metropolitan University	Psychology	£9,000.00	UG
78	BSc	Cardiff Metropolitan University	Computing	£9,000.00	UG
79	BSc	Cardiff Metropolitan University	Sports Management	£9,000.00	UG
80	BSc	Cardiff Metropolitan University	Business Management	£9,000.00	UG
81	Foundation Degree	Cardiff Metropolitan University	Psychology	£9,000.00	UG
82	Foundation Degree	Cardiff Metropolitan University	Health & Social Care	£9,000.00	UG
83	Foundation Degree	Cardiff Metropolitan University	International Tourism Management	£9,000.00	UG
84	Foundation Degree	Cardiff Metropolitan University	Health & Social Care	£9,000.00	UG
85	HND	Cardiff Metropolitan University	Sports Development & Coaching	£7,800.00	UG
86	HND	Cardiff Metropolitan University	Sports Development and Coaching	£7,800.00	UG
87	LLB	Cardiff Metropolitan University	Law	£9,000.00	UG
88	BA	Cardiff University	Spanish & Italian	£9,000.00	UG
89	BSc	Cardiff University	Sociology	£9,000.00	UG
90	BSc	Cardiff University	Optometry	£9,000.00	UG
91	BSc	Cardiff University	History & Sociology	£9,000.00	UG
92	MEng	Cardiff University	Civil Engineering	£3,465.00	UG
93	MScD	Cardiff University	Orthodontics (PG Training)	£12,486.00	PG
94	HNC/NVQ	Central Sussex College	Professional Cookery	£5,000.00	UG

QUALIFICATION	UNIVERSITY	COURSE	TUITION (per annum)	UG/PG	
95	MBBS BSc	Charles University Faculty of Medicine, Czech R	Medicine	£9,000.00	UG
96	MBBS BSc	Charles University Faculty of Medicine, Czech R	Medicine	£9,000.00	UG
97	MBBS BSc	Charles University Faculty of Medicine Czech R	Medicine	£9,000.00	UG
98	MBBS BSc	Masaryk University Faculty of Medicine Czech R	Medicine	£9,000.00	UG
99	BA	Chester University	History	£9,000.00	UG
100	BA	City & Guilds of London Art School	Fine Art, Painting	£6,000.00	UG
101	Foundation Degree	City College Plymouth	Accounting & Finance	£5,950.00	UG
102	BSc	City University London	Speech & Language Therapy	£9,000.00	UG
103	BSc	City University London	Psychology	£9,000.00	UG
104	MSC/DPsych	City University London	Counselling Psychology	£7,000.00	PG
105	BSc	Coventry University	Geography & Natural Hazards	£9,000.00	UG
106	BSc	Coventry University	Environmental Health	£9,000.00	UG
107	BSc	Coventry University	Occupational Therapy	£9,000.00	UG
108	Foundation	Coventry University	Law & Practice	£9,000.00	UG
109	BSc	Dalhousie University Canada	Geology/ Petrology	£9,000.00	UG
110	BSc Econ	David Game College	Accounting & Finance	£9,000.00	UG
111	DipCounselling Psych	City University London	Counselling Psychology	£7,200.00	PG
112	BA	De Montfort University	Drama Studies	£9,000.00	UG
113	BA	De Montfort University	Performing Arts	£9,000.00	UG
114	BA	De Montfort University	Accounting & Economics	£9,000.00	UG
115	BSc	De Montfort University	Biomedical Science	£9,000.00	UG
116	BA	Derby University	Fine Art	£9,000.00	UG
117	MA	Dundee University	Architecture	No fees - Scotland	UG
118	BA	Durham University	Ancient History	£9,000.00	UG
119	BA	Durham University	History	£9,000.00	UG
120	BA	Durham University	Social Sciences	£9,000.00	UG
121	BSc	Durham University	Economics	£9,000.00	UG
122	BA	Edge Hill University	Dance & Theatre Arts	£9,000.00	UG
123	BA	Edgehill University	TV & Film Production	£9,000.00	UG
124	Diploma in Ballet	English National Ballet School	Dance	£17,000.00	UG
125	BSc	Essex University	Nursing	£9,000.00	UG
126	BA	Exeter College	Film & TV Practice	£9,000.00	UG
127	BA	Exeter University	History & International Relations	£9,000.00	UG
128	LLB	Exeter University	Law	£9,000.00	UG
129	LLB	Exeter University	Law	£9,000.00	UG
130	BA	Franciscan University of Steubenville	Theology	£9,000.00	UG
131	GDL	BPP University College, Waterloo	Law	£9,990.00	PG
132	BA	Gateshead College	Humanities	£7,810.00	UG
133	BA	Gateshead College	Humanities	£7,810.00	UG
134	BA	Gateshead College	Humanities	£7,810.00	UG
135	BA	Goldsmith's University of London	Journalism	£9,000.00	UG
136	BSc	Goldsmith's University of London	Management & Entrepreneurship	£9,000.00	UG
137	BA	Greenwich University	International Business with language (2yrs top up)	£9,000.00	UG
138	BA	GSM London (Plymouth University)	Accounting & Finance	£6,000.00	UG
139	BA	Guildford College	Counselling	£6,000.00	UG
140	BA	Hertfordshire University	Graphic Design & Illustration	£8,700.00	UG
141	MBBS	Hull York Medical School	Medicine	£9,000.00	UG
142	MBBS	Humanities University, Milan, Italy	Medicine	£9,000.00	UG
143	MBBS	Imperial College London	Medicine	£3,465.00	UG
144	MBBS	Imperial College London	Medicine	£3,465.00	UG
145	BA	Keele University	Geography with Sociology	£9,000.00	UG
146	BA	Keele University	English Literature & History	£9,000.00	UG
147	BSc	Keele University	Psychology & Criminology	£3,465.00	UG
148	BSc	Keele University	Psychology & Mathematics	£9,000.00	UG
149	BSc	Keele University	Psychology	£9,000.00	UG
150	LLB	Keele University	Law	£9,000.00	UG
151	LLB	Keele University	Law	£9,000.00	UG
152	MBChB	Keele University	Medicine	£3,465.00	UG
153	BSc	Kings College London	Biomedical Science	£9,000.00	UG
154	MB BS	Kings College London	Medicine	£3,465.00	UG
155	PG Dip	Kings College London	Nursing Studies with Registration - Adult	£8,980.00	UG
156	BA	Kings College London	Dance	£4,850.00	UG
157	BA	Kings College London	Art & Design	£6,000.00	UG
158	HE Diploma	Kings College London	Applied Computing	£1,950.00	UG
159	BA	Kingston University	English Language & Communications & English Literature	£9,000.00	UG
160	BA	Kingston University	Human Resource Management	£9,000.00	UG
161	BA	Kingston University	Accounting & Finance	£9,000.00	UG
162	BA	Kingston University	Business Management	£9,000.00	UG
163	BA	Kingston University	Politics & Sociology	£9,000.00	UG
164	BA	Kingston University	Politics & Sociology	£9,000.00	UG
165	BA	Kingston University	Economics	£9,000.00	UG
166	BA	Kingston University	Business & Law	£9,000.00	UG
167	BA	Kingston University	Business Management	£9,000.00	UG
168	BA	Kingston University	English Language & Communication & International Relation	£9,000.00	UG
169	BA	Kingston University	Criminology & Social Sciences	£9,000.00	UG
170	BA(QTS)	Kingston University	Primary Teaching	£9,000.00	UG
171	BA	Kingston University	Accounting & Finance	£9,000.00	UG
172	BA	Kingston University	Illustration & Visual communication	£9,000.00	UG
173	BA	Kingston University	Photography	£9,000.00	UG
174	BA	Kingston University	Sociology & Business	£9,000.00	UG
175	BA	Kingston University	Journalism & Sociology	£9,000.00	UG
176	BA	Kingston University	Business Management	£9,000.00	UG
177	BSc	Kingston University	Sport Science	£9,000.00	UG
178	BSc	Kingston University	Computer Studies	£9,000.00	UG
179	BSc	Kingston University	Mental Health Nursing	£9,140.00	UG
180	BSc	Kingston University	Biomedical Science	£9,000.00	UG
181	BSc	Kingston University	Psychology & Politics	£9,000.00	UG
182	BSc	Kingston University	Computer Networks	£9,000.00	UG
183	BSc	Kingston University	Psychology with Spanish	£9,000.00	UG
184	BSc	Kingston University	Business Economics	£9,000.00	UG
185	BSc	Kingston University	Psychology	£9,000.00	UG
186	BSc	Kingston University	Biological Sciences	£9,000.00	UG
187	BSc	Kingston University	Creative Technologies	£9,000.00	UG
188	BSc	Kingston University	Midwifery	£10,010.00	UG
189	Foundation Degree	Kingston University	Environmental Hazards & Disaster Management	£4,600.00	UG

	QUALIFICATION	UNIVERSITY	COURSE	TUITION (per annum)	UG/PG
190	HND	Kingston University	Business & Finance	£6,000.00	UG
191	HND	Kingston University	Business & Finance	£6,000.00	UG
192	LLB	Kingston University	Law	£9,000.00	UG
193	BSc	Kingston University	Mental Health Nursing	£9,140.00	UG
194	HND	Lancaster & Morecambe The College	Public Services	£3,500.00	UG
195	BSc	Lancaster University	Geography	£9,000.00	UG
196	BSc	Lancaster University	Maths & Statistics	£9,000.00	UG
197	BSc	Lancaster University	Geography	£9,000.00	UG
198	BA	Leeds Beckett University	Entertainment Management	£3,465.00	UG
199	BA	Leeds Beckett University	Business & Management	£9,000.00	UG
200	Foundation Degree	Leeds City College	Applied Computing	£6,200.00	UG
201	HND	Leeds College of Building	Construction & The Built Environment	£4,000.00	UG
202	HND	Leeds College of Building	Construction & The Built Environment	£4,000.00	UG
203	BA	Leeds College of Music	Popular Music	£9,000.00	UG
204	BA	Leeds Metropolitan University	Design	£3,465.00	UG
205	BA	Leeds Metropolitan University	Accounting and Finance	£9,000.00	UG
206	BA	Leeds Metropolitan University	Sociology	£9,000.00	UG
207	BA	Leeds Metropolitan University	History	£9,000.00	UG
208	BA	Leeds Metropolitan University	French & Tourism Management	£9,000.00	UG
209	BA	Leeds Metropolitan University	Business & Management	£9,000.00	UG
210	BA	Leeds Metropolitan University	Law, Social Science and Communication Studies	£9,000.00	UG
211	BA	Leeds Metropolitan University	Landscape, Architecture & Design	£9,000.00	UG
212	BSc	Leeds Metropolitan University	Quantity Surveying	£3,465.00	UG
213	BSc	Leeds Metropolitan University	Music Technology	£9,000.00	UG
214	BSc	Leeds Metropolitan University	Biomedical Science	£9,000.00	UG
215	BSc	Leeds Metropolitan University	Computing	£9,000.00	UG
216	BSc	Leeds Metropolitan University	Psychology	£9,000.00	UG
217	BSc	Leeds Metropolitan University	Construction Management	£9,000.00	UG
218	BSc	Leeds Metropolitan University	Computing	£9,000.00	UG
219	BA	Leeds Metropolitan University	Sociology	£9,000.00	UG
220	LLB	Leeds Metropolitan University	Law	£9,000.00	UG
221	LLB	Leeds Metropolitan University	Law	£9,000.00	UG
222	LLB	Leeds Metropolitan University	Law	£9,000.00	UG
223	BA	Leeds University	Graphic & Communication Design	£9,000.00	UG
224	BA	Leeds University	Business & Management	£3,465.00	UG
225	BEng	Leeds University	Mechanical/Automotive Engineering	£9,000.00	UG
226	BA	Lincoln University	Graphic Design	£9,000.00	UG
227	HNC	Liverpool Community College	Fashion & Clothing	£3,477.20	UG
228	BA	Liverpool Hope University	Music with Education	£9,000.00	UG
229	BA(QTS)	Liverpool Hope University	Primary Teaching with Special Educational Needs	£9,000.00	UG
230	BSc	Liverpool Hope University	Sports & Exercise Science	£9,000.00	UG
231	LLB	Liverpool Hope University	Law	£9,000.00	UG
232	BA	Liverpool John Moore University	Architecture	£9,000.00	UG
233	BA	Liverpool John Moore University	International Journalism	£9,000.00	UG
234	BA	Liverpool John Moore University	Accounting & Finance	£9,000.00	UG
235	BA	Liverpool John Moore University	Education with Special Inclusive Needs	£9,000.00	UG
236	BA	Liverpool John Moore University	Early Childhood Studies	£9,000.00	UG
237	BA	Liverpool John Moore University	Business Management	£3,465.00	UG
238	BA	Liverpool John Moore University	History	£9,000.00	UG
239	BA	Liverpool John Moore University	Criminology & Sociology	£9,000.00	UG
240	BA	Liverpool John Moore University	Fine Art	£9,000.00	UG
241	BA	Liverpool John Moore University	Events Management	£8,420.00	UG
242	BSc	Liverpool John Moore University	Construction Management	£9,000.00	UG
243	BSc	Liverpool John Moore University	Environmental Health	£9,000.00	UG
244	BSc	Liverpool John Moore University	Accounting & Finance	£9,000.00	UG
245	BSc	Liverpool John Moore University	IT & Multimedia Computing	£9,000.00	UG
246	BSc	Liverpool John Moore University	Software Engineering	£9,000.00	UG
247	BSc	Liverpool John Moore University	Applied Psychology	£9,000.00	UG
248	BSc	Liverpool John Moore University	Construction Management	£9,000.00	UG
249	BSc	Liverpool John Moore University	Accounting & Finance	£9,000.00	UG
250	Foundation Degree	Liverpool John Moore University	Business Law & Social Studies	£4,800.00	UG
251	Foundation Degree	Liverpool John Moore University	Inclusive Sport Development	£4,800.00	UG
252	MSc	Leeds Metropolitan University	ACCA Professional (Embedded)	£3,500.00	PG
253	LLM	University College, London	Corporate Law	£12,900.00	PG
254	LLM	University of Derby	International & Comparative Law	£9,000.00	PG
255	LLM	University of Leeds	International Business Law	£7,000.00	PG
256	LLM	University of Northumbria	International Commercial Law	£4,905.00	PG
257	LLM	University of Nottingham	International Commercial Law	£6,010.00	PG
258	Certificate	London Academy of Music Production	Sound Engineering	£1,298.00	UG
259	Foundation Year	London Art Portfolio	Interior Design Access Course	£9,000.00	UG
260	Foundation Year	London Art Portfolio	Art & Design	£9,000.00	UG
261	BA	London College of Fashion	Fashion Illustration	£9,000.00	UG
262	BA	London Metropolitan University	Architecture	£8,240.00	UG
263	BSc	London Metropolitan University	Social Science & Humanities	£5,360.00	UG
264	BSc	London Metropolitan University	Sports Science & Physical Education	£7,100.00	UG
265	BSc	London Metropolitan University	Computing	£7,140.00	UG
266	BSc	London Metropolitan University	Computer Games Programming	£6,800.00	UG
267	RIBA	London Metropolitan University	Professional Diploma in Architecture	£3,465.00	PG
268	BSc	London School of Business and Finance	Business Management	£7,500.00	UG
269	BSc	London School of Economics and Political Science	International Recreation & History	£8,500.00	UG
270	BSc	London South Bank University	Psychology	£9,000.00	UG
271	Foundation Degree	London South Bank University	Baking Technology Management	£9,000.00	UG
272	BEng	London Southbank University	Mechanical Engineering	£8,450.00	UG
273	BA	London Studio Centre	Dance Theatre	£9,000.00	UG
274	BA	Loughborough University	Graphic Design & Visual Communications	£9,000.00	UG
275	BA	Loughborough University	History & Politics	£9,000.00	UG
276	BEng (Hons)	Loughborough University	Mechanical Engineering	£9,000.00	UG
277	BSc	Loughborough University	Accounting & Financial Management	£9,000.00	UG
278	BSc	Loughborough University	Sociology	£9,000.00	UG
279	BSc	Loughborough University	Computer Science	£9,000.00	UG
280	BSc	Loughborough University	Physics & Mathematics	£9,000.00	UG
281	BSc	Loughborough University	Geography	£9,000.00	UG
282	BA	Loughborough University	Accounting	£9,000.00	UG
283	LPC	BPP Law School, London	LPC	£9,740.00	PG
284	MA	Canterbury Christchurch University College	Theology	£3,996.00	PG

	QUALIFICATION	UNIVERSITY	COURSE	TUITION (per annum)	UG/PG
285	MA	Cardiff Metropolitan University	Sports Management & Leadership	£9,000.00	PG
286	MA	City College Brighton	Food & Culinary Arts	£9,000.00	PG
287	MA	City University London	Human Centred Systems	£9,000.00	PG
288	MA	Kings College, London	Child Studies	£5,000.00	PG
289	MA	Lancaster University	Human Resources & Counselling	£9,500.00	PG
290	MA	Leeds Beckett University	Graphic Arts Design	£9,000.00	PG
291	MA	Leeds Metropolitan University	Human Resource Management	£6,000.00	PG
292	MA	London College of Fashion	Fashion Marketing	£7,500.00	PG
293	MA	London Metropolitan University	Counselling Psychology	£7,200.00	PG
294	MA	London South Bank College	Education	£9,000.00	PG
295	MA	National Film & TV School	Composition for Film & TV	£11,800.00	PG
296	MA	Royal Central University of London	Drama & Movement Therapy	£10,148.00	PG
297	MA	St Mary's University College	International Tourism Development	£4,410.00	PG
298	MA	St Mary's University College	International Tourism Development	£4,410.00	PG
299	MA	The Institute of Music Performance, London	Popular Music Performance	£6,450.00	PG
300	MA	University of Bangor	History	£4,250.00	PG
301	MA	University of Bangor	Creative Studies	£3,996.00	PG
302	MA	University of Bournemouth	Model Making	£9,000.00	PG
303	MA	University of Durham	International Relations	£6,200.00	PG
304	MA	University of Durham	Museum & Artefact Studies	£6,200.00	PG
305	MA	University of East Anglia	Counselling & Psychotherapy	£6,900.00	PG
306	MA	University of Edinburgh	French & Spanish	£9,000.00	PG
307	MA	University of Glasgow	English Language & Italian	£1,820.00	PG
308	MA	University of Kent	Religion	£5,100.00	PG
309	MA	University of Loughborough	Sports Management	£5,900.00	PG
310	MA	University of Missouri	Studio Art Graphic Design	£9,000.00	PG
311	MA	University of Newcastle	Human Resources Management	£8,500.00	PG
312	MA	University of Newcastle	Latin American & Interdisciplinary Studies	£5,000.00	PG
313	MA	University of Portsmouth	Communication & Language Skills	£5,000.00	PG
314	MA	University of Sheffield	Sociology	£5,140.00	PG
315	MA	University of South Wales	Public Services	£9,000.00	PG
316	MA	University of Warwick	Continental Philosophy	£7,050.00	PG
317	MA	University of York	English Literary Studies	£6,200.00	PG
318	MA	University of York	Criminology & Social Research	£6,200.00	PG
319	MA	Wimbledon College of Arts	Drawing	£3,465.00	PG
320	BA	Manchester College	Musical Theatre	£8,400.00	UG
321	BA	Manchester Metropolitan University	Philosophy	£8,000.00	UG
322	BA	Manchester Metropolitan University	Accounting & Finance	£9,000.00	UG
323	BA	Manchester Metropolitan University	Accountancy & Finance	£8,000.00	UG
324	BA	Manchester Metropolitan University	History	£8,000.00	UG
325	BA	Manchester Metropolitan University	Art & Design	£9,000.00	UG
326	BA	Manchester Metropolitan University	Accounting & Finance	£9,000.00	UG
327	BA	Manchester Metropolitan University	Accounting & Finance	£9,000.00	UG
328	BA	Manchester Metropolitan University	International Business & Spanish	£9,000.00	UG
329	BA	Manchester Metropolitan University	Events Management	£8,000.00	UG
330	BA	Manchester Metropolitan University	Primary Education	£9,000.00	UG
331	BSc	Manchester Metropolitan University	Psychology / Sociology	£2,250.00	UG
332	BSc	Manchester Metropolitan University	Accounting & Finance	£8,000.00	UG
333	BSc	Manchester Metropolitan University	Geography	£3,465.00	UG
334	BSc	Manchester Metropolitan University	Biomedical Science	£9,000.00	UG
335	BSc	University of Lancaster	Mathematics	£4,321.00	PG
336	BA	Mc Gill University Montreal, Canada	History & Economics	£3,465.00	UG
337	MCLinDent	Cardiff University	Orthodontics	£10,800.00	PG
338	MCLinDent	University College London	Orthodontics	£10,800.00	PG
339	MEng	Oxford Brookes University	Mechanical Engineering	£9,000.00	PG
340	MEng	University of Bath	Mechanical Engineering	£9,000.00	PG
341	MEng	University of Lancaster	Computer Science	£3,996.00	PG
342	MEng	University of Leeds	Computer Science	£9,000.00	PG
343	MEng	University of Leicester	Aerospace Engineering	£3,465.00	PG
344	MEng	University of Newcastle	Chemical Engineering	£3,465.00	PG
345	MEng	University of Northumbria	Electrical Engineering	£9,000.00	PG
346	MEng	University of Southampton	Ship Science	£9,000.00	PG
347	MEng	University of Southampton	Civil Engineering	£4,500.00	PG
348	BA	Middlesex University	Business Management	£9,000.00	UG
349	BA	Middlesex University	Music & Arts Management	£9,000.00	UG
350	BEng	Middlesex University	Network Management & Security	£9,000.00	UG
351	BSc	Middlesex University	Computer Science	£9,000.00	UG
352	LLB	Middlesex University	Law	£9,000.00	UG
353	MMath	University of Loughborough	Mathematics	£3,465.00	PG
354	MMath	University of Newcastle	Mathematics	£9,000.00	PG
355	MMATH	University of York	Mathematics	£13,380.00	PG
356	MMus	University College, London	Ethnomusicology	£4,500.00	PG
357	Foundation Degree	Montessori Centre International, London	Early Childhood Practice	£8,270.00	UG
358	DipHE	Leeds Metropolitan University	Osteopathy	£3,465.00	PG
359	MA	Mount Batten Institute	International Business Practise	£9,000.00	PG
360	MA	Mount Batten Institute	International Business Practise	£9,000.00	PG
361	MPhil	University of Cambridge	Clinical Neuroscience	£18,774.00	PG
362	MPhil	University of Westminster	Research into Life Sciences	£4,037.50	PG
363	MPhys	Imperial College, London	Physics	£9,000.00	PG
364	MPhys	University of Sheffield	Physics	£9,000.00	PG
365	MSc	Franciscan University in Steubenville	Science in Education	£9,000.00	PG
366	MSc	Imperial College, London	Economics & Strategy for Business	£22,000.00	PG
367	MSc	Kings College London	Early Intervention in Psychosis	£9,200.00	PG
368	MSc	Kings College London	Science Technology & Medicine in History	£8,250.00	PG
369	MSc	Kings College London	International Marketing	£10,500.00	PG
370	MSc	Kings College London	Analytical Toxicology	£10,500.00	PG
371	MSc	Kingston University, London	Psychology	£5,800.00	PG
372	MSc	Kingston University, London	Financial & Business Management	£9,800.00	PG
373	MSc	Leeds Metropolitan University	Psychology with Sociology	£13,180.00	PG
374	MSc	Leeds Metropolitan University	Sports & Exercise Nutrition	£5,000.00	PG
375	MSc	Manchester Metropolitan University	Exercise & Sport	£4,200.00	PG
376	MSc	Nottingham Trent University	Psychological Well Being & Mental Health	£5,350.00	PG

	QUALIFICATION	UNIVERSITY	COURSE	TUITION (per annum)	UG/PG
377	MSc	Nottingham Trent University	Sports Law	£6,420.00	PG
378	MSc	St Mary's University College	Sport Rehabilitation	£4,860.00	PG
379	MSc	Teesside University	Forensic Psychology	£4,500.00	PG
380	MSc	Teesside University	Crime Scene Science	£8,450.00	PG
381	MSc	University College London	Clinical Mental Health	£8,500.00	PG
382	MSc	University College London	Pharmacology	£9,000.00	PG
383	MSc	University of Chichester	Physical Education	£8,500.00	PG
384	MSc	University of Huddersfield	Network Technology & Management	£4,460.00	PG
385	MSc	University of Leeds	International Business Law	£7,000.00	PG
386	MSc	University of Loughborough	Sports Management	£6,250.00	PG
387	MSc	University of Northampton	Counselling & Psychotherapy	£5,500.00	PG
388	MSc	University of Northumbria	Biomedical Science	£9,000.00	PG
389	MSc	University of Reading	Plant Diversity	£5,500.00	PG
390	BA	New York University	Economics	£9,000.00	UG
391	BSc	Newcastle College	Nursery Nurse	£9,000.00	UG
392	DipHE	Newcastle College	Hair and Media Makeup	£9,000.00	UG
393	CertHE	Newcastle College	Retail & Enterprise	£9,000.00	UG
394	CertHE	Newcastle College	Hairdressing & Barbering	£9,000.00	UG
395	BTEC	Newcastle Under Lyme College	Working with Children and Young People	£9,000.00	UG
396	BA	Newcastle University	Accounting & Finance	£9,000.00	UG
397	BA	Newcastle University	Town Planning	£9,000.00	UG
398	BA	Newcastle University	International Business Management	£9,000.00	UG
399	BA	Newcastle University	Business Accounting & Finance	£6,333.00	UG
400	BA	Newcastle University	Accounting and Finance	£9,000.00	UG
401	BA	Newcastle University	Modern Languages & Business Studies	£9,000.00	UG
402	BA	Newcastle University	Accounting & Finance	£9,000.00	UG
403	BA	Newcastle University	Accounting & Finance	£9,000.00	UG
404	BA	Newcastle University	Politics & Sociology	£9,000.00	UG
405	BEng	Newcastle University	Civil Engineering	£9,000.00	UG
406	BSc	Newcastle University	Business Accounting & Finance	£6,333.00	UG
407	BSc	Newcastle University	Biomedical Science	£9,000.00	UG
408	BSc	Newcastle University	Economics & Management	£9,000.00	UG
409	BSc	Newcastle University	Zoology	£9,000.00	UG
410	BSc	Newcastle University	Biomedical Science	£9,000.00	UG
411	Foundation Degree	Northampton Moulton College	Sports Therapy & Sports Injuries	£9,000.00	UG
412	BA	Northampton University	Interior Design	£9,000.00	UG
413	BA	Northampton University	Drama & English	£9,000.00	UG
414	BA	Northampton University	Advertising	£9,000.00	UG
415	BA	Northampton University	Creative Writing	£9,000.00	UG
416	BA	Northampton University	Primary Education	£9,000.00	UG
417	BA	Northampton University	Interior Design	£9,000.00	UG
418	BSc	Northampton University	Human Geography	£9,000.00	UG
419	LLB	Northampton University	Law	£9,000.00	UG
420	BA	Northern School of Contemporary Dance	Contemporary Dance	£9,000.00	UG
421	BA	Northern School of Contemporary Dance	Contemporary Dance	£9,000.00	UG
422	BA	Northumbria University	History & Politics	£9,000.00	UG
423	BA	Northumbria University	Accounting	£9,000.00	UG
424	BA(QTS)	Northumbria University	Early Primary Education	£9,000.00	UG
425	BA	Northumbria University	Spanish with Business	£3,465.00	UG
426	BA	Northumbria University	Graphic Design	£9,000.00	UG
427	BA	Northumbria University	History & Politics	£9,000.00	UG
428	BA	Northumbria University	Business & Finance	£3,465.00	UG
429	BSc	Northumbria University	Psychology	£9,000.00	UG
430	BSc	Northumbria University	Biomedical Sciences	£9,000.00	UG
431	BSc	Northumbria University	Geography	£9,000.00	UG
432	BSc	Northumbria University	Biomedical Sciences	£9,000.00	UG
433	BSc	Northumbria University	Computer Science	£9,000.00	UG
434	BSc	Northumbria University	Architectural Technology	£3,465.00	UG
435	BSc	Northumbria University	Electrical Engineering	£9,000.00	UG
436	BSc	Northumbria University	Biomedical Science	£9,000.00	UG
437	BSc	Northumbria University	Psychology	£9,000.00	UG
438	BSc	Northumbria University	Communication & Public Relation	£9,000.00	UG
439	LLB	Northumbria University	Law	£9,475.00	UG
440	LLB	Northumbria University	Law	£9,000.00	UG
441	LLB	Northumbria University	Law	£9,000.00	UG
442	GDL	Nottingham Law School	GDL	£8,160.00	UG
443	BEng (BA)	Nottingham Trent	Civil Engineering	£9,000.00	UG
444	BA	Nottingham Trent	Accounting & Finance	£9,000.00	UG
445	BA	Nottingham Trent	Fashion	£8,750.00	UG
446	BA	Nottingham Trent	Modern Languages	£9,000.00	UG
447	BA	Nottingham Trent	Media & International Relation	£8,500.00	UG
448	BA	Nottingham Trent	Criminology	£9,000.00	UG
449	LLB	Nottingham Trent	Law	£9,000.00	UG
450	LLB	Nottingham Trent	Law & Business	£9,000.00	UG
451	LLB	Nottingham Trent	Law with Criminology	£9,000.00	UG
452	BSc	Nottingham Trent	Wildlife Conservation	£8,500.00	UG
453	BA	Oxford Brookes University	Business Management & Communication	£6,000.00	UG
454	BA	Oxford Brookes University	History & Sociology	£9,000.00	UG
455	BA	Oxford Brookes University	History & Sociology	£9,000.00	UG
456	BA	Oxford Brookes University	Education	£9,000.00	UG
457	BA	Oxford Brookes University	City & Regional Planning	£9,000.00	UG
458	BA	Oxford Brookes University	Business Management & Spanish	£9,000.00	UG
459	BA	Oxford Brookes University	History of Art	£9,000.00	UG
460	BSc	Oxford Brookes University	Sport & Exercise Science	£9,000.00	UG
461	BSc	Oxford Brookes University	Business Management	£9,000.00	UG
462	BSc	Oxford Brookes University	Accounting & Finance	£9,000.00	UG
463	BSc	Oxford Brookes University	Computer Science	£9,000.00	UG
464	BSc	Oxford Brookes University	Psychology & Human Biosciences	£9,000.00	UG
465	BSc	Oxford Brookes University	Accounting & Finance	£9,000.00	UG
466	LLB	Oxford Brookes University	Law	£9,000.00	UG
467	LLB	Oxford Brookes University	Law	£9,000.00	UG
468	LLB	Oxford Brookes University	Law	£9,000.00	UG
469	BA	Oxford University	Psychology & Philosophy	£9,000.00	UG
470	BA	Parsons The new School for Design USA	Communication Design	£9,000.00	UG
471	PG Dip	University of Cardiff	Conscious Sedation in Dentistry	£9,000.00	PG

	QUALIFICATION	UNIVERSITY	COURSE	TUITION (per annum)	UG/PG
472	PGCE	Bath Spa University	PGCE	£9,000.00	PG
473	PGCE	Canterbury Christchurch University College	PGCE	£9,000.00	PG
474	PGCE	Kingston University, London	PGCE	£9,000.00	PG
475	PGCE	Leeds Metropolitan University	PGCE	£9,000.00	PG
476	PGCE	Leeds Metropolitan University	PGCE	£9,000.00	PG
477	PGCE	Manchester Metropolitan University	PGCE	£9,000.00	PG
478	PGCE	Oxford Brookes University	PGCE	£9,000.00	PG
479	PGCE	St Mary's University College	PGCE	£9,000.00	PG
480	PGCE	University of Brighton	PGCE	£9,000.00	PG
481	PGCE	University of Cambridge	PGCE	£9,000.00	PG
482	PGCE	University of Cambridge	PGCE	£9,000.00	PG
483	PGCE	University of Cambridge	PGCE	£9,000.00	PG
484	PGCE	University of Chichester	PGCE	£9,000.00	PG
485	PGCE	University of Creative Arts, Epsom	Fashion Design	£9,000.00	PG
486	PGCE	University of Exeter	PGCE	£9,000.00	PG
487	PGCE	University of Leicester	PGCE	£9,000.00	PG
488	PGCE	University of Plymouth	PGCE	£9,000.00	PG
489	PGCE	University of Roehampton	PGCE	£9,000.00	PG
490	PGCE	University of Sussex	PGCE	£9,000.00	PG
491	PhD	University of Bristol	Theology	£3,996.00	PG
492	PhD	University of Leeds	Cancer Pharmacology	£3,975.00	PG
493	BA	Plymouth College of Art	Animation	£9,000.00	UG
494	BA	Plymouth University	Social Work	£9,000.00	UG
495	BA	Plymouth University	Early Childhood Studies	£9,000.00	UG
496	BSc	Plymouth University	Science	£3,465.00	UG
497	BSc	Plymouth University	Hospitality Management	£9,000.00	UG
498	BSc	Plymouth University	Computing	£9,000.00	UG
499	BSc	Plymouth University	Maritime Business & Logistics	£9,000.00	UG
500	HND	Plymouth University	Law	£5,950.00	UG
501	Diploma	Point Blank Music College	Music Production & Sound Engineering	£8,125.00	UG
502	Diploma	Point Blank Music College	Music Production & Sound Engineering	£8,125.00	UG
503	Diploma	Point Blank Music College	Music Production & Sound Engineering	£8,125.00	UG
504	Diploma	Point Blank Music College	Music Production & Sound Engineering	£9,000.00	UG
505	BA	Queen Margaret University	Therapeutic Radiography	£6,750.00	UG
506	BA	Queen Mary University of London	English Literature	£1,350.00	UG
507	BA	Reading University	Art	£9,000.00	UG
508	BA	Regents College	Global Business and Sustainability Management	£9,000.00	UG
509	BA	Regents College	Creative Industries	£9,000.00	UG
510	BA	Regents College	Business & Global Management	£9,000.00	UG
511	BA	Roehampton University	Philosophy	£8,400.00	UG
512	BSc	Roehampton University	Psychology	£8,400.00	UG
513	MBBCh	Royal College of Surgeons Ireland	Medicine	£9,000.00	UG
514	BA	Royal Holloway University of London	Modern History & Politics	£9,000.00	UG
515	BA	Royal Holloway University of London	English	£9,000.00	UG
516	BA	Royal Holloway University of London	French & Italian	£9,000.00	UG
517	BA	Royal Northern College of Music	Popular Music Performance	£9,000.00	UG
518	BA	Royal Northern College of Music	Popular Music	£9,000.00	UG
519	BA	Royal Northern College of Music, Manchester	Popular Music Performance	£9,000.00	UG
520	BA	School of Oriental & African Studies, London	International Politics	£9,000.00	UG
521	CertHE	Sheffield City College	Animal Care	£9,000.00	UG
522	BA	Sheffield Hallam University	Accounting & Finance	£9,000.00	UG
523	BA	Sheffield Hallam University	Performance for Stage & Screen	£9,000.00	UG
524	BA	Sheffield Hallam University	History	£9,000.00	UG
525	BA	Sheffield Hallam University	Childhood Studies	£9,000.00	UG
526	BA	Sheffield Hallam University	Accounting & Finance	£9,000.00	UG
527	BSc	Sheffield Hallam University	Biomedical Science	£9,000.00	UG
528	BSc	Sheffield Hallam University	Computing	£9,000.00	UG
529	BSc	Sheffield Hallam University	Mathematic with Education & QTS	£9,000.00	UG
530	BSc	Sheffield Hallam University	Hospitality Business Management	£9,000.00	UG
531	BSc	Sheffield Hallam University	Product Design	£9,000.00	UG
532	BSc	Sheffield Hallam University	Midwifery	£9,000.00	UG
533	BSc	Sheffield University	Biology	£9,000.00	UG
534	LLB	Sheffield University	Law (European & International)	£9,000.00	UG
535	BA	SIST University Tangier	Business Management	£4,038.46	UG
536	HND	Solihull College	Advanced Practice in work with Children and Families	£4,950.00	UG
537	Foundation Year	South Devon College of HE	Health & Social Care	£2,551.00	UG
538	BA	South Essex College of HE	Graphic Design	£9,000.00	UG
539	BA	Southampton Solent University	Business Management	£8,300.00	UG
540	BA	Southampton Solent University	Make-up & Hair Design	£9,000.00	UG
541	BSc	Southampton Solent University	Software Engineering	£9,000.00	UG
542	BSc	Southampton Solent University	Computing	£9,000.00	UG
543	BSc	Southampton Solent University	Construction Management	£9,000.00	UG
544	BSc	Southampton Solent University	Construction Management	£9,300.00	UG
545	BSc	Southampton Solent University	Shipping & Port Management	£9,000.00	UG
546	BSc	Southampton Solent University	Accountancy & Finance	£9,000.00	UG
547	BA	Southampton University	Politics	£9,000.00	UG
548	MBBS BSc	St George's University of London	Medicine	£9,000.00	UG
549	BA	St Mary's University College	English & Creative & Professional Writing	£8,400.00	UG
550	BA	St Mary's University College	Dance & Theatre Arts	£8,400.00	UG
551	BA	St Mary's University College	Film and Popular Culture and Psychology	£8,400.00	UG
552	BA	St Mary's University College	Drama & Applied Theatre	£8,400.00	UG
553	BA	St Mary's University College	Sociology	£8,400.00	UG
554	BA Joint Honours	St Mary's University College	Drama & English	£8,400.00	UG
555	BA	St Mary's University College	Management Studies	£8,400.00	UG
556	BA(QTS)	St Mary's University College	Primary Education (QTS)	£9,000.00	UG
557	BSc	St Mary's University College	Nutrition & Health	£8,400.00	UG
558	BSc	St Mary's University College	Geography	£9,000.00	UG
559	HND	St Mary's University College	Psychology & Counselling	£4,500.00	UG
560	LLB	St Mary's University College	Law	£9,000.00	UG
561	PGCE	St Mary's University College	PGCE	£9,000.00	UG
562	BA	St Mary's University College	Management Studies	£9,000.00	UG
563	BA(QTS)	St Mary's University College	Primary Education with QTS	£8,400.00	UG
564	BA	St Mary's University College	History	£9,000.00	UG
565	BA	St Mary's University College	English & History	£9,000.00	UG

	QUALIFICATION	UNIVERSITY	COURSE	TUITION (per annum)	UG/PG.
566	BA	St Mary's University College	Drama & English	£9,000.00	UG
567	HND	St Mary's University College	Psychology & Counselling	£4,500.00	UG
568	LLB	St Mary's University College	Law	£3,465.00	UG
569	LLB	St Mary's University College	Law	£9,000.00	UG
570	BA	Staffordshire University	Early Childhood Studies	£8,620.00	UG
571	BSc	Staffordshire University	Forensic Investigation	£8,620.00	UG
572	LLB	Staffordshire University	Law	£9,000.00	UG
573	BA	Swansea Metropolitan University	Accounting	£7,500.00	UG
574	BEng (Hons)	Swansea Metropolitan University	Computer Systems & Electronics	£7,500.00	UG
575	HND	Swansea Metropolitan University	Tourism Management	£7,500.00	UG
576	HND	Swansea Metropolitan University	Building Studies	£7,500.00	UG
577	HND	Swansea Metropolitan University	Software Engineering	£7,500.00	UG
578	HND	Swansea Metropolitan University	Computer & Information Systems	£7,500.00	UG
579	HND	Swansea Metropolitan University	Quantity Surveying	£7,500.00	UG
580	HND	Swansea Metropolitan University	Sports Management	£7,500.00	UG
581	HND	Swansea Metropolitan University	Computing & Information Systems	£7,500.00	UG
582	BA	Swansea University	Philosophy Politics & Economics	£9,000.00	UG
583	BA	Swansea University	Spanish	£9,000.00	UG
584	BSc	Swansea University	Psychology	£9,000.00	UG
585	LLB	Swansea University	Law	£9,000.00	UG
586	LLB	Swansea University	Law	£9,000.00	UG
587	Diploma	Tante Marie Culinary Academy	Intensive Cordon Bleu Diploma	£9,000.00	UG
588	BA	Tech Music School Fulham	Music Production	£5,950.00	UG
589	BA	Tech Music School London	Music Production	£5,950.00	UG
590	BA	Tech Music School London	Music Production	£5,950.00	UG
591	Diploma	Tech Music School London	Songwriting & Musical Performance	£4,950.00	UG
592	BSc	Teesside University	Psychology	£7,950.00	UG
593	Foundation Degree	Teesside University	Computing	£5,500.00	UG
594	HND	Teesside University	Social Sciences	£5,750.00	UG
595	BSc	Teesside University	Sports Therapy	£7,950.00	UG
596	BA	The American University of Paris	International Relations	£9,000.00	UG
597	BTEC	The Manchester College	Children's Care Learning & Development	£9,000.00	UG
598	FDA	The Manchester College	Make Up Artistry Effects	£6,800.00	UG
599	FDA	The Manchester College	Events Management	£5,950.00	UG
600	BA	The University of Arts Bournemouth	Fashion Design	£8,600.00	UG
601	BA	The University of Bournemouth	Accounting & Finance	£9,000.00	UG
602	MBChB	The University of Buckingham	Medicine	£12,000.00	UG
603	BA	The University of Gloucestershire	English Literature & Language	£8,250.00	UG
604	MBChB	The University of Liverpool	Medicine	£9,000.00	UG
605	LLB	The University of Manchester	Law	£9,000.00	UG
606	BSc	The University of Northampton	Geography (Physical Geography)	£9,000.00	UG
607	BMedSci BHBS	The University of Nottingham	Medicine	£9,000.00	UG
608	BSc	The University of Sheffield	Mathematics	£9,000.00	UG
609	MPhys	The University of Sheffield	Physics with Astrophysics	£9,000.00	UG
610	BA	The University of Warwick	History of Art	£9,000.00	UG
611	LLB	The University of Warwick	Law	£9,000.00	UG
612	BA	The University of York	Applied Social Science	£9,000.00	UG
613	BSc	Trinity College Dublin	Science	£9,000.00	UG
614	BA	Trinity Laban Conservatoire	Contemporary Dance Theatre	£9,048.00	UG
615	BDS	Universidad Cardenal Herrera Valencia	Dentistry	£9,000.00	UG
616	BDS	Universidad Cardenal Herrera Valencia	Dentistry	£9,000.00	UG
617	BDS	Universidad Cardenal Herrera Valencia	Dentistry	£9,000.00	UG
619	BA	University College Birmingham	Hospitality Tourism Management	£3,465.00	UG
620	Foundation Degree	University College Birmingham	Sports Therapy	£8,282.00	UG
621	Foundation Degree	University College Birmingham	Events Management	£8,282.00	UG
622	Foundation Degree	University College Birmingham	Marketing & Events Management	£8,282.00	UG
623	BSc	University College London	Politics & Eastern European Studies	£9,000.00	UG
624	BSc	University College London	Biomedical Science	£9,000.00	UG
625	BSc	University College London	Information Management for Business	£9,000.00	UG
626	BA	University for the Creative Arts Canterbury	Fine Art	£9,000.00	UG
627	Foundation Year	University for the Creative Arts Canterbury	Art & Design	£1,250.00	UG
628	BA	University for the Creative Arts Epsom	Fashion Design	£9,000.00	UG
629	BA	University of Bangor, Wales	Health & Social Care	£9,000.00	UG
630	BA	University of Bangor, Wales	Health & Social Care	£9,000.00	UG
631	BSc	University of Bath	Natural Sciences	£9,000.00	UG
632	BSc	University of Bath	Molecular & Cellular Biology	£9,000.00	UG
633	BSc	University of Bath	Accounting & Finance	£9,000.00	UG
634	BA	University of Bedfordshire	Early Years Education	£9,000.00	UG
635	BSc	University of Bedfordshire	Psychology	£9,000.00	UG
636	LLB	University of Bedfordshire	Law	£9,000.00	UG
637	LLB	University of Bedfordshire	Law	£9,000.00	UG
638	LLB	University of Brighton	Law with Business	£3,465.00	UG
639	BSc	University of Bristol	Mathematics	£3,465.00	UG
640	BVSc	University of Bristol	Veterinary Science	£3,465.00	UG
641	MBChB	University of Bristol	Medicine	£9,000.00	UG
642	PhD	University of Bristol	Theology & Religious Studies	£3,996.00	UG
643	BA	University of Cambridge	Psychological & Behavioural Sciences	£9,000.00	UG
644	MSc	University of Cambridge	Natural Sciences	£9,000.00	UG
645	BA	University of Cardiff	Italian	£9,000.00	UG
646	BA	University of Cardiff	Media Journalism & Cultural Studies	£9,000.00	UG
647	BSc	University of Cardiff	Accounting	£9,000.00	UG
648	MBBCh	University of Cardiff	Medicine	£3,465.00	UG
649	BA	University of Central Lancashire	Fine Art	£9,000.00	UG
650	BA	University of Central Lancashire	Social Work	£9,000.00	UG
651	BSc	University of Central Lancashire	Psychology with Psychotherapy & Counselling	£9,000.00	UG
652	BSc	University of Central Lancashire	Physiotherapy	£9,000.00	UG
653	BSc	University of Central Lancashire	Fire & Leadership	£9,000.00	UG
654	BSc / BA	University of Central Lancashire	Fire & Leadership Studies	£9,000.00	UG
655	Foundation Year	University of Central Lancashire	Sports Rehabilitation & Nutritional Sciences	£3,900.00	UG
656	BA	University of Chester	Fine Art	£8,000.00	UG
657	BA	University of Chester	Sports Journalism	£8,000.00	UG
658	BA	University of Chester	Dance	£9,000.00	UG
659	BSc	University of Chester	Mathematics	£3,465.00	UG
660	BSc	University of Chester	Psychology	£9,000.00	UG
661	BSc	University of Chester	Biomedical Science	£9,000.00	UG

	QUALIFICATION	UNIVERSITY	COURSE	TUITION (per annum)	UG/PG
662	LLB	University of Chester	Law	£8,000.00	UG
663	BA	University of Chichester	Sport Development & Coaching	£8,500.00	UG
664	BSc	University of Chichester	Sports & Exercise Psychology	£8,500.00	UG
665	BSc	University of Chichester	Sport & Exercise Science	£8,500.00	UG
666	BSc	University of Chichester	Sport & Exercise Science	£8,500.00	UG
667	Foundation Degree	University of Chichester	Community Sports Coaching	£8,500.00	UG
668	BSc	University of Colorado, Colorado Springs, USA	Golf and Sports Management	£9,000.00	UG
669	BA	University of Cumbria	Primary Education with Special Needs	£9,000.00	UG
670	BSc	University of Cumbria	Criminology & Social Sciences	£7,850.00	UG
671	BA	University of Derby	Accounting & Finance	£7,443.00	UG
672	BEd	University of Derby	Educational and Early Childhood Studies	£9,000.00	UG
673	BSc	University of Derby	Mathematics	£7,938.00	UG
674	MBChB	University of Dundee	Medicine	£9,000.00	UG
675	BA	University of Durham	Accounting & Finance	£9,000.00	UG
676	BSc	University of East Anglia	Environmental Geophysics	£9,000.00	UG
677	LLB	University of East Anglia	Law	£9,000.00	UG
678	MBChB	University of East Anglia	Medicine	£9,000.00	UG
679	BA	University of East Anglia	History	£9,000.00	UG
680	BA	University of East London	Photography	£9,000.00	UG
681	BSc	University of East London	Business Economics	£9,000.00	UG
682	BA	University of Edinburgh	Spanish	£910.00	UG
683	MA	University of Edinburgh	Divinity	£1,820.00	UG
684	BA	University of Exeter	International Relations	£9,000.00	UG
685	BA	University of Exeter	Theology	£9,000.00	UG
686	BA	University of Exeter	Business Management with International Studies	£9,000.00	UG
687	BA	University of Exeter	International Relations & French	£9,000.00	UG
688	BSc	University of Exeter	Mathematics	£3,465.00	UG
689	BSc	University of Gastronomic Sciences Italy	Gastronomic Sciences	£9,000.00	UG
690	BSc	University of Glamorgan	Forensic Biology	£9,000.00	UG
691	BSc	University of Glamorgan	Nursing	£9,000.00	UG
692	MBChB	University of Glasgow	Medicine	£9,000.00	UG
693	BA	University of Gloucestershire	Graphic Design	£8,250.00	UG
694	BSc	University of Gloucestershire	Interactive Games Design	£8,250.00	UG
695	BA	University of Herefordshire	Music & Entertainment Industry Management	£8,200.00	UG
696	BA	University of Hertfordshire	Digital Animation	£9,000.00	UG
697	BA	University of Hertfordshire	Philosophy	£9,000.00	UG
698	BA	University of Hertfordshire	Animation Programme	£8,700.00	UG
699	BA	University of Hertfordshire	3D Digital Animation	£9,000.00	UG
700	BSc	University of Hertfordshire	Songwriting and Music Production	£8,700.00	UG
701	BSc	University of Hertfordshire	Sports Therapy	£8,700.00	UG
702	BSc	University of Hertfordshire	Molecular Biology & Genetics	£3,465.00	UG
703	BA	University of Huddersfield	Music Technology & Popular Music	£8,250.00	UG
704	BA	University of Huddersfield	Fashion & Textile Design	£3,465.00	UG
705	MSc	University of Huddersfield	Network Technology & Management	£4,460.00	UG
706	BSc	University of Hull	Psychology	£9,000.00	UG
707	BSc	University of Hull	Chemistry with Nanotechnology	£9,000.00	UG
708	BA	University of Kent	Architecture	£9,000.00	UG
709	BA	University of Kent	Law & Politics	£9,000.00	UG
710	BA	University of Kent	Politics and International Relations	£3,465.00	UG
711	BA	University of Kent	Comparative Literature	£9,000.00	UG
712	BA	University of Kent	Accounting & Finance	£9,000.00	UG
713	BA	University of Kent	Business Administration	£9,000.00	UG
714	BA	University of Kent	English & American Literature	£9,000.00	UG
715	BSc	University of Kent	Anthropology	£9,000.00	UG
716	BSc	University of Kent	Web Computing	£9,000.00	UG
717	BSc	University of Kent	Biomedical Science	£9,000.00	UG
718	BSc	University of Kent	Mathematics	£9,000.00	UG
719	BSc	University of Lancaster	Natural Sciences	£9,000.00	UG
720	BA	University of Leeds	History of Art & Italian	£9,000.00	UG
721	BA	University of Leeds	Classical Civilizations	£9,000.00	UG
722	BSc	University of Leeds	Economics	£9,000.00	UG
723	BSc	University of Leeds	Nutrition & Health	£9,000.00	UG
724	CEHO	University of Leeds	Environmental Health	£9,000.00	UG
725	MBChB	University of Leicester	Medicine	£3,465.00	UG
726	BA	University of Lincoln	Fine Art	£9,000.00	UG
727	BA	University of Lincoln	English & Journalism	£9,000.00	UG
728	BA	University of Liverpool	Architecture	£9,000.00	UG
729	BSc	University of Liverpool	Pharmacology	£9,000.00	UG
730	BSc	University of Liverpool	Physics & Mathematics	£9,000.00	UG
731	BSc	University of Liverpool	Diagnostic Radiography	£9,000.00	UG
732	BSc	University of Liverpool	Diagnostic Radiography	£9,000.00	UG
733	MBBS	University of Malta	Medicine	No fees - Malta	UG
734	MD	University of Malta	Medicine	No fees - Malta	UG
735	BA	University of Manchester	Italian & Spanish	£9,000.00	UG
736	BA	University of Manchester	History of Art & Spanish	£9,000.00	UG
737	BSc	University of Manchester	Biomedical Science	£9,000.00	UG
738	BSc	University of Newcastle	Computing Science	£3,465.00	UG
739	LLB	University of Newcastle	Law	£9,000.00	UG
740	MBChB	University of Newcastle	Medicine	£9,000.00	UG
741	BA	University of Northampton	Fine Art	£9,000.00	UG
742	BA	University of Northampton	Events Management	£9,000.00	UG
743	BA	University of Northampton	Film & Television Studies	£9,000.00	UG
744	BSc	University of Northampton	Psychology & Counselling	£9,000.00	UG
745	HND	University of Northampton	Travel & Tourism Management	£7,250.00	UG
746	BA	University of Northumbria	Business & Economics	£9,000.00	UG
747	BSc	University of Northumbria	Information Technology Management for Business	£9,000.00	UG
748	BSc	University of Northumbria	Sport Exercise and Nutrition	£9,000.00	UG
749	BA	University of Nottingham	History	£9,000.00	UG
750	BA	University of Nottingham	History	£9,000.00	UG
751	BA	University of Nottingham	Law with Spanish & Spanish Law	£9,000.00	UG
752	BSc	University of Nottingham	Psychology & Cognitive Neuroscience	£9,000.00	UG
753	MBChB	University of Oxford	Medicine	£3,465.00	UG
754	BEEd	University of Plymouth	Primary Education (Special Educational Needs)	£9,000.00	UG
755	BA	University of Portsmouth	Accountancy & Finance	£9,000.00	UG
756	BA	University of Portsmouth	Accounting with Finance	£9,000.00	UG

	QUALIFICATION	UNIVERSITY	COURSE	TUITION (per annum)	UG/PG
757	BA	University of Portsmouth	Business & Management	£9,000.00	UG
758	BA	University of Portsmouth	Childhood & Youth Studies with Psychology	£9,000.00	UG
759	BA	University of Portsmouth	Film Studies & Creative Writing	£9,000.00	UG
760	BA	University of Portsmouth	Accounting & Finance	£9,000.00	UG
761	BSc	University of Portsmouth	Environmental Science	£9,000.00	UG
762	BSc	University of Portsmouth	Mathematics	£9,000.00	UG
763	BSc	University of Portsmouth	Sport & Exercise Science	£9,000.00	UG
764	BA	University of Reading	Art	£3,465.00	UG
765	BA	University of Reading	Fine Art	£9,000.00	UG
766	BA	University of Reading	Italian & History	£9,000.00	UG
767	BA	University of Reading	History & Philosophy	£9,000.00	UG
768	BA	University of Reading	Art	£9,000.00	UG
769	BA	University of Reading	History	£9,000.00	UG
770	BSc	University of Reading	Nutrition	£9,000.00	UG
771	BSc	University of Reading	Information Technology	£9,000.00	UG
772	BSc	University of Reading	Geography (human & Physical)	£9,000.00	UG
773	BSc	University of Reading	Biomedical Sciences	£9,000.00	UG
774	BSc	University of Reading	Biomedical Sciences	£9,000.00	UG
775	BSc	University of Reading	Biomedical Sciences	£9,000.00	UG
776	LLB	University of Reading	Law with European Legal Studies	£3,465.00	UG
777	BA	University of Salford	English & Drama	£9,000.00	UG
778	LLB	University of Salford	Law	£9,000.00	UG
779	LLB	University of Salford	Law with Spanish	£3,465.00	UG
780	BA	University of Sheffield	Geography	£9,000.00	UG
781	BA	University of Sheffield	History	£9,000.00	UG
782	BSc	University of Sheffield	Computer Science	£9,000.00	UG
783	BA	University of South Wales	English	£8,250.00	UG
784	BA	University of South Wales	Computer Animation	£8,000.00	UG
785	BSc	University of South Wales	Sociology & Criminology	£8,000.00	UG
786	BSc	University of South Wales	Psychology	£9,000.00	UG
787	HND	University of South Wales	Public & Emergency Services	£6,750.00	UG
788	HND	University of South Wales	Computing	£5,000.00	UG
789	BSc	University of South Wales Glamorgan	Computer Science	£9,000.00	UG
790	MBChB	University of Southampton	Medicine	£9,000.00	UG
791	LLB	University of Southampton	Maritime Law	£9,000.00	UG
792	BA	University of St Andrews	Geography	£9,000.00	UG
793	BSc	University of St Andrews	Biology	£9,000.00	UG
794	BA	University of St Mark & St John Plymouth	Primary Education	£9,000.00	UG
795	BEd	University of St Mark & St John Plymouth	Early Years with QTS	£9,000.00	UG
796	BSc	University of St Mark & St John Plymouth	Speech & Language Therapy	£9,000.00	UG
797	BA	University of Staffordshire	Sports Public Relations & Journalism	£8,620.00	UG
798	BSc	University of Sunderland	Psychology	£7,800.00	UG
799	BSc	University of Surrey	Mathematics	£9,000.00	UG
800	BSc	University of Surrey	Politics & Economics	£9,000.00	UG
801	BSc	University of Surrey	Accounting & Finance	£9,000.00	UG
802	BSc	University of Surrey	Mathematics	£9,000.00	UG
803	BSc	University of Surrey	Business & Retail Management	£3,465.00	UG
804	LLB	University of Surrey	Law with Criminology	£9,000.00	UG
805	BA	University of the Arts London	Magazine Publishing	£9,000.00	UG
806	BA	University of the Arts London	Fine Art Photography	£9,000.00	UG
807	BA	University of the Creative Arts Canterbury	Fine Art	£8,500.00	UG
808	BA	University of the West of England Bristol	Accounting & Finance	£9,000.00	UG
809	BA	University of the West of England Bristol	Business Studies	£3,465.00	UG
810	BA	University of the West of England Bristol	Tourism Management	£3,465.00	UG
811	BA	University of the West of England Bristol	Media Culture and Practice	£9,000.00	UG
812	BA	University of the West of England Bristol	Business with Accounting & Finance	£3,465.00	UG
813	BSc	University of the West of England Bristol	Computing	£9,000.00	UG
814	LLB	University of the West of England Bristol	Law	£9,000.00	UG
815	LLB	University of the West of England Bristol	Law	£9,000.00	UG
816	LLB	University of the West of England Bristol	Law	£9,000.00	UG
817	BA	University of Warwick	History of Art	£9,000.00	UG
818	BA	University of Warwick	History & Sociology	£9,000.00	UG
819	BSc	University of Warwick	Accounting & Finance	£9,000.00	UG
820	BSc	University of Warwick	Mathematics & Physics	£9,000.00	UG
821	MBChB	University of Warwick	Medicine	£9,000.00	UG
822	BA	University of West London	Events Management with Tourism	£8,500.00	UG
823	BSc	University of West London	Culinary Arts Management	£8,500.00	UG
824	BA	University of Westminster	Commercial Music	£9,000.00	UG
825	BA	University of Winchester	Archaeology	£8,500.00	UG
826	BA	University of Winchester	Performing Arts	£8,500.00	UG
827	BA	University of Wolverhampton	Graphic Design	£8,900.00	UG
828	BA	University of Wolverhampton	Business Management	£8,900.00	UG
829	BA	University of Wolverhampton	Accounting & Finance	£3,465.00	UG
830	BA	University of Wolverhampton	Linguistics with TESOL	£8,900.00	UG
831	BA	University of Wolverhampton	Business Management	£8,900.00	UG
832	BSc	University of Wolverhampton	Fire & Rescue	£8,900.00	UG
833	BSc	University of Wolverhampton	Fire & Rescue	£8,900.00	UG
834	BSc	University of Wolverhampton	Information Technology	£8,900.00	UG
835	BSc	University of Wolverhampton	Fire & Rescue	£8,650.00	UG
836	BSc	University of Wolverhampton	Fire and Rescue	£9,000.00	UG
837	BSc	University of Wolverhampton	Quantity Surveying	£8,900.00	UG
838	BSc	University of Wolverhampton	Fire and Rescue	£8,900.00	UG
839	BSc	University of Wolverhampton	Fire & Rescue	£8,000.00	UG
840	BSc	University of Wolverhampton	Fire & Rescue	£8,900.00	UG
841	Foundation Degree	University of Wolverhampton	Law, Social Sciences & Communications	£9,000.00	UG
842	HND	University of Wolverhampton	Health & Social Care	£5,500.00	UG
843	HND	University of Wolverhampton	Computing	£7,325.00	UG
844	HND	University of Wolverhampton	Computing	£7,325.00	UG
845	BA	University of Worcester	Digital Film Production & Screenwriting	£8,900.00	UG
846	BSc	University of Worcester	Psychology	£7,290.00	UG
847	Foundation Degree	University of Worcester	Football Business Management & Coaching	£9,000.00	UG
848	BA	University of York	Sociology with Criminology	£9,000.00	UG
849	BA	University of York	Historical Archaeology	£9,000.00	UG
850	BA	University of York	English & Related Literature	£9,000.00	UG
851	BA	University of York	Social Work	£9,000.00	UG

	QUALIFICATION	UNIVERSITY	COURSE	TUITION (per annum)	UG/PG
852	BSc	University of York	Economics & Finance	£9,000.00	UG
853	BSc	University of York	Accounting Business Finance & Management	£9,000.00	UG
854	BSc	University of York	Economics	£9,000.00	UG
855	BSc	University of York	Microbiology & Biotechnology	£9,000.00	UG
856	BSc	Warsash Maritime Academy	Marine Operations	£9,000.00	UG
857	Marine Vessel Master L	Warsash Maritime Academy	Master Ships Master Reg	£9,000.00	UG
858	BSc	Westminster University	Chinese Medicine; Acupuncture	£9,000.00	UG
859	BSc	Wolverhampton University	Quantity Surveying	£8,900.00	UG
860	Foundation Degree	York College	Applied Computing	£6,000.00	UG
861	Foundation Degree	York College	Media Make Up Special Effects and Hair Design	£6,000.00	UG
862	BA	York St John University	Creative Writing & English Literature	£9,000.00	UG
863	BA	York St John University	Business Management	£9,000.00	UG
864	BA	York St John University	Youth & Community work	£9,000.00	UG
865	BSc	York St John University	Psychology	£9,000.00	UG
866	BSc	York St John University	Sports Science & Injury Rehabilitation	£9,000.00	UG

1720 **Hon. G H Licudi:** Mr Speaker, I will wait for the schedule to be handed over. Yes. I will wait for the hon. Member to see it before making a particular comment in relation to this schedule. It is a complex and –

Mr Speaker: The information there is in respect of nearly 900 students so I suggest we go on to the next question, 163.

1725 **Hon. G H Licudi:** Mr Speaker, can I just say – ?

Mr Speaker: Do you wish to add something to the main answer? Okay.

1730 **Hon. G H Licudi:** Yes, just add to that answer, as the hon. Mr Speaker has mentioned, this is a list in respect of 866 students, 866 students which are this year being fully funded to study outside Gibraltar.

Mr Speaker, I can rightly say that is an extraordinary number of students (*Banging on desks*) to be funded by the Government to be studying outside Gibraltar in a small community such as ours. It includes, in that list, not just undergraduate students but also postgraduate students, including Masters and PhDs. And that to a large extent has arisen as a result of a change in policy by this Government which decided that the mandatory scholarship scheme was to apply not only to undergraduate students, but also to postgraduate students who wanted to do a Masters or further studies. (**A Member:** Hear, hear.) (*Banging on desks*)

1735 Mr Speaker, can I just say that this record which is set out in this schedule is a record which Gibraltar as a community can rightly feel proud of.

1740 **Mr Speaker:** Can I suggest to the Hon. Minister that the next time that he provides such a schedule, instead of referring to St Mary's University College, it should be St Mary's University Twickenham. It became a University last year; it is no longer a University College. It is listed here as St Mary's University College; it is now a University and it is called St Mary's University, Twickenham. The former Strawberry Hill College is now St. Mary's University, Twickenham.

1745 **Hon. G H Licudi:** Yes, Mr Speaker. I know it is referred to as University College –

Mr Speaker: You are using the old terminology.

1750 **Hon. G H Licudi:** I will advise the Department of Education of that.

Mr Speaker: Is there any supplementary from the Leader of the Opposition?

1755 **Hon. D A Feetham:** Mr Speaker, just out of interest in the purpose of all this, there is an analytical purpose for this and I will look at it in due course when I have time. But my attention has been taken by just an entry; three pages from the back where it says University of Malta – Medicine and there are no fees for both, there are two entries for University of Malta – Medicine, no fees. Can he just explain why there are no fees in relation to the University of Malta when there are fees in respect of all the other entries?

1760 **Hon. G H Licudi:** Yes, Mr Speaker, I can certainly do that. The hon. Member will know that two weeks ago, I was in Malta meeting the Rector, Juanito Camilleri of the University of Malta itself and this is an issue that we certainly discussed.

1765 Malta has a scheme whereby the University of Malta provides free education for its students and in providing free education for its students, it is free education not just for its students, but EU students. Therefore Gibraltar students that choose to go to the University of Malta... and in fact the University of Malta's Faculty of Medicine is a very prestigious and well-known faculty of medicine and produces some very, very good professionals from that University.

1770 We have two of our own students in that faculty – (*Interjection*) Yes, the education is in English, absolutely and we have two of our students studying at this prestigious college at no cost to the Government because that is the model that the University of Malta or that Malta, as a jurisdiction, has decided that it provides free education for its students and by extension, it also means free education to EU students.

1775 **Mr Speaker:** As long ago as 1975, Dr Albert GUILLEM was studying medicine at the University of Malta and I met him when I visited the island in 1975.

Hon. E J Reyes: Mr Speaker, can the Minister confirm if the same argument applies to the entry in respect of student number 117 at Dundee University undertaking an undergraduate course in architecture? It says the same, no fees – Scotland.

1780 **Hon. G H Licudi:** Yes, Mr Speaker, that is indeed the position although I understand that the position in Scotland has now changed and therefore students from outside Scotland do now pay a fee. I seem to recall, if the hon. Member will remind me of the... oh it says, no fees, Scotland.

1785 My understanding is that in respect of new students going to Scotland there will be fees payable but this is one that had started already at a time when the system was that no fees were payable for studying in Scotland. I know this because it also caught my eye when I saw the list and I asked the specific question that the hon. Member has asked.

1790 **Hon. E J Reyes:** The only one, Mr Speaker, the Minister either knows it now or may have to seek the information. The student listed on 117, the qualification is an MA which one reads as Master of Arts, normally Masters Degrees are recorded as postgraduate, rather than undergraduate and on the right-hand side column he is down as an undergraduate.

1795 Unless nomenclatures have changed, Mr Speaker, from your time and mine, undergraduate is normally up to the obtaining of a Bachelor's Degree and anything beyond that is then considered postgraduate. The Minister may need some time to check with the Department of Education on that one, but it does seem at first glance a contradiction in terms.

Hon. G H Licudi: Yes, Mr Speaker, that is one that I missed when I went through the list and I will check.

1800 **Hon. D A Feetham:** Mr Speaker, it is a fascinating, I have to say it is a fascinating list and hopefully it is the last supplementary we will ask on this side of the House. But 1995 to 1998 there are four entries, Faculty of Medicine in the Czech Republic and they are all studying, four students studying medicine. Is that in Czech or is it in English as well?

1805 I understand that there is a lot of competition for medicine in the United Kingdom and people are looking for alternatives. It just strikes me the medicine in the Czech Republic and I am just asking the question whether it is in Czech or whether it is in English that the courses are provided.

1810 **Hon. Dr J E Cortes:** Mr Speaker, I am tempted to say that I will *check* what the *Czechs* do, (*Laughter*) but I do know the answer. This is of course in English but we do have, as the hon. Member has said there is a lot of competition for medicine in UK universities and sometimes we have had – and I seem to recall one last year or the year before, a straight-A student who did not get a place for a medicine course in the UK and students over the last few years have been looking at alternatives. One of the alternatives that was looked at, apart from Malta which we have already seen, is the Czech Republic and we now actually have four in that faculty doing medicine in English, taught in English in the Czech Republic.

1815

Mr Speaker: There is one final question, which is to the Hon. the Deputy Chief Minister. Mr Bossino.

DEPUTY CHIEF MINISTER

Q180/2015 European Single Skies – Gibraltar's inclusion

Clerk: Question 180, the Hon. D J Bossino.

1820 **Hon. D J Bossino:** Can the Deputy Chief Minister provide any updates to the House in relation to seeking Gibraltar's inclusion in the new European Single Skies Directive, having regard to recent press reports in relation to this issue?

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

1825 **Deputy Chief Minister (Hon. Dr J J Garcia):** Yes, Mr Speaker, the answer remains the same as given in the answer to Question 773/2014.

1830 **Hon. D J Bossino:** Mr Speaker, I thank the Hon. the Deputy Chief Minister for that. There was a press report in the *Gibraltar Chronicle* reporting on Latvia's Presidency in relation to this saying that it was going to prioritise obviously because it was affecting all the other EU member states.

Does he get a sense as to whether there has been a change as a result of the Presidency? The last time that I asked the question I think it was an Italian Presidency in the Chair and I just wondered whether he senses any difference. Presumably the case is going to be exactly as it was when he answered the question back in, I think it was two months ago when I posed this question in the House.

1840 **Hon. Dr J J Garcia:** Mr Speaker, I will be happy to discuss the matter with him privately, but certainly the position as regards... If he will recall the UK Foreign Secretary spoke to the Italian Foreign Secretary who then had the Presidency of the rotating Presidency of the Council of the EU. They have also spoken to the Latvian Presidency and explained what the UK position is which is that Gibraltar is entitled to be included in the legislation and that our exclusion would be illegal because the aviation law under the treaty applies to Gibraltar.

1845 So that is the position at present, the item, the draft legislation is still held up in the European Council and once it is unblocked from the Council then it moves to discussion with the Parliament. We have not moved to that second phase yet because it is still in the Council.

Chief Minister (Hon. F R Picardo): Mr Speaker, I do not know whether the hon. Gentleman had the benefit of seeing the press conference held after the meeting in Madrid today, I think the Parliament might have been about to start its session when the press conference was being held.

1850 The position of the Foreign Secretary was as set out in our press statement and in similar way to this House, the position of the Spanish Foreign Secretary was very aggressive and I commend that he should read what it was that he said in terms of understanding what their position is.

Mr Speaker: So to table the Written Questions, please.

Question 184/2015 continued – Supplementary information

1855 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before I do, can I crave the Parliament's indulgence and ask to go back to Question 184/2015 which you might recall, Mr Speaker, the very contentious question about the event in Madrid.

1860 Simply to correct the record, the hon. Gentleman opposite said that we need to be responsible for the things that we say in this House and ensure that the record is not in any way improperly reflecting the facts.

1865 In fact, I am going to make myself responsible for his statement as much as for mine. I am told, Mr Speaker, that Mr Victor Ochello was actually in the United Kingdom on the day that I was in Madrid and therefore we should not have been referring to him and whether he had his costs paid, as the hon. Gentleman did and that Mr Richard Buttigieg, another person who the hon. Gentleman referred to in this House, wants to make clear that he paid his own costs of travel to Madrid, having heard his name uttered over the airways.

Questions for Written Answer

1870 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions W19 to W23/2015 inclusive.

Mr Speaker: I think the House can now recess for 20 minutes.

1875

The House recessed for 20 minutes.

Order of the Day

1880

BILLS FIRST AND SECOND READING

Royal Gibraltar Regiment (Amendment) Bill 2014 – First Reading approved

Clerk: Order of the Day – Bills, First and Second Reading. (1) A Bill for an Act to amend the Gibraltar Regiment Act 1998.

The Hon. the Chief Minister.

1885

Chief Minister (Hon. F R Picardo): I have the honour to move that the Bill for an Act to amend the Gibraltar Regiment Act 1998 be read a first time.

1890

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Gibraltar Regiment Act 1998 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Royal Gibraltar Regiment (Amendment) Act 2014.

Royal Gibraltar Regiment (Amendment) Bill 2014 – Second Reading approved

1895

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill for the Royal Gibraltar Regiment (Amendment) Act 2015 be read a second time.

Mr Speaker, this Bill updates the Gibraltar Regiment Act which is an Act that is in its current form dated back to 1998 but in fact applies the Army Act 1955.

1900

Changes to legislation concerned with the Armed Forces have been significant over the years in the United Kingdom. The Army Act 1955 is no longer in force, having been swept away by the Armed Forces Act 2006 and this Bill seeks to bring the Royal Gibraltar Regiment up to date in respect of disciplinary matters dealt with in those pieces of legislation.

Clause 2 of the Bill makes amendments to both the long and short titles of the Act so that the legislation will reflect the conferment of the Royal Prefix which was proudly awarded to the Regiment in 1999 after the Act which we are amending.

1905

Clause 3 of the Bill updates definitions within the Act.

Clause 4 replaces existing sections 3 and 4 of the Act and sets out the basis for the establishment, maintenance and disbandment of the RGR – although, Mr Speaker, nobody in Gibraltar can imagine that the RGR should ever be disbanded, but there has to be provision for it and there was in the old Act.

1910

Mr Speaker, clause 6 of the Bill renames Part II of the Act so that it is clear that the part relates to disciplinary matters.

Clause 7 inserts new sections to the Act. Section 5 sets out the purposes of the part which is to provide for a disciplinary framework on the same terms as their UK counterparts for soldiers who are members of the Regiment through Gibraltar.

1915

Section 5A relates to who the part applies to and deems that such persons to be persons subject to service law. In that context, the House will note that the Act will only apply to two classes of persons, effectively those in uniform and to a much more limited extent, to those who were in uniform but have left the Regiment. This section is important because in the UK there is a further class of persons to whom service law applies. These are described as civilians who are subject to service discipline. Such persons could include spouses, partners and other family members of enrolled persons. As far as this Act is concerned, nothing in service law can apply to such persons in Gibraltar.

1920

1925 Section 5B makes further provisions as to the application of service law and in particular restricts the application of service law if it would be contrary to the UK Constitution, the unwritten Constitution. This section also restricts the application of service law to the extent provided for in Schedule 2A. The House will note that the purpose of Schedule 2A is to restrict the implementation of service law to what we might colloquially call within the wire, i.e. the MOD Estate.

Section 5C modifies service law so that it can be applied in Gibraltar and where appropriate and in accordance with our legislation and procedures.

Section 5D provides the basis for the enforcement in Gibraltar of the outcomes of disciplinary proceedings.

1930 Section 5E provides a regulation making power for the purposes of transfer of persons who are deprived of their liberty.

Mr Speaker, section 5F will permit the amendment of service law via subsidiary legislation albeit the House will have sight of any such amendment.

1935 Section 5G relates to persons absenting themselves without leave and provides that warrants may be obtained if granted by a Gibraltar Justice.

Section 5H ensures that a civil criminal court does not lose the right to try a person who may have committed an offence outside of the wire.

Clause 8 of the Bill updates the provisions of section 6 of the Act in connection with the administration of the Regiment.

1940 Clause 10 of the Bill amends section 8 of the Act in connection with the command of the Regiment.

Clause 11 re-classes the nationality requirements for entry into the Regiment in keeping with the UK law. The provisions of the Act concerning liability for service are recast in sections 15A to section 17, as set out in clause 12 of the Bill.

Clauses 12 to 16 of the Bill are minor amendments, some of a typographical nature.

1945 Clause 13 provides a regulation making power allowing the Governor to issue regulations, etc of an administrative nature.

Clause 18 repeals Schedule 1 which provides for terms and conditions of service and which in terms of maintenance updating can be better provided for outside of the confines of an Act.

1950 Clause 19 inserts Schedules 2 and 2A and these represent service law which is to apply to RG Personnel.

Clause 21 reproduces Schedule 4 with a number of minor amendments.

1955 Mr Speaker, I will be moving during the course of the Committee Stage some amendments to the Royal Gibraltar Regiment (Amendment) Bill. I have a letter which will be distributed to hon. Members, but the House... Mr Speaker, in order to be of more assistance, I can offer whoever is going to speak on this subject on the other side if they wish – I do not want to make 17 copies but I will make one copy for me and one copy for Members opposite if they wish it, of both a marked up version of the Act that we are amending with the amendments and also a marked up version of the Bill to reflect the amendments that are being proposed at the Committee Stage and if anybody on that side is going to speak on the Bill wants to have a copy I am quite happy to let them have one. There is another copy to come which, I think needs to be printed and that can be circulated in time for the debate on the Committee Stage.

1960 I commend the Bill to the House.

1965 **Mr Speaker:** Before I put the question, does any other hon. Member wish to speak on the general principles and merits of this Bill?

1970 **Hon. D A Feetham:** Mr Speaker, the Opposition will be supporting the Bill. Mr Speaker, from my recollection from my time as Minister for Justice, this was something that was discussed when we were in Government, certainly we would have brought a similar Bill to this House in any event and therefore the Opposition is going to be supporting the Government in relation to this particular Bill.

Hon. Chief Minister: I am grateful for that indication, Mr Speaker.

1975 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Regiment Act 1998 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Royal Gibraltar Regiment (Amendment) Act 2014.

**Royal Gibraltar Regiment (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

Hon. Chief Minister: Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1980

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

1985

**Tobacco (Amendment No. 3) Bill 2014 –
First Reading approved**

Clerk: (2) A Bill for an Act to amend the Tobacco Act 1997.
The Hon. the Minister for Education, Justice & International Exchange of Information.

1990

Minister for Education, Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I beg to move that a Bill for an Act to amend the Tobacco Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1995

Clerk: The Tobacco (Amendment No. 3) Act 2014.

**Tobacco (Amendment No. 3) Bill 2014 –
Second Reading approved**

Minister for Education, Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I beg to move that the Bill for an Act to amend the Tobacco Act 1997 be read a second time.

2000

Mr Speaker, this Bill amends the Tobacco Act so as to clarify, for the avoidance of doubt, the situations where certain searches may be carried out under the Act. This clarification reflects the operation of the Act and the search powers thereunder since 1999 and allows for the search, without a warrant, of any vehicle in Gibraltar where a Police or Customs Officer has reasonable grounds to suspect that cigarettes in circumstances contrary to the provisions of the Tobacco Act 1997, may be found within. This amendment clarifies that officers have the same powers when dealing with locally registered vehicles as they do with foreign registered vehicles.

2005

And just to explain the issues, if I can read what the current section says, it is section 17C(1) it says:

‘Every police or customs officer shall have free access to any vessel or aircraft at the port or airport and of any vehicle brought into Gibraltar where there are reasonable grounds to suspect that cigarettes may be found in that vessel, aircraft or motor vehicle in circumstances contrary to the provisions of this Act, and may –’

and then it sets out the powers.

2010

It is a reference to ‘brought into’ Gibraltar that has just raised... the interpretation that has been given previously is that every vehicle has at some stage been brought into Gibraltar and therefore the powers have always existed. But given that the matter was raised, this is just an amendment for the avoidance of doubt that refers to every vehicle in Gibraltar whether it is brought in the day before or two years before is irrelevant, it now relates to any vehicle in Gibraltar, or it will when the House passes the amendment and the Bill is brought into effect.

2015

Mr Speaker I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2020

Hon. S M Figueras: Mr Speaker, yes, just to say that we will obviously be supporting the Bill and only to really say that it is rather curious in that it will have been an issue that had to be dealt with and it would certainly be interesting on this side of the House to understand in what circumstances it actually arose that the change has been required. But clearly it is not a point of contention at all, Mr Speaker, thank you.

2025 **Mr Speaker:** I now put the question that –

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

Mr Speaker: Sorry, yes.

2030 **Hon. Chief Minister:** Mr Speaker, my officer has received representations from the Collector of Customs about the need to insert an additional power in respect of the Tobacco Act in respect of powers of stop and search in special zones. He has proposed that because of the urgency in dealing with issues which relate to Tobacco and having received these representations shortly, in fact during the space of the last 14 days from the Collector of Customs that we should take the opportunity of using this active Bill which is going to amend the Tobacco Act to make the further amendment.

2035 A letter will be circulated to hon. Members setting out what the proposed amendment is, but they will see that it is literally something headed ‘Additional powers of stop and search in special zones’. The advice that we have through the Collector and the Attorney General’s Office is that this is what the previous Chief Minister used to call giving retrospective legal cover if necessary, in respect of the way that stopping and searching has been happening to date in special zones and how it might be able to continue to happen in the future, to ensure, much as the hon. Gentleman said in respect of the main amendment which was in the green copy, that nobody can make an argument to suggest that there is not a power there that nobody has previously challenged but there is advice now might be challenged in the future.

2040 That is set out in the amendment which will be circulated.

2045 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Tobacco Act –

Hon. G H Licudi: Mr Speaker.

2050 **Mr Speaker:** Yes.

Hon. G H Licudi: As the mover of the Bill can I respond to the issue raised by the Hon. Member?

2055 Mr Speaker, the hon. Member just asked about the circumstances which brought this about and it was simply that it was brought to my attention that someone, presumably some lawyer, might at some point raise in court, that there are no powers to search locally registered vehicles. And so as to leave nothing to chance, although we do not believe that was ever the intention of the Bill or that it has ever happened, to leave nothing to chance that somebody might raise it, it was suggested that I should make this amendment just for the sake of clarity. That is how it was brought about.

2060 **Mr Speaker:** I now put the question which is that a Bill for an Act to amend the Tobacco Act 1997 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Tobacco (Amendment No. 3) Act 2014.

**Tobacco (Amendment No. 3) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

2065 **Minister for Education, Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

2070 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Criminal Procedure and Evidence (Amendment No. 2) Bill 2014 –
First Reading approved**

Clerk: (3) A Bill for an Act to amend the Criminal Procedure and Evidence Act 2011.
The Hon. the Minister for Education and Justice & International Exchange of Information.

2075 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):**
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011, be read a first time.

2080 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Criminal Procedure and Evidence (Amendment) (No.2) Act 2014.

2085

**Criminal Procedure and Evidence (Amendment No. 2) Bill 2014 –
Second Reading approved**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):
Mr Speaker, I beg to move that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 be read a second time.

2090 Mr Speaker, this Bill amends the Criminal Procedure and Evidence Act 2011 so as to ensure that when calculating the length of a sentence to be served, time spent on remand counts towards just one sentence of imprisonment.

2095 The need for this amendment follows two recent cases before the Supreme Court in Gibraltar, which have dealt with the interpretation of the current section 497 of the Criminal Procedure and Evidence Act 2011. The first of these cases was heard when an application for a writ of habeas corpus, whereas the second was due in the sentencing process.

2100 Section 497 was held to be mandatory in that the length of a sentence must be reduced by the time the person has been in custody in connection with the proceedings for that offence. This is appropriate, Mr Speaker, in circumstances where that person is solely on remand for that offence, but not where a person is serving a custodial sentence for another offence or is remanded in custody for more than one offence.

In those circumstances it is only right that the time spent on remand or in Police custody should only count once towards one sentence. This is the position in the United Kingdom and one that this Government believes must have been the intention when this Act was passed.

2105 Mr Speaker, just to put that in general context, if somebody is already serving a sentence of imprisonment and goes to court and is remanded in custody in respect of another offence, that person as this has been interpreted, has the advantage of that same period in remand being counted twice: once in respect of the serving of the period he is already serving; and once in respect of the new sentence if he was to be sentenced respectively for the new offence. In one occasion, I understand the court re-sentenced the individual changed the sentence once this matter was brought to the courts attention so as not to give effect to that double counting.

2110 As I mentioned when I introduced the Bill, the position in the United Kingdom is what we consider, must have been the intention of Parliament when it passed this Act and as a result of the two cases that have arisen in court, we feel that it is only right that we should clarify that a person should not doubly benefit in this kind of situation.

2115 I commend the Bill to the House, Mr Speaker.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2120 **Hon. S M Figueras:** Mr Speaker, yes, only to confirm that the Opposition will be supporting to this Bill. We have nothing really further to add to this debate.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Criminal Procedure and Evidence Act 2011 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2125

Clerk: The Criminal Procedure and Evidence (Amendment No. 2) Act 2014.

**Criminal Procedure and Evidence (Amendment No. 2) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

2130 **Hon. G H Licudi:** Mr Speaker, I beg to give notice of the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**International Co-operation (Tax Information) (Amendment) Act 2014 –
First Reading approved**

2135 **Clerk:** (4) A Bill for an Act to amend the International Corporation (Tax Information) Act 2009. The Hon. the Minister for Education and Justice & International Exchange of Information.

2140 **Minister of for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the International Co-operation (Tax Information) Act 2009 be read a first time.

2145 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the International Co-operation (Tax Information) Act 2009 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The International Co-operation (Tax Information) (Amendment) Act 2009.

**International Co-operation (Tax Information) (Amendment) Act 2014 –
Second Reading approved**

2150 **Minister of for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

Mr Speaker, the Act contains a definition of Minister currently as the Minister with responsibility for Finance. As the House knows, there was a reshuffle on 9th December 2011 whereby specific responsibility for international exchange of information was created and given Ministerial responsibility and I was tasked with that job.

2155 Therefore, given that we now have a Minister with responsibility for International Exchange of Information, it is appropriate that that is the Minister that has responsibility under this Act and therefore the definition of the Minister in this Act is simply amended to reflect the change in Cabinet responsibilities in this area.

2160 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the International Co-operation (Tax Information) Act 2009 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The International Co-operation (Tax Information) (Amendment) Act 2014.

**International Co-operation (Tax Information) (Amendment) Act 2014 –
Committee Stage and Third Reading to be taken at this sitting**

2165 **Minister of for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I beg to give notice of the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2170 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Parliament (Amendment) Bill 2014 –
First Reading approved**

Clerk: (5) A Bill for an Act to amend the Parliament Act.

The Hon. the Minister for Economic Development, Telecommunications & the GSB. (*Laughter*)

2175

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): I think if I am responsible for the GSB I had better resign, Mr Speaker. (*Laughter*)

I have the honour to move that a Bill for an Act to amend the Parliament Act be read a first time.

2180

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Parliament Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Parliament (Amendment) Act 2014.

**Parliament (Amendment) Bill 2014 –
Second Reading approved**

2185

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): I have the honour to move that the Bill be now read a second time.

Mr Speaker, the Bill introduces in respect of Members of this House, the option of being able to commute 100% of their pension which already exists for civil servants and of course existed previously, just for the private sector when the maximum 25% which used to exist for private sector pensions was first removed under the previous Administration.

2190

As the law stands at the moment, section 94(1) has two subsections, (a) and (b). Subsection (a) is the one that limits the commutation to one quarter of the pension as the maximum; and (b) is the multiplier that produces the value of the commutation to produce a gratuity.

What the new provisions do is in fact they reflect in section 1 the provisions that are there and now there is a new section 2 which simply says that the option can be to have 100% commutation and take no income at all.

2195

I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2200

I now put the question, which is that a Bill for an Act to amend the Parliament Act be read a second time. Those in favour? (**Members:** Aye. Those against? Carried.)

Clerk: The Parliament (Amendment) Act 2014.

**Parliament (Amendment) Bill 2014 –
Committee Stage and Third Reading to be taken at this sitting**

2205

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all Members agree.

2210

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

Hon. D A Feetham: Mr Speaker, may I ask the hon. Gentleman... or do you want me to ask it at Committee Stage?

2215

Mr Speaker: Well, really there is only one clause and if you do it in Committee Stage, you can come back to the charge again and again until you understand or whatever point you are making is dealt with.

Hon. D A Feetham: It is about members who are only taking their pensions from –

2220

Mr Speaker: Well, raise the matter in Committee.

COMMITTEE STAGE AND THIRD READING

2225

**Royal Gibraltar Regiment (Amendment) Bill 2014;
Tobacco (Amendment) Bill 2014;
Criminal Procedure and Evidence (Amendment No. 2) Bill 2014;
International Co-operation (Tax Information) (Amendment) Bill 2014; and
Parliament (Amendment) Bill 2014.**

2230

Clerk: Committee Stage and Third Reading, the Hon. Chief Minister.

2235

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now resolve into Committee and consider the following Bills, clause by clause, namely: The Gibraltar Regiment (Amendment) Bill 2014; The Tobacco (Amendment No. 3) Bill 2014; The Criminal Procedure and Evidence (Amendment No. 2) Bill 2014, The International Co-operation (Tax Information) (Amendment) Bill 2014; and The Parliament (Amendment) Bill 2014.

In Committee of the whole Parliament

2240

**Royal Gibraltar Regiment (Amendment) Bill 2014 –
Clauses considered and approved**

Clerk: (1) A Bill for an Act to amend the Gibraltar Regiment Act 1998.
Clause 1.

2245

Mr Chairman: Stands part of the Bill.

2250

Chief Minister (Hon. F R Picardo): Mr Speaker, for the benefit of dealing with this issue in a way that is expeditious and given that hon. Members opposite have the Bill as amended – in other words, they have both the amendment to the principal Act that we are amending in mark-up and they have also this Bill with the amendments marked up and the letter that sets out what amendments are being proposed, which they will have seen deal with the issues I put in the speech.

If they agree, would they take those as read?

2255

Mr Chairman: I think it would be useful if I had a copy of the letter so that I know at which stage which clause is being amended. It makes it easier for me.

I notice therefore, for instance, that in clause 1 there is an amendment which is just a substitution of 2015 for 2014, so do all hon. Members agree with that amendment?

2260

Members: Aye.

Hon. D A Feetham: Mr Speaker, we can treat the letter as effectively he is moving the amendments and we will not have to go through the amendments for every single clause.

2265

Mr Chairman: Right. I think procedurally they should be. What I will do is, with each clause, I will ask hon. Members to agree that the amendment of which the Chief Minister has given notice, be incorporated, be agreed to, without having to actually read it out, okay? But as I say in clause 1 there is this straightforward amendment substituting the year 2015 for 2014 agreed. Okay.

2270

Clerk: Clause 2.

Mr Chairman: Clause 2, do all hon. Members agree with the amendment of which the Chief Minister has given notice? No, there is no amendment to clause 2.

Clause 2 stands part of the Bill.

2275

Clerk: Clause 3.

Mr Chairman: There is an amendment to clause 3 the Chief Minister has circulated. Are all hon Members happy with it? Is there any point they wish to raise?

So, clause 3 as amended stands part of the Bill.

2280

Clerk: Clauses 4 to 6.

Mr Chairman: Clauses 4 to 6. Those in favour? (**Members:** Aye.) Those against? Clauses 4 to 6 stand part of the Bill.

2285

Clerk: Clause 7 with amendments.

Mr Chairman: In clause 7 there is an amendment of which the Chief Minister has given notice. Are all Members supporting the amendment? (**Members:** Aye.)

2290

So clause 7 as amended stands part of the Bill.

Clerk: Clauses 8 and 9.

Mr Chairman: Clauses 8 and 9 stand part of the Bill.

2295

Clerk: Clause 10 with amendments.

Mr Chairman: Clause 10 an amendment has been circulated by the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Clause 10 as amended stands part of the Bill.

2300

Clerk: Clauses 11 to 18.

Mr Chairman: Clauses 11 to 18 stand part of the Bill.

2305

Clerk: Clause 19 with amendments.

Mr Chairman: Clause 19 an amendment has been circulated. Those in favour? (**Members:** Aye) Those against? Carried.

Clause 19 as amended stands part of the Bill.

2310

Clerk: Clause 20 with amendments.

Mr Chairman: There is also an amendment to clause 20. Those in favour? (**Members:** Aye.) Those against?

2315

Clause 20 as amended stands part of the Bill.

Clerk: Clause 21 with amendment.

Mr Chairman: Clause 21 there is a very simple amendment of which notice has been given. Those in favour? (**Members:** Aye.) Those against?

2320

Clause 21 as amended stands part of the Bill.

Clerk: Clause 22.

2325

Mr Chairman: Clause 22 stands part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Tobacco (Amendment No. 3) Bill 2014 –
Clauses considered and approved**

2330

Clerk: (2) A Bill for an Act to amend the Tobacco Act 1997.
Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

2335 **Clerk:** Clause 2 with amendments.

Hon. S M Figueras: Mr Chairman, yes, there is an amendment that I have spoken to the Hon. Minister for Justice IN RESPECT OF, behind the Speaker's Chair a moment ago, and that is to the amendment to clause 11DA(2).

2340 The amendment currently reads:

'Where a person or vehicle has been stopped pursuant to subsection (1) and police or customs officer' –

I have suggested that we add *a* so it is 'and a police or customs officer' –

'has reasonable grounds for believing that an offence has been or is being committed, that officer may search that person, any article that person has with him...'

and then it goes on to say 'and any vehicle, including any other persons in that vehicle.'

2345 I suggested to the Hon. Minister that we might want to make clear that it is not just any vehicle in the vicinity other than the one that has been stopped. Therefore I would suggest that it be amended to read 'that officer may search that person, any article that person has with him, the vehicle, including any other persons in that vehicle.'

I can read it again if it would assist.

2350 **Mr Chairman:** I think the hon. Member needs to write it out, the amendment that he is proposing.

Hon. S M Figueras: I see, Mr Chairman, it is just that we have often done quick amendments like that on the fly.

2355 **Mr Chairman:** The Government have seen the amendment?

Hon. S M Figueras: Yes, I have consulted with the hon. Member, yes.

2360 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Chairman, I have discussed it with the hon. Member and I am happy. There is a slight change to the wording used by the hon. Member. Subclause (2), the last two lines should read 'been committed, that officer may search that person, any article that person has with him, the vehicle and any other persons in that vehicle'.

2365 **Mr Chairman:** I am slightly confused because this is an amendment, I take it, to clause 2. Is that right! Is that the one that I have here from the Chief Minister?

Hon. G H Licudi: Sorry, no. It is an amendment to the current section 11DA –

2370 **Mr Chairman:** Ah, there is a further amendment to that. Then the correct procedure would therefore be for the Chief Minister to move the amendment of which I have been given notice and then for the hon. Member with having that amendment before the Committee, for the hon. Member to move an amendment to this amendment. That is the correct procedure.

2375 **Chief Minister (Hon F R Picardo):** Mr Speaker, I think that that is what we were taking as having happened, although I had not formally moved the amendment. You are right, we moved straight into it and into discussion of it (**Mr Chairman:** Right.) But I think we were all of that mind which you rightly set out now for the record.

2380 **Mr Chairman:** Okay. So, let me then put to the House the Chief Minister's amendment of which notice has been given as amended by the Hon. Selwyn Figueras amendment. Is that clear? Those in favour? **Members:** Aye.) Those against? Carried.

So clause 2 as amended stands part of the Bill.

2385 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Criminal Procedure and Evidence (Amendment No. 2) Bill 2014 –
Clauses considered and approved**

2390 **Clerk:** (3) A Bill for an Act to amend the Criminal Procedure and Evidence Act 2011.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

2395 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**International Co-operation (Tax Information) (Amendment) Act 2009 –
Clauses considered and approved**

2400 **Clerk:** (4) A Bill for an Act to amend the International Co-operation (Tax Information) Act 2009.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

2405 **Mr Chairman:** Stands part of the Bill.

**Parliament (Amendment) Bill 2014 –
Clauses considered and approved**

Clerk: (5) A Bill for an Act to amend the Parliament Act.
Clauses 1 and 2.

2410 **Mr Chairman:** Now in respect of clause 2, I think the Hon. the Leader of the Opposition wishes to
raise a matter.

2415 **Hon. D A Feetham:** Yes, I just wanted to ask Minister Bossano whether any of these amendments
affect the rights of those that have retired already. Government Ministers, Members of Parliament that have
retired and are already in receipt of their pension, whether they can at some stage now take commuted
pension or whether this only affects those who are not of retirement age at the present moment and are not
taking any pension at the present moment.

2420 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** I think
it is clear that it is not retrospective, just like the one for the Civil Service. I mean there were people who
retired a day before the provision was introduced in the Civil Service Pensions Act and they had either
elected the maximum they were then allowed which was 25% or a lower figure, but they were not able to
come back and say, 'Well, I would like to make use of the new provision.' Partly because I suppose once
the pension has been paid, how do you go back?

2425 **Mr Chairman:** Clause 2 stands part of the Bill.

Clerk: The long title.

2430 **Mr Chairman:** Stands part of the Bill.

**Royal Gibraltar Regiment (Amendment) Bill 2014; Tobacco (Amendment) Bill 2014; Criminal Procedure and Evidence (Amendment No. 2) Bill 2014; International Co-operation (Tax Information) (Amendment) Bill 2014; and Parliament (Amendment) Bill 2014 –
Third Readings approved: Bills passed**

2435 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that The Royal Gibraltar Regiment (Amendment) Bill 2014; The Tobacco (Amendment) Bill 2014; The Criminal Procedure and Evidence (Amendment No. 2) Bill 2014, The International Co-operation (Tax Information) (Amendment) Bill 2014; and The Parliament (Amendment) Bill 2014 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

2440 **Mr Speaker:** I now put the question, which is that The Royal Gibraltar Regiment (Amendment) Bill 2014; The Tobacco (Amendment No. 3) Bill 2014; The Criminal Procedure and Evidence (Amendment No. 2) Bill 2014, The International Co-operation (Tax Information) (Amendment) Bill 2014; and The Parliament (Amendment) Bill 2014 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

There is no need to take an individual vote for each of the Bills, since hon. Members are all agreed.

GOVERNMENT MOTION

2445

**Royal Anglian Regiment –
Conferring of Freedom of the City of Gibraltar –
Motion carried unanimously**

Clerk: Government Motion. The Hon. the Chief Minister.

2450 **Chief Minister (Hon. F R Picardo)** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

'This House:

WELCOMES the long and historic relationship between the Royal Anglian Regiment (and its forerunner Regiments) and Gibraltar;

RECALLS that throughout the 18th and 19th centuries, regiments from the Royal Anglian counties of Essex, Northamptonshire, Suffolk, Lincolnshire and Norfolk were posted to Gibraltar to defend the Rock and its people;

RECALLS that both the XII Regiment, the forerunner of the Suffolk Regiment, and the 56th Foot, the forerunner of the Essex Regiment, defended Gibraltar during the Great Siege of 1779-1783 and that the XII Regiment formed the main body of the Grand Sortie of November 1781;

TAKES NOTE that in recognition of the efforts of the XII Regiment the "Castle and Key" and the name "Gibraltar" were taken as its crest, and that the former remains there to this day in the Royal Anglian regimental crest;

RECALLS that in May 1969 a formal affiliation was announced between the Royal Anglian Regiment and the then Gibraltar Regiment and that there have been many instances of Royal Gibraltar Regiment soldiers serving abroad with the Royal Anglians in places like Northern Ireland, Germany, Cyprus, Belize, Bosnia, Iraq and Afghanistan;

DECLARES that the Freedom of the City of Gibraltar be conferred on the Royal Anglian Regiment in view of its historic and close connection with Gibraltar and its people.'

2455 Mr Speaker, this is a motion the text of which to a very great extent speaks for itself. The people of Gibraltar have long and historic links, not just with the United Kingdom but with the Ministry of Defence in particular and with parts of the Ministry of Defence who have been particularly responsible for the defence and protection of Gibraltar and its people at some key times in our history.

Mr Speaker, the Ministry of Defence in Gibraltar still celebrates the Grand Sortie of November 1781 in some style, as I was able to attest to this year and I think the Leader of the Opposition was with me as we enjoyed a sumptuous banquet in St Michael's Cave, demonstrating the importance of that date, even in these times of austerity for the Ministry of Defence, the Grand Sortie is an important date in history.

Mr Speaker, the Anglians were here then and they were here at other important times in the history of Gibraltar, that those who understand how it is that in military terms, the defence of this fortress has been achieved, sometimes in light of almost impossible odds, will recognise the importance of the links that we continue to enjoy with key regiments such as the Royal Anglians, one of the few Regiments that has not disappeared in recent amalgamations etc. of the UK Infantry.

Mr Speaker, in the circumstances, I do not propose to say anything more but I do understand that this motion will be enjoying the support of the whole House as it should and that we will all be very pleased indeed when we are able to make the arrangements for members of the Royal Anglian Regiment serving today to come to Gibraltar to receive the Freedom of the City on behalf of this Parliament on behalf of the people of Gibraltar and to exercise their right to the Freedom of the City of Gibraltar and parade up Main Street, whether or not they bring their sheep with them.

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

Hon. D J Bossino: Mr Speaker, yes, simply to associate the Opposition with the words of the Hon. the Chief Minister and to confirm that we will be supporting this motion. He is absolutely right when he says that the text of the motion speaks for itself, its contents are very clear and there is nothing really to add, other than to point out that as a result of some research that I did in preparation for the motion, that it says that the name Gibraltar was taken as its crest and that the former remains there until this day in the Royal Anglian Regimental Crest. Also to point out that the Garrison Headquarters in Suffolk, is also called the Gibraltar Barracks, so the Opposition will be supporting this particular motion.

Mr Speaker: Any other hon. Member wish to contribute to the motion? The Hon. Mr Bossano. *(Laughter and banging on desks)*

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Yes, Mr Speaker, I would just like to add one bit of the history of the Anglian Regiment that I do not think has been reflected, of which I have personal first-hand knowledge. That is when I did the compulsory military service in 1958, *(Laughter)* the 20th intake converted from being artillery to being infantry and the Royal Anglian Regiment had somebody seconded to Gibraltar to convert us into riflemen or artillery men, which you went from being gunners to being part of the regiment and therefore they made an important contribution to the transition of the Gibraltar Regiment into what it then became, an important part of the British Army and the only thing that they failed singularly in was in converting me into a disciplined soldier. *(Laughter and banging on desks)* Apart from that they were...

Hon. E J Reyes: And shall I also add, Mr Speaker, because I have also had my service, alas way after the Hon. Minister – I did from 1974 to 1980 – and it was actually the Royal Anglians who had posted to Gibraltar a Warrant Officer First Class who served at the time as a Regimental Sergeant Major. He was instrumental in preparing the first local Gibraltarian and locally enlisted member of the Gibraltar Regiment and therefore it was enacted through Bob Randall having become the first Gibraltarian Regimental Sergeant Major thanks in many ways to the training given to him by the Royal Anglian Regiment.

Mr Speaker: Does the mover wish to reply?

Hon. Chief Minister: Mr Speaker, only to thank hon. Members who have spoken for their support and to say that anybody who has been able to persuade Mr Bossano of anything, even if it is just to go from Artillery to Infantry and not then to become a soldier as he suggested, deserves much more than the Freedom of the City and therefore the case is proven for the Royal Anglians to have this award.

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

2515

**PERSONAL STATEMENT
BY THE LEADER OF THE OPPOSITION**

Hon. D A Feetham: Mr Speaker.

2520 **Mr Speaker:** Yes.

Hon. D A Feetham: I have given notice that I wish to make a Personal Statement before the House is adjourned.

2525 **Mr Speaker:** Please do.

Hon. D A Feetham: Mr Speaker, yes. Mr Speaker, we were on the subject matter earlier about Members of Parliament making themselves responsible for statements that they make in this House.

2530 I have now had an opportunity of looking at *Hansard* and it is simply not the case that I challenged the Hon. Minister Bossano to a *mano a mano*, it was the reverse. I do not say that in any way criticising Minister Bossano, because from my point of view that is a matter that is in the past, but of course I need to set the record straight.

2535 If he wants me to read from *Hansard* I can, but that is the position and I want him to know so much that it is a matter in the past for me, that actually I view it as one of those episodes in this House that I have personally taken in a light-hearted way and it has lifted some of the seriousness that we often see in this House. So much so that I have an article from the press with his head and my head over two boxes and the article next to it, on my corridor in my house. So I do not say this out of any sense of spite or anything like that, but of course I need to set the record straight, Mr Speaker, because I have had an opportunity to look at *Hansard*.

2540 In relation to Victor Ochello, if in any way, if the Hon. the Chief Minister says that Mr Victor Ochello was not there at the Madrid event, then I apologise for having mentioned him in circumstances where he was not there. I did not mention him from a point of view of criticising Mr Victor Ochello; it was just simply an example that I used from somebody that I thought was there because I had seen photographs from the *Gibraltar Chronicle* but obviously if I am mistaken. I have absolutely no hesitation in withdrawing the reference to Mr Ochello.

2545 But those are the two statements that I wish to make.

Chief Minister (Hon. F R Picardo): Well, Mr Speaker, I do not know what it is that the hon. Member says that he said which he has now clarified. I think he has just insisted that what he said was the right thing all along because his position it appears has not changed and he has just got up to tell us he was right, I think. But anyway let us take that remark in the way that I think it was intended and move on from the matter.

2550 I am delighted to hear that he has that picture in his home, in his corridor and we all look back sometimes affectionately on things that we have said to each other in haste and in this place and we on this side have absolutely no problem in accepting that in that way because in all of those heads to heads we have always won, so it does not matter. (*Laughter*)

ADJOURNMENT

Chief Minister (Hon. F R Picardo): And, Mr Speaker, in the same spirit, trusting that the hon. Gentleman will reflect, realise that we are not in fact skint, we can afford the electricity and we will be back here next month, I now move that the House do adjourn *sine die*.

Mr Speaker: I now propose the question, which is that the House do now adjourn *sine die*.

2565 I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn *sine die*.

The House adjourned at 6.55 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.16 a.m. – 1.00 p.m.

Gibraltar, Thursday, 19th March 2015

Business transacted

Prayer	3
Confirmation of Minutes	3
Communications from the Chair	3
Papers to be laid.....	3
Questions for Oral Answer	4
Financial Services and Gaming	4
Q240/2015 International online gaming conference – Plans to provide	4
Q241/2015 UK’s Diverted Profits Tax – Potential effect on Gibraltar	5
Q242-243/2015 Experienced Investor Funds – Applications, enquiries, registrations and de- registrations since 2011	5
Q244/2015 Gibraltar International Bank – Costs of construction works	10
Q245/2015 Gibraltar International Bank – Update on opening	10
Business and Training	11
Q186/2015 Employment vacancies – Availability to job seekers	11
Q187/2015 Gibraltar’s employment law – Amending any age bar	13
Sports, Culture, Heritage and Youth.....	13
Q188/2015 Gibraltar Sports and Leisure Authority – New ‘Management Structure’	13
Q189/2015 Heritage sites – Costs of works	14
Q190/2015 Gibraltar Museum – Contract for running	15
Q191-192/2015 King’s Bastion Leisure Centre Fitness Gymnasium – Future plans and membership fees	17
Q193/2015 GSLA sea bathing facility – Cleaning costs	20
Health, the Environment, Energy and Climate Change	21
Q194/2015 GHA European Health Insurance Cards – Delay in renewal	21

Q195/2015 St Bernard’s Hospital – Primary care clinic for children	21
Q196-198/2015 ‘Objective Standards’ in Health – Policy update	21
Q199/2015 Stroke emergencies – Creation of protocol and specialist unit.....	22
Q200/2015 Upper Rock Management Plan – Publication.....	23
Q201-202/2015 Macaques – Culling; illegal feeding	23
Q203-219/2015 Liquefied natural gas (LNG); new power station – Fire and Rescue Service; health and safety	24
Q220/2015 Solar panel installation – Contracted companies and individuals	42
Tourism, Equality, Social Services and Housing.....	43
Q221/2015 Disability Action Plan – Update.....	43
Q222/2015 Sheltered Employment – Companies involved	44
Q223/2015 Dr Giraldi Home – Respite beds	44
Q224 & 226/2015 Government rental properties – Expenditure on refurbishment and repair	45
Q225/2015 Referendum House ‘Breakdown Fault’ – Firefighters in attendance	46
Q227/2015 Government rental homes – Weather damage.....	46
Q228/2015 Families with disabled persons – Housing provision	47
Q229-230/2015 Government rental homes – Unpaid rents.....	47
Q231-232/2015 Tenants urgently decanted – Expected return home	48
Q233/2015 Government rental homes – Legal costs of evictions	49
Q234/2015 Government rental homes – Legal costs of evictions	49
Q235-236/2015 Mid Harbour Estate – Garage barriers	49
Transport, Traffic and Technical Services.....	50
Q237-238/2015 Big Publications Ltd – Revenue from advertising on buses.....	50
Q239/2015 Mid Harbour Estate – Garage barriers.....	52
The House recessed at 1.00 p.m. and resumed its sitting at 3.00 p.m.	53

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

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

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

PRAYER *Mr Speaker*

Mr Speaker: Those who follow the procedures of Parliament may not have realised that this prayer that we have just said is not a Christian prayer; it is a non-denominational prayer. That's for the record.

CONFIRMATION OF MINUTES

5 **Clerk:** (i) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 19th February 2015.

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

Mr Speaker signed the Minutes.

Clerk: (ii) Communications from the Chair.

COMMUNICATIONS FROM THE CHAIR

10 **Mr Speaker:** As hon. Members are aware, it is a requirement under section 69 of the Constitution that the estimates of expenditure for the next Financial Year should be tabled in the House before 30th April.

Since the House is not due to meet next month, I am proposing that the provisions of the Constitution will be deemed to have been met, if the estimates are circulated to all hon. Members before the end of April.

15 This is what we did last year, this is what we have been doing for the last two or three years. Is that agreed? (**Members:** Aye.)

Clerk: (iii) Petitions; (iv) Announcements; (v) Papers to be laid.
The Hon. the Chief Minister.

PAPERS TO BE LAID

20 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table: the Income Tax (Allowances, Deductions and Exemptions) (Amendment) Rules 2014; the Rates of Tax (Amendment) Rules 2015; and the Home Purchase (Deductions) (Amendment) Rules 2015.

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

Clerk: (vi) Reports of Committees; (vii) Answers to Oral Questions.

Questions for Oral Answer

FINANCIAL SERVICES AND GAMING

Q240/2015

International online gaming conference – Plans to provide

Clerk: We begin the session with Question 240/2015, the Hon. D J Bossino.

30

Hon. D J Bossino: Can the Minister for Financial Services please state when it is intended to provide an annual international online gaming conference?

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

35

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, Mr Speaker. Government has reviewed its original plans and moved forward in the following manner.

40

Firstly, both in October 2013 and 2014, Government hosted a ‘Gaming Breakfast’ around the Gibraltar Day in London with operators, regulators and professionals working in the gaming sector. The breakfasts were both addressed by the Chief Minister and myself and served as an opportunity to engage directly with existing and potential clients of Gibraltar. This was the first time such an event had been organised and was much welcomed by the gaming community. (**A Member:** Hear, hear.)

45

Secondly, Mr Speaker, Government has explored the hosting of an international gaming conference in Gibraltar with the sector and rather than compete with the existing leading International Gaming Conference in Gibraltar, which is now in its fifth year, Government has agreed to join forces and support the KPMG e-Summit on 23rd April 2015.

50

This means that we will jointly be expanding the original plans for this conference and inviting speakers from Gibraltar and internationally to address the event in areas such as responsible gambling and exploring the benefit of potential links, for example between the University of Gibraltar and the gaming community.

55

We are also expecting to launch at the event, our consultation process on the way forward for the gaming community and will be hosting a dinner for all delegates. This will enable us to support and use the existing conference for raising issues of importance to Government in the gaming sector, in total partnership with the private sector.

60

We believe this approach has worked well in the past and we are looking forward to the April Conference, after which we will evaluate and determine in full consultation with the GBGA and the sector whether the arrangements required are to be reviewed or improved.

65

Hon. D J Bossino: I am very grateful to the Hon. Minister for that very full reply and I am sure that what he said is very good for the industry.

70

But he started off his answer by saying that the Government had reviewed its original plans and the reason he may have suspected why I asked the question is because it arises from...it's a manifesto commitment. It is in terms of providing the organisation of a Gibraltar Annual International Conference in gaming in Gibraltar, was that the original plan which he has now tweaked and amended? Can he just explain what the original plan was which he has now decided to re-evaluate and change?

75

Hon. A J Isola: Mr Speaker, the intention was to ensure that Gibraltar had an international gaming conference. We are now satisfied that we do have a very successful one in its fifth year.

80

When we went through this and we discussed it with the sector, the thought of competing with the established sector, which has been supported by the private sector for some years now and invested substantially in it, it would have been unfair for us to compete with it by having a second conference in Gibraltar.

85

Consequently the decision was taken to pool resources together, use it for the things we want to use it for and also what the private sector requires too. So it made enormous sense and saved cost in having the two brought together and having one extremely good conference, which we hope to have at the end of next month.

90

Hon. D J Bossino: Just for clarification, that is the KPMG one you refer to?

Hon. A J Isola: Yes.

80 **Hon. D J Bossino:** Great.

Q241/2015
UK's Diverted Profits Tax –
Potential effect on Gibraltar

Clerk: Question 241, the Hon. D J Bossino.

85 **Hon. D J Bossino:** Can the Minister for Financial Services please advise whether the Government has made any assessment regarding the potential effect of the UK's Diverted Profits Tax, otherwise known as the 'Google' Tax?

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

90 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I confirm that the Government has had preliminary conversations on this matter with specific members of the industry.

We are advised that this tax, when it comes into force – and obviously there were budget announcements yesterday by the Chancellor of the Exchequer in the UK – will focus mainly on the avoidance of tax by royalties and management charges through, typically, companies established primarily in Luxembourg and Ireland. It remains to be seen how aggressively this legislation will be applied by the United Kingdom and whether they will be successful in doing so.

95 I can also confirm that this matter has not yet been flagged as a specific discussion point at any Finance Centre Council meeting by the industry. We are also considering this matter in the context of the related OECD initiative on Base Erosion Profits Shifting (BEPS), which continues to evolve as a global effort to deal with similar issues.

100

Q242-243/2015
Experienced Investor Funds –
Applications, enquiries, registrations and de-registrations since 2011

Clerk: Question 242, the Hon. D J Bossino.

105 **Hon. D J Bossino:** Can the Minister for Financial Services please provide details of all applications and enquiries there have been in relation to the establishment of EIFs in Gibraltar since 2011, broken down by year?

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

110 **Minister for Financial Services and Gaming (Hon. A J Isola):** Yes, Mr Speaker, I will answer this question together with Question 243.

Clerk: Question 243, the Hon. D J Bossino.

115 **Hon. D J Bossino:** Can the Minister for Financial Services please provide details of the number of EIFs which have been registered and de-registered in Gibraltar over the last five years?

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

120 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the details of all the applications there have been in relation to the establishing of EIFs including sub-funds in Gibraltar since 2011, broken down year by year, are as follows: 2015 – 1 to date; 2014 – 37; 2013 – 31 – 2012 – 55; 2011 – 61; and 2010 – 63. There is no specific information available on enquiries.

125 With regard to the number of EIFs which have been registered and de-registered in Gibraltar over the last five years, these are as follows: from 1st January 2011 to date, EIFs registered – 76; and EIFs de-registered 63, producing a net gain of 13.

Hon. D J Bossino: Mr Speaker, I am grateful for the response. In fact many of the statistics he gave in the first tranche of these questions, exactly, are available on the FSC website, so technically the question should not have been on the Order Paper, because it is publicly available, but I am grateful in any event for the hon. Member to have provided this information across the floor of the House.

I must say, for example, there has been a drop, it seems, in the number of the EIFs from 2011. We had 88 according to the... I have not taken a full note of the information he has given me and I think there is a slight discrepancy, but in the FSC website it shows 88. Well actually no, an increase by eight to 2012 and then a decrease by seven to 2013.

I just wanted to get an understanding if he would have been able to have answered the question in relation to how many enquiries there have been to see what level of interest there is. It may be that come a year's time, we will see those numbers increasing drastically, or not, is this a trend – those types of questions which I think, I legitimately, have in my own mind. So I am wondering whether he can give any further information in relation to enquiries and whether it would be of interest for the Government to start collating that type of information in the future?

Hon. A J Isola: Yes, Mr Speaker, I think the issue of funds is one that has troubled the sector for some years now. We have always talked about the enormous potential the funds community has and yet we never seem to hit the potential that we all feel that we have, because when you do a jurisdictional comparison of Gibraltar and other centres, in terms of what the Gibraltar fund product is, it is pretty difficult to beat.

Consequently we all ask ourselves why, in those circumstances, we are not reaching the success levels that we think we should. This is something that we have discussed at length with GFIA and with the sector more generally, as to whether there is something in the product that we should be revisiting, is there something in how it has been structured that we should be revisiting? Is it the cost? What is the issue that is holding us back in terms of EIFs?

Interestingly, the implementation of the AIFM Directive which we did in July of last year, we expected to be a catalyst for funds in Gibraltar. In fact what it has been shown to have done is almost the reverse, which is a number of funds that were here before have actually left to avoid AFIM, because they were not primarily focused within the EU, which we expected the reverse of.

So when you look at why it is that we are not getting the numbers that we think we should be getting, there is more work to be done with GFIA in particular, in assessing and reviewing the product itself which we are in the process of doing. One of the things we have targeted this year has been three conferences called the Hedge Fund Start-up Forums, which is really going back to the root of where funds are born from. We believe that could be interesting to see again, hand in hand with GFIA and the private sector in exploring whether the start-up forum is a better place for us to attend than the more established fund conferences. So it is something that we have been thinking about, we have been considering for some time, as I say working very closely with GFIA.

Interestingly, another aspect which I think is important is the Stock Exchange. We believe that the Stock Exchange will be a catalyst to Gibraltar's use of funds, certainly in my visit to Hong Kong last January, that was one of the key issues that attracted a huge amount of attention. We note from that visit alone, when we talk about enquiries, there are two very interesting investment firms who we met during the course of one of our lunches, who are engaged with professionals in Gibraltar, talking through the possibility of setting up in Gib.

We believe that actually to bring investment managers to Gib is what will kick off the setting up of more funds because they themselves will launch those funds from Gibraltar, rather than seeking to attract the fund itself, which has proven to be so difficult over the past years.

So all of these things are very much under consideration and we are exploring ways in which we can help the industry to kick start it. The funds lunch we did in London was hugely successful. The funds events that we are hosting are proving to be – in the words of the sector – very beneficial, but we are not seeing that translated into new EIFs.

Now, of course, we have to bear in mind that the EIFs are not just EIFs. You have got private funds which are unregulated, which are happening and which are not included in these numbers, but again, not at the level that we would like to see them at.

And so we will continue to work very closely with GFIA, to see what are the things that we need to do to try and make this product work better on the back of AIFM, on the back of the Stock Exchange and on the back of more targeted marketing, which is what we are in the process of doing.

May I just say in relation to enquiries – the hon. Member raised the point on enquiries – we have asked the FSC to begin to collate information which may be of assistance to us in terms of the enquiries they receive. We do know from members of the private sector that they are working on a series of new funds coming into Gib, but again, like anything, it is very difficult to establish until you see them. These things can change course at the last minute.

190 One that I have been engaged with in the last week could be a very quick private fund that is set up in Gibraltar as a result of enquiries, but it is very difficult to... The information will be useful but in terms of the noise that we get from the sector, it is very difficult to pin anything on it because until it happens, it is not really reliable in terms of assistance to us.

Hon. D A Feetham: Yes, Mr Speaker, I have got a number of supplementaries, if I may.

195 This is a subject that is very close to my heart. He may know that I chaired the working group on the establishment of the Experienced Investor Fund structure here in Gibraltar in 2005 and indeed, was one of the co-authors of the original regulations – the Experienced Investor Regulations that were introduced, I think it was in 2005/2006. Indeed, prior to becoming a Government Minister, I think I had set up over half of the Experienced Investor Funds in Gibraltar. Like the hon. Gentleman has said, I expected it to really take off, so that this would become really one of the main pillars of the financial services sector and it appears that unfortunately it has not.

200 But can he just explain, because I do not quite understand it, how will the establishment of the Stock Exchange actually aid the Experienced Investor Funds and the sale of the Experienced Investor Funds, when most of these Experienced Investor Funds really have private placement memorandums? Are we talking about the sale of units in Experienced Investor Funds through the Stock Exchange, just a valuation that will help in terms of...? Can he explain that, because I do not understand it?

205

Hon. A J Isola: Mr Speaker, the first phase of the Stock Exchange listing process is closed ended funds. In other words there is no trading so the benefit of the listing for managers seeking to raise investment in their funds is almost like a second tier of KYC due diligence and transparency. It means that the fund itself has succeeded in a listing which has been successful in its pre-qualification stage to list on an exchange.

210 So in terms of investor confidence, it helps. What the sector tells me is that the Stock Exchange enables you not to just have that, but also to have external funds not registered in Gib listed on the Exchange. So it could bring a different type of business to Gib that could not have been done without an Exchange. That is why I say I think it would be a catalyst, if what I am told again from the private sector... I am told there are a number of funds from Luxembourg – a small number, three or four who are currently considering listing on the Gibraltar Exchange. Luxembourg funds, not EIFs, so I am talking about the funds community, as opposed to the EIF.

215 As I mentioned before the EIF regime, for whatever reason, does not do what we thought it would do, going back to 2006, and to be honest every year since. But interestingly, if I can just give you another statistic, the number of investment firms registering or applying in Gibraltar has increased, which is from zero in 2009, one in 2010, one in 2011, three in 2012, three in 2013, five in 2014 and one in 2015. Still small numbers, but an indication that there are more investment firms coming to Gib, which hopefully will assist in the lifting of the registration of EIFs in Gibraltar.

225 **Hon. D A Feetham:** We are talking effectively about two separate issues. We are talking in a global context, I accept that. But we are talking about Experienced Investor Funds, which are targeted at experienced investors with a minimum investment of usually about \$100,000 or €100,000 and then you are talking about funds that may well be, for example, listed for valuation purposes and all the other purposes the hon. Gentleman has outlined, on the Stock Exchange, that may be sold not to just simply experienced investors, the people who want to invest really large sums of money in very focused funds, but also UCITS funds or funds that are available to members of the public.

230 It may well be that effectively the Experienced Investor Funds – I am just asking the hon. Gentleman to perhaps comment on this – the Experienced Investor Funds regime, turns out to be a niche market in Gibraltar, a part of the range of services that are offered by the financial services sector, but that in terms of funds, for Gibraltar to become a funds jurisdiction of renowned... and with sufficient mass to make it really one of the main pillars of the economy, one really has to branch out into other types of funds which will overtake the Experienced Investor Funds, which have been the staple product for those who are practising in the area of funds.

240 Is that how he sees it, that really what we are talking about is trying to do as much as we can in order to attract other types of funds, rather than the Experienced Investor Funds which, for whatever reason, he has not been able to pinpoint a reason, it almost remains stuck at 2011? I have seen the figures at 2011 levels for the last four years and certainly, as I have accepted in my previous question, it did not take off after 2005 in the manner that we wanted it to take off.

245 **Hon. A J Isola:** Mr Speaker, I think the hon. Member has raised a number of interesting points. The first one is he has mentioned UCITS. When you move forward with AIFM, what we are finding is that more and more managers are finding it almost easier to set up a small UCIT than an AIFM, because obviously the standards for AIFMs have increased. UCITS are now a very popular and common way of

setting up these retail funds and you can have a private fund, an AIFM, as a UCIT. So the competition for what we are selling increases to then decrease.

250 At the same time, as the hon. Member will know, in the same way that we have got EIFs, Luxembourg has them, Ireland has them, there are a lot of jurisdictions with the QIFs, the PIFs, all variations of the same EIF term. And so when you talk about niche, it is what we conceived in 2006 to have a niche area for these Experienced Investor Funds, for people with enormous experience in the investment sector to be able to set up their own niche funds, primarily designed at people who would be leaving, asset managers leaving a big institution and setting up their own small fund, bringing some clients with them and kick-starting and building up their own track record.

255 It has not happened and that is the honest truth. If you look at the levels of competition and where they are coming from, it is not going to get easier, because primarily of UCITS, and although there is certainly an angle with AIFM for us, which is hence the focus in places like New York, Bermuda and Hong Kong – non-EU jurisdictions that want a speed to market in a relatively cost-effective way to hit the market – Gibraltar remains in competition with primarily Dublin, as the main centre for that to happen.

260 That is why we are working with GFIA very hard, to see if we can try and secure at least that entry point into Europe from those jurisdictions. But as you know, it is a long process. You do not start marketing and results start coming three months later. We are now getting traction and I am hopeful that in a year's time, those numbers will be different. But we have just got to get our heads down and work very closely with GFIA and see how far we can go and take this. I cannot make any promises but that is what we are doing.

Hon. D A Feetham: Well, Mr Speaker, certainly to the extent that it is necessary, the hon. Gentleman will have all the support possible from the Opposition, because at the end of the day we will have a vested interest in seeing this particular product and other products succeed in Gibraltar. So I wish him all the best and all the success.

270 But in relation to just statistics for one moment, he said there was a net gain of 13. Is that correct when you take into account PCCs? Because for members of the public perhaps watching this debate, if anybody is –

275 **Mr Speaker:** It is not a debate; it is answering questions.

Hon. D A Feetham: Questions, I apologise, Mr Speaker – questions absolutely, no debate. No debate this morning or this afternoon.

280 **Mr Speaker:** We shall see. (*Laughter*)

Hon. D A Feetham: A PCC – yes, we shall see if we can be as restrained as we have been in the last few months, Mr Speaker. (*Laughter*)

285 For members of the public watching, a PCC – you can set up a company and that company will have a number of cells underneath it, each cell a little sub-fund. But effectively, what you have is just one company. So of course, from a statistical point of view if each of the little cells, if you have one company with five cells, that can distort the statistics in terms of how many, effectively, funds are actually coming into Gibraltar.

290 How many of these...? Does this take into account, factor into, protected cell companies so that the net gain is after you take into account those sub-funds?

Hon. A J Isola: Mr Speaker, as I said in the first line of my answer, the details of the applications are in relation to establishing the EIFs *including* sub-funds. The numbers that we have been talking about throughout the whole course of the morning are EIFs including the sub-funds that you have referred to.

So when I talk about producing a net gain of 13, that is solely in respect of the EIFs registered and de-registered. So it does include sub-funds, the whole way through the numbers we have been talking about include the sub-funds.

300 **Hon. D A Feetham:** That is what I thought. In other words, effectively if you just treated those sub-funds under this one company as effectively one unit, because you are talking about one company with, for example, five sub-funds, then the statistics may well show a deficit.

305 I really am not saying this from the point of view of criticising the Government or anything like that, I just want to get an idea of the statistics. Because if it is inclusive of sub-funds, then of course that must be so, because I expect that out of that 76 there has to be a substantial number that are sub-funds within one umbrella company.

310 **Hon. A J Isola:** Mr Speaker, the same is true both ways, to the extent that if you include sub-funds, it could distort in the manner that you have just mentioned. If you do not, it could distort the other way in terms of not really reflecting the number of funds there are, whether there is funds or sub-funds. The issue with sub-funds really is that a core company, the PCC itself, could have five different funds with different investment strategies, different investors and so for those purposes, it is easier for us to just deal with the sub-funds and have the full number so that we know what we are talking about, and we are using the same numbers across the board.

315 If we begin to talk about funds and then sub-funds, it will complicate it and we will not be comparing like with like. For that reason I have used sub-funds throughout. As the hon. Member, Mr Bossino mentioned earlier, the numbers of both are on the website, so they are there on the FSC website so you can see the funds themselves and the sub-funds themselves. So if you want that distinction, I do not have it here with me but it is available on the website.

320 **Hon. D A Feetham:** And is it possible to do the calculation? I have not looked at the table; I have only come into this exchange as a consequence of the questions that are being asked. But is it possible to calculate the difference? Because what I am interested in is effectively what has been the net gain.

325 To a certain extent, I understand the hon. Gentleman's argument in relation to the distortion working both ways. I do not quite agree with it because of course when you talk about inward investment, when you have one... Effectively there is a series of investors comes in, sets up one company and then, underneath... – (*Interjection*) Well the people that set up the company are the investment managers or..., exactly, and that is how one looks at, in my view, the inward investment.

330 That investment manager may then have five different investment strategies. One in relation to property, another one in relation to future, something else, so to get a true reflection of whether there is a net gain or a net deficit, I think one also has to look at the question of the companies themselves that are effectively being set up, rather than the sub-funds.

335 It is not intended to criticise the Government in any way, shape or form. It is just intended to give me and indeed my Party and Mr Bossino who is dealing with this, a clearer reflection both ways, it has to be said, about what the net gain or the net deficit has been for Gibraltar.

340 **Hon. A J Isola:** Mr Speaker, I do not agree with the analysis the hon. Member has made because a core company, a PCC is set up by an investment manager who may then have ten different clients with ten different cells. So what is the difference between that and that same investment manager setting up ten funds?

In terms of analysing what it is that is happening, I think the inclusion of sub-funds gives us a much clearer picture than not including it. Having said that, I do not know what the answer to the question is in terms of whether it is more or less. I do not know that answer.

345 But as I have said before, the information is on the website, it can be looked at and questions can be raised next time. But I do not agree with that analysis because as I said before, the investment manager could choose to have ten different funds or ten sub-funds.

350 **Hon. D J Bossino:** Mr Speaker, the hon. Member made a comment I think in answer to one of my supplementary questions, that in relation to one of the fund conferences, he described it as being hugely successful and I just wanted to explore that a bit further, given what he said in relation to this particular area not kicking off, and he has admitted that, quite rightly so.

So on what basis is he making that analysis? Is it just simply on the basis of the attendance figures or is there something else that he can provide to this House?

355 **Hon. A J Isola:** No, I said as a result of that conference, I am aware of a number of companies from that jurisdiction who are potentially going to be listing on the Stock Exchange and there are also two investment firms that are in touch with local professionals. I understand the professionals are actually going to be flying to that jurisdiction this month to see if they can pursue those firms moving to Gibraltar. In that sense, I said it was hugely successful, because there is real traction and it looks like real business.

360 But at the same token, as I say that, I say that we cannot really call it a success until we have seen it delivered and that obviously is in the lap of the gods at this moment in time.

365 **Hon. S M Figueras:** Mr Speaker, I am grateful. Just one final supplementary: the one aspect of this discussion that we are having during Question Time this morning that we have not yet touched upon, but I am certain has been in previous exchanges on the subject, is the impact on the net asset value of the funds registered in Gibraltar.

I wonder, it may well be that the hon. Member does not have the information at his disposal and certainly it is something that we can file in a question come May, but given that in 2015 to date there is only

370 one new fund registered – I seem to recall from the original answer that the hon. Member gave – could the
Minister provide any information in relation to the impact on net asset values of the trends that we are
seeing?

375 **Hon. A J Isola:** I assume by that you mean assets under management by all the funds pooled together.
It is on the website, because I have seen it on the website. I cannot recall what the numbers are because
there are two numbers that they have: one is asset under management; another one is total assets, which
obviously differentiates. But no, I do not have that information available but it is on the website.

Q244/2015

**Gibraltar International Bank –
Costs of construction works**

Clerk: Question 244, the Hon. D J Bossino.

380 **Hon. D J Bossino:** Can the Minister for Financial Services please provide an update as to the current
and budgeted costs of the construction works relating to the Gibraltar International Bank?

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

385 **Minister for Financial Services and Gaming (Hon. A J Isola):** Yes, Mr Speaker, the certified
expenditure to date is £3,599,502 and the estimated budget cost is £5,208,979.

Q245/2015

**Gibraltar International Bank –
Update on opening**

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

390 **Hon. D J Bossino:** Can the Minister for Financial Services please provide an update as to when he
expects that the Gibraltar International Bank will open?

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

395 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, the bank will open to the
general public one month after the completion of the construction works at Inces House. The project
management team are confident that the building will be handed over to the executive team at the bank on
Monday, 30th March. If this is the case – and we fully expect it to be – the bank will be open to the public
towards the end of April of this year.

400 I would like to take this opportunity to thank the contractors GJBS and the project management team for
the excellent work they have carried out at Inces House in what has been a short period of time and I look
forward to seeing the premises completed later this month.

I trust Members opposite will want to join me in welcoming their work and looking forward to the
imminent opening of the bank.

405

Hon. D J Bossino: Mr Speaker, just by way of confirmation and acknowledgements perhaps on his
part, will he acknowledge that there has been a slight delay in terms of the intended opening time. I think
the original – if I recall, I have not checked *Hansard* – but I think on at least two occasions, he said that he
was quite confident that the opening month would be March and there is a slight delay in relation to that to
April. It is not significant and just to confirm that.

410 And also... well, he has already answered it, that the project managers are confident that they will be
delivering the project on 13th March and it will take a month to open, presumably at the end of April, I
think he said.

415 **Hon. A J Isola:** Mr Speaker, there has been a delay in the works and the reason for the delay stems
back to the original date that we managed to get vacant possession of the premises for. There were a
number of relocations that had to be done which took us significantly longer than we thought it would and

so the construction works have been done in a very, very short period of time because unfortunately, the vacant possession was not given until last summer, so there has been a delay, not in the works but in the delivery of the site to the contractors enabling them to do their works.

Hon. D A Feetham: Mr Speaker, yes. May I start by congratulating the Hon. Minister for being able to hold at bay the Father of the House in not preventing any overtime at this particular site, as has happened on other Government sites across Gibraltar where overtime has been halted.

But can I ask him this: is it going to open in April for all intended services, for a limited amount of services and then there will be an expansion of offerings as time goes by, or is it open to business for everything that the bank intends to do, as from April?

Hon. A J Isola: Mr Speaker, I think that there is perhaps a slight misunderstanding when the hon. Member refers to overtime, because when you enter into a design and build contract, it is a fixed price and therefore if you stop overtime, you are actually going to be adding to your own cost. So that certainly has not happened on this site or indeed any other sites where there has been a design and build contract.

Where overtime has simply got out of hand in traditional build contracts, then I think the justifiable step would be to stop overtime and I think the hon. Members opposite should be congratulating us if indeed we have done that.

In respect of the bank certainly it is a design and build contract at a fixed price and therefore whether there is overtime or not is the contractor's problem, not the Government's problem.

With relation to the services the bank will be offering, when the bank opens its doors on 30th or towards the end of April, the phase one suite of services will be there and ready, in terms of retail banking, loans, mortgages, on-line banking with a phone app, all of those suite of services will be there.

In terms of what will happen in phase two later on which could be wealth management, all those sorts of things which we have not even sought a licence for yet, those will come later. But in terms of what we intended to start, which is a fully fledged retail bank, that will be with effect from the opening of the doors, yes.

Clerk: That concludes questions to the Minister for Financial Services and Gaming.

BUSINESS AND TRAINING

Q186/2015

Employment vacancies – Availability to job seekers

Clerk: We now move to Question 186/2015, the Hon. D J Bossino.

Hon. D J Bossino: Further to Question 545/2014, can the Minister for Employment please confirm that his Department makes all vacancies available to all those who seek them, irrespective of whether they are in employment?

Clerk: Answer, the Hon. the Minister for Business, Employment, Skills and Training.

Minister for Business & Training (Hon. N F Costa): Mr Speaker, I can confirm that the Department of Employment makes all vacancies available to persons who are registered in the Department and actively seeking a job, irrespective of whether the person is in employment or not.

Hon. D J Bossino: Yes, Mr Speaker, that is the answer I expected and indeed that is the answer that in summarised form is the one that his colleague, the Hon. Mr Bossano gave me back in –

Mr Speaker: Yes, and may I remind the hon. questioner that he asked that series of supplementaries last October. So it is within the six-month rule, therefore he should ask new questions and not go over the same old ground, not ask the same supplementary but new ones.

Hon. D J Bossino: Mr Speaker, you are absolutely right in relation to the six-month rule. I will need to check the detail of that particular rule, but it is a further development and the only reason why I ask this question, Mr Speaker – and I am grateful that he is allowing me to pose it in any event, because I am

470 always very conscious of that particular rule – but the reason why I ask is because I continue to receive representations from members of the public that this is indeed happening.

I think what the Hon. Minister Bossano – by way of assistance to the Minister for Employment – told me, as a possible explanation for that, is that what the Department will not do is send them to the places where the vacancies are available and perhaps that is the cause of the confusion.

475 But in any event, he ended the answer to my supplementary in this way, and I wonder whether I can put it to the Minister for Employment whether he could carry out further investigations, where it says:

‘It just that they will not send somebody who is working to vacancies.’

This is the Hon. Mr Bossano:

‘The information on the vacancy is available – and I will go back and check again,’ is what he said, ‘but I am told that when people say, “Well, look, I want to be sent by the Employment Service”, the answer is, “No, we cannot send you.”’,

but the vacancies are made available.

480 But I still receive complaints and that is why I ask the question again in relation to this matter. They ask for vacancies and they are not provided to them unless they are unemployed. That is the information I am receiving and is a matter of serious concern and the Hon. the Leader of the Opposition tells me he is also receiving as well.

485 So it must be of concern to both sides of the House, but given that the – it is not – but given that the Hon. Mr Bossano, Minister Bossano (*Laughter*) – he is nodding his head – said that he would go and check and it is happening, I thought it was appropriate to ask the question.

Hon. N F Costa: Mr Speaker, in the first place to reply very briefly to the preface that he is conscious of the six-month bar, I do not think he is, because he has asked the question and he has gone over exactly the same matters which he raised with Minister Bossano, which are recorded in *Hansard* of 16th October.

490 Therefore, given that he has referred me to that question and answer session, I will reply exactly with what the former Minister for Employment said which was:

‘The rate of jobs taken up by people from the unemployment list is still under 20%.’

which means that the people who find employment are those who are already employed.

495 And in answer to the specific question that he asks me, yes, I can confirm that the Department does make all vacancies available to persons. I have given those instructions and I have no reason to doubt that my instructions are not being carried out.

500 **Hon. D A Feetham:** Mr Speaker, does he not accept that even if the vacancies are handed out – and I receive those complaints, the Hon. Mr Bossano receives complaints – that is not the position? That if you are not sending people to those vacancies that they are being disadvantaged, people who are employed are they not being disadvantaged in access to those particular jobs?

505 Because no doubt he will agree with me that people in the private sector are as entitled to improve themselves in life and their lot and the lot of their families as indeed people who are unemployed who deservedly, of course I understand that, need as much assistance from the State as possible in their quest for a job.

Hon. N F Costa: Mr Speaker, I cannot but agree with the statement that people who are in employment do have the right absolutely to improve themselves in whatever way they can, certainly to obtain better employment or better terms of employment, which is why the vacancy information is provided to anybody who attends the ETB offices and asks for all of the vacancies.

510 In respect of whether it should be the function of the ETB to send employed people to an employer that has posted a vacancy in the ETB, well, as has been the case since I can recall, the function of the Job Centre, the ETB, is to assist those who are unemployed. What I do in my employment surgeries is that I attend the ETB for the entire day and I meet people who are unemployed. I then ensure that one of the employment officers joins that meeting and during the course... and after they leave the meeting with me, 515 they sit down and they go through all of the vacancies. Then the ETB itself calls the employers who have posted those vacancies and actually arranges the interviews for the unemployed.

520 The function of the ETB, as I see it, certainly, is to be able to assist those who are seeking employment. I suppose that in circumstances where we had double the staff and double the resources, we could help those who are seeking employment who are already employed and those seeking employment who are unemployed. But the former Minister for Employment did bring up what I think is a very important point in

this question, which is that for some reason – and given that the statistics are – that it is only 20% of people who are filling the vacancies and therefore 80% of those vacancies are being filled by people who are already in employment, it makes absolute sense that we should be helping those who are not in employment.

525 And for whatever reason, it would appear to me to be a case that being out of a job, interestingly or perversely, is almost a bar to an employer choosing that person. They would rather choose, it seems, from the hard statistics and from my very limited experience, they wish to choose people who are already employed. Of course, people who are already employed can, on their own steam, because they can find the vacancy information at the ETB, do so.

Q187/2015

**Gibraltar's employment law –
Amending any age bar**

530

Clerk: Question 187, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment please state if the Government has any plans to amend those provisions of Gibraltar's employment law which impose an age bar?

535

Clerk: Answer, the Hon. the Minister for Business, Employment, Skills and Training.

Minister for Business & Training (Hon. N F Costa): Mr Speaker, Her Majesty's Government of Gibraltar is considering the Industrial Tribunal's ruling of 6th February of this year, reported in the *Gibraltar Chronicle* on 10th March of this year.

540

This ruling may have an impact on our employment laws. I have therefore instructed my legal counsel to review the ruling and related legislation. Once this assessment is completed, I will take a view as to whether our employment legislation requires amendment.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q188/2015

**Gibraltar Sports and Leisure Authority –
New 'Management Structure'**

545

Clerk: Question 188, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the answer provided to Question 85/2015, can the Minister for Sports update this House as to what stage the new 'Management Structure' discussions in respect of the Gibraltar Sports and Leisure Authority are currently at?

550

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the answer to this question remains the same as that of my answer to Question 85/2015.

555

Mr Speaker: Can I give the hon. questioner some guidance. As he knows, as a matter of course, I allow him in particular questions where he does refer 'further to the answer provided to question so and so', and I have explained why, because very often the answer is different.

560

But in this case we have an answer which is identical: the position remains the same as that in Question 85. Therefore I must rule that he cannot ask the same question again for six months. He cannot, at the next meeting of the House, say 'Further to the answer provided to Question 188', because the answer provided to Question 188 is the same as the answer provided to Question 85, there is no progress made.

565

I always allow him to update information that he is seeking, but here we have a different situation. So I must ask him not to refer or bring up this matter again of the management structure for another six months – although of course, he will probably have the opportunity to do so during the Budget session. He can raise the matter then. Is that clear?

570 **Hon. D A Feetham:** Mr Speaker, I think that we need to exercise some care in relation to this, because I can understand that perhaps in relation to something like the management structure where one would not expect a change within a short period of time, there might be some logic in what Mr Speaker is saying, but I often ask questions about, 'has the position changed?' and the answer –

Mr Speaker: And he does and –

575 **Hon. D A Feetham:** And I suppose we have got to take it case by case is what I am saying.

Mr Speaker: Because I take it case by case, I am ruling in respect of this particular, and not in respect of others.

580 I do allow him and he knows, I have stated it – I do allow him and any other Members when they want to update information, the question is exactly the same and the only thing that changes is the first few words, 'further to question so and so'. Really, up to a point you are asking the same question. But the answer might be different, because if it is a case of statistical information in particular, in updating that information the answer is different, and that is why I do allow it.

585 But in this case, we have an answer which is totally identical. But as I say, there is no problem and he can raise the matter in June during the Budget session.

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

590 I understand what you are saying. I did actually think about this question and having looked back on the answer, the Minister said that it was work in progress and there was an indication given that it was more or less towards the end of March, the current Financial Year, when he hoped to have had this settled.

Given that we all knew that because of the Easter recess there was going to be no meeting in April, I could not have asked him for an update in May. Now given that there is a lot of public interest from service users, employees and those who potentially would like to become employees of the Sports and Leisure Authority, I asked the question.

595 If Mr Speaker judges the Hon. Minister said the answer remains the same, I have not even pushed him further in any supplementaries because I have taken it that 'the same' means work in progress and I was not going to be pedantic by saying, 'Well you know, you said March and we are now in the second half of March', and so on.

600 But although I understand what Mr Speaker is trying to say, and obviously keeping within the spirit of the six months, I may have to seek his advice behind the Chair, because six months from now could be a very long period. For all I know, during the month of April, the structure could be completed, and yet it would be September before I can even ask about anything that appears in April. So we could talk at a future date on how to pose the question.

605 **Mr Speaker:** I invite the hon. questioner to seek my advice, if he wants to. He knows that I usually treat him with an air of liberality.

Next question.

Q189/2015
Heritage sites –
Costs of works

610 **Clerk:** Question 189, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Heritage provide details of all works, together with a breakdown of respective cost undertaken at any heritage related site since the answer provided to Question 91/2015; as well as stating by whom these works were carried out?

615 **Mr Speaker:** Here we have a case in point. The subject matter of this question is the same as the subject matter of the question that he asked, Question 91. The subject matter is the same. But because during the time that has elapsed there has been further work, the answer has progressed and because the answer has progressed, I do allow it. It is as simple as that and I am sure they will understand. I think it is important that Members should understand the reasoning behind it, okay?

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

625 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to the answer to Question 91/2015, further works undertaken at heritage sites inclusive of costs and works carried out are: one, actually.

The site is The Grand Battery, Phase 2 External Areas, Gibraltar Regiment Premises; Works – Outline and Scheme Design; Contractor – WSRM Architects Limited; Amount – £10,300.

Mr Speaker, I would also like to add that this will soon be in a website where all these things will be updated on a monthly basis.

Q190/2015
Gibraltar Museum –
Contract for running

630

Clerk: Question 190, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Heritage provide details of any contract entered into or renewed for the running of the Gibraltar Museum?

635

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, after the repeal of the Gibraltar Culture and Heritage Agency, the running and management of the Gibraltar Museum is carried out by the same entity that was responsible before the agency was constituted.

640

Hon. E J Reyes: Mr Speaker, from that answer I can deduce that it is Knightsfield Holdings who has it again, but my question does ask for details.

Does the Minister have any details please?

645

Hon. S E Linares: Mr Speaker, the details are exactly as they were before. That means that they – and he is correct, it is Knightsfield Holdings that are running the museum and they will be running the museum exactly as they used to before. All that has changed is that they were all put into the agency and we have negotiated with them. They are now out of the agency and back happily to where they came from, and the works they used to do.

650

Hon. D A Feetham: Yes, Mr Speaker, I quite understand that, but I think the question is targeted *inter alia*, amongst other things, at this: has the Government negotiated a contract with Knightsfield Holdings Ltd and what is the term for example of that contract?

655

Hon. S E Linares: Well, Mr Speaker, in relation to the wages and the – (*Interjection*) yes, I am going to go into the terms, because the Budget is actually part of the terms, and therefore when the contract is signed –

660

Hon. D A Feetham: Will he give way?

Hon. S E Linares: No I will not give way.

Mr Speaker: Order, order. Ask the question again.

665

Hon. D A Feetham: Mr Speaker, by ‘term’ I do not mean the terms generally; I mean the length of the contract.

Hon. S E Linares: The length of the contract is 20 years.

670

Hon. D A Feetham: Mr Speaker, 20 years from when? From this year?

Hon. S E Linares: From when it was signed, which is the beginning of September, I think, we negotiated.

675

Hon. D A Feetham: Mr Speaker, I know absolutely nothing about this, but of course we are the Opposition of Gibraltar and anything that ties the Government into long-term contracts we are entitled to scrutinise it.

680 I understand that one of the principals of this company, Mr Finlayson, who does sterling work in relation to his area, I do not know what his age is but he must be late 50s, perhaps early 60s. If we are talking about a contract for 20 years from today, that would take that particular gentleman till the age of 80, presumably well after his retirement.

685 Is the Government satisfied that there are sufficient succession plans within this particular company in order to ensure that the Museum is going to be run properly over the next 20 years, because I accept Mr Finlayson is the right man for the job, but of course, this contract takes him up to the age of 80.

Hon. S E Linares: Mr Speaker, the contract is not with Mr Finlayson; it is with Knightsfield Holdings and therefore it is Knightsfield Holdings which will then decide who runs the Museum after Mr Finlayson moves – and I hope he lasts a very long time.

690 But there are safeguards within the contract, if you are interested in learning – there are safeguards within the contract that say that suitably qualified people are the only ones that can be part of the company in order to run the Museum. What you cannot have, is Mr Finlayson selling this on to somebody, the Knightsfield Holdings for example, and then be the curator of the Museum. The curator of the Museum is a specific qualification that is needed and there are safeguards within the contract which state that whoever runs the Museum has to be suitably qualified.

Hon. D A Feetham: Mr Speaker, I would not believe for one moment that any Government, any reasonably competent Government, would not have terms within the contract preventing an assignment of the contract to a third party, bearing in mind that although this is a contract with a company, effectively the people that run the company are everything to that company and indeed to the contract itself. Because although the Government is entering into a contract with Knightsfield Holdings Limited, it is only doing so because Mr Finlayson has the expertise.

705 In order to properly answer – and with respect, he has not properly answered my question – one has to look at the succession plan within that company itself and Mr Finlayson is late 50s/early 60s. This contract takes him to the age of 80, and I would have expected the reasonably competent Minister, entering into that kind of contract with Knightsfield Holdings Limited, would have asked the question, ‘Well look, it takes you up to the age of 80 – who is there in this company that will be taking over from you, in order to safeguard the safe running and reasonable running of the Museum when you are gone?’ Unless of course, Mr Finlayson has told the hon. Gentleman, ‘Look, I intend to stay until the age of 80.’

710 **MR. Speaker:** Like Mr Bossano does. (*Laughter*)

Hon. D A Feetham: Indeed, as Hon. the Father of the House... although he has not got to 80 yet, he is only a sprightly 76 -

715 **Hon. S E Linares:** Well, Mr Speaker, as a person who does not believe that age makes any difference, I can say to him that there are two options which Knightsfield Holdings can do. Either they have people within their directorship who can take over and qualify themselves if they are not already qualified; or employ someone to be qualified to be able to run the contract.

720 So I think Mr Finlayson is going to last until 80 anyway, and I hope he does, but even so, they have the option whether – and we have discussed this issue with them – they are having a succession plan within already. But should that not work, then Knightsfield Holdings could well employ people who are qualified to run the Museum.

725 **Hon. D A Feetham:** Yes, but Mr Speaker, the more he provides me an answer, the more unfortunately I come to the conclusion that he has not applied his mind to this. Because it is all very well for the hon. Gentleman and we are talking about assets belonging to the people of Gibraltar and the running of assets belonging to the people of Gibraltar and the running of important assets belonging to the people of Gibraltar.

730 And it is all very well for the hon. Gentleman to say to me Knightsfield Holdings has a succession plan. I am asking him, has he seen the succession plan? Is he satisfied that there are people within that organisation that can take over from Mr Finlayson in a properly organised succession plan?

735 Because look, if there is not at the moment anybody within Knightsfield Holdings that can actually do that job after Mr Finlayson has gone, then I would have expected a reasonable Government and a reasonable Minister to have said, ‘Well no, we are not giving you a 20-year contract; we are giving you a

10-year contract, and we will review it at year 8, 9 or 10, when we know that you have got people within your organisation that can safely run the Museum.’

740 Because it strikes me that if Mr Finlayson decides to retire at the age of 70 and the Government or any future Government is not satisfied that there is somebody who is appropriate within Knightsfield Holdings that can run the Museum, you are stuck with a contract for a 20-year period. That is what it appears.

Hon. S E Linares: Mr Speaker, that is not correct because he did not listen to what I said before: that there are clauses within the contract that says that you need *suitably qualified people*.

745 So if the scenario that the hon. Gentleman is saying, that in 10 years’ time Mr Finlayson decides to retire at the age of 70, which I hope he does not, then the Government has the right to say to Knightsfield Holdings, ‘Who is the qualified person that is going to run this place? Let me see the qualifications, let me see...’, because they could employ somebody. If we are not satisfied with the qualifications and the credentials of the person that they are employing, we can terminate the contract. Therefore what you have just said: after ten years a review. Well, after ten years, should Mr Finlayson move, we can review by using
750 those clauses in the contract which say that they need suitably qualified people.

Now, have I discussed a succession plan with Mr Finlayson? Yes, and those are between Mr Finlayson who is the director of Knightsfield Holdings and his team, because he is not the only director; there are three or four other directors. We have discussed it, but these are things that are discussed, we do not need... I do not need to divulge all the things that we have discussed with him, but we have gone through that, and
755 that is why we have added these clauses in the contract.

Q191-192/2015

**King’s Bastion Leisure Centre Fitness Gymnasium –
Future plans and membership fees**

Clerk: Question 191, the Hon. E J Reyes.

760 **Hon. E J Reyes:** Mr Speaker, can Government state what its plans are for the future of King’s Bastion Leisure Centre Fitness Gymnasium?

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

765 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 192/2015.

Clerk: Question 192, the Hon. E J Reyes.

770 **Hon. E J Reyes:** Can Government explain why payment cheques in respect of membership fees to King’s Bastion Leisure Centre Fitness Gymnasium are now required to be made to LMS (Gib) Ltd?

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

775 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the King’s Bastion Leisure Centre Gymnasium which was previously run by the Gibraltar Sports and Leisure Authority is now operated by LMS (Gib) Ltd.

The future plans for the gymnasium are to increase and improve the services currently being provided.

780 **Hon. D A Feetham:** Mr Speaker, can the hon. Gentleman perhaps tell this House who are behind LMS (Gib) Ltd?

I asked for a company search in relation to this particular company, and I was not able to obtain – and I accept it may be the fault of whoever did the search for me – any information on the company. Perhaps he could provide that information to the House.

785 **Hon. S E Linares:** Mr Speaker, the directors of LMS are the two employees who have been running the Leisure Centre since it was opened and they were employees of the GSLA. So basically there are two employees in this case who have been running the Leisure Centre since 2008 since it opened, but on behalf of the Gibraltar Sports and Leisure Authority. They have decided to make LMS Ltd and run the whole place without the GSLA.

790

Hon. D A Feetham: Mr Speaker, did this particular contract...? Well, first of all, before I ask that question, can I ask him this. Is the contract limited – with LMS (Gib) Ltd – limited to running the gym or is it going to be a contract that is going to extend to other parts of the Leisure Centre as well?

795 **Hon. S E Linares:** The whole of the centre.

Hon. D A Feetham: Mr Speaker, did this particular contract go out to tender?

800 **Mr Speaker:** I think we have to be careful because we are widening the whole scope now. Here we had a question about the plans for the future of the gymnasium. Now there is another question about payment cheques, and now we are widening the whole scope of that.

I am allowing the supplementary, but there is a limit.

805 **Hon. D A Feetham:** Mr Speaker, may I –

Mr Speaker: Please go ahead and ask it.

810 **Hon. D A Feetham:** Yes but may I say, just in relation to the points made by Mr Speaker, it is the first time that the Opposition has in fact learnt – and it arises out of the information that the hon. Gentleman has provided – that this company LMS has been contracted by the Government in order to run the gymnasium and indeed, not only the gymnasium but the entirety.

815 The reason why this question comes about is because I am a member of this particular gym. I saw that cheques should be paid to this company and I thought, ‘Well, who is this company?’ That is why it has been broadened out of the answer, so I think that in fairness, Mr Speaker, although we are not going to obviously have a debate across the floor of this House, I know Mr Speaker’s views on that, I think we are entitled to pursue supplementaries on this, what may turn out to be actually quite important for the community.

820 **Mr Speaker:** Go ahead and ask the question.

Hon. D A Feetham: Well, I think I have asked it, and the hon. Gentleman has got to answer.

Hon. S E Linares: And I heard it the first time, so okay.

825 **Mr Speaker,** no, it did not go out to tender because we believed that because this was being run by the Sports and Leisure Authority, and employees of the Sports and Leisure Authority who were running it anyway, they are there. It is like a co-operative and they do have succession planning in this case.

They have employees there from the GSLA who have been willing to go into making a private company in order to run the centre. So the centre has been run by them anyway and the terms and conditions are exactly the same that they were with the GSLA.

830 In fact, the GSLA was running that and was charging King’s Bastion Leisure Centre Ltd for its services. So it is a question of just getting the same people to run the centre.

835 **Hon. D A Feetham:** Well, Mr Speaker, I am sure that these two individuals are thoroughly decent individuals and, indeed, everybody that works there, in my own experience – and I am there every other day, as I say, I train at this particular gymnasium – my experience of everybody has been that the service and the quality of the service is very good going back years to when it was opened.

840 But, Mr Speaker, we are talking again about an asset which belongs to the community, and it is about the management and the proper management of an asset. For example, what kind of premium has this particular company paid in respect of this particular contract which the Government has entered into with them?

845 **Hon. S E Linares:** Mr Speaker, premiums do not come into question here. It is a question of running the Leisure Centre with the same people. Instead of being from the GSLA they are exactly the same people. Instead of being from the GSLA they are the same people running the centre now, so there is no question of premium or anything like that. All they are going to do is just run it as a more commercial and private entity, running the King’s Bastion Leisure Centre. That is exactly how we ever contracted with them.

Hon. D A Feetham: Yes, Mr Speaker, I understand that the Government wants it run on a commercial basis, I understand all that.

850 But, Mr Speaker, we are talking about a potentially substantial contract where the Government has just simply decided, ‘We are going to hand this particular contract to these two individuals’ – decent as those

two individuals may be – without affording the opportunity to anybody else to compete for that particular contract.

855 Does he not accept that it is important, in fact, in the Government contracting with people or in relation to the management of assets of this community, for not only the Taxpayer to get the best value for money, but also for service users to obtain the best service, and for there to be an element of competition.

860 Effectively what the hon. Gentleman is saying is, he has deprived anybody else in Gibraltar who may have had an interest in providing this particular service, who may have been able to do it as well as these two individuals, who may have been prepared in fact to pay a premium to the Government for this particular contract, the ability to compete.

Hon. S E Linares: Well, Mr Speaker, why did that not happen in 2008?

865 **Mr Speaker:** No, that is irrelevant.

Hon. S E Linares: Well, Mr Speaker, with all due respect, Mr Speaker the –

Mr Speaker: You have been asked a question –

870 **Hon. S E Linares:** I will answer the question –

Mr Speaker: Nothing to do with 2008. Answer the question if you can.

875 **Hon. S E Linares:** Mr Speaker, King's Bastion Leisure Centre Ltd is a company completely different to the Sports and Leisure Authority.

The Leisure Authority has been running it on a fee basis. It is a question of passing on the same responsibility that the Gibraltar Sports and Leisure Authority had, passing it to the same people who have been running that place, so there are no issues at all.

880 What they are doing now is running it, the same people running it as a company, the Leisure Centre. There is no question... Mr Speaker has told me not to go back to 2008 – was there a tender there? No, there was not. It was just handed over to the Authority and in this case, what we have done is negotiated with LMS Ltd in order for them, who are the same people, to continue running the Leisure Centre.

885 **Hon. D A Feetham:** But, Mr Speaker, with respect, I think really that is a thoroughly ridiculous answer that the hon. Gentleman has provided.

Does he not recognise that there is a distinction between King's Bastion Ltd and this particular company? King's Bastion Limited was a Government-owned company – *Government-owned*. Therefore it was the Government through indirectly – the famous word – indirectly providing services to effectively the GSLA or whatever, but it was a Government-owned company.

890 This is a private-owned company that has been incorporated, which the Government has gifted a contract to run the Leisure Centre on a commercial basis. Does he not recognise the important distinction? Does he not recognise what the Government has effectively done, is to gift two individuals, however thoroughly reasonable, however thoroughly decent those individuals, however thoroughly competent those individuals may be, without going out to tender? That is the distinction.

895 **Hon. S E Linares:** No, Mr Speaker.

Mr. Speaker: Next question.

900 **Hon. E J Reyes:** Sorry, Mr Speaker, I just wanted a bit of clarity because my understanding from the Minister, he is saying that the employees who were running it are the ones who are now running the other company. But, Mr Speaker, from my experience there were more than two employees running it. Were all the employees given the option and then only two took it up?

905 I am a bit confused because there were certainly more than two members of staff working there, so how does it end up just being two? Can the Minister clarify that a bit?

Hon. S E Linares: Mr Speaker, it was offered to the administration, the management and only two got it. The others wanted to stay within the GSLA, which they had the right to do. If they wanted to stay within the GSLA, they stayed within the GSLA.

910 **Hon. D A Feetham:** Yes, Mr Speaker, can the hon. Gentleman tell me what the value of this particular contract is?

Hon. S E Linares: Mr Speaker, I do not have this to hand.

915

Q193/2015
GSLA sea bathing facility –
Cleaning costs

Clerk: Question 193, the Hon. D A Feetham.

920 **Hon. D A Feetham:** Mr Speaker, can the Government please state what has been the cost of cleaning the GSLA sea bathing facility since works were completed last year?

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

925 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the cost of cleaning the GSLA sea bathing pavilion since works were completed last year is £33,540.64.

These works have been undertaken by Master Services as an extension of their general cleaning duties for all the Gibraltar beaches.

930 **Hon. D A Feetham:** So, Mr Speaker, £33,000 is just the portion allocated to the cleaning of this particular facility, nothing to do with the rest of the beaches?

Hon. S E Linares: No, Mr Speaker, it includes employing part-time lifeguards on a seasonal basis, it includes the management, everything. The £33,000 includes the running of, because the question was –

935

Hon. D A Feetham: Cleaning.

Hon. S E Linares: Yes.

940 **Hon. D A Feetham:** So £33,000 effectively is the cost of the cleaning of this particular facility, including the green moss that –

Hon. Dr J E Cortes: The algae.

945 **Hon. D A Feetham:** The algae that polluted it. I am very grateful to Minister Cortes for that technical answer! (*Laughter*) Of course he is a scientist and I am not and that exchange demonstrated that. (*Interjection*) Yes, although I have to say that my Learned and Hon. Friend, Mr Figueras, reminds me that probably moss is more readily understandable to members of the public than algae, but in any event.

950 The £33,000 includes the cleaning of this facility and also the lifeguards. Is this going to be a recurrent cost every single year to the Government under a particular contract?

Hon. S E Linares: Yes, it will. Obviously like I said before, we will have to add on the other bits like the lifeguards and the management so all that needs to be, and he was correct, that needs to be added to the £33,000. The £33,000 is specific to the cleaning, yes.

955

Hon. S M Figueras: Yes, Mr Speaker, I rise only to address what I think might be a confusion which is quick developing and which we may be able to nip in the bud.

960 The hon. Member said in his original answer that the £33,500 was done by way of an extension of the contract that Master Services already has, and then in answer to the first supplementary, he said that it included lifeguards, etc. (*Interjection*) Oh I see, so the Minister is clarifying that it is only the cleaning. The £33,500 is just the cleaning by Master Services – because I am sure lifeguards are not employed by Master Services.

Hon. S E Linares: Correct.

965

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q194/2015

**GHA European Health Insurance Cards –
Delay in renewal**

Clerk: Question 194, the Hon. Mrs I M Ellul-Hammond.

970 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health confirm whether there are delays in the renewal of the GHA European Health Insurance Cards and if it is as a result of a lack of printing ink?

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

975 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, there are currently no delays in the renewal of GHA EHIC cards, other than the four to five days it takes for checking documents, printing and collection which is a standard procedure.

The Primary Care Centre recently experienced a three-week delay in issuing of cards due to a combination of several factors, these being a surge in demand and one printer breaking down.

980 There had been a delay in the delivery of cartridges, but this was not the cause of the backlog – a backlog Mr Speaker, which was quickly dealt with.

Q195/2015

**St Bernard’s Hospital –
Primary care clinic for children**

Clerk: Question 195, the Hon. Mrs I M Ellul-Hammond.

985 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say as outlined in the Government’s manifesto, when a primary care clinic for children, with dedicated GP resources, will be set up in St Bernard’s Hospital associated with the Rainbow Ward?

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

990 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, a dedicated children’s area is being prepared in the Primary Care Centre. In addition, plans are being developed to set up such a clinic in St Bernard’s when space issues are resolved.

995 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say if that means there are plans to bring the whole of the Primary Care Centre on site to where St Bernard’s Hospital is, as part of a new building that could be erected?

1000 **Hon. Dr J E Cortes:** Not necessarily, Mr Speaker. Clearly that opens all sorts of possibilities, but we are looking at doing this as a separate exercise. Demand for space in St Bernard’s is very high as we increase the amount of activity and this is one of the things that we are considering.

Q196-198/2015

**‘Objective Standards’ in Health –
Policy update**

Clerk: Question 196, the Hon. Mrs I M Ellul-Hammond.

1005 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain as outlined in the Government’s manifesto on page 31, how the commitment for ‘Objective Standards’ has been fulfilled and which areas of this policy still need to be introduced?

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

1010 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 197 and 198.

Clerk: Question 197, the Hon. Mrs I M Ellul-Hammond.

1015 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain, as outlined in the Government's manifesto commitment for 'Objective Standards', how much staff flow with the UK, in both directions, have taken place and especially, how many GHA staff have spent time in the UK on exchange programmes or work placements and for how long, since January 2012?

1020 **Clerk:** Question 198, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain as outlined in the Government's manifesto commitment for 'Objective Standards', whether a fully formed and impartial complaints process has been set up in order for a UK trust to be able to arbitrate in disputes?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, both corporate and clinical governance arrangements have been set up.

1030 A new contract with a major NHS Foundation Trust is close to being agreed. Not only will this arrangement improve tertiary services, but will open up opportunities for staff to undertake training and clinical placement. It will also allow access to policies and protocols which once adopted could be used within the GHA. Having a formalised arrangement will also assist in developing closer working relationships with our providers.

1035 This will see a significant increase in exchanges. Amongst those that have taken place are: for the Radiology Department a three-month CT placement in Guy's and St Thomas' from mid-January to mid-April. It says 2015 but I believe it should read 2014. I need to confirm that Mr Speaker.

1040 For nursing, two registered nurses had placements, one in 2012 in the UK and one in the Isle of Man in 2013. The first of these was a one-week placement as part of an ongoing training and development. The second was a four week placement. In physiotherapy, a three-month junior placement, 2nd April to 29th June 2012 at Darlington NHS Foundation Trust.

Consultants often attend such placements as part of their study leave commitments. The GHA supports training and development of their staff and is actively pursuing placements for other staff members, for example, operating department practitioners.

1045 The new Complaints Handling Scheme, under the umbrella of the Office of the Ombudsman, is planned to commence in April or May 2015. The relevant legislation has been completed and due to be commenced. There is a typing error there in the prepared answer.

1050 This will provide a more independent and a fairer process in managing complaints. In addition, membership of NHS Employers will fulfil the role of arbitration in matters relating to employment. Close contacts have been developed with a number of health care trusts on which we can call on, in order to carry out investigations and arbitrations. I will add for example, in this context, the Isle of Wight.

1055 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister said they were close to closing a deal with an NHS Trust. Can he say which NHS Trust it is, or at least say if it is one of the ones based in London?

Hon. Dr J E Cortes: Mr Speaker, I would rather not give the name as we are on the point of closing the deal. It is one of the major London Trusts and this will allow us to send our patients to what is a Centre of Excellence, and will allow us to develop other links in relation to staff training.

1060 The costs will be well controlled, because it will be a contract that will close costs for certain treatments whereas now they are often open ended, depending on the length of time and so on. We are very close to announcing the final signature of the deal.

Q199/2015
Stroke emergencies –
Creation of protocol and specialist unit

Clerk: Question 199, the Hon. Mrs I M Ellul-Hammond.

1065 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when a stroke protocol and a specialist unit for stroke emergencies will be created, as outlined in the Government's manifesto?

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

1070 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the review of stroke services has been completed. The recommendations will shortly be presented to Cabinet for approval.

**Q200/2015
Upper Rock Management Plan –
Publication**

Clerk: Question 200, the Hon. J J Netto.

1075 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if he is now in a position to provide Parliament with a copy of the Upper Rock Management Plan?

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

1080 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Gibraltar Nature Reserve Management Plan will be published in spring this year.

1085 **Hon. J J Netto:** Mr Speaker, the reason why I have asked this particular question is because way back in 2014, I asked this question and the Minister at the time, I think he said that the plan would be published 'soon', way back in 2014. He is now saying that it will be published sometime in spring of this year. Can the Minister say why the delay?

1090 **Hon. Dr J E Cortes:** Yes, Mr Speaker, because I have very hard-working officers who have a lot of work to do and they obviously have to dedicate themselves to the wide range of environmental initiatives that we are carrying out. Therefore, because in addition this is a complex plan which involves a lot of stakeholders, it has taken rather longer than we envisaged.

But I am sure that the quality that will come out at the end of the process will have been well worth the wait.

**Q201-202/2015
Macaques –
Culling; illegal feeding**

1095 **Clerk:** Question 201, the Hon. J J Netto.

1100 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many Macaques have been culled on a monthly basis during 2014.

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

1105 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 202.

Clerk: Question 202, the Hon. J J Netto.

1110 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 364/2014, can the Minister for the Environment say how many individuals have been fined or cautioned for the illegal enticing or feeding of macaques, contrary to the written changes in legislation passed in Parliament, either inside or outside the Upper Rock Nature Reserves, stating where, the nationality, the amount imposed, which entity imposed the fine and whether any cases are waiting to be heard in the courts?

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

1115

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, no macaques were culled in 2014. One large adult male was put down on 21st September, as a result of it having attacked and bitten a person.

1120

In relation to Question 202, yes, Mr Speaker, I answered this question very recently in response to Question 739/2014 in December, and not Question 364, which was in May.

In any case, I can inform the hon. Member that no individuals have been cautioned or fined since I last provided the information requested in December 2014.

1125

Hon. J J Netto: Mr Speaker, I am grateful for the clarification made by the Hon. Minister in relation to the latest question which was, I think he said 739/2014.

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

1130

Hon. J J Netto: Would that have been in September of last year?

Hon. Dr J E Cortes: Mr Speaker, my reply says it was December last year, Question 739.

1135

Hon. J J Netto: I am grateful, Mr Speaker, for that clarification on the part of the Minister. So since December, therefore, we have not had any person, regardless of nationality, who has either been cautioned or fined as a result of that.

Is that due perhaps because for whatever operational reasons no particular officer has been able to be looking into this particular activity; or is it because the Department is saying that there is a change in the attitude either from locals or from tourists alike in getting the message that you cannot entice or feed the Macaques illegally?

1140

I mean can the Minister perhaps provide some kind of information on this matter?

1145

Hon. Dr J E Cortes: Well, Mr Speaker, I think it is even a better answer than those suggestions. Certainly in the case of urban areas, the hon. Member opposite may have noticed that the frequency of occurrences of Macaques in urban areas is now hugely reduced. I think we have been able to tackle that problem quite effectively and therefore there are fewer occasions in which this will happen in the town.

On the Upper Rock, it seems likely that the work of the Department in working with operators in reducing the Macaque/human interaction seems to be working. So I think it is a reflection of an improvement in the situation rather than an operational thing, but that is my opinion.

1150

Clearly the animals are unpredictable and there could be a surge in the future, but at the moment, I think the situation is pretty well contained.

1155

Hon. J J Netto: I am grateful, Mr Speaker, particularly the question that the Minister is alluding to that there seems to be a closer relationship in the Upper Rock Nature Reserve in relation to working with operators in that field, and that is extremely important and should be maintained.

But perhaps, can the Minister provide some information to that part of my supplementary question, which was basically saying individuals, who either may be local or tourists, who still have this attitude of illegally feeding the macaques. Is that being assessed during this particular period as well?

1160

Hon. Dr J E Cortes: It is not being assessed in a structured way. We are dedicating the manpower resources or have been dedicating them to dissuading the Macaques from coming into town rather than from monitoring on the Upper Rock. Now that situation has improved, we will be able to use some of those resources in the Upper Rock to monitor more closely what these interactions are.

Q203-219/2015

Liquefied natural gas (LNG); new power station – Fire and Rescue Service; health and safety

1165

Clerk: Question 203, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for the Fire and Rescue Service say if the Government is satisfied that the Fire and Rescue Service is equipped and certified to deal with a liquefied natural gas (LNG) accident?

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

1170

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 204 to 219.

Clerk: Question 204, the Hon. J J Netto.

1175

Hon. J J Netto: Mr Speaker, can the Government state if any of his advisers on LNG has elaborated a report on the need to resource and train the Gibraltar Fire and Rescue Service in order to deal with an accident from the new power station and the LNG facility and if so, provide details of such considerations and provide Parliament with a copy of any report produced on this matter.

1180

Clerk: Question 205, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government provide Parliament with all the reports and advice given by the UK Health and Safety Executive and the Health and Safety Laboratory in relation to both the new power station and the proposed LNG facilities?

1185

Clerk: Question 206, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government state if the operator to build a new power station has already submitted a safety report to the competent authority prior to work commencing and if so, detail the areas covered in the report and provide Parliament with a copy of the report or reports submitted?

1190

Clerk: Question 207, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given the Government's statement on 23rd February 2015 in which it states:

1195

'...the tender for the new dual-fired power station was only awarded after it was established that the LNG could be safely delivered and stored in Gibraltar',

could the Government state by whom was such a decision established, when, and could the Government provide Parliament with a copy of the report submitted to establish such a decision?

1200

Clerk: Question 208, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given the Government's statement on 23rd February 2015 in which it states:

'This was followed by a vapour dispersion modelling and pool fire scenario testing to determine the safest option for the storage of LNG and its supply to the power station',

can the Government provide Parliament with all copies of such reports?

1205

Clerk: Question 209, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government state if the competent authority in relation to the building of the new power station and the LNG facility has produced an emergency plan for off-site use, including arrangements for providing the public and neighbouring establishments or sites, specific information in relation to a possible accident and if so, provide details of such and could the Government provide Parliament with a copy of the report produced?

1210

Clerk: Question 210, the Hon. J J Netto.

1215

Hon. J J Netto: Mr Speaker, given the close proximity the Government intends to have the new power station to the LNG facilities, can the Government say what measures will be taken to avoid a 'Rapid Phase Transition' from any spills of LNG to water, which can cause structural damage to the plant?

1220

Clerk: Question 211, the Hon. J J Netto.

1225 **Hon. J J Netto:** Mr Speaker, has the advice given to Government in relation to the LNG identified all possible sources of ignition that need to be avoided in case of an accident that could form an 'Ignitable Vapour Cloud', and if so, state what such possible sources can be, and provide Parliament with a copy of the report given?

Clerk: Question 212, the Hon. J J Netto.

1230 **Hon. J J Netto:** Mr Speaker, can the Government state if any of its advisers have produced any report on the possibility of a terrorist attack on the new power station and the LNG facility and, if so, provide Parliament with a copy of such a report?

Clerk: Question 213, the Hon. J J Netto.

1235 **Hon. J J Netto:** Mr Speaker, can the Government state if any of its advisers have undertaken a study of seismic movement around Gibraltar in order to inform its decision on the location of the new power station and the LNG facility and, if so, provide Parliament with a copy of such a report?

Clerk: Question 214, the Hon. D A Feetham.

1240 **Hon. D A Feetham:** Mr Speaker, can the Government please state what experts have been contracted in order to provide reports on the safety and viability of the proposed LNG installation and who have they been contracted by?

1245 **Clerk:** Question 215, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what is the total cost to the Taxpayer thus far of the Sparks Energy temporary generators?

1250 **Clerk:** Question 216, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please state what is the total cost thus far to the Taxpayer of the temporary turbines which the Government imported in 2012?

1255 **Clerk:** Question 217, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please state what parts of the electricity distribution network has been renewed since it was elected and at what cost?

1260 **Clerk:** Question 218, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government state the cost of the land reclamation associated with the new power station?

1265 **Clerk:** Question 219, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government please state the cost of relocating businesses in the area of the North Mole as a consequence of the new power station and associated installations?

1270 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, clearly this is not a matter of great interest to the Opposition as there are only two Members present to listen to my reply. But nevertheless, I will continue.

1275 Mr Speaker, the Government in consultation with experts will ensure that should it be necessary, the Gibraltar Fire and Rescue Service is provided with any additional resources and training.

Any specific emergency and fire requirements will be detailed in the on-site and off-site plan under COMAH – the Control of Major Accident Hazard Regulations, Mr Speaker.

1280 The new power station is not subject to the provisions of Part IIA of the Public Health Act – Control of Major Accident Hazard involving dangerous substances, because the fuel will not be stored within the site.

The Environmental Agency entered into a contract with the Health and Safety Laboratory as part of the Health and Safety Executive (HSE), to provide consulting services on all aspects of LNG. They considered

1285 the north western end of the North Mole and the Detached Mole as potential sites. Their decision is based on site specific considerations and involved numerous teleconferences where members of different Government Authorities, Departments and Agencies were present. HSL's analysis included vapour dispersion and pool fire modelling. The HSL concluded that storage plants meeting certain design criteria, capacity and safety features are feasible at the proposed sites. The site specific report will be prepared and made available once the Government has received detailed proposals from potential suppliers of LNG.

1290 Bouygues has not submitted any safety reports to the competent authority as these are in the process of being completed.

During 2012, the Gibraltar Electricity Authority at the request of Her Majesty's Government of Gibraltar discussed with several potential providers, the feasibility of supplying small quantities of LNG to Gibraltar to provide natural gas for the power station. All those consulted indicated that this could be done.

1295 The preferred option was through an LNG carrier and the report was commissioned from Braemer Engineering to assess the viability of doing so. The report concluded that this was technically viable and recommended that further studies be carried out which is what we are doing now.

1300 Vapour dispersion and pool fire modelling formed part of the assessments carried out by the HSL. These are very site and installation specific. The results were subject to numerous teleconferences. These results cannot be viewed in isolation without full knowledge of these discussions. The site specific report will be made available once the Government has taken the decision on the successful tenderer. An off-site and on-site plan will be produced in due course, after the plant has been fully designed as a part of the COMAH requirements.

The exact location of the LNG facility is still being assessed and hence, so are the required safeguards all of which will of course be put in place.

1305 The necessary preliminary assessments are currently being conducted as part of the proposals that will be put to Her Majesty's Government of Gibraltar shortly. These assessments will be followed by design specific risk assessments which will include ignition sources.

No report, Mr Speaker, on potential terrorism has so far been requested.

1310 No seismic studies have been undertaken. This will be done if the risk assessment indicates that this is a particular hazard that needs to be considered further.

Experts consulted are as follows: as part of the preliminary investigations, Braemer, contracted by Gibelec; HSL, contracted by the Environmental Agency.

1315 As part of the LNG proposal (LNG PIN notice) a number of commercial entities have provided positive feedback to Gibelec on the issues. As the House is aware, Shell has entered into a Memorandum of Understanding with Her Majesty's Government of Gibraltar, related to the possible supply and storage of LNG in Gibraltar. As part of the power station tender discussions, Torgy and HSL have been consulted.

The cost of the Spark Energy installation so far is £7,105,209.61 with another £835,007.99 being paid to GJBS to prepare the sites.

The cost of the temporary turbines since 2012 has been £7,850,795.92.

1320 The information on works to the network is contained in the schedule that I now hand over:

Answer to Question 217

The following electrical equipment which form part of the network has been procured, replaced, upgraded since December 2011.

1	S6 Line Wall Road – Full S/S Upgrade - Premset	£227,229.84
2	S17 Palace Gully – Full S/S Upgrade - Premset	£208,365.68
3	S34 Laguna (In lieu of S61 Bedlam Court) - Full S/S Upgrade	£149,705.84
4	S28 Governors Parade - S/S Upgrade - Genie EVO	£162,022.84
5	S84 Buena Vista - New S/S - Genie EVO	£170,188.92
6	S11 Devils Tower Road - S/S Upgrade - Premset	£89,945.12
7	S4 Forty Steps - S/S Upgrade - Premset	£67,722.08
8	S18 Sandy Bay - S/S Upgrade - Premset	£49,262.24
9	S31 Sandpits - S/S Upgrade - Premset	£67,722.08
10	S9 Rosia Road - S/S Upgrade - Premset	£67,722.08
11	S19 North Face - S/S Upgrade - Premset	£67,722.08
12	S2 Casemates - S/S Upgrade - Premset	£79,015.04
13	S21 Varyl Begg West - S/S Upgrade - Premset	£67,722.08
14	S8 Mount - S/S Upgrade - Premset	£49,262.24
15	S7 Europa Rd/Maida Vale – Full S/S Upgrade - Genie EVO	£175,859.36
16	S11 Devils Tower Road (Beach View Terraces) – Full S/S Upgrade - Genie EVO	£353,200.24
17	S41 Rosia Bay - RMU RN2c-T25A/21 – S/S Upgrade	£18,235.20
18	S63 Waterport Terraces S/S Expansion - Mons Calpe Views	£55,209.60

The new power station will not be constructed on the reclaimed land but ancillary services may be located there.

Finally, no estimated costs of relocating businesses in the area of the new power station can presently be accurately provided.

1325

Hon. D A Feetham: Mr Speaker, whilst we digest some of the answers and I believe that we are obtaining copies of the answers as I speak, may I just get on with some of the questions in relation to the monetary questions, the cost questions and ask some supplementaries in relation to that?

1330

Mr Speaker, first of all, I did not hear the answer that the hon. Gentleman gave, if he did answer it, as to the cost to the Taxpayer of the Sparks Energy temporary generators. There is a difference between the Sparks Generators and the temporary turbines which were imported in 2012, which I think he said was £7 million.

1335

Hon. Dr J E Cortes: Mr Speaker, I did provide that information, I provided that information just after I listed the experts that we have consulted. Spark Energy installation so far is £7,105,209 and that is the payment to Spark Energy itself. I provided that as part of my answer.

1340

Hon. D A Feetham: Mr Speaker, what about the temporary turbines which were imported in 2012 which is – ?

Hon. Dr J E Cortes: Mr Speaker, I also provided that – maybe he was too busy thinking about the difference between moss and algae to listen to what I had to say – £7,850,795.92.

1345

Hon. D A Feetham: Well I am afraid that answer does not stack up and if he is going to use sarcasm and quips, then yes, perhaps he can give me an accurate answer. In relation to the temporary turbines, I have asked this question before and I asked it last year and the Chief Minister told me that it is £12 million. I can go back to *Hansard* and demonstrate that, so how can it now be £7 million? How can the cost go back instead of...? If anything it would increase, unless what the Government would have said to me was, 'Well actually we replaced them with the Sparks, so it remained at £12 million.'

1350

The hon. Gentleman cannot tell me it is £7 million, when the Chief Minister has already told me that the cost was £12 million.

1355

Hon. Dr J E Cortes: Mr Speaker, first of all the comment I made about algae and moss was in the spirit that we had exchanged earlier – it was not sarcasm; it was humour. (*Interjection by Mr Speaker*) Well precisely, Mr Speaker.

Mr Speaker, the information I have been provided by my team is the one that I have given. If there is an inconsistency with a previous answer then I will have to go back and check that but that is the information I have been given and I have in good faith provided to the House.

1360

Hon. D A Feetham: Well, Mr Speaker, it is not accurate and of course we were all here when the Chief Minister provided the answer to the previous question. He is the individual; the Minister that is responsible for this particular area and let me read the answer that the Chief Minister gave me –

1365

Mr Speaker: But he was not responsible at the time of the last Budget, and therefore he is not aware of any discrepancy and he has undertaken to find out and come back.

Hon. D A Feetham: Well the answer, and let me read on 29th May 2014, the Hon. the Chief Minister said:

'Mr Speaker, the total cost so far of the temporary generators since 2012 until the end of April 2014 has been £10,252,359.75.'

1370

That was the answer to the question and I think the cost has actually gone up to about £12 million. Indeed, I took him up on that answer because that answer appeared to me again to be inaccurate in the light of a previous answer, and he corrected it and said it was closer to £12 million.

So I would appreciate it if the hon. Gentleman went back and gave me an accurate answer in the light of the fact that *Hansard* quite clearly shows that at the very least in May 2014, it was already £10.2 million.

1375

Mr Speaker: Could I suggest to the Hon. Minister, given that we are not meeting in April, that when he concludes answering questions, he gets in touch with the Department to see if the accurate information can be reconciled during the course of this meeting.

1380 **Hon. Dr J E Cortes:** Certainly I will, Mr Speaker, but we could perhaps do a little bit of mathematics, which I learned from your good self many years ago. It could be, Mr Speaker, that this is not that inconsistent because if the answer was a global figure for all temporary generation –

Hon. D A Feetham: No, it was not. Mr Speaker. No, it was not.

1385 **Hon. Dr J E Cortes:** The answer that – (*Interjection by Hon. D A Feetham*) I will give way in a minute, but the answer that the Hon. the Leader of the Opposition has read out says ‘temporary generators’. You can be absolutely sure that it does not mean all temporary generators because if that were the case, then if you calculate that you would have probably a year ago spent about two thirds of the £7 million in two different places, you would more or less have £5 million and £5 million, which would make £10 million at that time. I just wonder if it maybe that it was combining two, but I will certainly check, Mr Speaker.

1390

Mr Speaker: Any other questions?

Hon. D A Feetham: Yes, Mr Speaker.

1395 Mr Speaker, the cost of relocating businesses. The hon. Gentleman says that he cannot provide me with a figure at the moment, but surely the Government... and knowing the Father of the House as I do, who has probably examined this in the minutest detail, because he is responsible at the present moment for the Government to keep Government spending within limits, I would have expected him to at least have made enquiries in relation to what the cost of relocating these businesses is.

1400 I have done my own enquiries and I am being informed that in fact the cost is between £3 million and £3.5 million. Can he at least tell this House whether those costs are likely to exceed £3 million? I am not asking him to give me an exact figure, but certainly that is the figure that I have at the present moment, excluding – and I am giving the Government the benefit in relation to this – excluding the kitchen, the relocation of the hospital’s kitchen which would have to be relocated, but I believe that those plans were already afoot before the power station plans were engaged and that is going to cost I think, about between
1405 £6 million and £7 million.

So excluding that, I believe that it is going to cost over £3 million and perhaps the hon. Gentleman or indeed, the Father of the House can confirm that.

1410 **Hon. Dr J E Cortes:** Mr Speaker, the kitchen is a separate project which was started before and clearly is a separate one.

I repeat my prepared answer and the enquiries that I have made tell me that we cannot accurately calculate the cost of reprovinding the businesses. Clearly I can look into it and see at what stage we have that information and clearly I will have no problem with sharing that. But that is the information I have at the moment.

1415

Hon. D A Feetham: Well, Mr Speaker, I would ask him to look into it although he could have said to me look the cost is estimated at this particular amount. I wonder whether the Father of the House has that information available to him, because as I say, I would have expected him in particular to know what the cost of the relocation of the business is.

1420 I do not know, Mr Speaker, with your indulgence, whether I can address this question to the Father of the House.

1425 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Well, Mr Speaker, my role is to make sure that people stay within the Budgets that are approved by the Parliament and that is what I am doing, for the benefit of the Opposition, which is what their role is.

Hon. D A Feetham: Mr Speaker, thank you very much to the Father of the House for that very helpful answer.

1430 Mr Speaker, the cost of the land reclamation. Yes, I understand that the power station is not going to be located in the land reclamation, but of course originally, when this particular project went out to tender, the power station was going to be located in the land reclamation. The land reclamation, the plans, only happened because of the power station. As the hon. Gentleman has also conceded, there are going to be ancillary services to be provided in the land reclamation area, and indeed under one of the three proposed sites for the liquid natural gas installation, the land reclamation is also going to be one of those three
1435 proposed sites.

So therefore it is a cost associated, with respect to the Government, with the power station and I believe that the Opposition is entitled to be provided with the information as to what the Government estimates the

cost of the land reclamation is or, if he cannot provide me with that, at least what cost so far has been incurred by the Government in relation to the land reclamation.

1440

Hon. Dr J E Cortes: Mr Speaker, as the Hon. Leader of the Opposition has said, what I said was ‘*may* hold ancillary services’ – not *will* – *may* hold ancillary services. Clearly that information can be sought, but it was not relevant to the letter of the question, in the sense that he was clearly assuming that the power station... or at least the implication in the question was that the power station would go on the land reclamation itself.

1445

Hon. D A Feetham: No. I am sorry, I have not.

Mr Speaker: I think regardless of whether the implication is that the power station would go there or not, it is possible for the Government – and the Government is aware of what land reclamation project the question is addressing. Therefore, I would assume that an answer can be given, regardless of whether the power station is going to go there or not. An answer can be given about the cost.

1450

Hon. Dr J E Cortes: Yes, Mr Speaker, I will seek that information.

1455

Hon. D A Feetham: Mr Speaker, because I know perfectly well that the power station is not going to be located here. Indeed that is not completely an accurate statement, nor is the statement that the hon. Gentleman made, because a small part of the corner of the power station will be located – because I have seen the plans – will be located on the land reclamation. But it says ‘associated with the new power station’; not that the power station is going to be built entirely there. I know that the liquid natural gas installation certainly is one of those three sites.

1460

And I will tell the hon. Gentleman what the importance of this is. The importance of this is that when the Government announced this particular power station project in June of last year, the Government made great play of the fact that this power station was going to cost at the time £67 million, it went up to £77 million, whereas our power station, which included a Gibelec building, a new distribution network throughout Gibraltar, also the installation facilities, was going to cost £120 million.

1465

But when you take into account relocation of businesses, and I am telling him for his benefit so he knows where I am coming from in relation to asking these questions, when you take into account the electricity distribution network, when you take into account the land reclamation, when you take into account the relocation of businesses and the building of the liquid natural gas installation and ancillary issues associated with the power station, including the cost of temporary generators, you are going to be talking about a power station that, all in, is going to be costing the Government over £140 million.

1470

So I want the hon. Gentleman to know exactly where I am coming from when I ask these questions.

1475

Hon. Dr J E Cortes: Mr Speaker, the hon. Member opposite is predictable enough for me to have known where he was coming from before he started speaking. (**A Member:** Oooh!) (*Interjection by Hon. S J Sacramento*) Mr Speaker, the maths do not add up.

Mr Speaker, our project is estimated or the contract was for £77 million. Theirs was for £120 million.

Mr Speaker, our generating station will be able to produce over 80 megawatts; theirs was 64. So already our cost is about two thirds per megawatt to what theirs was.

1480

But let us add, let us do a little bit of addition. Assume, Mr Speaker, not that the relocation costs £3 million to £3.5 million, which is what the hon. Member opposite has calculated. Let us assume even that it were to cost £5 million – and I am not saying that is the figure – let us say that is what it was going to cost. That would bring us to £82 million.

1485

The temporary power supplies would have had to have been brought in by them if they had carried on with the other power station because otherwise they would not have been able to deliver power until about now or a few months’ time when perhaps, if all had gone well, their power station might just about have been ready.

But let us say that because we have got another 18 months for our power station we would have had to bring in those generators and that cost *pro rata* would be about another £8 million. That is still £90 million. Let us say even that we had to put in some more money for infrastructure, which I can say we are already dealing with elsewhere, let us just put in for argument’s sake another £12 million. That is still £102 million. We have got almost £20 million change, even taking all those things into account.

1490

Then, Mr Speaker, let us deduct from our power station the savings from gas and add to their power station at least £1 million a year for carbon credits and let us calculate possibly another, perhaps £2 million per year as fines for excess nitrogen oxide.

1495

Mr Speaker, the maths is entirely on our side. (*Banging on desks*)

1500 **Mr Speaker:** Yes, but now the hon. Members are beginning to debate. All those arguments which the Minister has put across are not in answer to a question providing information.

Both the Minister and the Leader of the Opposition are now beginning to debate – which they can do; there is no problem in tabling a motion to debate the whole question of the power station. I invite Members to do so. They know that I am very keen to promote the idea of debates, but not now.

1505 **Hon. D A Feetham:** Mr Speaker, of course.

Mr Speaker, it does not take into account the £5 million it cost you to cancel the contract and indeed it does not take into account the cost of an energy installation, which I understand exactly why the Government wants the private sector to pay for it, in exchange for bunkering which we believe will create an unacceptable safety hazard for many people living in the area.

1510 But what about the electricity distribution? What about the electricity distribution? He has not – and I will be corrected if I am wrong because he bunched many, many questions together... The electricity distribution network, how much is that going to cost? Because of course within the £120 million for our contract, that was also included. How much is that going to cost and what is the balance that the Government will have to pay in order to have a new distribution network around Gibraltar which is also
1515 part of the problem with electricity resilience in Gibraltar?

Hon. Dr J E Cortes: Mr Speaker, that specific question was not asked. If he asks me the question, I will provide the answer. But it is not true to say that their £120 million included the whole distribution network. (*Interjection by Hon. D A Feetham*) No it did not, Mr Speaker, because a lot of it was actually
1520 hidden in other projects which were going to pay for sizeable stretches of that distribution network.

The Leader of the Opposition must remember that I was alive before 2011 and very active in the discussions and the debates in relation to the power station and so I know rather more than he thinks I might.

1525 **Hon. D A Feetham:** Well, Mr Speaker, whatever the hon. Gentleman thinks he knows or does not know, I am telling him because I have seen the documents, that it did include an entirely new distribution network around Gibraltar, obviously where it is necessary. In other words, where it has not been done, where it had not been done at the point at which those works were going to be commenced. But it did include, now I am asking him – and that is a question that I have asked in the Order Paper – I have asked
1530 him, can the Government please state what parts of the electricity distribution network has been renewed since it was elected and at what cost?

Hon. Dr J E Cortes: Mr Speaker, and I provided a schedule giving that information. He did not say, ‘How much are you going to be spending in the next year, two years or three years?’ I have provided the
1535 information as asked and, Mr Speaker, I am not going to be tempted into mentioning a question of the guaranteed increases in electricity prices.

Hon. D A Feetham: Well, Mr Speaker, turning to the question of LNG, away from the question of costs, where clearly we are not going to be agreeing on anything, but on the question of LNG and on the
1540 question of experts, the HSE, or the HSL from the United Kingdom, one of the Government’s communiques that was issued was that they had been first contacted in June 2013 and that they came to Gibraltar for a site visit in January 2014.

Can he therefore confirm that the HSE was not involved in providing any kind of report to the Government prior to the decision taken by the Government to locate the power station at the North Mole
1545 which was a decision that was taken in 2012, because it was announced very early on in 2012?

Hon. Dr J E Cortes: Mr Speaker, the decision to locate the power station at the North Mole and the decision to use LNG as the preferred source of fuel, are two separate decisions in a process. What I can absolutely and categorically state is that we did not progress into any kind of commitment to LNG without
1550 having had the advice of the experts that we have mentioned.

Hon. D A Feetham: Well, Mr Speaker, what experts are you talking about? Mr Speaker, if the Government in its communique has said that the HSE was first contacted in June of 2013 and that is a matter of record and they came to Gibraltar in January 2014, it is in a communique, you can read it.

1555 On what basis will the HSE be involved in the decision to basically locate a liquid natural gas operated power station at the North Mole? I do not understand the chronology, it does not quite add up.

1560 **Hon. Dr J E Cortes:** Mr Speaker, I am looking – I am sure I have a copy of that press release and I do recall the dates that were given in the press release, but the Leader of the Opposition must not think that there is nothing that happens between dates.

1565 As I have said actually in my answer, there have been numerous teleconferences and discussions, and in this day and age a lot of work can be done across remotely. There were numerous discussions with information being exchanged in relation to all matters connected with the power station and no decision will have been taken by us, without having had the information that we require in order to make a sensible and responsible decision, Mr Speaker, that is absolutely certain. I have spent many, many years looking after the environment and I am not going to change my principles now, Mr Speaker.

1570 So I cannot find whether it actually says that they were first contacted in June 2013, I was not the Minister responsible at the time, therefore that is not in my memory, but I am fairly certain that if it is that they came over in June 2013, there will have been conversations between the different agencies and those experts before then and certainly, before a decision was taken that LNG was a reasonable source of fuel of energy to consider for our power station.

1575 **Hon. D A Feetham:** Mr Speaker, it is a matter of record whether the Government has said in communiques that it was in June of 2013 or whether now, in the light of what he is saying, it was not June 2013, it was earlier.

1580 But certainly it struck me that when the Government said June 2013, in fact that appeared to post-date the date on which the Government had already made a firm decision in relation to liquid natural gas in this particular area. I understand that from June 2013 to January of 2014, there may have been many, many conversations on the telephone with the HSE, but the decision to locate liquid natural gas, a dual-fired power station, had already been taken by then.

1585 But, Mr Speaker, is the decision now to move towards bunkering of liquid natural gas? Has that been taken? Because in fact it is not economically viable to have a liquid natural gas power station unless you have sufficiently large storage tanks which would enable a quantity of liquid natural gas for a period of time, for example two months, three months or four months. If you have smaller tanks, then you are going to have either barges having to come into Gibraltar ships having to come into Gibraltar or alternatively tankers through the frontier coming in every two weeks. Was that factored into the equation at the point at which the Government decided to go out to tender with a dual-fired power station?

1590 **Hon. Dr J E Cortes:** Mr Speaker, in relation to the decision taken, the decision was taken to site the power station in the North Mole and LNG has always been a possibility – even in their day it was a possibility, but the crucial date is when was the notice published asking for potential providers of LNG. Had that been done without the advice from experts, then that could have been questioned. But the fact that we were discussing possibilities, it is the responsibility of the Government to discuss possibilities and look at how we can better what we do for our community. So of course we talk about it, we discuss and we have conversations about it.

1595 But the publication of the notice calling for LNG interest was not, I believe, until February or maybe later in 2014 and therefore clearly after that visit which we have quoted in January 2014.

1600 Mr Speaker, bunkering was not in any of the questions that I have been asked, but I will answer anyway in two words, all the various things that the Leader of the Opposition has postulated, and the two words are: no sir.

Hon. D A Feetham: Well, Mr Speaker, let me read to him a press release of 23rd February 2015. It basically says:

‘On 7th June 2013, the Environmental Agency contacted the Health and Safety Executive (HSE) in the UK on behalf of the Government and entered into a contract with the Health and Safety Laboratory (HSL) – a part of the HSE – to provide consulting services on all aspects of Liquefied Natural Gas.’

1605 Then it says, in January 2014, two representatives came to Gibraltar to assess the sites.

Well look, I am asking Mr Figueras to look at exactly the date at which the Government actually went out to tender for this particular project, because by January 2014, which is presumably the first time – well clearly from the press the first time – HSE came to Gibraltar in order to inspect the site and then report, we were only three or four months away, five months at the most, from the Budget session at which the Chief Minister of Gibraltar announced that Bouygues was the winning tenderer for a dual-fired power station.

1610 In other words, by the time that the HSE came to Gibraltar in January 2014, the Government had already gone out to tender and the Government had already instituted its plans for a dual-fired power station.

1615 Or is the hon. Gentleman telling me, 'We just simply went out to tender for a dual-fired power station, but really it was all subject to the HSE coming over and reporting that it was safe to do so', because that would have entailed an awful lot of expense for an awful lot of companies, tendering for this particular project?

Hon. Dr J E Cortes: Mr Speaker, I have explained already, there is a separate process from the power station and the LNG, and the LNG PIN was published after that visit.

1620 In any case, Mr Speaker, it was never... it is the delivery of how the LNG is delivered to Gibraltar that is the question, not the possibility of using it and we had enough conversations with the different experts. Gibelec had it with Braemer and the Environmental Agency had it with HSL, telling us that it was a viable proposition and here we are.

1625 We are still looking at the detail as I have said amply, and as I said amply last week on the *Viewpoint* debate, we are still looking at the detail but we have done absolutely everything responsibly to make sure that the solution that we deliver for energy in Gibraltar in the future –not just the energy but all the other things we are looking at with renewables and so on – will be an excellent strategic view of delivering energy for Gibraltar.

1630 **A Member:** Hear, hear. (*Banging on desks*)

Hon. D A Feetham: Mr Speaker, he may be an environmental expert and I recognise that, I do not seek to detract from that, but I have to say that I have been observing people giving evidence and people answering questions for 22 years, and his answers simply do not stack up.

1635 You see, the Government has gone out to tender on a dual-fired power station, and he is now shifting, but on a dual-fired power station. In other words, to use electricity and also gas, before the HSE were contracted and certainly before the HSE provided their report. Now, Mr Speaker, that raises all sorts of questions about the competence of this Government on the handling of this particular issue. Because if you have got a tender –

1640 **Mr Speaker:** You are debating.

Hon. D A Feetham: But may I –

1645 **Mr Speaker:** You are making points in support of your argument.

Hon. D A Feetham: Well, may I ask him this question. What report did the Government have in its possession prior to the decision to go out to tender for a dual-fired power station in 2013? What report did it have in its possession and from whom?

1650 **Hon. Dr J E Cortes:** Mr Speaker, I have to check some of the dates, because as you rightly say, we are now debating, and I have prepared a set of replies and now things are being spuriously thrown up and I have to check dates.

1655 But I can tell you, Mr Speaker, that – and as I said earlier – we have publicly declared the experts that we have consulted. The only expert that I know the Opposition has consulted is Mr Google, or maybe Professor Google. But I have already said that the Gibraltar Electricity Authority contracted Braemer Engineering to carry out a preliminary survey and that was done in 2013. I need to confirm the actual dates but these sort of expert advice are developing as you go in discussions and I have already said there were many teleconferences. You do not actually have to wait to have the report in your hand to know that certain things are possible.

1660 And what we are forgetting, Mr Speaker, is the fact that we really need a power station and that we have responsibly explored all the different options and we want to deliver this as soon as possible. But, Mr Speaker, I can assure you that we would never have taken any decision which was not based on sound advice and certainly the indication from the very beginning was that LNG was a suitable possible source of fuel for Gibraltar. But I do repeat again, Mr Speaker, that a dual-fired power station can run on gas and on diesel.

Hon. D A Feetham: Yes, and look it would not surprise me one jot if eventually this particular power station fires on diesel and not on gas, the way that we are going.

1670 But, Mr Speaker, on 8th May 2013, the Government announced the tender for a dual-fired power station, gas and diesel. It announces the tender, in other words it has made the policy decision to locate a gas-fired power station at the North Mole before it has even contacted and made contact – yes, Mr Speaker – because the Government has been hung by its own petard. That is the press release of 26th February,

1675 which says that they only first contacted the HSE and contracted with them in June 2013 and the report then comes after January 2014.

Does he not think that this is irresponsible? Or look, if he does not think that it is irresponsible – and I really do want to believe that he and the Government have not acted irresponsibly in relation to this – well, I am giving him the opportunity to tell me what experts were engaged and what expert reports were produced – I am not even asking for a copy of those reports – prior to the decision to go out to tender in May 2013.

1680 Mr Speaker, it is a very simple question and the hon. Gentleman is not answering, and people out there are coming rapidly to the conclusion that this Government did not know what it was doing when it first made the decision to locate a liquid natural gas power station in the North Mole. (*Banging on desks*)

1685 **Hon. Dr J E Cortes:** Mr Speaker, the Government clearly did not know what it was doing is the Government that left power generation in Gibraltar in the horrendous state that they left it in. (**Several Members:** Hear, hear.) (*Banging on desks*) They have absolutely no policy, absolutely no strategy and they were dinosaurs in trying to resolve it.

1690 Mr Speaker, I apologise for debating, but I have to rise to the fact that the Leader of the Opposition has embarked on a debate. But I do not mind taking the Leader of the Opposition on, I assure you, Mr Speaker.

Mr Speaker: What is unfortunate is that this is a very serious matter, that the Minister and the Shadow are able to go to television and debate it there, but not in this House, and I have to safeguard the interests of this institution. That calls for a debate here in the House.

1695 By all means, ask 16 questions because it is important and because there is information to be obtained. But what is now happening is that we have a debate at Question Time, when what we should have is a motion tabled in the House in which not only the Minister and whoever is asking the question can take part, but everybody else, because this is an important matter. I think that hon. Members are letting Parliament down as an institution.

1700 **Hon. D A Feetham:** Mr Speaker, may I intervene at this stage in relation to that and say to the Hon. Mr Speaker that it is our intention to bring a motion in May about this particular issue. It has been discussed between myself and Mr Netto, but of course at this session we took the decision – one, because we had the Dr Giraldi motion, so we did not want to issue another motion; but secondly, we need answers to these questions before we can properly debate it.

1705 I do not want to be unfair with the Government and if the Government has a report and has received a report from experts prior to the decision to go out to tender, I am asking him to at least identify it. That is a very simple point that no doubt the hon. Gentleman understands very well.

1710 **Hon. Dr J E Cortes:** Mr Speaker, I have to reply, I believe, to the question that was asked before your intervention. I totally agree, Mr Speaker, I think it is accepted that the invitation to discuss this on television came from GBC, and was not at the Government's initiative or the Opposition's initiative.

1715 Mr Speaker, I have to once again make the distinction between gas storage, which is what seems to be concerning the Leader of the Opposition, and the gas-powered power station. They are two very, very different things and we had plenty of advice from our own experts about the possibilities of generating power using LNG as a fuel source.

1720 It is a very different thing, you can bring LNG to Gibraltar in many different ways and the decision to go with the tender for the power station stood not on how we were going to store it, because that is the subject of a separate process, but on the fact that it was a viable option. And clearly, because a process still had to proceed, there was a dual-fired option, as a responsible Government does in putting different options across.

I am absolutely looking forward to any debate that there might be in this House, because I am absolutely 100% certain that we are a responsible Government and that we have done things in a responsible way and that we will provide the best possible power solution for the future of our community.

1725 **A Member:** Hear, hear. (*Banging on desks*)

1730 **Hon. D A Feetham:** Mr Speaker, responsibility that did not include a safety report before the decision to go out to tender for a dual-fired power station – it is obvious from the way that he has answered that question; otherwise he would have provided me with a categorical answer saying there was a report and it was conducted by these particular people, but he has not and I have given him plenty of opportunities for him to do so.

But does he not recognise, Mr Speaker, the inherent flaw in his argument? It is this: that if you are going to have a dual-fired power station at the North Mole, it is obvious to anybody – it does not have to be an

1735 expert – that there would have to be storage of liquid natural gas. Now, that storage may well be small storage facilities for two weeks – which I believe no doubt is what the Government originally intended but we will leave that to one side – or larger storage facilities that will provide larger quantities and more liquid natural gas for a longer period of time, which is what the Government is opting for now.

1740 But the fact that you would have had storage of liquid natural gas in the vicinity of the power station must be obvious to him, as indeed it must be obvious to any lay person, because a power station operated by liquid natural gas requires as a minimum an installation, storing the gas. It does not produce gas – well unless he tells me and I have to say, I will apologise to him profusely – unless he tells me that this power station produces its own liquid natural gas.

1745 **Hon. Dr J E Cortes:** Well, Mr Speaker, I am not going to shock him into suggesting that it will.

Mr Speaker, it must be recalled that at the time – I do not have the information at hand because at the time I was not the Minister responsible, therefore I have relied on being briefed. But I can assure the Opposition that discussions with people who know about liquid natural gas had been taking place from a very, very early stage, regardless of whether a date on a report is a particular date.

1750 We have been considering the implications and the benefits of liquid natural gas from a very, very early stage. I do not have exact dates or all the details because I was not the Minister responsible at the time. But as you yourself have said, Mr Speaker, when we come to debate, clearly we will have the opportunity of having all the information present.

1755 I think the most important thing to bear in mind is that we will not do anything that will endanger our community and that the Opposition is just resorting to a pointless... well, not pointless, (**Hon. Miss S J Sacramento:** Scaring.) but irresponsible scaremongering.

Hon. D A Feetham: Mr Speaker, nobody on the Opposition side is resorting to pointless scaremongering. (**A Member:** No.) No, not at all. (*Interjections*) Not at all – we want to ensure that the Government has done its homework before locating what is a hazard. The risk may be low and I accept that one in 10,000 is a low risk, but actually it is about consequence, Mr Speaker. Because I may take a risk every day of my life and people up and down Gibraltar take risks every day of their lives, but if you tell the residents of the land reclamation that on a credible scenario, however low the risk, it will cause hundreds of lives or – (*Interjection*) hang on a minute! – (*Interjections*)

1765 **Mr Speaker:** Order! I must call hon. Members to order.

This is not seeking information; this is expressing views about the dangers of liquid natural gas. That is a matter for debate. It is also a matter for specific questions, but not to express views.

1770 **Hon. D A Feetham:** Mr Speaker, I apologise and in fact on this particular occasion, Mr Speaker is right. We were descending into the realms of a debate and my apologies.

1775 But Mr Speaker, turning to the Government's prospective plans and the Government's prospective policy in relation to liquid natural gas, is what the Government is considering effectively installation tanks of about – hang on a minute – 12,000 cubic metres, which will provide the Government with roughly, for this particular power station, which I believe I have done the calculations and I have consulted our own expert in relation to this, which will roughly consume about 5,000 to 6,000 cubic metres per month?

1780 Is the Government's intention for these storage facilities to be about 12,000 cubic metres, which if they are refilled on a monthly basis, it will allow at any given time for there to be enough for the month for the power station with another 5,000 to 6,000 or 7,000 cubic metres for bunkering purposes.

Hon. Dr J E Cortes: Mr Speaker that is pure speculation.

1785 We are in the process of receiving proposals and therefore we are not only not in a position to state what those proposals are, we do not even know what those proposals are. So that question is purely speculative. We are awaiting proposals from potential suppliers of LNG and then they will be assessed in detail by health and safety experts and then we will make a decision – and as we have said, we will share that publicly.

But at this point in time, he is well ahead of the time when we are able to provide that information. It is pure speculation. We do not have the plans. The plans are not ours. We are waiting for the providers to come up with their plans.

1790 **Hon. D A Feetham:** Well, Mr Speaker, that is a very strange answer, I have to say. The Government of Gibraltar has the duty of care to Gibraltarians and is he telling me that he does not even know...? Bearing in mind that we are already four years, three and a half years into their term in office and this power station has not got off the ground, is he telling me that they still do not even know what the size of the installations are going to be for the supply of gas to the power station, because that is going to be determined not by any

policy decision of the Government, but by commercial decisions by commercial operators who will be making proposals to the Government? That appears to be what he has just said.

1800 **Hon. Dr J E Cortes:** Mr Speaker, I am not talking about commercial decisions! We put out a PIN. We have a number of companies who want to come to Gibraltar to provide this facility. We are awaiting their recommendations. We have to await their recommendations. I am not a designer of LNG storage – I do not know, the Leader of the Opposition might well be. We are waiting to see what recommendations they come up with as to what is viable or not viable and then they will have to adhere, under COMAH Regulations, very strictly to any HSE conditions that there may be, but we are not designers of LNG installations. We certainly are not, and therefore we have to await to see what the specific combinations, locations, size of tanks and regularity of filling is going to be.

1810 **Hon. D A Feetham:** Yes, but Mr Speaker, does he not recognise in what he is saying that effectively the decision as to the size of these particular installations is being left entirely to the private sector? (**Hon. Dr J E Cortes:** No!) Of course, because the Government is not...! What he is telling me is, *at best*, ‘I have absolutely no clue whatsoever what the size of these liquid natural gas installations are going to be, because really we are waiting for proposals from the commercial sector.’

1815 These are the people that are going to be building it, the ones that are proposing to do liquid natural gas bunkering. Does he not accept that is a wholly unacceptable answer to be giving to this Parliament on something as important as liquid natural gas, with the potential consequences that it has?

Mr Speaker: The Hon. Minister can answer the question and I am not allowing any more supplementaries on the question of liquid natural gas.

1820 Well, I will allow Mr Netto because he does have a number of questions on the agenda, but he must not cover the same ground as the Leader of the Opposition. Is that clear?

1825 **Hon. Dr J E Cortes:** Mr Speaker, if the Government now came up with its own design for liquid natural gas storage, the Opposition could very, very clearly criticise us for having done it without the advice of experts. Now that I am saying that we are waiting for the experts in the industry to provide us with those plans, he is criticising us for doing exactly what he would have wanted us to do.

Mr Speaker, it makes absolutely no sense.

1830 **Hon. D A Feetham:** Mr Speaker, may I just, in relation to the experts, can you clarify that the experts that you are talking about – the three experts in relation to the three sites – are experts that are engaged by the commercial operators, are being paid for, not by the Government but by the commercial operators that are going to be making the proposals to the Government?

1835 **Hon. Dr J E Cortes:** Mr Speaker, what I am saying is that companies – and one has been named publicly, so I can name it again – Shell, of course they have their commercial interest, but they also have the expertise in designing and running these sorts of installations. Therefore, we are awaiting their proposals of a number of these, and then we will assess with the advice of our experts, which are the most viable ones. That is a responsible way of doing it – not me going with a sketch pad and Google Earth, and designing a gas cylinder.

1840 **Mr Speaker:** Mr Netto.

Hon. J J Netto: Yes, Mr Speaker, thank you very much. I do have a number of supplementary questions and taking your lead, I will try and avoid a repetition of some of the issues which have been raised so far in here.

1845 In relation to my first supplementary question – and I will direct the Question No. which is 203 by my hon. Friend, Mrs Ellul-Hammond – it is in relation to the question of whether the Government is satisfied that the Fire and Rescue Service are equipped and certified to deal with an LNG accident. The answer provided by the hon. Member opposite said, ‘*should it be necessary*, the Government will then provide additional sources and training.’

1850 Now to me, I would have thought that by now, given the time that the Government has been considering all these issues and taking decisions and tenders and implementing policies as they have gone along, that there would have been a requirement at least by the City Fire Brigade to analyse what the risk entails. And anyone who has knowledge on firefighting will know that there is a clear distinction in the way that the resources and training need to be taken into account between firefighting say an LNG storage tank and the difference between a diesel tank.

1855

So can I ask the Hon. Minister whether the Government or the Government advisers or indeed the City Fire Brigade has raised these questions with the Government and whether the Government is in the process of establishing whether extra resources and training is required, arising from the decision of the Government to go ahead with the dual-fired power station and LNG storage tanks?

1860

Hon. Dr J E Cortes: Mr Speaker, the Gibraltar Fire and Rescue Service, as we know they are now called, has been involved in discussions and continue to be involved in discussions and will continue to be involved in discussions, to ensure that any additional resources and training that may or may not be required, is available. That is what I said in my answer and that is what I can confirm now. But they have been and are involved in these discussions.

1865

Hon. J J Netto: I am grateful to know that they are involved in these discussions but that is not my supplementary question. If I could be more focused perhaps on this issue: has the City Fire Brigade, in those discussions that the Minister has just said, have they raised the issue that they would need extra resources and training arising from the decision of the Government to proceed with their policies?

1870

Hon. Dr J E Cortes: Mr Speaker, I am not aware whether the Fire and Rescue Service has requested anything specifically, because I am not the Minister responsible for that service, nor was I the Minister responsible for energy at the start of this process.

1875

Clearly, should there be any necessary resources, and it all depends on the detail, they will be provided and as I say, they continue to be involved in the discussions. Clearly, if they are involved in the discussions and if they have any questions or concerns, they would have raised them. That goes without saying.

Hon. D A Feetham: Mr Speaker, the reason why we are asking this question is because we know, we are being informed, that in fact firefighting in relation to an LNG accident requires different equipment, different boats, a different way of fighting fires in relation to an accident with LNG than another type of fire accident.

1880

In those circumstances, one would have expected that the Government would have at least had a project in mind or a timeframe in mind, a road map in mind, of making sure that the City Fire Service had all the resources in place and had all the necessary training in order to deal with any kind of accident with LNG. I think that is really... What steps are the Government taking?

1885

Obviously I understand that he has not been in meetings, but it is a very, very obvious question arising from LNG bunkering in Gibraltar.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, as Minister responsible for the Fire Service, I will deal with that particular supplementary.

1890

I have only taken over this portfolio quite recently and I have not been directly involved in the LNG project and I have not had the specific discussions yet with the Fire Service.

But I can tell him this: whenever a new facility is set up, whenever a new initiative is introduced by the Government which has implications for example in relation to firefighting, clearly those responsible at that end, at management level of the Fire Service will be involved, their issues will be taken into account and in particular any necessary requirements, as my hon. colleague has already mentioned, any necessary requirements specifically in relation to training, which is the point that the hon. Member has made, will clearly be taken into account, and will be addressed and will be provided as necessary.

1895

The hon. Member may or may not know, because I have made public comments in relation to this issue, that we are looking at training facilities in particular and the provision of very specific training facilities for the Fire Service, the expansion of the training facilities that are available. That is something that we are not just actively looking at, but planning and finalising plans to actually put it in place.

1900

Clearly part of those training facilities will include looking at the needs of Gibraltar and to the extent that this is going to be a future need, we will address that future need before anything happens on the ground in that the training that will be required will be provided. We will bring over the necessary experts, we will send people to the necessary courses and we are fully committed to having a fully resourced and fully trained Gibraltar Fire and Rescue Service which will be able to cope with any particular incident.

1905

Given that this is a new facility and a new installation for Gibraltar, clearly one of the priorities will be to get the Gibraltar Fire Service not just involved, but fully kitted and fully trained in this matter.

1910

Hon. D A Feetham: Mr Speaker, I quite understand that but it actually, the training aspects of this is just one part of the equation; it is the resources as well. There are going to have to be pretty advanced resources for the Fire Brigade to be able to deal with an accident relating to LNG.

1915

And let me tell the hon. Gentleman that in certain parts of the United States, certainly, where there are specific routes that LNG tankers can travel – they cannot travel outside those specific routes – all fire

brigades on those routes have got to be certified that they have the equipment necessary, and the training, in order to be able to deal with those accidents because you are talking about some pretty specialised equipment.

1920 And it is a question that no doubt – and it is an evolving situation, I accept that – but it is a question that no doubt we will continue to ask further down the line, as to the preparedness of the Fire Brigade in relation to a possible LNG accident in the future.

1925 **Hon. G H Licudi:** Mr Speaker, I can say to the hon. Member that there will be that level of preparedness, there will be the level of training that is required and whatever is advised by the experts that the Government consults in relation to this particular issue will be addressed.

The hon. Member may not know but I actually had a team sent off to the United Kingdom very recently specifically to look at training requirements and to look at training facilities to see what it is that we need to build in to our final plans that we are producing in Gibraltar for the training in order for the Gibraltar Fire and Rescue Service to be fully equipped, fully trained and fully able to deal with any incident of this and other issues.

1930 Because what we are looking at is risk assessment throughout the course of Gibraltar – not just in this particular area, but risk assessment throughout the whole of Gibraltar. How it affects legislation, for example, is an issue that has been looked at. The building rules which provide for fire safety and fire prevention issues: that is being addressed and being looked at. I already have proposals in relation to a risk management plan which will include clearly this area and which is obviously being looked at by the Government.

1940 **Hon. J J Netto:** Mr Speaker, before I go into other supplementary questions on some of the other questions that are still remaining on this particular issue, both Ministers' contribution so far to my first supplementary question was basically to say, 'Well if, perhaps, maybe, we will develop it further.' But my question in relation to question 204 is quite clear: I am asking a question to the Government regardless of the fact that perhaps the Minister of the Environment or the new Minister for the Fire Service are new today within the subject of firefighting and risk analysis.

1945 So my question to the Government is if there has been any advisers on LNG in relation to the power station and the LNG facilities and if they could provide all the assessments and reports to Parliament. All I want is a clear answer as to whether the Government – either the Ministers who are now the Ministers or were before – can tell me in relation to LNG and the power station whether there have been any reports from any advisers and if so, can they provide a copy to Parliament?

1950 **Hon. G H Licudi:** Mr Speaker, I know that this is a matter that primarily my hon. colleague has been dealing with and he will address the substance of that particular question because he has been more involved in meetings in relation to LNG generally and the power station generally, than I have –

1955 **Hon. J J Netto:** I am referring to the Fire Service.

Hon. G H Licudi: Yes, he is referring to the Fire Service and the hon. Member has confirmed that the Fire Service has been involved in meetings and providing input into this.

1960 But let me just address the preface to the hon. Member because the hon. Member started his supplementary by saying that the contributions of Members on this side have been on the basis of ifs, buts and maybes. There are no ifs, there are no buts and there are no maybes. Whatever needs to be done to make sure, and I have made it absolutely clear, to make sure that the Gibraltar Fire Service is fully kitted and fully trained to deal with any incident, that will be done in advance and as part of the plans that we are proposing. No ifs, no buts and certainly no maybes.

1965 **Hon. J J Netto:** But, Mr Speaker, that does not answer my supplementary question. My supplementary question in 204 in relation to firefighting is, and I will repeat it again, whether the Government – not a particular Minister, the Government – has any advice in relation to the Gibraltar Fire and Rescue Service in terms of dealing with an accident of the new power station and the LNG facilities and if they have had, then can they provide a report to Parliament? (*Interjection*)

1970 **Hon. Dr J E Cortes:** Mr Speaker, again, there are two different issues here. One is the power station which is currently going through its final design stages and its EIA and so on where these things will be addressed. The other one is the LNG installation which will go through a similar process once it has been decided which type of installation it is.

1975

You cannot have a generic plan for something so specific. Therefore we have to await the details before these plans can be developed. But, as my hon. Friend has said, regardless of what the specific plans are, we will be ready and we will be resourced and if there is anything we need to do, it will be done.

1980 **Hon. J J Netto:** So therefore they are saying there has been no report whatsoever by any advisers in relation to the Fire Service.

1985 **Hon. Dr J E Cortes:** Mr Speaker, you can only have a specific report when you have a specific detail. We are going through a process; we are not at the end of the process. The contractor for the power station is now going through – and I said it in my reply – all the different processes and assessments and the EIA which will look at all these different things and then the LNG plant, whichever model we decide to go with, will go through a similar process. The reports will come then. You cannot have a report about something that has not yet happened, Mr Speaker.

1990 This obsession with reports while you are still in the process, I just do not understand it! We hear it time and time again.

Hon. J J Netto: Mr Speaker, therefore the answer is no, so I will move on to my next question. *(Laughter)*

1995 In relation to the answer to Question 204 the Minister said any specific emergency and fire requirement will be detailed on the on and off-site plan under COMAH.

Now my understanding – and I have not got the legislation in front of me is that this has to be made open to the public so that the public is made aware of the particular plan. How does the Government envisage doing this particular task?

2000 **Hon. Dr J E Cortes:** Mr Speaker, we have already committed to when we have the specific reports on the specific projects, then we will make them public. Make them public means make them public. It could be on a website – we will wait and see what the information is and what is the best way, but we are committed and I think we said this clearly in a press release last week or the week before that we will make it public when there is something specific to be made public.

2005 **Hon. D A Feetham:** Mr Speaker –

Mr Speaker: Mr Netto.

2010 **Hon. D A Feetham:** Sorry –

Mr Speaker: Mr Netto is still asking supplementaries.

2015 **Hon. D A Feetham:** Yes, I know but I am –

Mr Speaker: I think –

Hon. D A Feetham: Well, it is up to this side of the House whether Mr Netto gives way, and I think that he is giving way in relation to this particular supplementary question. *(Interjections)*

2020 Mr Speaker, *(Laughter)* the COMAH Regulations – is he aware of the fact that in relation to these COMAH regulations, they are very, very onerous for large installations and there is, as I understand it, a threshold of 12,000 cubic metres, above which certain regulations which are very onerous will bite and below 12,000 cubic metres the regulations are less onerous? Is he aware of that?

2025 **Hon. Dr J E Cortes:** Mr Speaker, I have not studied the detail of the COMAH Regulations. I do not know whether the relevance as to whether I am or I am not aware of that is, because I am not the competent authority. I think I am very competent, but I am not the competent authority and therefore it is the competent authority that has to be aware of those regulations and advise me, and help me to work with the Government in taking these decisions.

2030 **Hon. J J Netto:** Mr Speaker, in formulating my next supplementary question, I have got to be careful not to re-ignite some of the questions and answers already given recently, so I need to focus this very specifically.

2035 In relation to part of the answer given to Questions 205 and 207, on 205 the Government and the Minister said in relation to the storage of fuel that the fuel will not be stored at the site. That was part of the

answer given to 205 and in Question 207 in relation to the supply of quantities of LNG, the second paragraph started off by saying the preferred option was through an LNG carrier.

2040 Now, in order not to cover the ground that we have already done, can I ask the Hon. Minister whether the Government is conceiving the idea of having a... whether they call it a super tank or a mother tank, or whatever they call it – basically an LNG super tank anchored outside in the Bay of Gibraltar as the refuelling bunkering facilities to the storage tanks wherever they are sited? Is that the Government thinking over this?

2045 **Hon. Dr J E Cortes:** Mr Speaker, I do not know how many times I have said this. We are awaiting the recommendations of the entities that are going to be making proposals to provide LNG to Gibraltar. Therefore, until we have those recommendations and we have studied them, I cannot answer that question.

I repeat, these questions are actually quite premature in the process.

2050 **Hon. J J Netto:** Mr Speaker, while I acknowledge what the Minister has said, that does not stop the fact that the Government has taken a decision that the storage tank will be of a limited size. That has already been factored into the answers being given by the Ministers this morning and in a previous session before.

2055 So we know that as far as Government policy is concerned, so the next step is basically the options available to continue to refill those storage tanks, given that the size is going to be small. So it is not unreasonable to ask the Government what those options are.

Hon. Dr J E Cortes: Mr Speaker, this is all pure speculation. I do not know how many times I have to say it, it is all pure speculation.

2060 Mr Speaker, it is all pure speculation. I cannot answer the detail of proposals that have not yet come my way.

Hon. J J Netto: Well obviously, he has not got a clue on the answer –

Hon. Dr J E Cortes: Mr Speaker – ! (*Interjections*)

2065 **Hon. J J Netto:** Well you will get a chance –

Mr Speaker: Was that a remark from Mr Netto? (**Hon. Dr J E Cortes:** Yes!) What was the remark?

2070 **Hon. Dr J E Cortes:** He said I clearly do not have a clue. (*Interjections*)

Hon. J J Netto: Moving on, Mr Speaker, to my other supplementary question and that is in relation to the answer given in relation to Question 2012 and the answer –

Mr Speaker: Not 2012 – Question 212.

2075 **Hon. J J Netto:** Sorry, Question 212. No report on potential terrorism has so far been requested. This is an issue for which the Hon. Minister, Mr Linares only 10 minutes ago from his sedentary position said, this is scaremongering.

2080 Now the reason why I raise this is because – perhaps Mr Linares is not aware – of the fact that there is a difference in legislation between the USA, the way they actually look at the potential risks, which does include terrorist attack because of the fact they have experienced that and the difference between the EU Directive – the EU Seveso Directive – which does not necessarily take them into account.

2085 But the fact that we do know that the reality of such a terrorist attack is a very feasible idea, because we do know that there are sleeping terrorist cells both in Ceuta, Spain and Morocco, that means that we could have a terrorist attack on any future LNG facilities, whether Mr Linares knows it or not. So it is conceivable and realistic to ask the particular question.

2090 So can I ask the Minister whether in those analyses, they will go the extra mile in relation to the standards adopted by the US in relation to incorporating those prescriptive scenarios which are likely to emerge from a terrorist attack or whether the Government is of the view that such a thing is not going to happen in Gibraltar because terrorism around in the Iberian Peninsula or in North Africa does not happen?

Mr Speaker: No, the answer, the Minister did not say that they do not think that it can happen. The answer is no report on potential terrorism has *so far* been requested. There is no indication in that answer whether the Government thinks that it may or not happen.

2095 I would think that we are all here subject to terrorist activity, or aren't we? (*Laughter*) Do they not think, do Members not think that someone could come in here with a gun? Is it out of the question in the world in which we live? Because if we think that we are, then we are barking up the wrong tree, I think.

2100 **Hon. D A Feetham:** Mr Speaker, I think that is the precise point that the hon. Gentleman is making. Of course, it is possible in the world that we live in to have a terrorist attack.

The difference between this and the scenario that he is talking about is of course, that if there is a terrorist attack here, well Gibraltar loses – except for the Chief Minister who is not here – all the Parliamentarians and the Hon. Backbencher – loses the entire Parliament.

2105 But of course if something goes wrong with a liquid natural gas installation, it has got wider consequences for the community.

I think that is what he is saying, although I have to say – I make this point – that normally with these types of reports, unless it is specifically –

2110 **Hon. G H Licudi:** Point of Order.

Mr Speaker: What is your Point of Order?

Hon. G H Licudi: Mr Speaker, there has been a supplementary asked by the Hon. Mr. Netto.

2115 **Mr Speaker:** Yes, I interrupted it myself. He has not answered it. Perhaps the Hon. Minister should answer it and then (*Interjection by the Hon D A Feetham*) the Leader of the Opposition.

Hon. G H Licudi: I am happy to give way in a moment to the Hon. the Leader of the Opposition –

2120 **Mr Speaker:** We do not know who is giving way to whom now. I think we had better come back to Mr Cortes –

Hon. Dr J E Cortes: I am happy to rise and give way to Mr Licudi.

2125 **Hon. G H Licudi:** I am dealing with the point made by the Hon. Mr Netto, and I rise as Minister for Justice.

Certainly we should not be flippant with these things and refer to, 'Well, if there is an attack here then all Parliamentarians might die and that is a different kettle of fish to an attack on an LNG facility.' We have to treat these matters with the seriousness that they deserve.

2130 I am very concerned about the use of language used by the Hon. Mr Netto when he says that a terrorist attack in Gibraltar is *feasible*. Those were the words that he used and that is very, very concerning. I am sure that the Hon. the Leader of the Opposition, as former Minister for Justice, would also be concerned with any suggestion that that is the case.

2135 We are all aware of the risks. We are all aware of the realities of the world that we live in and we all share all of those concerns and we have to be as prepared as we possibly can be in Gibraltar, through intelligence, through actions, through co-operation, through international agreements. We have to be as prepared and as ready, not just to meet the consequences of an attack but to prevent, and that is the effort that is being made.

2140 I would certainly ask the hon. Member to withdraw the use of that word because whatever the risks might be, certainly we do not want to give the impression that it is *feasible* for terrorists to come to Gibraltar. It certainly is not feasible. We are as prepared as we certainly can be to face any possibility of an attack as anybody else might be.

2145 And can I just say, this contribution is not meant in a partisan or party political way. I am *absolutely* sure that in this particular area, we are all singing from the same hymn sheet and we are all aware of those risks and we want to be sure that those risks are minimised as much as possible, as indeed is every other government in the world that takes these matters as seriously as we do.

Hon. J J Netto: Well, Mr Speaker, I am quite happy to reformulate that particular comment in the terms that we need to be as prepared as necessary in the circumstances. I have no problem with that.

2150 Perhaps the way I elaborated the point was to make sure that it can happen. The reality is that it can happen. Whether it is feasible or not is a different issue, but it certainly can happen and we live in a world today where we all see through the news that there are constantly people being arrested in Ceuta, people being arrested in Morocco, people being arrested in Spain, who are certainly engaged. It is a matter of concern and this is the reason why I am raising the original question which is to say are we looking into that.

2155

Now fine, going back to Mr Speaker, where he did say that the original answer to the question has been that such reports have so far not been requested. Can I therefore reformulate my original supplementary question to ask whether it is the intention of the Government to actually look at this matter and perhaps see the consequences of this?

2160

Hon. G H Licudi: Yes, Mr Speaker, of course. To the extent that we have any facility that is exposed to any risk. All angles will be considered and to the extent that the risk that the hon. Member has alluded to, is a risk that is a reality in the world and everybody has to take action to minimise the risk, to deflect the possibility of attacks that is something that we all have to work towards.

2165

I would urge the hon. Member not to try and engage in a party political way in this sort of area because this is something that the whole Parliament, the whole of Gibraltar – in fact the whole of the democratic world – take very seriously in terms of making sure to the fullest extent possible, that every single jurisdiction – and it is certainly in our case, the one that we are responsible for – is as prepared as possible for the possibility of any attack, we anticipate any possibility of an attack and we take steps to be fully trained and fully prepared and to prevent any such attack as necessary.

2170

So yes, the answer is we will take all necessary measures and all the necessary agencies that need to be involved in assessing risk. I mentioned risk earlier in the context of fire prevention risk and certain things that we are doing, but when you talk of risk at a much wider level, then *certainly* all risks will be taken into account and all relevant agencies will be involved in looking at that risk and minimising the risk.

2175

Mr Speaker: Next question.

Q220/2015

Solar panel installation – Contracted companies and individuals

Clerk: Question 220, the Hon. D A Feetham.

2180

Hon. D A Feetham: Mr Speaker, can the Government please provide a list of companies or individuals who have the benefit of contracts with either the Government, a Government-owned company, Government Authority or Agency for which the Government is accountable, for the installation of solar panels in Gibraltar?

2185

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, no individuals have contracts with either the Government or a Government-owned company, Government Authority or Agency for the installation of solar panels.

2190

Two companies have signed contracts for the installation of solar panels. These are Helios and Green Resources Investments Ltd. Other proposals are currently being considered.

2195

Hon. Dr J E Cortes: Mr Speaker, Helios was awarded the tender for Tangier Views and also to install the system at the Tercentenary Sports Hall.

Green Resources Investments Ltd installed the system at the swimming pool and have a power purchase agreement with the GEA. They have also been awarded the tender for the installation of a solar thermal photovoltaic system at the Gibraltar Health Authority.

2200

Hon. D A Feetham: Mr Speaker, does he have the values in terms of these contracts at all with him?

Hon. Dr J E Cortes: No, Mr Speaker, but I am happy to share them with him.

2205

Hon. S M Figueras: Mr Speaker, could the Hon. Minister provide some more details about the power purchase agreements that they have got with the GEA and how that actually works in practice?

2210

Hon. Dr J E Cortes: Mr Speaker, it does not work yet because it has not yet commenced. The power purchase agreement is similar to what we are doing with the company that we signed an MOU with – I am

not sure whether we actually signed the PPA with them as well to do with the wave power – and that is that they install at their cost and then we purchase the power off them.

So that is the detail. Any more details as to costs and so on, as I say, I do not have them with me but that is the principle of it.

2215

Hon. S M Figueras: Yes, just one other supplementary to understand how it is working in practice now, not the power purchase arrangement which I understand from the Minister is not yet working, but is the power being generated by these installations already being taken advantage of in the specific context of their installation?

2220

Hon. Dr J E Cortes: My information – and I think I have shared this before in Parliament, I do not have the details here but I have said it before – I believe that at least the one in the swimming pool has on occasions produced surplus energy to the one required there and it has been fed into the grid.

TOURISM, EQUALITY, SOCIAL SERVICES AND HOUSING

Q221/2015 Disability Action Plan – Update

2225 **Clerk:** Question 221, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say at what stage the Disability Action Plan is at as outlined in the Government's manifesto?

2230 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Disability Action Plan is at an advanced stage.

2235 **Hon. J J Netto:** Mr Speaker, I do recall that that is almost word for word what the hon. Lady said to me almost two years ago. What has happened since I asked the original question two years ago?

2240 **Hon. Miss S J Sacramento:** Mr Speaker, it is an ongoing matter. Disability Action Plans are working documents for a five-to-ten-year period. It is a complex working document. It is a massive project. Remember that it is something that we are starting from scratch. The hon. Gentleman opposite may have asked me about this two years ago. It is a shame that prior to two years ago when it was his responsibility, it did not occur to him to do anything about it. (**A Member:** Hear, hear.) (*Banging on desks*) It surprises me that he feels so strongly about it now. But in any event, it is being done, Mr Speaker.

2245 But the thing is, although the plan itself is not a plan that has been published, as we work on it we do develop the strategies that will form part of the plan. The irony is that the more things that we do, the more things that we realise that we can then do. It is like a web, Mr Speaker. The more initiatives that we have, the more further initiatives that flow from that.

2250 But again, as I said before, it is a massive project. A lot of research and preparation has already gone into it and it is a manifesto commitment that is not timed, Mr Speaker, but will be delivered in the term of this Parliament.

Hon. J J Netto: Mr Speaker, leaving sarcasm to one side, I think that the hon. the Party opposite did have a manifesto commitment, particularly to the Disability Society in general, that they would implement this particular measure within a year of being in Government.

2255 Now, I asked the question three years ago as she rightly reminded me, and the answer was then, that soon, it will be done soon. Now, all the answer she is giving me now is that this is work in progress, but surely there must be a point in time where she has to meet the commitment given to the Disability Society.

2260 **Hon. Miss S J Sacramento:** Mr Speaker, the supplementary question that I am being asked now has nothing to do with the Disability Action Plan. It relates to a different question on a different matter – in the field of disability, but he is asking me on something else, Mr Speaker.

In any event, Mr Speaker, as I said before, because an actual document has not been published does not mean that the work in progress is not happening.

2265 But what I can say, Mr Speaker, is that for 16 years there was nothing – no document, no work in progress. (*Banging on desks*) So perhaps we can leave it at that.

Mr Speaker: Next question.

2270

Q222/2015
Sheltered Employment –
Companies involved

Clerk: Question 222, the Hon. Mrs I M Ellul-Hammond.

2275 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say why only one company is part of their ‘Sheltered Employment’ programme for disabled persons, as outlined in the Government’s manifesto, and what is being done to fulfil the commitment to:

‘Develop sheltered employment for disabled members of the community and support for disabled people to provide outsourced services to companies.’?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

2280 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, Question 121 referred to the employment of service users at St Bernadette’s and Dr Giraldi only, and not generally to people who are employed under the sheltered employment scheme. It is a different question to what it is now.

However, there are seven other companies or associations engaged in providing voluntary placements to service users of St Bernadette’s and Dr Giraldi Home.

2285 In relation to the second part of the question, as Parliament has already been informed, in accordance with the Government’s manifesto commitment, Supported Employment Company Limited was created in February 2012 and its employees include people who were previously on the VTS Scheme. The difference is that those previously on VTS received a training allowance between £300 and £450, but these are now in employment in this company with indefinite contracts, earning a salary, as well as contributing to Social Security which in turn gives them an opportunity to receive an old age pension.

2290

Q223/2015
Dr Giraldi Home –
Respite beds

Clerk: Question 223, the Hon. Mrs I M Ellul-Hammond.

2295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many respite beds are available at the Dr Giraldi Home for disabled persons?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

2300 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, there are five.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. Minister say if there are plans to increase the number of respite beds?

2305 **Hon. Miss S J Sacramento:** Mr Speaker, the service as a whole is something that is continually looked at and different methods of expanding how the service is offered is being given consideration. So the answer is yes.

Q224 & 226/2015
Government rental properties –
Expenditure on refurbishment and repair

Clerk: Question 224, the Hon. E J Reyes.

2310

Hon. E J Reyes: Mr Speaker, further to the answer provided to Question 111/2015, can the Minister for Housing now provide details pertaining to the type/nature of repair works undertaken by the two companies listed?

2315

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 226.

2320

Clerk: Question 226, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details in respect of all expenditure incurred since the answer to Question 111/2015 in respect of contracts awarded for making empty homes suitable for re-allocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type/nature of repair works or cleaning services undertaken?

2325

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

2330

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, in answer to Question 224, further to the answer provided to Question 111 the nature of the repairs undertaken were general refurbishment works which include painting and plastering.

In answer to Question 226, the information for the month of February 2015 is as follows: AJEC was paid £9,830 for carrying out general refurbishment works to one property; MC Construction was paid £12,400 for carrying out general refurbishment works to one property; Trotters were paid £10,270 for carrying out general refurbishment works to one property; CRJN was paid £9,874.89 for carrying out general refurbishment works to one property; and that is it, Mr Speaker.

2335

Hon. E J Reyes: Mr Speaker, I do not want to be over pedantic but can the Minister tell me a bit more? When she says 'general refurbishment works', with the example I gave last month, well is it of a plumbing nature, electrical nature? I do not know if she does have something.

2340

We accepted that last month perhaps those who provided her with information had not been paying due attention to that, but Mr Speaker did guide the Minister that she should ask the public servants to provide a bit more guidance on that type of information.

2345

Hon. Miss S J Sacramento: Mr Speaker, I have said that it is for general refurbishment. So if say, for example, within that refurbishment a bathroom is being replaced or a kitchen is being replaced, then naturally there will be plumbing works involved. But they are all sort of general refurbishments, I did say that they include plastering and painting. To be exact, for one of them, for example, there was a replacement of a floor and the replacement of a door and painting a door and replacement of a kitchen worktop.

2350

Mr Speaker. I am happy to go into minute detail in every single property that we refurbish every month but I question whether it is really necessary and whether it is really proportionate if I give the value of the refurbishment works. And I say that it is general refurbishment: is it proportionate to have my officials and public servants having to spend a whole day looking through the whole sort of the minutia of the works order to provide this level of detail, when the actual value of the contract is relatively small, Mr Speaker? Because if we look at it, they are all in the region of £10,000, Mr Speaker.

2355

Hon. E J Reyes: Yes, Mr Speaker. I accept that we do not want to be over pedantic or whatever, but perhaps a general indication, for example if it was because it required electrical installation or just refurbishment to the fabric that could include in very general terms, like the Minister said in answer to Question 224, paint and plastering. That suffices. I do not need to know whether it was the kitchen, the bathroom or not.

2360

2365 Here I am looking as well in cases where if there has been a roof repair, because there are many Government tenants at the moment expressing lots of concerns to the Opposition mainly of big problems with water ingress and so on.

2370 So if in the future the Minister has anything that can guide us more to that then we know whether we are talking about the same cases that are being reported to us or whether those are just separate and still need further actions.

Q225/2015

**Referendum House 'Breakdown Fault'–
Firefighters in attendance**

2375 **Clerk:** Question 225, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Written Question W20/2015, can the Minister for Housing explain what is meant by 'Firefighters', which is listed as the 'Breakdown Fault' for Referendum House on 25th January 2015?

2380 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the reference to firefighters means that the attendance of the Fire and Rescue Service was required.

2385 **Hon. E J Reyes:** Yes, Mr Speaker, but the schedule which was provided last month, there was a written question for all the cases under the heading of 'Breakdown Fault'. It says whether a main switch cut or a lift was blocked and so on. This one in respect of the firefighters. What struck my attention was that the report came through on 25th January at 23:42 hours and it was not functional again until 09:53 hours the next morning so it was an 11-hour stretch and so on.

2390 One wonders what happened: had there been unfortunately vandalism? I concur with the Lady in condemning those who seem to get some sort of weird enjoyment out of vandalising the lifts. In other cases, it says there was an electrical fault or whatever.

2395 But if the firefighters had to attend, did they have to attend because the lift had got stuck? They did attend but it got stuck because of... The reaction that one gets is that maybe the firefighters were at fault and had been the cause of the damage to the lift.

2400 **Hon. Miss S J Sacramento:** Mr Speaker, I agree that the word 'firefighters' should not have been in the original schedule as the reason for the breakdown. But that is the way that the schedule was completed and there was a reference to firefighters.

2405 The question on this occasion is what does 'firefighters' mean and the answer to that is that it is a referral that there was an attendance by the Fire and Rescue Service. The reason the Fire and Rescue Service attended was because someone was stuck in the lift. So because it broke down at almost midnight, the Fire Brigade were called to get the people out at midnight.

Hon. E J Reyes: Would the Minister happen to know why a person got stuck in the lift and what caused the breakdown? Was it anything similar to one of the other ones?

2410 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, that is a separate question again. The question is now the cause for the breakdown of the lift and the cause of the breakdown of the lift was a technical fault in the lift. There was a technical fault, someone was stuck and the Fire Brigade were called.

Q227/2015

**Government rental homes –
Weather damage**

Clerk: Question 227, the Hon. E J Reyes.

2415 **Hon. E J Reyes:** Can the Minister for Housing provide full details of the extent of damages, either internal or external, inclusive of locations, caused to rental homes as a result of inclement weather during the ongoing refurbishment works at any housing estate since the answer provided to Question 108/2015 which provided details only up to 9th February 2015?

2420 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the damage reported due to inclement weather since 9th February has been to clothes-drying screens at Referendum House, Glacis Estate and at Rodney House, Laguna Estate.

2425

Hon. E J Reyes: Can I ask, Mr Speaker, is the Minister now satisfied that, with the unfortunate damage caused, appropriate measures have been taken so we try as far as possible to avoid a repetition, should strong winds and so on occur again?

2430 **Hon. Miss S J Sacramento:** Appropriate remedial action was sought immediately, Mr Speaker, so yes.

Hon. E J Reyes: And just for the sake of the record, Mr Speaker, can the Minister then confirm that since 9th February the only sort of damage that has been done has been to the clothes-drying screens, that no other reports, as in previous answers, any other examples – for example, water ingress through the windows, through the roofs, because of refurbishment works, that none of that has occurred luckily since 9th February?

2435

Hon. Miss S J Sacramento: On the basis of information that has been provided to me, Mr Speaker, no.

Q228/2015
Families with disabled persons –
Housing provision

2440 **Clerk:** Question 228, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services and Housing say, as outlined in the Government's manifesto, how many families with disabled persons have been provided with adequate and affordable housing since January 2012?

2445

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the answer is 119.

Q229-230/2015
Government rental homes –
Unpaid rents

2450

Clerk: Question 229, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of arrears in respect of unpaid rents pertaining to Government rental homes as at 28th February 2015?

2455

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 230.

2460

Clerk: Question 230, the Hon. E J Reyes.

2465 **Hon. E J Reyes:** Can the Minister for Housing provide full details of how much has been written off in respect of unpaid rents pertaining to Government rental homes since the answer provided to Question 110/2015?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

2470 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, the total of arrears of unpaid rents as at 28th February 2015 was £5,340,483.59.

In answer to Question 230, no monies have been written off since the answer provided to Question 110/2015 as the exercise in this respect is continuing.

2475 **Hon. E J Reyes:** Yes thank you, Mr Speaker. But I think I also recall from the last time in respect of how much money had been written off, the Minister was able to say last month that nil, or none had been written off except for those that had, sort of, time had expired or whatever.

Is the Minister aware of how much money will have to be written off because – what is it called – the statutory limitation kicks in?

2480 **Hon. Miss S J Sacramento:** No, Mr Speaker, because as I have just said, this is an exercise which is continuing.

Q231-232/2015
Tenants urgently decanted –
Expected return home

Clerk: Question 231, the Hon. E J Reyes.

2485 **Hon. E J Reyes:** Can the Minister for Housing say when the three tenants listed in answer to Question 112/2015 who required urgent decanting from their homes will be able to return to their own dwellings?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

2490 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 232.

Clerk: Question 232, the Hon. E J Reyes.

2495 **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 112 of 2015, indicating the reason why the date when said decanting became necessary and the date when the tenants were able to return to their homes?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

2500 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, in answer to Question 231, further to the answer provided, one tenant has returned to their flat, another is due to return by the second week in April and there is no set date for the other.

2505 In answer to Question 232, since the answer to Question 112, two tenants have required urgent decanting from their homes due to works. The first tenant was decanted on 18th and the other on 27th February. There are as yet no set dates for their return.

2510 **Hon. E J Reyes:** Sorry, Mr Speaker, in Question 232, I asked there ‘indicating the reason why’, so does the Minister have at least a general idea of the reason why the last set of decanting has been necessary?

Hon. Miss S J Sacramento: Mr Speaker, I did say that it was in relation to works. One is in relation to works required due to water ingress and the other one is because of severe dampness in the flat.

Q233/2015
Government rental homes –
Legal costs of evictions

Clerk: Question 233, the Hon. E J Reyes.

2515

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer provided to Question 114/2015, providing a breakdown showing the number of homes involved and to whom payments were made?

2520

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since the answer provided to Question 114/2015, £260 has been paid to Triay & Triay for the eviction of a squatter from one property.

2525

Q234/2015
Government rental homes –
Legal costs of evictions

Clerk: Question 234, the Hon. E J Reyes.

2530

Hon. E J Reyes: Can the Minister for Housing provide pertinent details pertaining to the Government flat which was repossessed in January 2015 and shown in Table H27 on the Housing Ministry's statistics website?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

2535

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, a Government tenant needs to be in occupation of the property for 270 days in the year. In this case because the tenant was not, the process of repossession was commenced and a repossession order was obtained by the court.

Q235-236/2015
Mid Harbour Estate –
Garage barriers

2540

Clerk: Question 235, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question 106/2015, can the Minister for Housing inform this House by when the garage barriers at Mid Harbour Estate will be operational on a permanent basis?

2545

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 236.

2550

Clerk: Question 236, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer provided to Question 107/2015, can the Minister for Housing provide updated details in respect of the projected maintenance contract for the garage barriers at Mid Harbour Estate?

2555

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

2560 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, in answer to Question 235, it is envisaged that the barriers will be operational by the beginning of May 2015.

In answer to Question 236, as previously explained a contract for the services of an electrical contractor to provide maintenance for the new barriers will be entered into once the new system is fully operational.

2565

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q237-238/2015

Big Publications Ltd – Revenue from advertising on buses

Clerk: Question 237, the Hon. S M Figueras.

2570 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport now tell the House how much advertising revenue is owing to the Government from Big Publications Ltd for advertising on the buses further to the Government's confirmation that it has received accounts from the company?

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

2575

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 238.

Clerk: Question 238, the Hon. S M Figueras.

2580

Hon. S M Figueras: Mr Speaker, can the Minister for Transport say what is the total amount of advertising on the back of the buses that the Bus Company has contracted with advertisers since September 2014, broken down on a month by month basis?

2585

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I am still not in a position to be able to provide the hon. Gentleman with the information requested, as the detailed examination of the accounts has not yet been considered. I expect to be in a position to give a fuller answer at the next meeting of the Parliament, when I would invite him to ask me again so I can provide further details.

2590

As to Question 238, there was only one advert placed on the back of the buses since September 2014 to date.

2595

Hon. S M Figueras: Mr Speaker, in relation to the answer to the first of the two questions that I have asked together, the Minister has said that the detailed examination of the accounts has not yet been considered. Could he clarify for the House whether a detailed examination has actually been carried out and that the results of that examination have not been considered or that a detailed examination has not yet been conducted?

2600

Hon. P J Balban: Mr Speaker, as far as I have been told, a detailed examination of the accounts received from the company has now been carried out and the report has been presented to the directors of the Gibraltar Bus Company Ltd. The report is now being considered by the directors.

2605

Hon. S M Figueras: I am grateful Mr Speaker. In relation to the second question, the continued advertising on the back of the buses, I have asked it because it has been impossible to miss the fact that the livery on the new red buses does not seem to take into account the possibility of advertising on the back of them.

2610

Is it a policy decision that has been taken by the Government that advertising on the back of the buses is something that will no longer be done on the new fleet of buses?

Hon. P J Balban: Mr Speaker, at present the buses just have the logo of the Ministry for Transport at the back and so in the future we could well allow for advertising but we have not taken a decision yet.

2615 **Hon. S M Figueras:** So is the Minister then saying, Mr Speaker, that the reason why no advertising has been taken on the buses is because they do not have a contractor to administer the sale of the advertising as Big Publications was doing before September? Or is it that there has been no interest in advertising on the buses and therefore none has been contracted beyond the one that he has mentioned?

2620 **Hon. P J Balban:** Mr Speaker, the Government is still taking a decision as to whether they will. There is a possibility that the Government could well sell advertising in the future, it does not necessarily mean that the Government will go down the same route as was done previously which was to have someone to sell the advertising for it, and so all these options are still open.

2625 **Mr. Speaker:** Next question.

Hon. S M Figueras: Sorry, Mr Speaker, just one other supplementary. When the Government conducted the tender for the new contract before they awarded it to Big Publications Limited in 2012, there were other applicants. Has the possibility of those other applicants being approached to administer the contract been taken into account?

2630 If of course it is a matter of the Government developing a new policy position – because it would be a departure from existing policy in terms of having a contractor selling the advertising – if it is in fact the case that the Government needs to develop a policy as to whether they are going to continue with that arrangement or not, is there a timeline for when that decision might be taken?

2635 **Hon. P J Balban:** No, sir.

Hon. S M Figueras: I take it that is in relation to the last part of the question. The first part of the question was whether the possibility of getting in touch with tender applicants for the contract in 2012 has been considered as a possibility in the interim to generate some revenue for the bus company?

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can assist, what we are saying is that those possibilities are on the table. But the other possibility which may also be relevant is that the Bus Company may sell its own advertising. Having seen how the advertising has worked under two different contracts, the Government may take the view, may take the view that it is in the Government's interest to see the Bus Company do its own sales of advertising.

2645 But that is not a determination that has yet been made. We need to see what resource that would take up. If it does not take up much of a resource, which appears to be what we are being told, then it may make sense to cut out the middle man and simply sell the advertising direct.

2650 He may have seen that the advertisers seem to be more or less the same advertisers, so it is more or less a case of renewals rather than actually aggressively having to pursue any entity in the market to persuade them to advertise. Therefore if that is the case, it may be that at least initially the Bus Company can benefit from the advertising payment coming in without the need to interpose an agent and that of course would be beneficial.

2655 **Hon. S M Figueras:** I am grateful for the Chief Minister's interjection. And certainly on the point of selling the advertising yes, Mr Speaker, I agree with the observation that they tend to be the same advertisers over and over again.

2660 But I wonder whether perhaps that is just as a result of any kind of lacking in terms of marketing the possibility to other potential advertisers. I would simply urge the Chief Minister to bear that possibility in mind that having a contractor that actually goes out there to sell the advertising, may also be in the interest of the bus company.

2665 The last supplementary would be in relation to this subject and is clearly the resource that we are talking about and I would ask for clarification is the printing resources I suppose and the installation of advertising on the buses and that I trust is something that could probably be sub-contracted. Is that the case, is that something they are contemplating?

Hon. Chief Minister: Mr Speaker, we are looking now at the situation with the benefit not just of one contractor but of two contractors, and the other contractor is one of the ones that had applied on this occasion as well, that he is asking us to consider.

2670 So therefore if two contractors have failed to reach out further into the market, given that Gibraltar is a very small market, it is likely that the market is the size that it would appear from the back of the buses it is, and not much larger and waiting to be tapped. That is why it is likely that we may take the decision that the Bus Company can simply be its own agent for the sale of advertising, because there does not seem to be a huge untapped market that a person with talent in promotion of the product, which is i.e. the back end of a

2675

bus, could sell to advertisers, that you know the two entities that have already been trying to do that historically have not been able to achieve.

2680 I know that he sells himself now as a marketing man, rather than as a lawyer and I am quite happy to sit down with him and take his marketing advice on this issue if he thinks he has anything, or perhaps he would like to come and sell advertising for the Bus Company as a more potentially rewarding career than the one he is experiencing in the benches Opposite.

Mr Speaker, I say that by way of a quip and nothing else, but we do not think there is a huge untapped market in advertising that anybody else might be able to reach that has not been reached yet and therefore it looks like it is really more or less renewals.

2685 But that is the selling of the advertising that we are talking about, not the printing of the designs or the preparation of the designs. The graphic design and the printing of the stickers and all the rest of it would not be something that would be done in-house. That would be produced for the advertiser to go on the back of the bus.

2690 But the renewal of the contracts and the cost of the advertising is something that would be contracted directly by the Bus Company potentially, if we are deciding to go down that route.

Mr. Speaker: Question 239.

2695 **Hon. S M Figueras:** Just one question which will tend to clarify, rather that there is an element of disagreement between what the –

Mr Speaker: I am anxious to finish – *[Inaudible]*.

2700 **Hon. S M Figueras:** Yes, it is a very simple supplementary. It is a very, very short supplementary, Mr Speaker.

Will the Chief Minister not concede that the first contractor, if we look at the data that was provided in answer to questions last year in relation to this point, will he not concede that actually the first contractor was a nice little earner, not just for the contractor but certainly for the Bus Company in terms of the successful, really I think if we look at it objectively, amount of advertising that they were managing to sell?

2705 It seemed that the problem is that with the second contractor, the experience has been nightmarish by comparison. So I do not know whether perhaps it is a question for him to answer and it is something that we have covered, but would he concede that the experience with the first contractor was by far and away a much better and much more profitable experience than that of Big Publications Limited?

2710 **Hon. Chief Minister:** Well, I have been following the debate in the House, although I was not here, and I am surprised by that question by the hon. Gentleman, because the first contract, Mr Speaker, was not granted by tender. It was a direct allocation by the previous Administration to one particular company.

2715 Now, is he saying to me that by analysing the data that produced more income than the contract that you gave out by tender? Well look, I have not got the tender. I have not got the data. He has analysed it but I am prepared to take at his word that a direct allocation without going out to tender by them when they were in power may have produced a greater return than the properly dealt with tender that we did which produced an unfortunate result.

2720 Which I suppose, Mr Speaker, just goes to show that tenders are not always the best way of making the best amount of money for the Taxpayer. Something that all of us perhaps may be reticent to admit but given some of the exchanges that we have had this morning in relation to other matters in respect of tenders and whether things should go out to tender, is really quite remarkable.

2725 And in fact, Mr Speaker, I was particularly struck by one exchange where the issue of tenders which the hon. Gentleman has tangentially touched upon by the way that he has phrased his question, was dealt with given that in one question we were talking about the Government having awarded to the managers of a particular Government installation, the contract to run that installation without a tender, and yet in the next question we were told what it cost to clean another installation by a contractor that was also awarded the right to clean Government sites by the previous Administration without a tender.

Q239/2015
Mid Harbour Estate –
Garage barriers

2730 **Clerk:** Question 239, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Chief Minister provide details to this House of all costs incurred by Government in the servicing and maintenance of his official car, the G1, indicating which service provider has carried out said servicing and maintenance?

2735 **Clerk:** Answer, the Hon. The Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, since the Tesla was first registered on 15th October 2013; it has undergone one service, namely its first service. This service was carried out by a Tesla technician, known as a Tesla Ranger, at a total cost of £1,390.

2740

Hon. S M Figueras: Mr Speaker, can the Minister say at what installation the service was carried out?

Hon. P J Balban: Mr Speaker, we do not know where the actual service took place, but it was carried out using Bassadone Motors.

2745

Mr Speaker: I think as there are no other supplementaries that this is perhaps a convenient moment to recess until this afternoon at 3.00 p.m. when the Chief Minister will be answering questions.
The House will now recess until 3.00 p.m. this afternoon.

The House recessed at 1.00 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 4.46 p.m.

Gibraltar, Thursday, 19th March 2015

Business transacted

Questions for Oral Answer	3
Chief Minister	3
Q264/2015 No. 6 Convent Place – Completion of works; estimated cost	3
Q265/2015 Europa Point Stadium – Government expenditure	4
Q266-272/2015 Sunborn floating hotel – Government costs; registration; Certificate of Fitness	4
Q273/2015 Number of people naturalised as British in Gibraltar – Housing waiting list; applications received	10
Q274/2015 Residency permits – Discrimination against Gibraltar men married to foreign women	10
Education and Justice	11
Q246/2015 Marrache & Co – Company’s collapse; cost to taxpayer	11
Q247/2015 H M Prison – Up-to-date occupancy figures	11
Q248/2015 Small boats marina – Annual recurrent running costs upon completion	11
Economic Development & Telecommunications	13
Q249/2015 Gibraltar Savings Bank – Locations; details	13
Q250/2015 Community Care – Household Cost Allowance extended to disabled persons	14
Q251-252/2015 Construction Trades Training Centre/Engineering Training Centre – Trainees currently enrolled; details	15
Q253/2015 Public service employees – Increase in permanent staff	15
Q254/2015 Skills Enhancement Training Company Limited – Employees paid by GJBS	16
Q255/2015 Approved contractors list – Number of companies approved as at 1st December 2011	17
Q256/2015 Government-owned buildings/housing estates – Lift installation and maintenance contractors	18
Q257-261/2015 Gibraltar Savings Bank – Cash reserves; aggregate debt; debentures	21
Q262/2015 PAYE tax system– Increase in December 2014; details	25

Deputy Chief Minister	25
Q263/2015 Eastside project – Expressions of interest; details.....	25
Questions for Written Answer.....	27
Questions W24 to W36/2015 tabled	27
Adjournment.....	27
<i>The House adjourned at 4.46 p.m.</i>	27

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q264/2015

No. 6 Convent Place –

Completion of works; estimated cost

Mr Speaker: Questions to the Chief Minister, beginning with Question 264.
The Hon. Mr Figueras.

Clerk: Question 264, the Hon. S M Figueras.

5

Hon. S M Figueras: Mr Speaker, can the Chief Minister say when works at Convent Place are expected to be completed and the estimated cost of these works?

Clerk: Answer, the Hon. the Chief Minister.

10

Chief Minister (Hon. F R Picardo): Mr Speaker, the current works at Convent Place are programmed for completion in June, 2015. The total estimated cost of these works have not yet been finalised and therefore final costs will be available in the course of the next financial year.

15

Hon. J J Netto: Mr Speaker, could I ask, I mean taking into account what the Chief Minister has said, does the Government have a kind of order of cost as opposed to a definitive amount of what the cost would be?

20

Hon. Chief Minister: Mr Speaker, we have had these debates in the past and I have indicated that it is not in the taxpayer's interest that we give an order of cost. Because, for example, in respect of this project in particular and because I am obviously involved with it, as is the Deputy Chief Minister as we are living on the site, although I have had to move out for a few days because of the works there are sub-contractors still being engaged and negotiations are ongoing with some sub-contractors in respect of some works and therefore we do not want to give any indication of what the approved costs are so that we can continue to drive a hard bargain with the contractors, but of course the total final cost will be disclosed during the course of the Budget debate I imagine.

25

30

Hon. D A Feetham: Mr Speaker, may I ask the Chief Minister if at least he can give us some further information to this extent, as he has already gone on record as saying that this particular project is going to cost around £4.5 million. I mean that is the original estimate that he has quoted as having said in the press. Does he envisage that it will come in at less than that, around that or more than that? At least perhaps he can provide us with some further information.

35

Hon. Chief Minister: Mr Speaker, I am very happy to report that the costs estimated at £4.5 million at the time that the project was envisaged are likely to come in on target – in other words, what was going to cost £4.5 million is going to cost £4.5 million. But Convent Place is a very old building, Mr Speaker, and therefore as works move on new issues arise and a refurbishment or aspects of a refurbishment are leading to new works which are being required.

40 It may be of interest to the House to know, for example, that the floorboards in some parts of No.6
Convent Place are riddled with termites and therefore there will have to be work done in respect of that
work which has now been uncovered and which will require replacement because of course earlier
refurbishments did not deal with that. They dealt with chandeliers and curtains, but they did not deal with
the infrastructure of the building which is what is now being uncovered.

45 Therefore it maybe that there will be additional costs, but not because the £4.5 million is not going as
far as the £4.5 million should have gone.

Q265/2015
Europa Point Stadium –
Government expenditure

Clerk: Question 265, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what money has been paid either
50 directly or indirectly by the Government, a Government-owned company, authority or agency in respect of
the proposed Europa Point Stadium and/or Europa Stadium Limited?

Clerk: Answer the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the sum of £104 has been charged to Europa Stadium
55 Limited to date.

Hon. D A Feetham: So, Mr Speaker, the answer – so that I get it absolutely clear and so there is
absolutely no doubt moving to the future – is that taxpayers' money, the extent of the expenditure by the
Government to date in relation to Europa Point and in relation to this particular company is just the figure
60 that the hon. Gentleman has just provided to this House now.

Hon. Chief Minister: Yes, Mr Speaker. Following exactly the words that he has used, the cost to the
taxpayer is exactly the figure that I have given.

Q266-272/2015
Sunborn floating hotel –
Government costs; registration; Certificate of Fitness

Clerk: Question 266, the Hon. D A Feetham.
65

Hon. D A Feetham: Can the Government confirm whether the Sunborn floating hotel is registered as a
ship or a hotel in Gibraltar, and if not, where is it registered?

Clerk: Answer, the Hon. the Chief Minister.
70

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions
267 to 272.

Clerk: Question 267, the Hon. D A Feetham.
75

Hon. D A Feetham: Mr Speaker, what has been the total indirect or direct cost to Government or any
entity for which it is accountable of the Sunborn floating hotel, including but not limited to any cost of
dredging a passage to allow the hotel to be berthed at its current site?

Clerk: Question 268, the Hon. D A Feetham.
80

Hon. D A Feetham: Mr Speaker, has the Sunborn floating hotel been awarded a Certificate of Fitness
by any authority in Gibraltar and please provide details of the same?

Clerk: Question 269, the Hon. D A Feetham.
85

Hon. D A Feetham: Can the Government confirm that it is not contractually responsible for any maintenance costs in respect of the Sunborn floating hotel?

Clerk: Question 270, the Hon. D A Feetham.

90

Hon. D A Feetham: What payments have been made to the Government of Gibraltar or Credit Finance Company Limited in respect of loans provided by the latter to the owners of the Sunborn or any other entity associated with it?

95

Clerk: Question 271, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government confirm that no further loans have been provided to the owners of the Sunborn floating hotel or any entity associated with it in respect of that hotel since June 2013?

100

Clerk: Question 272, the Hon. D A Feetham.

Hon. D A Feetham: Can the Government confirm the owners of the Sunborn floating hotel or any other entity associated with that hotel have paid Credit Finance Company Limited all repayments due in respect of loans provided in respect of that hotel on their due date without the need to reschedule, renegotiate or otherwise postpone the original date of payment?

105

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as previously stated in my answer to Questions 210 to 223 and 428/2014, and in other instances I believe, the Sunborn hotel is a private facility and it is the responsibility of the owners and operators to ensure it complies with any requisite regulations and laws and the Government has no involvement in this. Furthermore, there is no maintenance agreement between the Government and the Sunborn floating hotel.

110

The Sunborn floating hotel is not a building subject to building control and so it is not captured by building regulations and the Government's Building Control Department are not called upon to determine whether a Certificate of Fitness should be awarded or not. The Government nonetheless understands that the Sunborn is registered as a vessel in Finland.

115

The Government will not bear any costs associated with the Sunborn project. Although the benefits of those works have accrued to Ocean Village and Sunborn, the cost will be shared by those who have taken the benefit of said works. Government is in the process of agreeing with both Ocean Village and the Sunborn what proportion of the works each is liable for and how they will reimburse the Government.

120

Mr Speaker, as I have said repeatedly in answer to questions of this nature, the loan of monies to the Sunborn by Credit Finance Company Limited is not a matter on which the Government will comment as it is commercially confidential.

125

Hon. D A Feetham: Well, Mr Speaker, starting with the question of the Certificate of Fitness Mr Speaker, does the Government feel comfortable with a situation where the Sunborn floating hotel does not have a Certificate of Fitness here in Gibraltar?

My understanding of the position is that any hotel in Gibraltar would need to have a Certificate of Fitness and presumably the reason why this particular hotel does not have a Certificate of Fitness is because it falls between two stools – in other words, it falls between regulations pertaining to hotels and regulations pertaining to ships. But one way or the other I would have thought that it would have been advisable for this particular hotel to also have a Certificate of Fitness, as indeed do all other hotels in Gibraltar.

130

135

Hon. Chief Minister: Mr Speaker, before I answer, can I invite the hon. Gentleman to declare his interest in respect of these questions?

Hon. D A Feetham: Mr Speaker, I am certainly not the owner of the hotel and so I am not sure what interest he wants me to declare. Perhaps he would care to clarify the situation.

140

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is a partner in the law firm that advises the Sunborn floating hotel. As I understand it, given previous rulings, it is incumbent upon him to declare his interest in that respect.

145

We were required to do so during the course of the Budget debate in 2011 and during that session... in fact not in relation to the Appropriation Bill – simply because Mr Licudi and I were going to vote on a

matter in respect of which a client of Hassans had an interest. We were not going to speak. We were going to vote on a matter in respect of which a client of Hassans had an interest.

150 So I invite him to declare his interest here as a partner of the law firm that advises the Sunborn floating hotel in respect of which he is now asking questions of the Government as to what might and might not be advisable.

Hon. D A Feetham: Well Mr Speaker, he appears to know more about the business of Hassans than I do. I have to say that is the reality. He appears to know more about the business of Hassans than I do. I certainly was not aware that Hassans had been advising the Sunborn hotel in relation to these particular issues, if that is what he is suggesting.

155 But to the extent that I must accept the hon. Gentleman's word for it, that Hassans are somehow involved with the Sunborn floating hotel, to the extent that that is so, Mr Speaker, I have absolutely no problem in declaring that is so, accepting *his* word for it that Hassans are acting on behalf of the Sunborn floating hotel, because of course he appears to know more about the business of Hassans than I do.

Hon. Chief Minister: Well, Mr Speaker, it is not that I know more about the business of Hassans than he does, it is that lawyers from Hassans come to see me about the Sunborn floating hotel and they appear to have advised that the Sunborn does not need to apply for a Certificate of Fitness. It may be, given everything that he has said, that he takes issues with the views expressed by some of his partners and the associates working in his firm.

Hon. D A Feetham: No, Mr Speaker look I do not take issue with the advice provided by any lawyer. I am asking the Government questions because they are accountable at the end of the day to this House and to the people of Gibraltar.

170 I am the Leader of the Opposition. I also happen to be a partner in Hassans. But look, the fact that somebody from within Hassans, which is a massive organisation, has been advising the Sunborn is neither here nor there. I am asking the Hon. the Chief Minister whether he, as a Government, as Head of a Government, feels comfortable with a situation where you have a hotel that does not appear to have a Certificate of Fitness. That is all I am asking. Now surely that is capable of a very simple answer.

Hon. Chief Minister: Mr Speaker, the fact that Hassans is a massive organisation was not relevant when Mr Licudi and I were simply going to vote on a Bill, which we were not even speaking on, and he and the then Leader of the House were sitting on this side of the House and insisted that we had to declare an interest simply to say 'aye' or 'nay' in respect of a Bill. So it appears that this is the embodiment of the hypocrisy that the hon. Members opposite have displayed as to how they acted when they were on this side of the House and how they act when they are on that side of the House something which has manifested in just about every single thing that they do.

185 For example, Mr Speaker, when they are on this side of the House they agreed to pay increase electricity charges by 5% a year and when they are on that side of the House they say they have no intention of passing that on to the people who consume electricity. Well, never mind.

190 Mr Speaker, it is not that the Government feels comfortable or uncomfortable in respect of a Certificate of Fitness, it is that the Government is advised that the hotel does not require a Certificate of Fitness and obviously the law firm that he is a partner of feels exactly the same way, otherwise they would have applied for one.

Hon. D A Feetham: Mr Speaker, I do not care what advice – I am not here in my capacity as a lawyer – what advice has been provided by Hassans, nor was I aware that Hassans had advised the Government in relation to this particular issue or advised anybody else about this particular issue.

195 But, I ask the question because clearly there must be a lacuna in the law, because if you have a situation where a floating hotel does not require a Certificate of Fitness, presumably because it is classified as a ship and therefore does not come within the regulations appertaining to hotels, but then also does not come within the regulations appertaining to the registration of ships or yachts in Gibraltar because it is not quite that.

200 There must be a lacuna within the law in relation to this and all I was going to ask the Chief Minister, before he got on his high horse in relation to this, was whether the Government intends to perhaps change the law in order to deal with that lacuna. That is all. Perhaps he might care to answer that question.

Hon. Chief Minister: Mr Speaker, I have never been known for my equestrian skills. There is a champion jockey sitting on this side, but it is Mr Licudi not me. So I do not do high horses. *(Laughter)*

What I will say, Mr Speaker, is that if the Government felt that there was a lacuna in the law... Mr Speaker, the hon. Members says he is not here as a lawyer, but he uses legal terms – a lacuna means a gap. If I thought there was a gap in the law the Government would have filled it.

But we are perfectly happy, Mr Speaker, that his clients are operating legally in Gibraltar.

210

Hon. D A Feetham: Mr Speaker, just perhaps for the benefit of viewers and those that do are not quite understand the intricacies of this, can he confirm that the reason why this this hotel ship is registered in Finland is because under current law it cannot be registered in Gibraltar because it does not quite fall under the relevant definitions for the purpose of ship registration in Gibraltar?

215

Hon. Chief Minister: No, Mr Speaker, because I do not know why his clients have chosen to register in Finland and not in Gibraltar.

Hon. D A Feetham: Well, Mr Speaker, let us move on with another supplementary.

220

Mr Speaker, I have asked about Credit Finance and I have asked a question, which is an important question, and it is an important question for the purposes of allowing the Opposition to properly examine the Government... well indeed the Government because the Government guarantees the money – exposure in relation to the loan provided to the owners of the Sunborn.

225

I have asked whether the Government has had to, or Credit Finance has had to reschedule that debt since the time that it entered into those loans with the owners of the Sunborn because of course if the Government has had to reschedule that debt because the owners of the Sunborn have not paid on their due date because they have not been able to, that obviously raises other questions and would lead us into a trail of enquiry, which is quite legitimate, Mr Speaker, in our role as in Opposition holding the Government to account and in making sure that the Government does not over-expose this community.

230

Hon. Chief Minister: Mr Speaker, I have made clear the position of the Government on a number of occasions before and he knows. He is asking this question knowing exactly the answer he is going to get which is that we will not disclose the details of the loan book of Credit Finance Company Limited, other than to disclose the full extent of the loan books – in other words, to say how much money has been loaned, but not in detail what has been loaned to whom to them.

235

But, Mr Speaker, I am prepared to take a completely different line in respect of this loan to the Sunborn. If he confirms to me that his client, Sunborn Limited, have authorised that, I give that information across the floor of the House. If he has instructions from Sunborn Company Limited to authorise the Government to disclose that information about the details of what they have paid and what they have not paid, if he wants to check with his clients whether he has those instructions so that I can disclose that confidential information in this House, then I am happy to do so. But he needs to make clear to me whether he has those instructions from his clients.

240

Hon. D A Feetham: Mr Speaker, can I make it absolutely crystal clear for the Hon. the Chief Minister and indeed anybody else that is listening out there, I could not care less, not one jot do I care about the views of the Sunborn floating hotel. Whether they are clients of my firm or they are not clients of my firm, I am here discharging my duties as Leader of the Opposition, which I will discharge to the best of my ability. And therefore, if I feel that there is a question of relevance to the taxpayer, of relevance to the people of Gibraltar, I will ask it, whether they are clients of Hassans or they are not clients of Hassans and If the owners of the Sunborn have any complaint whatsoever against me, they can make a complaint to the Admissions and Disciplinary Committee and no doubt that will be considered in due course. I am perfectly comfortable with the questions that I am asking.

250

But, Mr Speaker, there is a conflict of approach in the way that the Chief Minister is approaching this particular question 272 and the way that he has approached it in the past, which gives rise to a suspicion on my part that the situation has changed because in the past, last year, I asked this question and he said that there had been no rescheduling of the debt and that the owners of the Sunborn had paid on their due date. Today, he refuses to provide the answer that question. Why is that?

255

Hon. Chief Minister: No, Mr Speaker, it is just that I have asked him whether he has had instructions from his clients that I could disclose that confidential information and he appears not to have those instructions.

260

But, Mr Speaker, clearly there are conflicts here. There are conflicts which have just been disclosed as to his commercial interest in the position that he is taking here. But there is also conflict, Mr Speaker, in respect of the executive of the GSD because I have a letter here from Mr Rafael Benzaquen which appeared in the *Gibraltar Chronicle* on Monday 3rd November of last year, and I do not pay much attention to what that gentleman tends to say, but on this particular occasion he said something which caught my interest.

265

Talking about whether the Sunborn had received a loan from the Government or not, he said of my statement in this House, “true, that Government is not providing a loan to the Sunborn out of the Consolidated Fund,” in respect of the things I had said. “But a Government-owned company is from public money.” Well apart from the fact that this man obviously does not know what is and is not public money, at least he certainly accepts that what I said in the House was true.

So, Mr Speaker, he has got the conflict of interest between the clients of his firm and what he is advocating in this House. He has got the conflict in his executive as to whether what I said in the House in the past about the Sunborn is true or not. His position is riddled with conflict. Is it not about time he got his act together?

Hon. D A Feetham: Mr Speaker, the only person that is floundering and fumbling in relation to this issue – as indeed he is fumbling and floundering in the management of Gibraltar’s public finances and indeed who will be found wanting in the management of those public finances – is the hon. Gentleman and no one else.

Mr Benzaquen again, even on the way that he has read that particular letter, it has absolutely nothing to do with the point that I am making. I want to know whether the owners of the Sunborn have paid back the instalments on that loan on their due date. I am not even asking, because I know that he is not going to give me the information, what the size of the loan is. I am asking him have they paid on their due date and look, just simply...

There are going to be people out there listening to the Chief Minister and the evasiveness that is quite patent in the way that he answers the question who are going to be believing and are going to be saying to themselves, ‘Well he has got something to hide’. Is it because, is it because the owners of the Sunborn have not provided, have not paid on their due date? I do not know. He may be doing a to the owners of the Sunborn. I do not know.

On that last point let me say this so that people outside also understand it, that he continues to be a partner in Hassans and no doubt he knows what happens at Hassans more so than I do.

Hon. Chief Minister: Well, Mr Speaker, I am just better liked than him on most occasions so people tend to talk to me more. But let us start from the very beginning because, as Julie Andrews said, that is a very good place to start. *(Laughter)*

He says that I am fumbling and floundering and that I will be found wanting. I am delighted that he has said that, Mr Speaker, because I have yet to hear him make a prediction that comes true. Even if it is about the turnout in the by-election or the result of the by-election, he is probably one of the few politicians that allows himself to make predictions that he knows are one day going to be judged at the end of a campaign with empirical returns and numbers. He has always got them wrong, so I am delighted that his prediction is that I am the one who is going to found wanting because by the standards of the past we know that prediction is going to end up as an omelette all over his face.

As to evasiveness, Mr Speaker well look, the only person who is evading the issues here is the man who represents the Sunborn Floating Hotel and is yet trying to make capital in this House of what he appears to think may be a short coming in respect of the hotel, whether that is in respect of its Certificate of Fitness or whether it is about his client’s paying their loan liabilities etc. Look Mr Speaker, frankly I think what he has said about his firm, which also happens to be the firm on which I am on a sabbatical, leaves a lot to be desired because nobody in this House has ever said I represent those people corporately, but here I do the opposite of what might be in their interests.

Everybody in this House has declared interests when they have had to. They have been clear about how they represent the people of Gibraltar in the way that does not conflict with their commercial interests, and where there might be a conflict they allow another Member of the Parliament on their side to deal with those issues so that the community is not in any way let down if there were issues to be followed up, but those personal conflicts are not highlighted and in the way that he has really brought to the forefront of what it is that he does professionally and what he does here.

There is absolutely no evasiveness on the part of the Government. The Government has said what it has said repeatedly about the loan book of Credit Finance. I am very happy, Mr Speaker, that Credit Finance is doing an excellent job. The returns being produced are absolutely excellent and, Mr Speaker, I have absolutely no desire to continue down the road of a debate that the hon. Gentleman wants to have, which he may think is very much in his interest today, but he might think – sooner than he thinks – was not perhaps the right argument to be pursuing for so long because there may be more than one omelette flying in his direction.

325

Hon. D A Feetham: I quite enjoy omelettes. I have to say, I have six eggs a day.

330 Mr Speaker, the Sunborn hotel... because I would not want anybody out there to be misled by what the Chief Minister is saying – are not my clients. I have never spoken... I do not know who there are. (*Interjections*)

No, they may be clients of the (*Interjections*) firm and I have to accept and I have to accept the Hon. the Chief Minister's word for it, Mr Speaker. (*Interjections*)

335 Mr Speaker, may I be allowed to continue?

Mr Speaker: [*Inaudible*] Let me repeat what I said, because I am on camera now.

For over an hour at the last meeting of this House there were some very heated exchanges between the Chief Minister and the Leader of the Opposition, and to a certain extent I was conscious of the fact that I was allowing them perhaps too much leniency.

340 Subsequent to the meeting I was approached by a number of people, one in particular with very inside knowledge about the proceedings of Parliament, as to whether I had not been too lenient. I said, 'Yes. I admit I had been too lenient'. I was lenient because I wanted to lay down a marker and that marker is that between now and the General Election I am not going to permit exchanges in this House at Question Time to become a slanging match.

345 If hon. Members want a slanging match, they had better put somebody else in this Chair, not me. I am not going to play that game. Okay? But I am conscious of the fact that I allowed too much leeway, but I am not going to allow it today. Okay? If necessary, I will suspend the sitting of this House for half an hour so that temperatures can cool down, but I am not prepared to go through that again. I do not see why I should. I am at an age when I do not have to, when my blood pressure might dangerously... and I might not be here

350 after the next General Election if it is that Members would want me to be here.

So having laid down that marker, let us see whether common sense can prevail and let us get on with the business of the House which is what we are all about. (*Banging on desks*)

Hon. D A Feetham: Mr Speaker, I certainly would not want your health to suffer as a consequence of any questions or any exchanges with the Chief Minister during Chief Minister's Question Time.

355

Mr Speaker, all I want to ask the Chief Minister is this, perhaps this can cut across it – what his objection is to me standing here, because my firm appears to be acting, according to him, for the owners of the Sunborn? I do not know. What if the hon. Gentleman my friend, Mr Bossino were to ask exactly the same question 272, in terms of whether the owners of the Sunborn had paid on their due date or if there has

360 been any rescheduling of that date, would the Chief Minister answer the question in those circumstances?

Hon. Chief Minister: Mr Speaker, he should put it at the next meeting of the House.

But Mr Speaker, let us be very clear. The hon. Gentleman has said that he is taking my word for the fact that the Sunborn is a client of Hassans... that he was not aware of that.

365 Well, Mr Speaker, I accuse him of misleading the House. I accuse him of misleading the House and I am prepared to move a motion for that purpose, because in a press release, well in the *Chronicle* newspaper, an article of 4th July 2013, we had an exchange. He will recall it in this House, which is reported in the *Chronicle*, that I made reference to the fact that the Sunborn is a client of Hassans. We followed that up with a press release on 3rd July 2013, which was a Government press release setting out that the Sunborn was a client of Hassans. We followed that up again on 22nd July 2013 with a Government press release that set out that Hassans was the lawyer for the Sunborn. I therefore believe that he has misled the House, unless he tells me that he forgot those exchanges and if he does, then I will relent from my accusation that he has misled the House.

370

375 **Hon. D A Feetham:** Mr Speaker, he can bring whatever motion he wants to bring and I will answer and I will meet whatever motion he wants to bring, and if he wants to, he must act in the manner that he feels in his own judgement he has to do. If he brings a motion, I will deal with it. The issue of Hassans acting on behalf of the Sunborn has arisen in relation to the question of the Certificate of Fitness.

I have absolutely no clue about Hassans acting in respect of the Certificate for Fitness and advising the Government or anybody else as to whether a Certificate of Fitness was necessary in this particular case, but look that is irrelevant. He brings whatever motion he wants to bring and I will meet it head on.

380

Mr Speaker: I am sorry, my mistake. My own microphone was on which means that the camera has been on me for the last few minutes. I apologise.

385 But having regard to the fact that the six questions, which were answered together by the Chief Minister, does the Leader of the Opposition or any other Member of the Opposition have any other supplementary on these questions before we move on? (*Interjection*) Then I will ask the Clerk to call Question 273.

Q273/2015

**Number of people naturalised as British in Gibraltar –
Housing waiting list; applications received**

Clerk: Question 273, the Hon. D A Feetham.

390

Hon. D A Feetham: Mr Speaker, how many people have been naturalised British in Gibraltar since December 2011 and how many of those have applied to join the housing waiting list?

Clerk: Answer, the Hon. the Chief Minister.

395

Chief Minister (Hon. F R Picardo): Mr Speaker, since December 2011, 992 have been naturalised British in Gibraltar. Of these, 192 have applied to join the housing waiting list.

Q274/2015

**Residency permits –
Discrimination against Gibraltarian men married to foreign women**

Clerk: Question 274, the Hon. D A Feetham.

400

Hon. D A Feetham: Mr Speaker, does the Government intend to end the current discrimination against Gibraltarian men married to foreign women in the issue of residency permits for their partners under the Immigration, Asylum and Refugee Act?

Clerk: Answer, the Hon. the Chief Minister.

405

Chief Minister (Hon. F R Picardo): Mr Speaker, at present the position of the alleged ‘current discrimination’ is that established by the previous GSD administration. The present Administration is considering a change to the rules and we expect to be in the position to make an announcement shortly.

410

Hon. D A Feetham: Mr Speaker, I do not mind talking to the hon. Gentleman behind the Speaker’s Chair in relation to this particular issue, but of course until the Government amends the legislation – and I accept it is a legislation probably going back many, many years – the current discrimination against men who are married to foreign ladies- is going to set to continue.

415

I believe that I have found a way in which that can be dealt with in a manner that will allow applications to be dealt with by men in a way that is not discriminatory, because the present position is that if a Gibraltarian woman married to a foreign man, if the foreign man applies for a residency permit, there are not the limitations in terms of the length of the permit that can be granted when one takes into account the position of men married to women. At the moment if you are a man married to a foreign woman, the foreign woman, when applying for a residency permit, will get six months at most a year and that difference is obviously discriminatory.

420

I think that I have found a way in which– I do not propose to deal with this across the floor of this House – in which it can be dealt at a discretionary level until the Government changes the law, and I wonder whether he is recipient to talking to me about this particular issue? I have also expressed it, I have to say, to the Chief Secretary. I do not know whether the Chief Secretary has spoken to the hon. Gentleman.

425

Hon. Chief Minister: Mr Speaker, I think I know what case he is talking about. It is a case that has come to me too and I believe I know a way of dealing with this discrimination as well which will enable us to deal with that case in particular. I believe that there may be ways of dealing with the whole issue very quickly; it is an issue that I am looking at. But we have of course before we act to look for advice on whether there are consequences to our actions and what the flood gates might bring, although my instinct is that there will not be any flood gates opening.

430

But the Civil Service is very good at making those checks and ensuring that when we act we act properly, and in a way that is not going to cause a problem that we might not envisage. I am quite happy for him to write to me if he wishes, but I think we have determined the way in which to do it already.

EDUCATION AND JUSTICE

Q246/2015

**Marrache & Co –
Company's collapse; cost to taxpayer**

435 **Clerk:** We now move back to Question 246, questions to the Minister for Education and Justice, and the questioner is the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Justice provide an update to this House of the total running cost of the taxpayer on all matters, criminal and civil, arising from the collapse of the law firm Marrache and Co in 2010?
440

Clerk: Answer, the Minister for Education and Justice.

Minister for Education and Justice (Hon. G H Licudi): Mr Speaker, the total running cost to the taxpayer of all matters, criminal and civil, arising from the collapse of the law firm Marrache and Co in 2010 is £7,012,070.65.
445

Mr. Speaker: £7,012,070.65.

Q247/2015

**H M Prison –
Up-to-date occupancy figures**

Clerk: Question 247, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Justice provide up- to-date prison occupancy figures further to answers given to Question 669/2014?
450

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

Minister for Education and Justice (Hon. G H Licudi): Mr Speaker, the daily average prison population expressed on a month-to-month basis from November 2014, rounded to the nearest person is: November 2014 – 49; December 2014 – 48; January 2015 – 48; February 2015 – 55.
455

Q248/2015

**Small boats marina –
Annual recurrent running costs upon completion**

Clerk: Question 248, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what is envisaged to be the annual recurrent cost of running the small boats marina when it is completed?
460

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

Minister for Education and Justice (Hon. G H Licudi): Mr Speaker, I assume that the Hon. the Leader of the Opposition is asking what is envisaged to be the annual recurrent cost *to the Government* of running the small boats marina when it is completed, and the answer to that question is zero.
465

Hon. D A Feetham: Can he explain why it is going to be zero if we are talking about effectively what is a Government facility built by the Government for small boat owners? My understanding of the project was that the Government was going to be providing these berths, but effectively the facility itself continues to belong to the Government.
470

Now for a facility like that, effectively at sea, there would be quite a high level of maintenance I would have expected in relation to something like that, unless of course the Government intends to subcontract for example or provide a contract to a third party for the running of the entire facility. Can he explain that?

475

Hon. G H Licudi: Mr Speaker, the explanation is quite simply by analogy to the other small boats marina which they built whilst in office, and the annual recurrent running costs to the Government of running that other marina, The Cormorant Camber marina, as I understand it, is also zero. Even though it is owned by the Government, that other marina is run on the basis of a club. People pay berthing fees and people pay membership fees and out of the berthing and membership fees the running costs are met.

480

It is envisaged that whatever fees are charged per boat in respect of the 700 berths that will be available in the small boats marina, whichever way it is run, whether it is a club or some other entity, it is certainly not going to be run by the Government. But whichever way it is run... and we have the example of the other marina which is right beside and the cost of that is zero and in the same way the cost of this will be zero.

485

Hon. D A Feetham: Yes, the Camber marina is a much smaller marina. So that I can do the calculations in my own time, what other kind of fees are the Government going to be charging, or the club, in relation to the berthing facilities that will then allow to make it self-running?

490

Also, can I also ask him this: does the Government have any figures in terms of what it believes would be the maintenance costs, obviously not to the Government, but to whatever entity it is, because I presume that the Government has made the calculation of, 'Well we are going to be getting X amount or the club is going to get X amount from all these berthing fees and the maintenance a year is going to cost X'? So it is going to be within that budget self-generated through the generation of fees.

495

Hon. G H Licudi: Mr Speaker, the hon. Member asks what fees the *Government* will be charging. The Government will be charging no fees at all. This will be a matter for whoever is running the marina. The marina is being built and berths have not yet been allocated. They will be allocated in due course and at some point there will be a committee of representatives who will decide how the club or the marina is going to be run.

500

The analogy... the hon. Member mentions the other marina and says, 'Well, that is much smaller'. Well, precisely. That is to the benefit of this particular marina because there will be double the number of boats and potentially double the amount that will be collected, but presumably not double the amount that will be incurred in costs because if you have one person dealing with all the admin, whether it is for 300, 400 or 500, you get more fees out of 400 or 500, but you still have one person doing the admin.

505

So the economies of scale are such that this particular marina should in fact be more efficient in terms of running costs than the other marina which is smaller. So, no, the Government will not be charging anything. The Government will simply be engaging with the representatives of those who are allocated berths in due course to see how it is proposed to run that marina, but the Government does not get involved in the running or charging of anything in respect of the Cormorant Camber marina. That is run by them at no cost to the Government and that is exactly the same as will happen in this particular marina.

510

Hon. D A Feetham: I understood the hon. Gentleman the first time, but I would have expected – and if he has not then I am not going to press the hon. Gentleman – that in the Government's plans to build this particular marina, and bearing in mind that all sorts of things can go wrong... I mean things do go wrong sometimes and in any event, even if things do not go wrong I would have expected the Government to have had in mind calculations in terms of how many fees this marina was going to be generating and how much it would cost for the maintenance to make sure that the fee generation would cover the maintenance.

515

So does he have those figures? If he does not, then he does not. But does he have those figures... the annual recurrent cost and the fees that he would expect would be generated through the fees for the berths?

520

Hon. G H Licudi: Mr Speaker, it is not a question of the Government not having these costs. These figures are irrelevant for present purposes because the Government has taken the view that the cost of running that marina is zero to the Government.

525

Now if the hon. Member wants to insist that the Government should take money out of its pocket and pay for that then that is another argument and is something that perhaps the hon. Member might take up. He says things do go wrong. Yes, of course things do go wrong. In the Cormorant Camber marina things have gone wrong. In October – was it 2008 or 2007? – there was a massive storm and there was damage, but there is insurance.

530

So if people are running a marina then they will have insurance for things that go wrong. As I understand it the damage that occurred again resulted in no cost to the Government, because you expect

whoever is running the marina to have insurance to cover these things. So I reiterate there is no cost. There will be no cost to the Government.

535 **Hon. D A Feetham:** Mr Speaker, in relation to this particular small berth marina, it is going to all be taken up by small boats and there is not going to be any usage at all by the Government in any way, shape or form, which will mean that the Government will have to make a contribution in relation to the maintenance? Can he just confirm that?

540 **Hon. G H Licudi:** Mr Speaker, it will all be taken up by small boats. There are six-metre berths and seven-metre berths. We have not envisaged keeping an allocation of those berths for the Government if that is what the hon. Member means.

But if there is, for example – and I do not know if there is and I will just use this is a hypothetical example – a boat which the Department of the Environment runs, if there was another similar situation whereby a Government Department needed a berth and applied for a berth and was granted a berth, then that Department would contribute whatever the berthing fees are, in the same way as anybody else that is allocated a berth.

545

ECONOMIC DEVELOPMENT & TELECOMMUNICATIONS

Q249/2015 Gibraltar Savings Bank – Locations; details

Clerk: Question 249, the Hon. D J Bossino.

550 **Hon. D J Bossino:** Can the Minister for the Gibraltar Savings Bank please state which locations the bank will be operating from?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

555 **Minister for Economic Development and Telecommunications (Hon. J J Bossano):** Mr Speaker, the Savings Bank will be operating from 104 and 206 – 210 Main Street.

Hon. D J Bossino: Yes, Mr Speaker, just to clarify it is 104 and then it is 260 and 200 (*Interjection*) Ah, 206 –

560 **Mr Speaker:** It is 206 – 210.

Hon. D J Bossino: Yes.

Just by way of assistance, and I will explain why in the supplementary of its relevance, because I do not exactly know where these are. Is 104 the one which is just opposite already open and launched, opposite the cathedral? (*Interjection*) the old Marrache building or is that 206 to 210? Whichever one it is, which one is the other one?

565

Hon. J J Bossano: The opposite. The Cathedral is 206 to 210. I would have thought the hon. Member worked sufficiently near to Main Street to know what the numbers are. (*Interjections*)

570

Hon. D J Bossino: Mr Speaker, I can confess that I am absolutely terrible with these things. The 104 is then which one? Is it the one that used to be the Lloyds Bank building? I'm going the other way (*Interjection*) No, I should be going the other way shouldn't I?

575

Hon. J J Bossano: Number 104 is the Post Office in Main Street which also operates a savings bank.

Hon. D J Bossino: Okay, Mr Speaker, thank you for that clarification.

I think from answers that I have had in this House before, we have been told that the location where the old Lloyds Bank used to be opposite the John Mackintosh Hall was also going to be an outlet for the Gibraltar Savings Bank and I see that he has not mentioned that. Can he provide any further information in relation to that specific location?

580

585 **Hon. J J Bossano:** Yes, Mr Speaker, the original plan was to use the Main Street Savings Bank location where the Post Office is to expand the role of the present main office of the Savings Bank. At a later stage when the building where Lloyds Bank used to be became available, that was looked at as an alternative to the Post Office location which was where the expansion was going to take place and I was informed that the cost of converting the Lloyds Bank building and amending the plans of the Post Office to adjust them to the other location would be of the order of a £¼ million and I gave the go ahead for that to happen and then at a
590 later stage I saw some correspondence that indicated that the £¼ million had become £1½ million and in line with the way that I discharged my responsibility I immediately put a stop to it.

Hon. D J Bossino: So, Mr Speaker, that then must be the explanation which I have seen with my own eyes as to why there has been absolutely no works in the Lloyds Bank building, but works to the value if I understand his answer correctly works more or less to the value of £1.5 million have already been undertaken in respect of that particular site. Is that correct?
595

Hon. J J Bossano: No, Mr Speaker, that is not correct and it would be extremely stupid if I had stopped it after the work had been done. I stopped it before the work was done obviously, otherwise there would have been no savings.
600

Hon. D J Bossino: So the actual expenditure was £¼ million. Is that the case?

Hon. J J Bossano: Well I cannot tell you what the actual expenditure was. I can tell him that the budget was a £¼ million and when I saw the budget ballooning, and this had not been cleared politically, I put a stop to it. I am not prepared to take responsibility for expenditure in excess of approved budgets unless I have taken on the responsibility for taking the decision. This was done at the level of the officials, who, you know, appeared to think that what was worth investing £¼ million was equally worth it if it cost £1½ million. So the answer is that work has been stopped because in my judgement there was no justification in terms of the value to the building to us if that kind of money was being spent on a building that is rented by the way –
605

(Interjection) Yes, rented. Not even our own property.

It is much better if you are going to spend that kind of money to spend it on a property that is ours which is where it was originally intended to be. So the building will be put to another use, because we are renting it and paying rent, and we will see you know how much money we can save between what was originally budgeted and what was intended to spend.
615

Hon. D A Feetham: Mr Speaker, may I congratulate the hon. Gentleman for not allowing himself to be brainwashed by consultants and may I commend his example to the rest of his Parliamentary colleagues.
620 *(Laughter)*

Mr Speaker, what about the Lloyds building? Are there any plans for the Lloyds building? I know that he says it is rented. It is not owned by the Government, but are there any plans? Does the Government have any plans in relation to that particular building?

Hon. J J Bossano: Well, there is a strong possibility that it may finish up as the Ministry for Economic Development. *(Laughter)*
625

Q250/2015

Community Care –

Household Cost Allowance extended to disabled persons

Clerk: Question 250, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say when the eligibility for quarterly Household Cost Allowance payments through Community Care will be extended to disabled persons, as outlined in the Government's manifesto?
630

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development & Telecommunications (Hon. J J Bossano): Mr Speaker, the matter is under discussion with Community Care.
635

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the hon. Minister say if it is likely to happen before the end of this Parliament?

640

Hon. J J Bossano: I can say that I would expect it to happen before the end of the Parliament to the extent that if it is in my power to make it happen, it will.

645

Q251-252/2015
Construction Trades Training Centre/Engineering Training Centre –
Trainees currently enrolled; details

Clerk: Question 251, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Training provide updated details in respect of all trainees currently enrolled at the Construction Trades Training Centre, listing the specific discipline or course being followed, as well as indicating at what NVQ level?

650

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development & Telecommunications (Hon. J J Bossano): Mr Speaker, I will answer together with Question 252.

655

Clerk: Question 252, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Training provide updated details in respect of all trainees currently enrolled at the Engineering Training Centre, listing the specific discipline or course being followed, as well as indicating at what NVQ level?

660

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development & Telecommunications (Hon. J J Bossano): The updated details are Construction Training Centre: Carpentry, 8 at Level 1, 2 at Level 2 and 4 at Level 3; Bricklaying, 5 at Level 2; Plastering, 5 at Level 2; Tiling, 2 at Level 2; Plumbing, 5 at Level 1; Painting and Decorating, 5 at Level 1.

665

Gibdock: Fabrication and Welding, 4 at Level 2 and 4 at Level 3; Mechanical Engineering, 5 at Level 3; Electrical Installation, 7 at Level 2; Motor Mechanic, 7 at Level 2.

670

Q253/2015
Public service employees –
Increase in permanent staff

Clerk: Question 253, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what permanent increases have there been in numbers of employees in the public service since 1st January 2012, broken down by reference to the Civil Service, the GDC and any other Government company, public authority or entity for which the Government is accountable?

675

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development & Telecommunications (Hon. J J Bossano): Mr Speaker, the increase in the number of employees since January 2012 has been Civil Service 277, Agencies, Authorities and Companies 211.

680

Clerk: Question 254 –

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

685

Mr Speaker: Yes.

690 **Hon. D A Feetham:** Mr Speaker look, I may be missing something here, but my calculation in terms of the increases in the public service was 500... I think it is 511 or 521. I cannot remember. I have got to look at my notes, but it is roundabout that figure. The Chief Minister in communiques has denied that that is the apposite figure.

695 Well the figure that is... with the implication that it is much lower, the figure that the hon. Gentleman has provided me is close to 500 and so we are not too far apart am I? or am I missing something in the... well the figure he has provided me with is 277 plus 218 is 388 – (*Interjection*) 211. And so it is basically 488. Exactly, 488, and I was saying 511 and so it is only a difference of 20. Am I missing something here because to have an argument over 20 does not seem to me to be a reasonable point for the Government to be making?

700 **Hon. J J Bossano:** Mr Speaker, the difference is bigger because in fact when he was quoting the 513 he was not quoting it up to now. He was quoting it up to the figure of six months ago. Obviously it could not have been 513 six months ago because then it would have had to decline quite dramatically in the last six months which is not what has happened.

705 I think he should take note of the fact that 197 of the increase are the dinner ladies, who were at the time that he was in Government employed by a private company and supplied to the Government and who were converted into Government employees after the General Election. Others are increases that have taken place in the Civil Service because of the supply teachers that were made permanent teachers. So in fact this is not 488 more clerical grades, this is 488 more public servants.

710 I think to put it in context so that it may help him in discharging his duty to see whether the growth is successive or not. It may help him to note that in the three years between December 2011 and December 2014 the growth has been 8.9%. In the three year preceding – that is the last three years when he was there – the growth was 12.9% and so we have still got a margin of 4% to catch up with him.

715 **Hon. D A Feetham:** Can I examine whether we get to that margin, accepting that his figures are correct of course? Do these figures actually take into account the 70 Customs Officers, the extra recruitment within the Customs Service that we know is going to be taking place or indeed is in the process of taking place at the moment?

Hon. J J Bossano: Mr Speaker, this is the figure as at the end of December last year and therefore a proportion of those will be counted, but certainly nothing like 70. It might be that 20 have come in so far.

Q254/2015

Skills Enhancement Training Company Limited – Employees paid by GJBS

720 **Clerk:** Question 254, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government explain why some employees of Skills Enhancement Training Company Limited are being paid by GJBS?

725 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development & Telecommunications (Hon. J J Bossano): Mr Speaker, the information implied by the question is not correct.

730 **Hon. D A Feetham:** Mr Speaker, let me tell him that a couple of people have been to see me just before the notice for the questions, concerned that they are being told by the Ministry of Employment, as it happens, that their wages... and they are employed by this particular company, Skills Enhancement Training Company in order to do short-term courses. I think it is about six weeks, five or six weeks in order to be trained in relation to Mount Alvernia and provide services there and elsewhere within the Care Agency. They are being told that the company that was to pay their wages, what was owed to them – these people had not been paid for two months and so in other words they had finished their course and two months later they still had not been paid – was GJBS.

740 This seems extremely odd to me. I have to say I saw their employment contracts and I could see that the employment company was Skills and Enhancement Training Company, but I could see nothing in relation to GJBS. That is the information they were being provided. Indeed, when they went to GJBS they were being told by GJBS that the Government had not put GJBS in funds to allow them to be paid.

Hon. J J Bossano: I know that the hon. Member has not been in politics as long as I have been, but he should not believe everything that he is told. (*Laughter*)

745 First of all, GJBS does provide a service to the training companies in that they produce the calculations for us because it is cheaper for us to use their payroll system than to fabricate one of our own and duplicate services which would cost more money, but of course the employer pays the employee even though they may outsource the function of preparing the wages.

750 Secondly, everybody that goes on the five-week course is told at the beginning of the five-week course that it will take 10 days after they have finished the course for them to receive their wages and they do not receive their wages until after the five weeks because otherwise we are not in a position to ensure that the people have done the five weeks for which they get paid.

755 Thirdly nobody has ever had to wait two months at the end of the five weeks to get paid and in fact if they did there would have been a backlog because every five weeks there is a new cohort of people coming in. So clearly, if everybody had to wait two months there would not have been two people, there would have been 48 people without payment because there are 24 in each intake.

So the information is wrong on every single count. People do not wait two months, they wait 10 days. They get told they will wait 10 days before they start and they never get paid before the 10 days. These people have been paid within 10 days. The people that went to him also came to me. I investigated it and the 10 days were not yet up.

760 In any event, GJBS is not the entity responsible. GJBS just happens to be the entity that has a section of its administration which prepares pay for 500 construction workers and therefore for a small fee they do the calculations for the trainees, which is a cost effective way of doing it.

That is the explanation, Mr Speaker.

765 **Hon. D A Feetham:** Mr Speaker, I am very grateful for the explanation. Can I tell him that actually the people that came to see me are his own supporters? They voted GSLP and are GSLP supporters, not GSD supporters. But of course I discharge my duties in relation to everybody, not just people that are going to be voting for the GSD, but of course that is my responsibility.

770 So when I speak to these two individuals tomorrow – I am going to be telephoning them – what I will say from the hon. Gentleman, a communique from him, is that you should have been paid within 10 days and that if you have not been paid within 10 days, and it happens not be the two individuals that have already been to see the hon. Gentleman, to go and knock on the hon. Gentleman's door. Because of course if it is true that these people have not been paid after two months then I have no reason to doubt the fact that that is so from what they have told me, then of course under the hon. Gentleman's explanation they should have been paid and they will be paid.

780 **Hon. J J Bossano:** That is absolutely correct. If anybody has not been paid for two months after finishing their course, it is something that should not have happened and I am assured has not happened. The fact that they should be GSLP voters that went to him surprises me not in the least because it is the hallmark of the GSLP members that they always complain.

Q255/2015

Approved contractors list – Number of companies approved as at 1st December 2011

Clerk: Question 255, the Hon. D A Feetham.

785 **Hon. D A Feetham:** No doubt they will soon feel at home within the GSD.
Mr Speaker, how many companies were on the approved contractors list as at 1st December 2011?

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

790 **Minister for Economic Development & Telecommunications (Hon. J J Bossano):** Mr Speaker, the number on the list on 1st December 2011 is not known. At the close of that month – that is at the end of December 2011 – the total was 91.

Hon. D A Feetham: Mr Speaker, do you have... does the hon. Gentleman (*Problem with microphone*) I think the hon. the Chief Minister said '*ni el microfono lo traga*'

795 **Chief Minister (Hon. F R Picardo):** That is right, absolutely. Would you like me to repeat it, Mr Speaker?

Hon. D A Feetham: I am afraid that I have to put up with – (*Interjection*) But anyway, let me get on with the serious politics that I and the Father of the House want to be engaged in and leave the infantile behaviour (*Banging on desks*) to the playground, Mr Speaker.

800 Mr Speaker, does the hon. the Father of the House have the figure for the end of November so that I can see what really the position was when we were in Government? Because we know what the position is today. That is really what I am getting at. Does he have the figure as at 30th November?

805 **Hon. J J Bossano:** No, Mr Speaker, because I think I have told him in the past, the alleged approved contractor list that was supposed to exist in the Technical Services Department where there were companies identified for different kinds of work and for different volumes of work in terms of size of contract, was in complete disuse and had not been touched for years and included a lot of dead companies. That was not the list that was being used by the Employment Service.

810 The list that I have given him was the list that was compiled by me in December from the people who were getting work and who were then in existence, even though they were not identified as being approved contractors *de facto*. They were being given work as approved contractors and therefore I started off with the list made up of the people that were getting work at the time and I can certainly give him a copy of that list if he wants it, the 91 that were there in December when we took over.

815 But the list was compiled by me getting information on different entities doing different work in different places because in fact when the announcement was made in 2010 I think the subsequent evolution of that policy in 2011 happened on an *ad hoc* basis, on the basis that instead of there being a compiled list from which people were invited to submit a price for work, people submitted a price for work and I think joined the list subsequently as it were.

820 But I can tell him that the list that I have got from December, plus the one subsequent to December of the new incorporated companies, is the one that operates today. So I think almost all of the 91 there are still in existence. I think there may be one or two who have fallen by the wayside, but I would think most of them are there. Therefore these would be the people that were available to do work for the previous Government going from December backwards.

825 **Hon. D A Feetham:** Yes, I would appreciate it if the hon. Gentleman were to provide me with a list. My recollection – and I have to say that I have looked back at *Hansard* and I have not been able to find it – was that on the actual approved list, and I understand what the hon. Gentleman is saying, that what he is taking... these are not people on the approved list. These are people who are doing work for the Government as at December 2011, the 91.

830 On the approved list, as far as I can remember, there were some 45 companies on the approved list as of that date. That is my recollection, but I have not been able to find anything in *Hansard* to substantiate that. If he could provide me with a list I would be very grateful.

Q256/2015

Government-owned buildings/housing estates – Lift installation and maintenance contractors

835 **Clerk:** Question 256, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please provide a list of companies or individuals who have the benefit of a contract with either the Government, a Government-owned company, Government authority or agency, for which the Government is accountable for the installation or maintenance of lifts in Government-owned buildings including housing estates?

840 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development & Telecommunications (Hon. J J Bossano): Mr Speaker, the companies are Schlinder, General Lifts, Otis, Embarba and Fain.

845 **Hon. D A Feetham:** These are names of companies?

Hon. J J Bossano: These are the five companies that I have been told are doing work either in installation or maintenance, yes.

850

Hon. D A Feetham: These are the companies that the Government is contracting directly with. In other words, what we are not dealing with is a situation whereby, for example, Otis is engaged to provide maintenance facilities or installation of lifts by a third party.

855

In other words the Government contracts with a third party and the third party contracts with Otis. We are talking about direct contracts between these five companies and the Government or Government agencies or entities.

Hon. J J Bossano: That is the information I have got. There is no intermediary. These are the people who are doing the work and the people who have a contract, yes.

860

Hon. D A Feetham: Mr Speaker, does he have the details of the estates in relation to each one of these five companies?

Hon. J J Bossano: Some of these companies have just been contacted to come in and put in a lift.

865

I can tell him that in terms of the ongoing maintenance of the estates, Otis has got 55 lifts, Embarba has got lifts at Bishop Canilla and Fain have got the lifts at Albert Risso. (*Interjection*) So the 55 lifts are the lifts that are not in either Bishop Canilla or Albert Risso.

Hon. S M Figueras: Yes, Mr Speaker, just a point of clarification. I think he has been talking about five companies, but I have jotted down four. Is there one missing? We have got Schindler, Otis, Embarba and Fain. (*Interjection by Mr Speaker*)

870

Mr Speaker: Schindler, General Lifts, Otis, Embarba and Fain. [*Inaudible*]

875

Clerk: Question 257, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, I think that my hon. Friend, Mr Figueras, has a supplementary in relation –

880

Hon. S M Figueras: Apologies, Mr Speaker, it only just occurred to me.

Of the five lift companies that were mentioned, four are well known. Four are very recognisable. Is General Lifts another non-Gibraltar registered lift operator?

Hon. J J Bossano: To my knowledge, the only one that is registered in Gibraltar and employs people in Gibraltar is General Lifts. All the others have people in Spain and send them out to do the work.

885

Hon. D A Feetham: Is General Lifts – and I have obviously not been able to do any company searches in this because the information has just come now – a company that has been incorporated relatively recently over the last two or three years?

890

Can he provide us with information in relation to who the people are behind General Lifts, as indeed I asked the Hon. the Minister for Sport to provide some information in relation to that and he kindly provided it this morning?

Hon. J J Bossano: Well, no, Mr Speaker I don't think. I know that it would appear to me that the hon. Member is biased against Gibraltar companies because he wants to know who is behind a local company, but is quite happy not to know who is behind Ortis, Embarba, Fain or anybody else that is based in Madrid or Algeciras. The answer is no. I am not here to give him who is behind the company.

895

We do business with a company which is a legal entity. We do it with Spanish companies because we do not had Gibraltar companies. I wish there were more Gibraltar companies, because I want the work that the taxpayer pays for to stay as much as possible in Gibraltar to provide economic activity in Gibraltar, and profits for Gibraltarians and work for Gibraltarians.

900

Hon. D A Feetham: Mr Speaker, he does not need to get upset about the question. I fully agree with the aim of providing more employment for Gibraltarians and attracting Gibraltar companies and allowing businesses to stay here, but I am also perfectly entitled to make the observation which is an observation which is quite clear, that all of these are well-known lift companies and there is one which is not.

905

The information that we have is that this particular company is associated with well-known GSLP supporters (*Interjections*) and that is where the question arises. Of course we are perfectly entitled to

910 examine that and no doubt we will come back and ask about these contracts, whether they went out to tender, whether they did not go out to tender etc.

Hon. J J Bossano: The hon. Member expects me not to be upset about the fact that he prefers the work to go to Spanish companies than to a Gibraltarian who happens to vote for the GSLP. That does upset me. (A Member: Hear, hear.) (*Banging on desks*) I can tell the hon. Member that as far as I am concerned, I prefer a GSD supporter to get the work than an outsider. (A Member: Hear, hear.) (*Banging on desks*)

Hon. D A Feetham: Yes, Mr Speaker.
Can he assure the House that we are not dealing with a situation where contracts for the maintenance or installation of lifts go to a particular company who then just simply subcontracts to one of the other four who are recognised as suppliers and installers of lifts? In other words, what you are not doing is adding another layer to the taxpayer of Gibraltar simply to award a contract to your own supporters. (A Member: Yay)

Hon. J J Bossano: I will tell the Civil Servants in the Procurement Office that the Leader of the Opposition suspects that they are awarding contracts to create a layer for GSLP Members to skim off an additional profit. Certainly I have not been involved in awarding the contract because this is not a political decision.

I can tell the hon. Member that the rules that exist are that if somebody gets a contract, the subcontractor has to be approved by the Government. In all the contracts that come my way I make sure that there is a constant supervision of the use of subcontractors to ensure that they are people who are properly registered, that their employees are registered with the ETB, that they are up to date with their tax and they are up to date with their insurance. There is no question of somebody skimming off a layer of profit and providing no value in exchange for that profit. So if the hon. Member suspects that is the case here, I will investigate it and satisfy myself that it is not.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might, I think it is incumbent on the Government to clarify that the only instance where we have found evidence of layers being added of cost to the taxpayer are in high profile expensive contracts granted without tender by the previous Administration to companies owned and operated by supporters of the GSD on the basis of cost plus. Namely, contracts granted to Colour Works, contracts granted to Kings Bowl, contracts granted to Master Services, contracts granted to GLRC. All of them companies owned and operated by what were then high profile supporters of the Government, who achieved those contracts without tender and which contracts were based on the cost being charged to the taxpayer with an agreed increase on the cost of 10%.

In other words the more the contract cost, the more it cost the taxpayer with the obnoxious 10% cost plus added. That is the layer of fat added by a Government to the taxpayers' cost to its own supporters companies of which there is only evidence *once* in the history of Gibraltar and that is in the 16 years that they were in Government. (*Applause & Banging on desks*)

Hon. D A Feetham: Mr Speaker, I do not know whether any of those companies or the people that he has mentioned are supporters of the GSD – (*Interjections*) Well, no. I have to say (*Interjections*) he is more informed – (*Interjections*) He is more informed –

Mr Speaker: Order.

Hon. D A Feetham: He is more informed on who votes for the GSD than I am. I have to say that I did not know that the people associated with Colour Works were GSD supporters – (*Laughter*) No, I did not. No I did not. I did not (*Interjections*) but no doubt, if they are, they are welcome to continue supporting the GSD.

But, Mr Speaker (*Interjection*) is it true that those behind this particular company are well-known GSLP supporters, such as Mr Cardona and Mr Elliot? Is that the case?

Hon. Chief Minister: Mr Speaker, it is the case that the hon. Gentleman seems not to know any of the things that he ought to know to prevent himself from getting up and appearing as if he had a red nose in this House, Mr Speaker (*Laughter*) because he does not want to know the things that demonstrate that he and his Party are the ones who have been responsible for the greatest level of nepotism and cronyism which Gibraltar has ever seen at a huge cost to the taxpayer.

Whether it has been in the award of contracts for the development of the Airport, for the cleaning of Gibraltar or for the operation of parts of the Kings Bastion Leisure Centre –

970 **Mr Speaker:** I am going to interrupt the Chief Minister if he does not mind, because we are going to move on. Who would have thought that such a simple answer was going to generate so much heat. We go on to the next question. (*Interjection*) No, no, we are moving on.

975

Q257-261/2015
Gibraltar Savings Bank –
Cash reserves; aggregate debt; debentures

Clerk: Question 257, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, yes can the Chief Minister please state what the Government cash reserves were as at 1st March 2015?

980

Clerk: Answer the Minister for Economic Development and Telecommunications.

Minister for Economic Development & Telecommunications (Hon. J J Bossano): I will answer the question with Questions 257 to 259 and 261?

985

Clerk: Question 258, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please give a breakdown by bank and amount, of that part of the aggregate public debt which comprises bank debt, as at 1st March 2015?

990

Clerk: Question 259, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister provide this House with a breakdown by debenture issue of that part of the aggregate public debt which comprises Government Debentures as at the 1st March 2015?

995

Clerk: Question 260, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide details of the value of Gibraltar Savings Bank Debentures or other debt security as at 1st March 2015?

1000

Clerk: Question 261, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide a breakdown of where and how all the monies deposited in the Gibraltar Savings Bank have been invested and the rate of return on each of these investments as at 1st March 2015?

1005

Clerk: Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development & Telecommunications (Hon. J J Bossano): Mr Speaker, I answer in my capacity as Minister for the Gibraltar Savings Bank and Economic Development.

The Government cash reserves for February were £73.48 million. (**Hon. D A Feetham:** £73.48 million.)

At the end of February, the aggregate debt, consisting of bank debt, was Barclays Bank plc, £150 million and Nat West Offshore, £50 million.

1015

The Government Debentures by maturity date were as follows: 2017 Debentures, £5,993,500; one month's notice Debentures, £241,879,600.

The value of Gibraltar Savings Bank Debentures and other debt securities by maturity date was: one month, £31,658,300; 2015 Debentures, £8,990,600; 2016 Debentures, £22,935,600; 2017 Debenture, £97,389,600; 2018 Debentures, £163,777,600; 2019 Debentures, £154,454,600; Other Debentures, £147,614,246; Bonds, £98,054,400; Deposit Accounts, £226,536,300.

1020

The average yield of the different categories of investment vehicles by the Savings Bank for the month of February was as follows.

On-call accounts with the Bank of England, the Crown Agents, the Gibraltar Banks at an average yield of 0.55% the Gibraltar Banks being the Royal Bank of Scotland, Barclays Bank, Nat West, Jyske Bank and Lloyds Bank.

1025

1030 Floating Rates Notes quoted on the London Stock Exchange at an average yield of 0.98%. The Floating Rates Notes were issued by the following: European Investment Bank; International Bank for Reconstruction and Development; Neder Waterschapsbank; KfW; Republic of Finland; Volkswagen Financial Services; Dexia; GE Capital UK; Westpac Securities; Australia and New Zealand Banking Group; Centrica plc; ASB Finance Ltd; Royal Bank of Canada; BG Energy Capital plc; Suncorp Medway Ltd; BMW Finance; National Grid Gas plc.

1035 Monthly Income Debentures at a 6% return and preference shares from Credit Finance had an average dividend of 5.6%. As previously explained, the quoted stocks and call accounts fluctuate marginally on a daily basis, but these fluctuations are not significant.

I now hand over the Savings Bank statement listing the investments for February 2015.

P.T.O. for handout.

Answer to Question 261 - Schedule to Question 261
SAVINGS BANK FUND
STATEMENT OF INVESTMENTS

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 28/02/2015
EIB FLOATING RATE NOTE 22/02/17	£20,000,000.00	100.296	£20,059,115.80 £2,094.88	£20,061,210.68
EIB FLOATING RATE NOTE 05/01/16	£20,000,000.00	99.981	£19,996,253.20 £18,741.11	£20,014,994.31
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.001	£4,235,062.81 £2,774.14	£4,237,836.95
NEDER WATERSCHAPSBANK FRN 09/04/18	£12,200,000.00	100.000	£12,200,000.00 £12,366.12	£12,212,366.12
KFW FRN 09/03/15	£17,000,000.00	100.000	£17,000,000.00 £24,696.59	£17,024,696.59
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.023	£5,001,169.80 £252.59	£5,001,422.19
VOLKSWAGEN FIN SERV NV FRN 12/10/15	£5,000,000.00	99.996	£4,999,776.80 £5,540.59	£5,005,317.19
DEXIA CREDIT LOCAL FRN 15/4/16	£4,000,000.00	100.020	£4,000,787.40 £3,810.52	£4,004,597.92
GE CAPITAL UK FUNDING FRN 20/3/17	£2,000,000.00	99.764	£1,995,688.88 £2,644.10	£1,998,332.98
WESTPAC SECURITIES NZ LT FRN 2/10/17	£5,000,000.00	100.000	£5,000,000.00 £7,570.21	£5,007,570.21
AUST & NZ BANKING GROUP FRN 4/2/16	£5,000,000.00	100.179	£5,008,959.25 £2,741.92	£5,011,701.17
CENTRICA PLC 5.5% 24/10/16	£8,000,000.00	106.608	£8,396,509.64 £114,821.92	£8,511,331.56
ASB FINANCE LTD LONDON FRN 13/03/17	£5,000,000.00	100.254	£5,012,707.10 £11,714.90	£5,024,422.00
ROYAL BANK OF CANADA FRN 4/6/19	£5,000,000.00	100.079	£5,003,954.35 £11,224.18	£5,015,178.53
KFW 5.5% 7/12/15	£5,000,000.00	103.925	£5,196,250.00 £61,875.00	£5,258,125.00
VOLKSWAGEN FIN SERV NV 2.375% 13/11/18	£5,000,000.00	102.712	£5,135,591.65 £34,811.64	£5,170,403.29
SUNCORP-METWAY LTD FRN 06/10/17	£5,000,000.00	100.131	£5,006,526.45 £8,453.21	£5,014,979.66
CANADIAN IMPERIAL BANK FRN 15/1/18	£5,000,000.00	100.000	£5,000,000.00 £4,518.68	£5,004,518.68
THAMES WATER UTIL FIN 4.9% 30/6/15	£1,800,000.00	101.419	£1,822,711.58 £12,923.08	£1,835,634.66
GOVERNMENT DEBENTURES	£230,700,000.00	100.000	£230,700,000.00	£230,700,000.00
BANK OF ENGLAND	£22,410,889.30	100.000	£22,410,889.30	£22,410,889.30
CFC SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
GSBA	£5,000,000.00	100.000	£5,000,000.00	£5,000,000.00
GIBTELECOM	£37,798,895.33	100.000	£37,798,895.33	£37,798,895.33
ROYAL BANK OF SCOTLAND GBP CALL A/C	£4,681,904.33	100.000	£4,681,904.33 £12.83	£4,681,917.16
LLOYDS BANK GBP CALL A/C	£408,046.71	100.000	£408,046.71 £116.27	£408,162.98
BARCLAYS BANK	£73,019,710.33	100.000	£73,019,710.33	£73,019,710.33
NATIONAL WESTMINSTER OFFSHORE	£34,549,380.77	100.000	£34,549,380.77	£34,549,380.77
JYSKE BANK	£21,342,475.80	100.000	£21,342,475.80	£21,342,475.80
CASH	£4,000,000.00	100.000	£4,000,000.00	£4,000,000.00

1040 **Hon. D A Feetham:** Mr Speaker, yes I note that the hon. Gentleman is answering the question as Minister for Economic Development, and not as Chief Minister, although I have to say that we would all feel much, much safer if you were answering the questions as Chief Minister for Gibraltar because at least you understand what we are talking about. *(Interjection by Hon. Chief Minister)* Mr Speaker – *(Laughter)* *(Interjections)* the figure for debt and the figure for cash reserves is for 1st March 2015.

1045 Bearing in mind that we are just a month away... well a month from that particular date away from the end of the financial year and bearing in mind the Government's commitment to reduce the public debt, the gross debt by half, unless the Government has a significant increase in revenue in this month – in other words, and these are the figures for 1st March to end of March – the gross public debt is not going to be cut by half, certainly in this financial year and therefore we will not see that at the next Budget.

1050 It may well be that the hon. Gentleman says, ‘Well, actually we do expect it before the end of the month because, for example, the sale from the premiums on the Eastside development is going to reach over £100 million and perhaps increasing the sale of tobacco, we are going to plough that into a reduction of public debt’. But does he expect the Government’s target of a reduction of public debt, gross public debt, by half to be met before the end of this financial year?

1055 **Hon. J J Bossano:** Mr Speaker, I am at a loss to understand why he should ask me if I expect that to happen when in fact he has got the book that we approved in this Parliament a year ago, where the expectation in that book is that the debt should now be £450 million and it is £448 million. In fact the expectation of the Government was that there would be a debt of £450 million at the end of March and there is £448 million at the end of February. So a month ahead we are already £2 million below the figure
1060 we expected. So I do not know why he thinks I am expecting it to be £260 million by the end of this month when that is not what the book says.

What we have said is that we expect it to be £260 million in the term of office of the Government, which maybe he regrets is not going to be at the end of this month. We are still going to be there on 1st April. (**A Member:** Hear, hear.) So he was expecting us to disappear at the end of the month and I have
1065 to tell him he is an April fool of the 1st – (*Laughter*)

Hon. D A Feetham: So, Mr Speaker, the question of the reduction of the public debt by the gross public debt by half is a commitment that the hon. Gentleman stands by, by the end of this year. Can I ask him whether he expects to fulfil that, bearing in mind that the only way that he can do so is through the influx of
1070 extra capital generated by the Government, because it is not going to happen just simply on the basis of the income that the Government generates on a current basis? This is going to have to be done from some extra sale of some Government asset and that is why I spoke about the Eastside development.

Can he provide us with some information as to how the Government intends to fulfil this manifesto commitment of reducing the public debt by half by the end of this term in office?
1075

Hon. J J Bossano: No, Mr Speaker. I do not think that there is any obligation to assist the education of the Members opposite by telling them how things can be done.

We commit ourselves to do things and we do them or we do not. Sometimes we fail in our targets. Sometimes we succeed in our targets. I have in the past, may I remind the hon. Member, predicted levels of
1080 economic growth which were considered impossible under the previous Administration, even though they actually succeeded in doing it themselves and were considered impossible when we had the first debate when he participated and he was not yet Leader of the Opposition in 2012.

All the participants there were saying it was impossible to do. (*Interjection*) So the answer is the target is still there. I am confident that we can achieve it in the timescale we set ourselves. The timescale was not
1085 three years but four.

Hon. D A Feetham: Yes, Mr Speaker, but can I ask him this, because you see it may be possible for the Government to reduce the public debt by half if it receives significant premiums – as I say, Eastside development, over £100 million – and it goes directly into paying, for example, the revolving loan from the
1090 banks and there is an increase, an influx in tobacco revenue which the Government has projected, bearing in mind this increased price, and that again goes into the repayment of the public debt. But does he not agree with me that actually that is going to be, if he does it that way, a very short-term measure, because you can reduce public debt by half by doing that, but effectively what you are doing is starving yourself of the cash flow that will be necessary in the future?

1095 So inevitably what will happen is that the Government will pay off half the public debt tomorrow... let us say for arguments sake on a particular date, two months later – and I hope it is not after the General Election, but two months later, three months later it then has to borrow another £200 million because of course it was not possible for cash flow reasons to actually just simply pay half the Government debt without getting yourself into a problem with respect to cash flow, although I have to say the Government is
1100 cash flow rich in the sense that it is using £400 million from Credit Finance.

Hon. J J Bossano: Mr Speaker, first I would like to correct the inaccuracy in the element of the question he put that I can just pay off the revolving debt from the banks because the revolving debt no longer revolves, because when he was in Government he did a swap agreement (*Laughter*) which means
1105 that I cannot repay them until 2019. (*Laughter and interjection*) maybe he didn’t know it.

The reality of this is that we make a statement when we go to an election of what the target is. The target is that we will come down from £520 million to £260 million in the gross debt. That is the commitment that we gave, a commitment which he thinks is irrelevant anyway because he has kept on

1110 saying since then, and before then, that the level of the gross debt is irrelevant. So as far as he is concerned whether it is £520 million or £260 million does not matter. What matters is the net debt.

At one stage he was saying something which seemed to suggest that by some miracle comparable in physics to anti-gravity we could have net debt higher than gross debt, which I pointed out recently in a press release was not a physical possibility. So the answer to his question is.

1115 He has asked me whether I think we are going to be able to do it and my answer is yes and what our targets will be in our next term of office when we are elected by the people who vote for the GSLP, even if they complain to him about me (*Banging on desks*) will be produced at the time the manifesto is published. I hope he does the same thing and publishes what he is going to do with debt and other things. (*Interjection by the Chief Minister*)

1120 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman, may I reassure the hon. Gentleman, so that he is not as sensitive about the issue as he appears to be, that the complaints actually were not against the hon. the Father of the House. The complaints were against the Chief Minister, because it was a complaint against the Head of the Government. So perhaps he can rest assured that they are going to be voting for the hon. Gentleman. I do not know whether they are going to be voting for the Chief Minister.

1125 Mr Speaker, I never suggested that the net debt could be higher than the gross debt mean look... I have been in this game long enough to understand the basics of what I am talking about and indeed I have demonstrated that I know what I am talking about by the way that the Government constantly reacts in a defensive manner to everything, all my criticisms, in relation to the public debt.

1130 But, Mr Speaker, when is the Government – and I understand that if Mr Speaker wants notice, Mr Speaker would be right, but perhaps he might want to answer this question. When is the Government expecting to receive, for example, a premium for the Eastside development, which I believe is what the Government is going to be using in relation to reduce the gross public debt?

1135 **Hon. J J Bossano:** Mr Speaker, first of all it has absolutely nothing to do with the level of debt or the level of reserves that there are in February when the Government expects to receive money from the lease of these sites and secondly, if I knew the date I would not tell him.

Q262/2015
PAYE tax system–
Increase in December 2014; details

Clerk: Question 262, the Hon. D A Feetham.

1140 **Hon. D A Feetham:** Mr Speaker, can the Government explain why according to table ITO.6 PAYE tax collected for the month of December 2014 is approximately five times the average collected for each month over the previous two years?

I think it is about £50-something million for that particular month, compared to roughly an average of about £9 million for all the previous months or the previous two years?

1145 **Clerk:** Answer, the Hon. the Minister for Economic Development and Telecommunications.

Minister for Economic Development & Telecommunications (Hon. J J Bossano): Mr Speaker, I regret to say that a computer glitch gave us £60 million more than we actually received in December 2014. (*Laughter*)

1150

DEPUTY CHIEF MINISTER

Q263/2015
Eastside project –
Expressions of interest; details

Clerk: Question 263, the Hon. D J Bossino.

1155 **Hon. D J Bossino:** Further to Question 774 of 2014 and recent public statements, can the Deputy Chief Minister please confirm to this House how many expressions of interest remain in relation to the Eastside project?

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

1160 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government is now in discussion with two entities in relation to the Eastside project.

1165 **Hon. D J Bossino:** Mr Speaker, I am grateful to the Deputy Chief Minister for the answer. After I filed this question there have been further announcements by the Chief Minister in relation to this.

Can he give me an indication as to when he expects or the Government expects to be in a position to make a public announcement in relation to the projects which are going to go ahead on this particular plot of land?

1170 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think the answer to that question must be that as soon as we are able. The Government is pursuing, as I said on GBC, detailed discussions now with two of the bidders. We want to make sure that we clarify certain of the new answers in their applications. We want to make sure that the details are absolutely right before we make the awards and we want to do that of course as soon as possible. We expect to be in a position to do that shortly.

1175 But you know in negotiations it is never possible to say, however well they are going, that you are there until you have signed on the dotted line. But I am sure he will be very pleased when we make the announcements, because we are of course trying to look for a project that deals with everything that Gibraltar needs, that preserves the area for Gibraltarians, that actually gets off the ground and that we see economic activity on – exactly what we have not seen in the past 16 years there.

1180 **Hon. D J Bossino:** Thank you for that.

There is a quote in the *Gibraltar Chronicle* article. I also watched his the Chief Minister's interview, where he says, and this is quoting from the *Gibraltar Chronicle*:

1185 'We want to see the development bring something special to the whole of Gibraltar.'

Is it perhaps not an answer that he can provide because it will have an impact on negotiations, but can he give us an indication of what he would like to see there?

1190 **Hon. Chief Minister:** Mr Speaker, I think the official notice for expressions of interest set out exactly what it was that the Government wanted to see there, but these are not issues that will affect the negotiations because they are red lines for the Government. This has to be an area near access to the Waterfront where Gibraltarians can have access. We are not going to create gated communities where Gibraltarians cannot have access to the Waterfront and cannot enjoy that area as a leisure area. I am sure that across the floor of the House would all agree that that is essential and that is not going to affect our negotiations, neither have any of the parties who have made proposals to us knowing that that is a red line for us, having seen that in the expressions of interest, suggested anything to the contrary.

1200 The projects that we are discussing are very, very exciting projects for Gibraltar. As they can imagine they would be a transformation of an area which they used to call when it was a GSLP...what is it? They call it reclamation. A rat infested area, but no sooner had they taken over and it was *their* reclamation, it was a Sovereign Bay. We would rather not give it a name. We would rather just see it in Economic Development.

1205 **Hon. D J Bossino:** Will it entail any of the projects... will it entail an extension of the reclamation or is it what there is now?

1210 **Hon. Chief Minister:** I think what he has seen from the expressions of interest, Mr Speaker, suggest that there is to be a marina. So obviously we are not going to dig into the reclamation to create a marina. The marina is going to come out of the existing area of reclamation and there is no intention to reclaim further in that area.

Questions for Written Answer

Questions W24 to W36/2015 tabled

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

1215 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table... sorry, to table the answers to Written Questions numbered W24 to W36/2015 inclusive.

ADJOURNMENT

Clerk: Order of the Day. Bills – First and Second Reading.

1220 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn to Monday 30th March at 3.30 p.m.

Mr Speaker: We are not going to deal with Bills?

Hon. Chief Minister: No.

1225 **Mr Speaker:** No?

Hon. Chief Minister: No, to Monday 30th March at 3.30 p.m.

1230 **Mr Speaker:** I now propose the question, which is that this House do now adjourn until Monday 30th March at 3.30 p.m.

I now put the question which is that this House do now adjourn to Monday 30th March at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against?

This House will now adjourn until Monday 30th March at 3.30 p.m.

The House adjourned at 4.46 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 5.35 p.m.

Gibraltar, Monday, 30th March 2015

Business transacted

Prayer	3
Gibraltar Football Association – Congratulations to senior and under-16s squads.....	3
Order of the Day.....	3
Bills	3
First and Second Reading.....	3
Referendum Bill 2015 – First Reading approved.....	3
Referendum Bill 2015 – Second Reading approved	4
Referendum Bill 2015 – Committee Stage and Third Reading to be taken at this sitting.....	8
Electronic Commerce (Amendment) Bill 2015 – First Reading approved	8
Electronic Commerce (Amendment) Bill 2015 – Second Reading approved.....	8
Electronic Commerce (Amendment) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting.....	9
University of Gibraltar Bill 2015 – First Reading approved.....	9
University of Gibraltar Bill 2015 – Second Reading approved	9
University of Gibraltar Bill 2015 – Committee Stage and Third Reading to be taken at this sitting	19
Fair Trading Bill 2015 – Motion deferred pending republication of amended Bill	19
Financial Services Insurance Companies (Solvency II) Directive Bill 2015 – First Reading approved	20
Financial Services Insurance Companies (Solvency II) Directive Bill 2015 – Second Reading approved.....	20
Financial Services Insurance Companies (Solvency II) Directive Bill 2015 – Committee Stage and Third Reading to be taken at this sitting	21
Committee Stage and Third Reading.....	22
Referendum Bill 2015 – Clauses considered and approved.....	22
Electronic Commerce (Amendment) Bill 2015 – Clauses considered and approved.....	23
University of Gibraltar Bill 2015 – Clauses considered and approved	23

Financial Services Insurance Companies (Solvency II) Directive Bill 2015 – Clauses considered and approved.....	29
BILLS FOR THIRD READING.....	31
Referendum Bill 2015; Electronic Commerce (Amendment) Bill 2015; University of Gibraltar Bill 2015; and Financial Services Insurance Companies (Solvency II) Directive Bill 2015 – Third Readings approved: Bills passed.....	31
Silence held in respect of deceased family found at Boschetti’s Steps	31
Adjournment.....	31
<i>The House adjourned at 5.35p.m.</i>	31

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

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

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

PRAYER
Mr Speaker

Gibraltar Football Association – Congratulations to senior and under-16s squads

Chief Minister (Hon. F R Picardo): Mr Speaker, before we get into the formal business of the House, which will involve Bills and motions, I wanted to rise just to reflect that history was made yesterday on the football field by the senior GFA squad and the under-16 squad in two respects.

5 The first event of note was the fantastic goal scored by Lee Casciaro – which no doubt all of Gibraltar will have watched on television and some were lucky enough to watch in person at Hampden Park – in the Euro-qualifier which Gibraltar were playing against Scotland. I have no doubt that the Casciaro goal was absolutely, certainly in my view, definitely the most beautiful goal of the match and I am sure that the whole House will want to join me in congratulating Lee Casciaro for the fantastic achievement that the goal represents as our first in a competitive international competition. (*Banging on desks*)

10 Moreover, at the level of our younger selection, the under-16s, we can see that the next generation of Gibraltar footballers are also achieving greatly. As their more senior brethren had already done, they yesterday beat Malta by two goals. They were playing in the GFA's first ever Youth Development Tournament being held this weekend in Gibraltar.

15 Mr Speaker, I note that also in Gibraltar for the tournament are the teams from Macedonia and San Marino. I am delighted to welcome the Malta, Macedonia and San Marino teams to Gibraltar.

I warmly congratulate all of our senior and under-16 squad and their coaching and training staff on behalf, no doubt, of the whole Parliament. The GFA make the beautiful game carry our dreams in European and, hopefully soon, international competitions and we all value their hard work. (*Applause*)

Order of the Day

BILLS FIRST AND SECOND READING

Referendum Bill 2015 – First Reading approved

20 **Clerk:** Order of the Day – Bills, First and Second Reading. (1) A Bill for an Act to govern the organisational, administrative and procedural matters associated with the holding of referenda in Gibraltar.
The Hon. the Chief Minister.

25 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act govern the organisational, administrative and procedural matters associated with the holding of referenda in Gibraltar be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to govern the organisational, administrative and procedural matters associated with the holding of referenda in Gibraltar be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

30

Clerk: The Referendum Act 2015.

**Referendum Bill 2015 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill for a Referendum Act 2015 now be read a second time.

35 This Bill provides a legal basis for the holding – or rather I should say, for the reasons I am going to come to later, a legislative basis for the holding of referenda in Gibraltar.

Hon. Members will know that the thinking behind this Bill relates to the situation which manifested itself at the time of the atrocious joint sovereignty negotiations between the United Kingdom and Spain. At that time ill-informed and badly advised commentators in the UK and Spain started to suggest that a referendum in Gibraltar which was not organised by the United Kingdom would not have any legal validity.

40 That is, as this House then agreed, utter nonsense. That was common ground between both sides of the House at the time and I trust that it is still common ground across the floor of the House. Indeed, I want to refer the House, in taking this Bill, to Question 706/2002, where the subject was ventilated in the exchanges on that issue between the then Chief Minister, now the hon. backbencher Sir Peter Caruana, and the then Leader of the Opposition – then and now, as in the future and for many years, we hope, the Father of the House. Let me highlight some parts of that exchange.

45 Mr Bossano, in his supplementary question, said this:

‘Can I ask, in terms of the technical position to organise a referendum, the United Kingdom has said in Parliament’

– that is the Westminster parliament –

50 ‘that it is a matter for them both to decide the question I think and the timing that is put, on what basis do they think they have the right to say under the Constitution to do this without the support of this House?’

Sir Peter then said this, as Chief Minister:

55 ‘I do not know and they appear to think that this raises some legalistic issue where of course a referendum is simply a properly administered opportunity for people to express a free and democratic view. It does not raise any issue of law and of course there is nothing in the laws of Gibraltar that entitle the UK but not the Gibraltar Government to conduct a referendum and there is nothing in United Kingdom law in that respect either. I think the point they are making which in my opinion is a complete non sequitur is that if the result of the referendum would require a change in English law, for example, if we all voted to be Spanish in this referendum and this required some acts of Parliament to be passed that they do not think that they should have to change the UK law except in response to a referendum that they have organised, I think that is the somewhat skewed thinking, the formal positions are as follows, they say that they would like to organise in consultation with the Gibraltar Government and I say that the Gibraltar Government will organise it in consultation with the British Government. In either event the Gibraltar Government reserve the right to organise a referendum in Gibraltar on any issue at any time that it pleases there is nothing in the law preventing the Gibraltar Government from doing so, indeed there is nothing in the law providing anybody in Gibraltar organising a referendum.’

– I assume that is prohibiting anybody in Gibraltar organising a referendum; a note to amend *Hansard* in that respect, at page 635 of that particular *Hansard* –

70 ‘The idea to be a valid expression of democratic will it has got to somehow comply with some law which is non-existent in the event but that it has to comply with some law is a view for which I can see no rational consensus.’

The argument continued with both sides of the House being entirely of one mind in that respect. There are a few more exchanges but I do not need to trouble the House with those.

75 Mr Speaker, as a result of that issue raising its head then, we committed ourselves in our manifesto for the General Election to bring a Bill for a Referendum Act and we set out what that Act would do.

Under the heading ‘Referendum Law’ our manifesto says as follows:

‘As became apparent at the time of the referendum on the 2006 Constitution’

80 – a later referendum, Mr Speaker, which was also relevant –

‘the legal base for consulting citizens through a referendum does not exist in Gibraltar, as was confirmed at the time by the Attorney General. This does not mean that the referendum was illegal, as Spain has argued, but that the legal basis for it is not as

85 strong as it could be. We will therefore introduce an Act of Parliament in our first year in office to cure this problem to provide the legal basis for holding referenda and the procedure to be followed. We will make provision for non-Gibraltarian British nationals resident in Gibraltar for over 10 years to be eligible to apply for Gibraltarian status and vote in such referenda.

– something, in respect of that last phrase, which has already happened. It was the case that British citizens who had been resident for 10 years were given the opportunity to vote in the referendum from 2002. We were therefore only, in effect, giving legal cover to what had been the case as a matter of policy agreed between both sides of the House at the time that those particular referenda had been agreed. Mr Speaker, that is therefore what the Bill before the House today now seeks to do.

Part 1 of the Bill is concerned with the usual preliminary matters, such as title, commencement and interpretation.

90 Part 2 contains the mechanism for the calling of the referendum. A referendum is held when the Chief Minister makes an order pursuant to clause 3, but an order under Clause 3 is only made either after the House has read a Government Bill for a second time with the other stages then being adjourned to a later date, or where this House has approved a Government motion calling for a referendum – in the first instance, if a Bill is being put to the people in referendum.

95 Clause 4 of the Bill sets out the contents of the order and what has to be contained in it and this includes the day itself of when the question is going to be put, the question to be put and also the percentage of votes that will be required to carry the vote.

Clauses 5 and 6 are concerned with the appointment of the referendum administrator and related administrative issues.

Part 3 of the Bill then goes on, in clauses 7 and 9, to relate to qualifications for participation.

100 Clause 7 sets out the criteria for eligibility by reference to the voter's nexus for Gibraltar, as is the case in elections. In very general terms, persons will become eligible if they meet the nationality criteria and have lived in Gibraltar during the qualifying period, which, as I indicated, should be 10 years.

105 Clause 8 is not replicated in elections legislation and allows for a change to the minimum age. If we eventually decide to change the minimum age for voting then such a clause will not be relevant; but as the House will know, in a referendum in the United Kingdom recently – in the 'Scottish Referendum', as it is known, the minimum age for voting was reduced, although in this election in the United Kingdom the age for voting remains at 18.

Part 4 of the Bill contains the procedural requirements necessary to establish a list of eligible voters and to provide for challengers, where appropriate.

110 By clause 13 provision is made for the creation of a Register of Voters which must be published prior to the holding of a referendum, exactly the same as when dealing with an election.

115 Part 5 of the Bill comprises clauses 14 to 38, replicates in large measure the provisions of election legislation again regarding polling stations, manning of the same, and these provisions allow for a secret ballot to be undertaken, of course. Unlike in the elections legislation, however, a polling station is referred to as a 'voting station'.

Part 6 of the Bill relates to absentee voting and part 7 to postal voting. Again, these provisions are largely a replica of the existing elections legislation.

120 Part 8 deals with the business end of the referendum and contains the procedural matters relating to the counting of voting papers, the verification of the count itself in addition to the declaration of the result – the bits that are important to the Returning Officer, Mr Speaker.

Offences that may be committed in connection with the holding of a referendum as set out in part 9 of the Bill and the penalty if a person has committed an offence is provided for in clause 79.

Part 10 of the Bill, headed 'Miscellaneous', contains clauses 80 to 83.

125 Clause 80 allows for the destruction of papers at least 12 months after a referendum has been held.

Clause 81 saves the validity of actions taken in the referendum process if observers are not present when they are undertaken.

Clause 82 gives the final say to the Referendum Administrator, as the Returning Officer is known in respect of referenda, in respect of organisational, administrative or procedural matters or in any respect of any voting paper.

130 Clause 83 is a wider regulation-making power that will allow for subsidiary legislation to be made. In Clause 83(2)(d) such a power extends to making regulations that may alter the application of the Act for the purpose of enabling the participation of voters who are unable to attend and vote in person.

135 In a letter that I have circulated to Members, a new part 11 is to be introduced at Committee Stage with just one new clause, clause 84, which will provide that where a result has been declared in a referendum conducted in accordance with this Act, that that result shall be recognised and given effect to until the result of a subsequent referendum requiring otherwise.

Mr Speaker, before I sit down to allow others to speak on the Bill, I should add that the making of this Act for future referenda, which a Gibraltar Government may organise after a motion in this Parliament or in respect of any particular Bill, does not in any way call into question the validity of any earlier referenda and

140 does not give any credence or credibility to the ridiculous and undemocratic statements of those that so disgracefully wanted to silence the voice and thwart the will and the expression of the wishes of the people of Gibraltar back in 2002.

Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

145 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

Hon. Sir P R Caruana: Yes, Mr Speaker, thank you.

150 First of all, let me say that I would wholeheartedly support a Bill to provide legislative underpinning for what we did back in 2002, and to the extent that this Bill did that I would have no hesitation whatsoever in supporting it. As I have understood the Bill – and it may be not what the hon. Members intend, but as I have understood it nevertheless – it does considerably more than that, and unless the hon. Members can put my mind at rest I do not see how I can personally support the Bill.

155 The issue that it arises is really one of the role of Parliament. As I have understood clause 3, and indeed the Hon. the Chief Minister's explanation of it just now, this Bill creates an Act to allow the hon. Members opposite to organise a referendum not on political questions, which is what I would certainly back it for, but rather to give the public at large an opportunity to express a view on any Bill under consideration by this House after its Second Reading. Either we govern in Gibraltar by representative Parliament, in terms of legislation, or we govern by referenda; but what it seems to me is that it is completely undermining the role of Parliament as we have hitherto understood it that as a Bill is making its way through Parliament –
160 namely, after the Second Reading of a Government Bill... It maybe that the hon. Member means a Bill to organise a specific referendum on a specific question, but that is not what it says, is it? It says *any* Government Bill. So we can have a Bill about the price of fish and after the Second Reading the hon. Members could call a referendum and then presumably Parliament's will is obliged by the result of that referendum.
165

I do not know if that is what was intended or not – it may not be – but I cannot imagine that it is consistent with the role of this Parliament, or any Parliament as we have hitherto understood it, that a referendum should be part of the legislative process of this Parliament in its legislation-making. It seems to me that that is a much more radical transformation of the system of governance in Gibraltar than a
170 referendum to give statutory underpinning to the political question of sovereignty or any other political question that might arise in future, which is, as I have understood it, is what the hon. Members intend to achieve by this Bill. I am just wondering whether between now and the Committee Stage, if the Bill is not too urgent – and assuming that they agree with me, which they may not – whether it would be worth just tightening up the language of the Bill to make it clear what it is and clear what it is not.
175

Mr Speaker: Does any other hon. Member wish to speak?

Hon. D A Feetham: Mr Speaker, we would wish to hear what the Hon. the Chief Minister has to say about the points that the backbencher has just made. (*Interjection*) I understand that technically, Mr
180 Speaker, but of course how the Opposition is going to be voting depends on the answer that the Chief Minister provides the hon. the backbencher to his question.

Hon. Chief Minister: If the hon. Member gives way –

185 **Hon. D A Feetham:** I will.

Hon. Chief Minister: If the hon. Member gives way, I can now speak and then come back and reply.

Mr Speaker, the fact is that our intention was exactly what the hon. Gentleman has indicated: this should be about political questions, not about legal questions.

190 In taking advice – of course we do not draft these Bills – from the draftsmen, they have come back with a model which is used in Canada in particular, which does not govern by referendum, it governs by its Parliament but does have the power to put Bills to the general public in Canada in this form. In other words, at the end of a second reading you can then move out – well, at least that is the advice we have – and go for a referendum on this issue.

195 It is not our intention, nor do we envisage circumstances where we might do that. I suppose if we all put our heads together we could find such a situation, but the hon. Gentleman is right – our model of Parliament is that the Government takes responsibility for the Bills it brings to the Parliament and passes them with a Government majority if they do not enjoy unanimity because that is Government policy.

200 Could there be circumstances where you want to take a Bill from a second reading, suspend it, put it to referenda and bring it back to the Parliament? Well, if it were because there were divisions between both

sides and the Government were to lose that referendum, then it would say something about the confidence the public had in the Government. That was never the intention that we had, Mr Speaker. In fact, I will put it to the hon. Gentleman that should you wish to do that, then in fact you would have the power to do that without that clause, simply by having a Government motion that appended to it a Bill.

205 Therefore, Mr Speaker, what I am going to propose – given that it is not our intention to try and seek controversy in respect of this particular Bill, because I think we are curing an ill that both sides identified should be cured to avoid the problems that we are dealing with – I am going to propose that at the Committee Stage we should delete clause 3(a) and be left only with clause 3(b). In other words, clause 3 should just read as one clause without a small (a) or a small (b). It should just read:

210

‘The Minister may make an order for a referendum to be held where Parliament has approved a Government motion for a referendum.’

215 That still allows a Government in the future, should it wish to, to put a Bill to the public once it has come here by simply attaching it to the motion. It is not what we envisaged, Mr Speaker, and I value that we might be able to count on the support of both sides of the House for something that we consider to be a very important Bill indeed for our political future, not an issue that should deal with how we deal with legislation in this House. I hope that is helpful and I will therefore prepare a written notice to the effect that I propose the deletion.

220

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

Hon. D A Feetham: Mr Speaker, on that basis then the Opposition will be supporting the Bill and we will be voting in favour of it.

225

Mr Speaker: If no other Member wishes to contribute then I will ask the mover to reply.
The Hon. Mr Bossano.

230 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Mr Speaker, although we have never had any doubt about the validity of the referenda we have had in our history, the first one, in 1967, was organised by the United Kingdom government and is still considered invalid by Spain, so it does not matter to our neighbours who organises the referendum – they will only recognise the referendum that will never produce the result that they want. If we produced that tomorrow, they would say it was a legally valid one. Therefore, the only referendum that Spain will ever accept as a legitimate one is a referendum which gives Gibraltar to Spain, which will never happen and therefore they will never, irrespective of what we do in this Parliament, give recognition to the results. (*Banging on desk*)

235

However, for us it is important, I think, to accept that predominantly on fundamental issues that deal with the survival of our country but also perhaps on other things where the House – very rarely, but it has happened – has had a situation where Members on both sides of the House were in agreement with each other and in disagreement with their colleagues... It has happened on one or two occasions but not very often in the last 42 years, and I think if it is an issue that is controversial and that it is of such a nature that neither the Opposition nor the Government within their own branch can get unanimity because it is something that people take and hold very strong views of, independent of where they stand on the political spectrum, then I think it is legitimate to say, ‘Well, look, let’s see whether the people agree with one view or the other’ – because who are we, the 17 people in this room, to decide on something where there are very strong views held?

240

245

I think it is important, if that happens, that the decisions that are then taken are accepted as binding by those who were against it before and accept that once you consult the people on something it has to be respected, and therefore the framework of making the referendum an instrument that is passed by this Parliament... of course tomorrow another Parliament could decide to repeal the legislation and that would be the end of it, so it is not inhibiting a future Parliament from having a different view. But I think that nobody would dream of doing anything, in terms of talks about Gibraltar’s future, that was in breach of the referendum that was conducted when we agreed in this House, organised by the Government of Gibraltar in the context of the sharing of sovereignty that was being attempted by the government of the United Kingdom. The view was then very clear, it was overwhelming, and therefore nobody in his right mind wanting to stand for politics in Gibraltar would want to go against that. Nevertheless, the fact is that there is nothing to stop a result being ignored and what I think is important also, in terms of creating a legal basis for the referendum, is that the legal basis should be one that requires the results to be adhered to by a Government unless they go to the extent of saying ‘I am going to ignore that referendum’, and if that happens it should be going back to the people and again seeing if opinion has changed. Opinion on a subject might change. A different generation might have different views on anything, nothing to do with the question of... on any other issue. Within the generations in Gibraltar we would perhaps have less of a gap

260

265 than in other countries, but it can still happen. Therefore, I think it is something that is required and it should be more than just creating the mechanics of how to do a referendum, but sending a very important message that ultimately there is a sovereignty higher than the sovereignty of Parliament, and that is the sovereignty of the people. (*Banging on desks*)

Mr Speaker: The Hon. the Chief Minister.

270 **Hon. Chief Minister:** Mr Speaker, as I have said, I am grateful for the indication that, given the amendment, the hon. Members will be supporting this Bill. I think it is important that this Bill go with unanimity and I am very pleased and very proud to be able to present it and commend it to the House.

275 **Mr Speaker:** I now put the question, which is that a Bill for an Act to govern the organisational, administrative and procedural matters associated with the holding of referenda in Gibraltar be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Referendum Act 2015.

**Referendum Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

280 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Electronic Commerce (Amendment) Bill 2015 –
First Reading approved**

285 **Clerk:** (2) A Bill for an Act to amend the Electronic Commerce Act.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Electronic Commerce Act be read a first time.

290 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Electronic Commerce Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Electronic Commerce (Amendment Act) 2015.

**Electronic Commerce (Amendment) Bill 2015 –
Second Reading approved**

295 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

This Bill, in effect, provides that the Electronic Commerce Act, which is already on our statute book, should enjoy a small amendment as a precursor to the introduction of greater e-government by the introduction of legislation to regulate e-commerce where that commerce is not designed to be for profit. The context of the word ‘commerce’ always might suggest profit, but when the Government is going to come into this space to provide a public service as a public body to the general public and has no intention of doing that for profit, we are advised that it would be in the interests of legal clarity to ensure that there is an amendment to show that the Government itself will be covered by the provisions of this Bill, which essentially relates to how that exchange of information occurs in the ether of the virtual world.

300
305 It is a short Bill, Mr Speaker. Hon. Members will have seen it is hopefully uncontroversial and I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Electronic Commerce Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

310

Clerk: The Electronic Commerce Amendment Act 2015.

**Electronic Commerce (Amendment) Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

315

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**University of Gibraltar Bill 2015 –
First Reading approved**

Clerk: (3) A Bill for an Act to establish the University of Gibraltar and for connected purposes. The Hon. the Minister for Education, Justice and International Exchange of Information.

320

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to establish the University of Gibraltar and for connected purposes be read a first time.

325

Mr Speaker: I now put the question, which is that a Bill for an Act to establish the University of Gibraltar and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The University of Gibraltar Act 2015.

330

**University of Gibraltar Bill 2015 –
Second Reading approved**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I beg to move that the Bill be now read a second time.

335

In November 2011 we published our election manifesto. In it we said the following, and I quote:

‘The University of Gibraltar will commence operations within 4 years...’

340

In a packed and ambitious manifesto those 10 words represented a commitment of monumental proportions. It may not have been immediately obvious to those reading the manifesto that that commitment would represent a massive advancement of what Gibraltar is, what Gibraltar represents and how Gibraltar is to develop. As from September of this year Gibraltar will step up to become a university city. It is a coming of age, it is a transformational moment, it is a milestone in our history which comes only once and which we and, I hope, many generations of Gibraltarians will cherish.

345

We set to work straight away on making our commitment a reality. In 2012 we engaged Prof. Daniella Tilbury to carry out a feasibility study on the University. That study concluded not only that it was feasible for Gibraltar to have its own university, but that the University could be very successful. In January 2014 Dr Darren Fa was seconded from the Gibraltar Museum to the Department of Education to work exclusively on the University project. The work that Dr Fa did, together with other members of the project team, was consolidated into a scheme which was launched as the University project in October 2014. At that launch we confirmed that the University would indeed open its doors in September 2015 and we announced the location of the University and the various faculties that would form part of it. Hours upon

350

hours of thought, of discussions, of consultations, of identifying building needs, of looking at the resources both financial and human that would be required, of considering the academic programmes that could be offered, of visits to higher educational institutions in various places around the world, of working through a number of statutory, operational and governance models, have brought us to where we are today: on the verge of a landmark event.

This Bill will establish the University of Gibraltar and set the framework for the University to function.

This is, of course, only one element of what needs to come together to allow the University to open its doors in September. We have already brought to this House a Bill to appropriate £10 million for the University. The Bill was passed in October 2014.

That funding enabled building works to commence. Now I am glad to report that work continues at full pace at the site of the former St Christopher's School to convert two emblematic buildings into our University. Europa Point is a magnificent location for the university and allows the creation of a campus with room for expansion in the future – an expansion which will see new facilities added, including student accommodation. The existing buildings are being brought back to life in a way which not only preserves but enhances the heritage value of those buildings. An 18th century stone building with high vaults will house the library, a computer suite for study and for online exams, a hall where conferences can be hosted and the administration centre of the University. There will be an outside courtyard surrounded by rooms for teaching staff and research students. The building known as the Defensible Barracks has 10 vaults, which will be primarily used for teaching. Between the two main buildings a glass roof structure will be installed to create a large open atrium, which I expect will be a hive of activity for students. On either side of the atrium are two new constructions, with a student cafeteria and a training kitchen for the Faculty of Hospitality on one side and a research laboratory for the Faculty of Life and Earth Sciences and a simulation suite for the Faculty of Health Studies on the other. On top of the Defensible Barracks, the southernmost building, will be a restaurant, which will form part of the Faculty of Hospitality but which will be open to the public. The restaurant will enjoy unrivalled and unobstructed views of the Straits and Africa. This will in fact be one of the most attractive places in the whole of Europe in which to enjoy a meal.

As already announced, Mr Speaker, the University will have four faculties, an Institute for Professional Development and Continuing Education and a Language Centre. The faculties are the Faculty of Health Studies and Sports Science, the Faculty of Business, the Faculty of Tourism and Hospitality and the Faculty of Life and Earth Sciences with Gibraltar and Mediterranean studies.

On Health Studies there will be a continuation of the programmes offered by the Gibraltar Health Authority, namely a Bachelor of Science degree in Nursing and a Masters in Leadership and Management in Healthcare. These programmes are accredited and directed by Kingston University.

On business there will be a series of programmes taught which are part of the University of London international programmes, and I am glad to announce today what those programmes will be. There will be a Bachelor of Science degree in Accounting and Finance, a Bachelor of Science degree in Banking and Finance and a Bachelor of Science degree in Business and Management. In addition, there will be offered a Diploma for Graduates in Banking and a Diploma for Graduates in Accounting. All of these programmes are directed by the London School of Economics through the University of London international programmes. Initially these will be offered on a part-time basis through evening classes, so they will be accessible to everyone in Gibraltar. We expect full-time programmes to also be offered as from 2016. The Faculty of Business will progress to also offer computing courses as from 2016. In addition, the Faculty of Business will offer courses in Gibraltar law and in Gibraltar tax. These will be taught over 24 weeks with a two-hour lecture each week.

Mr Speaker, the University of Gibraltar has consolidated the association and collaboration with Oxford Brookes University. Through that association the Faculty of Tourism and Hospitality will be offer throughout the next year a series of practical programmes in hospitality culture. We expect the faculty to progress to academic programmes as from 2016.

The Faculty of Life and Earth Sciences with Gibraltar and Mediterranean Studies will incorporate two research institutes. The Institute of Life and Earth Sciences will deal with scientific research. The Institute of Gibraltar and Mediterranean Studies will concentrate on research into social science themes. The Gibraltar Museum, the Garrison Library and the Gibraltar Botanical Gardens will form part of the research institutes and will be part of the extended campus of the University. The Faculty will offer research courses leading to PhDs. We expect that up to 10 PhD opportunities will be offered during the course of the first year. These will cover a wide cross-section of topics. They will include topics in areas such as macaque behaviour and management, the marine biology of Gibraltar waters and the Straits, the modern constitutional development of Gibraltar, Neanderthal life in and around Gibraltar, football crowd policing and behaviour, and responsible gambling. This will be the start in the evolution of a research facility which we hope will expand and make Gibraltar a major centre for academic and scientific research.

The Institute of Professional Development and Continuing Education will offer professional development for both the public and private sectors. There will be short courses developed to meet industry needs, as well as courses leading to professional qualifications such as accounting technician, the Institute of Legal Executives and the Chartered Management Institute. These will be expanded over time into other areas where a need is identified in consultation with relevant industry associations.

Mr Speaker, the Language Centre will concentrate on the teaching of English as a professional or business language. In order to be able to attract students from abroad to take these courses, it will be necessary for us to be able to offer appropriate student accommodation. I therefore expect these courses to start during 2016. I would add that the potential for the Language Centre is truly enormous. Every year, tens of thousands of students attend language centres in the UK and elsewhere to learn not just English but English for professionals, with specific courses offered for different industries. There are, for example, courses in English for engineers or English for aviation, and many more. Gibraltar is particularly well placed to attract many students from all over the world. With English as our main language and a location which is in many ways unique and attractive we are well poised to make this area an economic driver for our community. This is not just true for the university, though. This is an area where private providers could set up and the teaching of English could become a huge industry for Gibraltar. The University of Gibraltar's Language Centre is therefore set to play a pioneering role and to act as a launch pad and catapult for the development of a new industry. Such is the impact that we expect our University to have.

Mr Speaker, I turn to the Bill itself.

There are some amendments proposed to the Bill as originally published. These are set out in a letter to Mr Speaker dated 23rd March, which includes a schedule of the proposed changes and a tracked version of the Bill showing the changes. I will formally move – (*Interjection*) My note says the 23rd; it may have been the 24th when it was actually sent, Mr Speaker. It was in fact the 24th. Yes, I have a copy of the letter in front of me and it is the 24th. I am grateful to the hon. Member for pointing that out.

I will formally move the amendments to the Bill at Committee. I will be speaking to the Bill as proposed to be amended and I will of course be happy to address in my reply any questions which the Opposition may have on the proposed amendments.

Mr Speaker, this is a Bill for an Act to establish the University of Gibraltar. The University is founded and constituted as a statutory body. The Bill provides for the University to be a body corporate with the ability to sue and be sued in its own name and to have its own seal.

Part 3 of the Bill contains important statements of principle. There are provisions for institutional autonomy so that the university, its board and its constituent bodies are free from interference from all external bodies, authorities or agencies.

This part also provides for academic freedom, with a requirement that the principles of enquiry and research, teaching and intramural and extramural expression shall be respected.

The university will have a power in its own right and name to grant degrees, including research and honorary degrees, diplomas and certificates.

The functions of the University and the duties of the University are set out in clause 8. The functions of the University include establishing and maintaining faculties, institutes, departments, schools, colleges and academic chairs and to provide courses of instruction in the various branches of knowledge and to establish facilities for the pursuit of original research.

The University will be headed by a chancellor, who will be the University's titular head and will have no executive role. The chancellor is appointed by the Minister with responsibility for Education. The University will have a vice-chancellor, who is appointed by the board with the consent of the Minister. The Bill provides for the vice-chancellor to be the chief executive officer who sets the strategic direction of the University and provides it with academic leadership.

There will be a board of directors. The board is responsible for the management, administration and control of the property, revenue and business of the University but not for academic governance. The board is composed of up to seven persons made up of the vice-chancellor, the Director of Education, the University's financial controller and up to four persons appointed by the Minister. The Minister may increase the number of members of the board at its request and any such additional members are appointed by the board. The chairman of the board is appointed by the Minister from among its members.

As I have indicated, the board is responsible for all the business of the University but not for academic governance. It is customary for academic governance to be vested in a separate body. The Bill contains provisions for the establishment by the Minister of an academic board, Council, senate or equivalent body to undertake the academic governance functions of the University. Pending the establishment of such a body, the University's academic governance functions are undertaken by the vice-chancellor.

There are provisions in the Bill for the recognition of a student union and for the student union and any student society to operate in a fair and democratic manner and to be accountable for its finances.

Part 7 of the Bill deals with interim governing arrangements, with the power given to the Minister to designate an initial governing authority and to determine its powers and duties. The initial governing

475 authority shall have the powers of the vice-chancellor until the appointment of the first vice-chancellor and
of the board until the commencement of the board's first meeting. These provisions are essential so that the
University can start to function whilst it is taking shape and it is up and running with all its constituent
parts, officers and members appointed or put in place.

480 Hon. Members will be aware that the Government has incorporated the University of Gibraltar Ltd as
the vehicle through which the University is being delivered and which engages staff and enters into
contracts such as the contract for the construction works at the Europa Point site. The company is the
operating vehicle for the University project. It is my intention to designate the University of Gibraltar Ltd
as the initial governing authority so that the University itself can start to function. Once all the necessary
appointments and structures are made or put in place it is the Government's intention to transfer the shares
in the University of Gibraltar Ltd to the University established by this Bill. In that way there will be a
seamless transition from the Government project that the University currently is to a fully functioning and
structured University as an independent statutory body. It will, of course, be up to the University's board to
485 determine whether it keeps the University of Gibraltar Ltd as its operating vehicle. It probably makes sense
for the board to do so, but that will be a decision for the board and not for the Government.

490 Part 8 of the Bill contains financing provisions with an obligation created on the University to use its
best endeavours to become self-financing. Subject to certain safeguards, the University will have powers to
borrow and to invest.

Part 9 deals with the acquisition of property and provides for the property and income of the University
to be exempt from taxation.

Quality assurance and regulatory provisions are contained in Part 10.

495 A power is given to the Minister to establish or designate a quality assurance authority to be known as
the Gibraltar Authority for Standards in Higher Education. The purpose of the Gibraltar Authority for
Standards in Higher Education is to establish and safeguard academic standards and to provide quality
assurance in respect of the University's academic programmes. It should be noted that the primary
responsibility for quality assurance of its academic programmes vests with the University itself and not with
an external body. It will be for the University, through its academic board, council, senate or equivalent
500 body established under the power given in clause 29 or pending the establishment of such a body through
the vice-chancellor, to create the necessary structures for quality assurance and for the maintenance of
standards in the academic programmes. There is nevertheless a role to be played also by an external body in
ensuring that those standards and quality assurance are maintained. In the UK that is the function of the
Quality Assurance Agency. At the outset it may not be necessary for an external quality assurance authority
505 to be established or designated. That is because the degree programmes that are being offered in
conjunction with Kingston University or as part of the University of London international programmes
already come with the necessary quality assurance. In due course it will be necessary for the Gibraltar
Authority for Standards in Higher Education to be established or for another body such as the UK's Quality
Assurance Agency to be asked to carry out this function. Discussions to this effect have already taken place
510 with the Quality Assurance Agency and a power exists in the Bill to delegate this function to such a body.

There is a separate provision in the Bill for a regulatory authority to be known as The Gibraltar Higher
Education Commission, which can be established or designated. The functions of the Commission will be
to regulate the affairs of the University by making sure that statutory provisions are complied with and
statutory powers are not exceeded. It is necessary to distinguish between an external body that looks at
515 academic standards – that would be the role of the Gibraltar Authority for Standards in Higher Education –
and an external body that ensures compliance with statutory provisions other than academic governance.
That is the role of the Gibraltar Higher Education Commission. The Gibraltar Regulatory Authority has
agreed to carry out the functions of the Gibraltar Higher Education Commission and arrangements by the
GRA to be able to provide this have already been made. It will therefore be my intention to designate the
520 GRA to carry out the functions of the Gibraltar Higher Education Commission. This will be one more
strand of the work of the GRA, which already deals with the regulation of telecommunications, satellites,
postal services and data protection.

525 Mr Speaker, part 12 contains miscellaneous provisions, including provisions to prevent any person other
than the University without the consent of the board to hold himself or itself out as the University or use the
title or style of the University of Gibraltar. It also provides protection against the misuse of the University's
coat of arms, logo, insignia or emblem. A contravention of these provisions amounts to an offence with a
penalty on summary conviction being imprisonment for six months or a fine not exceeding twice level 5 on
the standard scale, or both.

530 There is an exclusion of liability to the University for acts of students and protection from acts or
omissions by officers of the University in good faith in the execution of duties carried out on behalf of the
University unless those acts or omissions arise from gross negligence.

Finally, there is a power given to the Minister to make rules, regulations and orders to fulfil the purposes
and objects of the Act.

535 The Bill sets out a comprehensive framework for the establishment and functioning of the University. It provides for the University's independence, for its governance structure, for academic governance, for interim governing arrangements, for the University's financing and investments, for accountability and reporting and for quality assurance and regulation.

540 In September the University of Gibraltar will open its doors to the whole community. The statutory framework, the building, the staff, the initial academic and professional development programmes should all be in place by then.

545 Mr Speaker, the University has been described many times as an exciting project. It is much more than pure excitement that we feel. 'Exciting' does not even begin to express fully what it is that we are building and what it is that the University can become and achieve for Gibraltar. With the enactment of this legislation an institution that will change and benefit Gibraltar in many ways is born. It elevates Gibraltar to the rank of those cities that are able to welcome international students to carry out important research, to engage in academic programmes, or even to learn English tailored for the profession in which they are engaged. It will provide opportunities for Gibraltarians who have either already returned from studying abroad and want additional qualifications or who want to do their first degree locally. There will be opportunities for research into areas which will make a real difference to our community. There will be constant interaction with industry, with professional courses to meet Gibraltar's needs. There will be specific and high-quality training for the hospitality industry. There will be job opportunities in higher education, which have never been possible in Gibraltar. The University will be an economic driver not just for itself but for the entire community. In a nutshell, the University is an institution for the whole of Gibraltar and I look forward to welcoming everyone to the University when it opens for public viewing in September.

555 Mr Speaker, it is with enormous pleasure and with a huge sense of responsibility and pride that I commend this Bill to the House. (**A Member:** Hear, hear.) (*Applause and banging on desks*)

560 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

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

565 As the Opposition said at the time of the supplementary appropriation Bill, this side of the House is supportive of the concept of establishing the University of Gibraltar. It is indeed something that, as the Chief Minister said himself at the time, has been a project long trailed by more than one political party in the history of this House and its predecessors. But in doing so I would like to ask the Hon. the Minister for Education for a little bit of clarification on some parts.

570 Seeing that this side of the House is very much committed to the professional development and continuing education and so on which is embedded in the principles of what the University is being established for, in clause 8 there is a section that says that the functions of the University are as follows, and it mentions – I take it in the general sense of or in the general meaning of the word – schools and colleges. Can I, at least just across the floor of this House, just as an assurance that it is not the intention of the University to take over primary or secondary education in Gibraltar but rather from a higher education interpretation that is why schools and colleges have been included in that section there?

575 I look forward later on in the Committee Stage, Mr Speaker, to hearing from the Minister the amendments that he is introducing in regard to the composition of the board. We want to have a board that is independent and above all political interference and so on, but it seems to me that the board is going to be composed of two employees of the University – the vice-chancellor and the financial controller – the Director of Education as an ex-officio member, and then the Minister will appoint four other persons and so on. I look forward to hearing what the Minister has to say in respect of maintaining a certain independence and freedom that that board needs in order to carry out its duties properly.

580 More so, Mr Speaker, leading to section 46, because an annual report has to be presented by the vice-chancellor and the board and it has to be presented to the Minister. With that, the board has to arrange for the audit of annual accounts and so on. Given that this House has already approved the expenditure of £10 million – which should cover expenses for the next two or three years but one can foresee, because we are supportive of investing in education and so on, that there will be contributions from this House going towards the University – to my knowledge there is nowhere in this Bill that clarifies whether that report should later on, once the Minister has had time to see it and perhaps had to make the relevant questions from the board... where that report and its financial outings will be recorded – whether it will be laid for the record in this Parliament or whether it will be published because it is the University's intention under the board to publish that so that the public of Gibraltar is aware of where their money – which we are supportive, as we did at the time of the supplementary appropriation – where the money is being spent so we can really judge our value for money.

590 With that, Mr Speaker, I look forward to the Minister's reply.

595 **Mr Speaker:** Does any other hon. Member wish to speak?
The Hon. Sir Peter Caruana.

Hon. Sir P R Caruana: Yes, Mr Speaker.

600 I am not sure that I would share the full extent of the hon. Member's mental orgasm of the Bill, (*Laughter*) but certainly I have no hesitation in welcoming his political initiative in this respect.

The University of Gibraltar is, without doubt, a category of institution that fits into what he has said about institutions that enhance Gibraltar's trappings as a modern European country. It will be, I am sure he will accept, equally important for those very same reasons that Gibraltar, as it has done in other sectors of its outward facing activities, seek excellence of standards because by virtue of the fact that it is going to be
605 a high profile institution it will therefore be one with a capacity to tarnish Gibraltar's image and reputation if standards begin to fall or the value of our degrees begin to fall. I am sure that will not happen, but the hon. Members should just be aware of that.

I only wish to intervene on one point and I do not thereby wish to cast criticism on the project itself, which as I say is excellent and I warmly support it. Clause 5, rightly in my opinion, flags up the importance
610 of the institutional autonomy. So, for example, clause 5 says:

'The university, its board and its other constituent bodies shall be free from interference from all external bodies, authorities or agencies'

615 – in which I am certain the Minister would wish to include himself as an external authority and agency –

'in the exercise of the powers conferred by this Act, including as regards the following–'

Then clause 6 says:

620 '(1) The principles of freedom of inquiry and research, teaching and intramural and extramural expression, shall be respected.'

So that is the statutory statement of the desired level of independence and autonomy that the Government, in my view rightly, wants for this institution. It is noteworthy in conjunction with that – and I suppose that this has been a matter of careful consideration and policy decision – that the Bill gives no role
625 whatsoever to the Department of Education in relation to what is just one more level of educational establishment in Gibraltar. But whilst giving the non-political side of Government – that is the Department of Education – no role whatsoever, the same is not true – Sorry? (*Interjection*) Yes, I beg your pardon.

Hon. G H Licudi: If the hon. Member were to give way just on that particular point, the only role there
630 is is that the Director of Education forms part of the board of governors, so to that extent – and it is a point perhaps that also addresses something that the Hon. Mr Reyes said – he is an ex-officio member but he is the highest authority of education in Gibraltar and therefore we thought that it was fitting for the Director to be represented on the board of governors.

Hon. Sir P R Caruana: Yes, of course he is, in that capacity, ex-officio, but in terms of administrative
635 responsibility for the administrative side of education and for the policy side the Department itself has no role as a body, which is subject to whatever influence he can bring to bear within the board as a member of which he, the Director, is.

Contrast that with the usual model – and I recognise it is the usual model of our agencies and authorities
640 in Gibraltar; there is nothing untoward about it or unusual – of the very high level of power, which in effect ensures control in the person of the Minister, and through the Minister the Government. So the Minister appoints the chairperson of the board, effectively the chancellor; the Minister has to consent to the appointment of a vice-chancellor; the Minister personally appoints the majority of board members; the Minister can at any time, and it does not even say 'for good reason', fire any member of the board, even for
645 making perhaps decisions that the Minister – a Minister; let's depersonalise it from him; any future Minister – may not like. That is clause 23, by the way, 'Removal from office'.

Clause 29 then goes on to say:

650 'The Minister may pursuant to section 58 establish and provide an academic board, council, senate or equivalent body to undertake the academic governance functions of the university otherwise undertaken by the board.'

I just wonder whether this is a calibrated extent... a calibrated following consideration and decision
655 extent of Ministerial power – there is nothing wrong with the word, I suppose, 'power' – over the affairs of the board through these powers of appointment; and have the hon. Members given any consideration to some other model which somehow makes the University not just be stated to be independent as in clauses 5 and 6, but through the degree of control? I do not say that the Minister should have no control, hence my point about the Department. This is an important academic function; it is important to maintain standards.

660 There are questions of the image of Gibraltar abroad; there is the question of the Government funding; there is a question as to the extent to which the Government may want to use the University as a tool of policy to deliver, for example, as he has just announced, the Bar Council, the solicitors' and barristers' qualification thing; they might want to use it as an instrument of economic policy for training and retaining. So there are any number of reasons which would justify the Government rightly reserving the ability to ensure that this publicly funded organisation does indeed serve the needs and interests of the community as primarily identified by the Government that has over-arching responsibility for that in our democracy. But it seems to me that the Bill itself starkly contrasts a statement of independence with actually the usual dose of ministerial control which successive Governments have given successive Ministers in successive areas of activity in Gibraltar.

Mr Speaker: Any other hon. Member who wishes to contribute?

670 The Hon. the Leader of the Opposition.

Hon. D A Feetham: Yes, Mr Speaker.

As the shadow Minister for Education quite rightly said, the Opposition is going to be supporting this Bill. Indeed, we supported the Bill that was brought for supplementary funding.

675 I would ask him to clarify one point and it arises out of section 54, if he has that, and that is as to the scope of section 54, which is an immunity from suit, from proceedings. It says:

'(1) No action or proceeding shall be brought against a member of the board or faculties, an officer or employee of the university, or against the initial governing authority'

680

Then, at subsection (3), it says:

'No action shall lie against the university if it appears that the university acted under the authority of this Act or any other Act.'

685

The University itself – as I understand it, but I will be corrected if I am wrong – has no separate legal standing. It is going to be a limited company that effectively is going to be running the University. I may be wrong about that but I am thinking about, for example, cases in the industrial tribunal. Does he envisage that this clause is going to catch any claim for unfair dismissal, for example, or any other type of claim that may be properly brought against that limited company or indeed against the University if the University has some separate personality by virtue of this Act or otherwise? I would just ask the hon. Gentleman to perhaps clarify that for me.

690

Mr Speaker: The Hon. Dr Cortes.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, as someone who has spent most of his life moving in and around the world of academia I feel I must say a few words in support of the Bill and by way of congratulating my colleague the Minister for Education and the team that have been working to bring this Bill to us today. I do not think we can overstate the significance of what we are doing here today: the tremendous potential that the University has and the fact that it will open more doors than we even know are there to be opened.

695

I still have considerable contact in the academic world and I have received many words of congratulation and many words of interest in what we are doing in Gibraltar. It has certainly created great interest in the academic world. Wherever I have gone and in areas where I have been in academic circles I have been congratulated for the vision that the Gibraltar Government has had in creating a University.

700

Mr Speaker, the University of Gibraltar, I feel, will be one of the most important and significant achievements of this Government and possibly will be the most significant part of its undoubted and unequalled legacy. (*Banging on desks*)

705

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as most Gibraltar students will know, especially those who study the sciences at university, universities are places not just of organisms but also of orgasms, as the hon. Gentleman has referred us to, which is everything that education is about, (*Laughter*) at least further education! (*Laughter*)

710

Tony Blair has said many things with which people can disagree, and rightly so, particularly in Gibraltar. If there is one thing that Tony Blair said once that people in Gibraltar will be able to agree with, when asked what a priority for a Labour Government should be he answered, 'Education, education, education', and that is certainly something that we can all agree with.

715

720 Mr Speaker, I rise because I want to commend the work that has been done by the team in the Department of Education, led by the Minister of Education and the Director of Education and in particular by Mr Darren Fa, who has been very closely associated with the project and who has done a lot of what we might call the leg work, and now the appointment of Miss Daniella Tilbury.

725 When I rise in jest to talk about ‘education, education, education’ I want to talk also about milestones. Milestones in our modern history in education have been set by the Gibraltar Socialist Labour Party when in Government in this respect.

730 The front page of this week’s *The Economist* carries a very apposite front page, almost as if they knew that the Minister was going to move this Bill. It is, ‘The whole world is going university’ and it contains a special report that deals with university education. There are two parts of this report that in particular I want to refer the House to when considering education and how it has developed and how we are now led to this university.

735 In the lead article *The Economist* says this:

‘If people need a degree to get ahead, then democratic governments must offer everybody with sufficient brains a chance of getting one.’

740 and that is exactly what in 1988 the then GSLP Government ensured could happen by the introduction of the mandatory scholarship scheme.

745 Elsewhere in the same leading article the following:

750 ‘As first degrees become standard, more people are getting post graduate qualifications to stand out from the crowd. In both America and Britain, 14% of the adult workforce have a post graduate degree and despite the increase in supply the post graduate premium has increased in both America and Britain especially since 2000.’

755 In 2011 our manifesto for the General Election provided that we would move the Department of Education from simply providing first degrees as a mandatory requirement, as we had introduced in 1988, to providing, because of this competition of people who already had a first degree, that all those who wished to and were able to obtain a place at university would be able to access a second degree, a higher degree. That demonstrates our commitment to education, education and now, with the university, education.

760 The conclusion of the lead article in *The Economist* says this:

765 ‘But access to higher education is not binary. Some provision is excellent and some is not, and the returns to low-quality higher education are poor. So the ambition expressed by pretty much all governments everywhere to widen access to good-quality higher education conflicts with another global force: competition to create the best universities.’

770 I think that it is important for the Parliament to realise that the road on which the Government has embarked, under the stewardship of the Hon. the Minister for Education, is not a rush to be average, it is not a move in haste to just create another institution; but, as he has demonstrated in the past three years since he started work on the subject, since he has moved the Parliament on a number of occasions to consider and deal and support the legislation and motions he has brought in relation to the University, we are embarked under the Minister for Education and this Government in a careful endeavour towards creating a great University, a great institution. In so doing, we are not just going to create a place of learning but, as he has said himself, I hope that we are also sowing the seeds for new and future economic activity for our nation.

775 **Mr Speaker:** The Hon. the Minister for Education.

Hon. G H Licudi: Mr Speaker, thank you.

780 It is certainly very satisfying to see that this Bill will enjoy the support of the whole House. It is an institution, as I have said, for Gibraltar generally and which we expect many good things to come out of the institution.

785 Taking the points that have been raised by hon. Members, the Hon. Mr Reyes mentions the possibility in the Bill of the University establishing schools and colleges, and wonders whether we are going to create a primary school on the University site. Certainly not, Mr Speaker. It is customary these days for many universities to operate within the university itself their own schools and colleges. For example, Oxford Brookes University operates the School of Hospitality Management, which is part of the higher education offering of Brookes University; and as we know, universities such as Cambridge and Oxford operate through colleges of their own. So any references in this Bill to any departments, faculties or institutions clearly are all within the framework of what it is that we are establishing. This is a higher education institution and that is where the University needs to remain, as a higher education institution.

790 The hon. Member mentions the appointment of persons to the board, which is also the point raised by Sir Peter Caruana about on the one hand there being established in the Bill itself the basic principles of institutional autonomy and academic freedom to provide for the independence of the University – and it is pretty strong language that the Bill provides: there shall be no external interference by external agencies or

780 authorities, and that clearly includes the Government. So in the functioning of the University there shall not be interference and it will function as an independent organ, as a statutory body with its constituent parts, in particular the board of governors.

785 Somebody has to appoint the members of the board and the hon. Member asked whether there could have been other possibilities. Well, perhaps there could have been but we have looked at statutory frameworks in Gibraltar and the hon. Member has himself referred to various agencies and authorities that have been established, but there are some... For example, the Gibraltar Regulatory Authority: that one in particular operates as a statutory body totally independent, has regulatory functions which are independent of Government, and yet its members are appointed by the Minister. I seem to recall it is the Chief Minister. That is an Act that dates from 2000, I seem to recall, and therefore an Act which the hon. Member passed
790 when he was the Chief Minister of the Government at the time. The fact that appointments are made, the fact that a Minister has the power to make regulations and to whom reports are submitted should not and, in the Government's view in this particular case, will not undermine at all the independence of the University. It is intended that the University should operate as an independent body and take its own decisions, and certainly there has to be some accountability.

795 There has to –

Hon. Sir P R Caruana: ... [*Inaudible*]

Hon. G H Licudi: Certainly.

800

Hon. Sir P R Caruana: Are you willing to say exactly the same about the power to remove at will as the power to appoint?

Hon. G H Licudi: Well, again, Mr Speaker, it is because there has to be a power to remove –
805 (*Interjection*) There might be an argument if the hon. Member wants to make the point that there could be an amendment for cause; but then again, what is cause in the context of a member of the board? Clearly, I presume that no Minister would remove simply because the Minister wants or does not like a particular person.

810 But let me just say this before I give way. The power to remove a member of the board only applies to members appointed by the Minister. There is a possibility of members being appointed by the board itself and the Bill provides for that. There is no provision for those members to be removed by the Minister.

Hon. Sir P R Caruana: Mr Speaker, the hon. Member is right: there are other Bills relating to authorities and things that give the Minister power to remove people from boards, tribunals, agencies and things of that sort. Almost all of them do, but they are all for cause, and the causes usually are commission of a criminal offence, bankruptcy, failure to attend meetings... I cannot think of any – in fact, I would venture to suggest that there are not any – in which a Minister, in the name of a power relating to a so-called independent body, has the power to remove at will and without cause, pursuant to a one-and-a-half line power that simply says he can at any time remove whoever he wants from the board, full stop. I do not think that there is anything... I am not saying that the hon. Member is minded to do this or any of his successors in office are going to be minded to do this – I suppose they would be accountable to Parliament and to public opinion if they did – but in terms of the integrity of the Act itself and the rest of the Bill looking as independent as clauses 5 and 6 rightly profess that it wants to be, it is just a rather odd summary power that a politician should have the right, without cause or without explanation, to remove somebody from a board that the Act says has got to be independent and cannot be interfered with by any authority, including the Minister. It is very easy to see how somebody who feels that he is removable at will by somebody does not feel entirely independent from what he knows that person's wishes are in the exercise of his so-called independent power. You might say that that is a weakness of the appointee or a lack of gumption and that may well be right, but in terms of appearance you would not expect to find a provision of this sort in respect of... In the UK for example – and I do not hold the UK up as an example that we should necessarily follow by virtue; they are on some things and are not on others, but I do not think that in the UK an institution whose governing bodies could be removed at will by a Minister would be regarded as independent of the Government as clause 5 wants it to say.

820
825
830
835 I would not wish this point to detract from my enthusiasm for the project as a whole, but if the hon. Member wanted to just go the extra half mile in signalling independence it would be relatively easy to borrow one of the removal clauses from the other Bill and tag it on. But it will not affect my support for the Bill if he does not, if he chooses not to.

840 **Hon. G H Licudi:** Mr Speaker, let me assure the hon. Member that there is no ulterior motive. There has, in fact, been no specific consideration that the words 'for cause' should be removed and that there

845 should be a summary power at will. I am looking now at the provisions of the Gibraltar Regulatory Authority Act, which sets out a list of matters which the Minister can be satisfied on – being absent, being bankrupt, being incapacitated or otherwise unable or unfit to discharge the functions of a member; and then the Minister may, in consultation with members of the Gibraltar Regulatory Authority, declare that person’s office as a member to be vacant. We have no particular issue with a similar provision being moved at Committee Stage because, as I have said, there was not any particular intention that the Bill should have that summary power in that particular way. It was not intended to be and I am grateful to the hon. Member for pointing that out, and we will be happy to make an amendment.

850 The Hon. Mr Reyes also mentions the annual report and how is the report to be published. This is a statutory body, it is a public institution, although no provision is made for it in the Bill, but as an administrative matter I would simply expect that the report would be published on the University’s website on a yearly basis. That is certainly the expectation.

855 The point made by the Leader of the Opposition in relation to clause 54(3) about the University and whether it has a separate legal standing, the answer is yes it does. That is provided in clause 4, which is headed ‘Body corporate’ and which says:

‘The university is a body corporate, may sue and be sued in its own name, and shall have its own seal.’

and therefore the University itself can be sued. What clause 54 does is provide some protection against the University where the University is simply fulfilling its functions, but I can certainly foresee that if at any time a person who is an employee of the University is unfairly dismissed that person should certainly have the right to go to the industrial tribunal and sue the University itself as the employer. That is certainly possible if the University continues to operate under the University of Gibraltar Limited and the employer is in fact the limited company – then there is a possibility of having proceedings against the limited company, for example in unfair dismissal proceedings. So the hon. Member should have no worries in that regard.

860 Finally, Mr Speaker, I am grateful for the comments on this side of the House. Certainly education has been something at the heart of the GSLP since it came into office in 1988. It pioneered the expansion of higher education with the introduction of mandatory scholarships for anyone who had a place to study at a recognised institution.

865 When we came into Government in 2011 we extended that to give mandatory rights for people to continue in higher education. We want to continue to foster that possibility. We recently made available figures in this particular House about 866 students being currently funded. That is an extraordinary amount of students in higher education being funded by the Government in a small community that we are. It is a record that we can be proud of.

870 This is another leg in higher education, it is a new stool in higher education; something which, as I have said, will benefit the whole of Gibraltar. When we see what it is that we are doing and when we are all able to visit – and I expect that there will be a couple of open days before formal opening so that the whole community can come along and see what it is that we have created and have a drink and toast with us the opening of the new University in September – I think everybody in Gibraltar will be very, very proud of what it is that we have achieved.

875 I am happy to give way to the hon. Member.

Hon. Sir P R Caruana: I am obliged, Mr Speaker.

880 Just following on from the Hon. the Leader of the Opposition’s point – and I just say this to check whether the hon. Members intend this to be the effect or not; it is not a political point – in section 54, the immunity point, I notice that this is drafted... There are other bits of regulatory legislation – for example, the Financial Services Commission Act has a statutory exemption for members of the staff and it is drawn slightly narrower to make it clear... I cannot remember the exact wording but I am almost certain that the language is drawn in terms that the exception, the immunity from suing, extends only to regulatory output. The way this is drafted... for example, except in the case of gross negligence you would not be able to bring a suit under the occupier’s liability for personal injuries or anything like that because it is a complete and blanket immunity for anything. I cannot imagine that that is the intention, but what is there in the language that the hon. Member thinks prevents it from having that effect?

885 I am obliged to him for giving way.

890 **Hon. G H Licudi:** Mr Speaker, the language is contained in the clause itself. The last bit of the clause talks about immunity from suit and no action etc shall be brought, and then at the end it says:

‘in respect of an act or omission by any of them which is done or omitted to be done in good faith in the course of the execution of the person’s duties on behalf of the university.’

895 So it is limited to anything that the person does in the course of his duties on behalf of the University
and it has to be done in good faith. Then there is an exemption by the next sub-clause, which says it does
not apply in the case of gross negligence. So even in the person's execution of his duties on behalf of the
University, where the person is guilty of gross negligence or is liable in respect of an act of gross
negligence then there is no immunity. But it clearly only applies in the restricted way of the person having
900 to act on behalf of the University in carrying out – (**Hon. Sir P R Caruana:** Or omission.) or omitting to
act on behalf of the University in carrying out the functions and his duties.

Hon. Sir P R Caruana: So the hon. Member is satisfied that it would not extend to civil actions which
have nothing to do with academic acts or omission, but rather could relate to damage to property, injury to
905 person, failure to have health and safety protocols in place – the sort of things that the operators of a
building could easily be sued for? He is satisfied – and if he is, that is fine by me – that this would not go
that far?

Hon. G H Licudi: Yes, Mr Speaker, I am satisfied. This is limited to acts or omissions done in the
910 execution of the duty. What is in the execution of a duty is another matter and that would be for the courts.
When somebody acts in a particular way – for example, if someone disregards a particular Act in respect of
health and safety, is that person acting in the execution of his duty in omitting to act in pursuance of a
statutory duty? – that would be a matter for the courts to determine as a matter of fact, but I am satisfied
with the language that this is contained.

915 Mr Speaker, this is an occasion for all of us to be joyful about and I am grateful that this landmark piece
of legislation enjoys the support of the whole House, as it should. (*Banging on desks*)

Mr Speaker: I now put the question, which is that a Bill for an Act to establish the University of
Gibraltar and for connected purposes be read a second time.

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

Clerk: The University of Gibraltar Act 2015.

University of Gibraltar Bill 2015 – Committee Stage and Third Reading to be taken at this sitting

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):
925 Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today if
all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be
taken today? (**Members:** Aye.)

Fair Trading Bill 2015 – Motion deferred pending republication of amended Bill

930 **Clerk:** (4) A Bill for an Act to Establish and Provide for the functions of the Office of Fair Trading and
the Office of Fair Trading Commission; encourage businesses to comply with consumer law and improve
their trading practices; streamline and simplify the Trade Licensing system; establish enforcement powers
for the Trade Licensing Authority being part of the Office of Fair Trading in cases of non-adherence by
licensees; establish a single point of contact as part of the trade licensing procedure; amend the law relating
935 to the Protection of the collective interests of consumers; enable action to be taken against conduct
detrimental to consumers; and for purposes connected therewith.

The Hon. the Minister for Business, Employment, Skills & Training.

Minister for Business, Employment, Skills & Training (Hon. N F Costa): Mr Speaker, conscious of
940 our discussions the week before last in respect of the amendments that I proposed to move on the Fair
Trading Bill, and in the light of your advice, I wish to give notice that the Bill will not proceed today.

For the purposes of *Hansard* and by way of explanation I wish to state the Bill is, for all intents and
purposes, ready to proceed and only requires, for the most part, stylistic amendments that are of no
substance but that reflect a change to the name of the relevant statutory body where they result in

945 consequential amendments throughout the Bill. In particular, I refer the House to the change of name from Trade Licensing Authority to the Business Licensing Authority and the substitution of the phrase 'trade' with 'carrying on business'. Given that the amendments are numerous as a result of the references in the Bill to the Trade Licensing Authority and to trade, and in accordance with your advice that it is neater to simply proceed to republish the Bill incorporating the amendments, I will accede to your guidance and a new Bill will be published afresh for consideration at a future meeting of the House.

950 To conclude, I wish to add that I have already notified and discussed this with the Opposition spokesman for Commercial Affairs, the Hon. Mr Bossino, across the floor of the House, Mr Speaker. I also wish to thank the hon. Gentleman for his engagement with my office and me on this Bill, and I am sure he will be delighted to learn that of all of his amendments all but one have been accepted.

955 **Mr Speaker:** I am very grateful to the Hon. Minister.

Financial Services Insurance Companies (Solvency II) Directive Bill 2015 – First Reading approved

Clerk: (5) A Bill for an Act to transpose into the Law of Gibraltar provisions of Directive 2009/138/EC of the European Parliament and of the Council on the taking up and pursuit of the Business of Insurance and Re-Insurance (Solvency II), and the provisions of Directive 2014/51/EU of the European Parliament and of the Council amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) and related matters.

The Hon. the Minister for Financial Services and Gaming.

965 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to transpose into the Law of Gibraltar provisions of Directive 2009/138/EC of the European Parliament and of the Council on the taking up and pursuit of the Business of Insurance and Re-Insurance (Solvency II), and provisions of Directive 2014/51/EU of the European Parliament and of the Council amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) and related matters be read a first time.

970 **Mr Speaker:** I now put the question, which is a veritable tongue-twister, namely that a Bill for an Act to transpose into the Law of Gibraltar provisions of Directive 2009/138/EC of the European Parliament and of the Council on the taking up and pursuit of the Business of Insurance and Re-Insurance (Solvency II), and provisions of Directive 2014/51/EU of the European Parliament and of the Council amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) and related matters be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

985 **Clerk:** The Financial Services Insurance Companies (Solvency II) Directive Act 2015.

Financial Services Insurance Companies (Solvency II) Directive Bill 2015 – Second Reading approved

990 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

The Bill is designed to transpose into the law of Gibraltar the European Union Directive of 2009 known as Solvency II, as has been amended extensively by the 2014 Directive known as Omnibus II. The Directive deals broadly with codifying and harmonising the regulation of the insurance industry within the European Union in general. Most importantly, it deals with the amount of capital that EU insurance companies must hold to reduce the risk of insolvency. In the words of the European Commission, the Solvency II regime introduces for the first time a harmonised, sound and robust prudential framework for insurance firms in the

European Union. It is based on the risk profile of each individual insurance company in order to promote comparability, transparency and competitiveness.

1000 The Bill and the Directive introduce economic risk-based solvency requirements for insurance undertakings. The new solvency requirements are designed and intended to be more risk sensitive and more sophisticated than in the past, reflecting the real and actual risks run by each insurer in place of the present more generic approach. Solvency requirements will therefore be more comprehensive than in the past and insurers will now be required to hold capital against market risk, credit risk and operational risk. The new rules also require insurers to disclose more information to the public and are designed to promote greater
1005 co-operation between National Insurance supervisors that oversee the subsidiaries of any given group with a stronger role for the group supervisor overseen by EOPA.

The Bill applies to almost all EU insurers and reinsurers. Only the smallest ones will be exempt and even they can choose to opt in. This is a harmonisation and consumer-protection measure in European Union terms. As the preamble to the original Directive puts it, it is in the interests of the proper functioning
1010 of the internal market that co-ordinated rules be established relating to the supervision of insurance groups and with a view to the protection of creditors to the reorganisation and winding-up of proceedings in respect of insurance undertakings.

As a transposition measure the Bill is required to follow the provisions of the Directive and to transpose them into the laws of Gibraltar. As a result the Bill is one of the longest, disregarding consolidation Bills, to
1015 be brought before our Parliament.

After a series of many delays over the years, the backstop date for commencement of the Directive is 1st January 2016, and that is therefore the default date for commencement of the Bill.

The Bill deals with the following main topics, following the order of the Directive as amended.

1020 Part 1 sets out the general rules on the taking up and pursuit of direct insurance and reinsurance activities.

Part 2 contains specific provisions for insurance and reinsurance.

Part 3 deals with group undertakings.

Part 4 sets out the rules about the reorganisation and winding up of insurance undertakings.

1025 Although the Bill is itself far from short, it is important to note that much of it is enabling and will be supplemented by yet further implementing rules to be made by the European Commission. In many areas those rules will set out more detailed requirements for individual insurance undertakings as well as for groups.

Finally, it may be helpful to note that the European Commission expects to review the solvency capital requirement by the end of 2018 and to report by the end of 2020 on the functioning and stability of
1030 European insurance markets and other high-level impacts, including the availability and pricing of long-term insurance products, and that these may give rise to the need for further legislation.

Mr Speaker, I commend the Bill to the House.

1035 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

I now put the question in the terms of the Bill moved by the Hon. the Minister for Financial Services and Gaming and which I read out fully (*Laughter*) at First Reading, and therefore I ask hon. Members to agree that it has been read. Those in favour? (**Members: Aye.**) Those against? Carried.

1040 **Clerk:** The Financial Services Insurance Companies (Solvency II) Directive Act 2015.

**Financial Services Insurance Companies (Solvency II) Directive Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

1045 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members: Aye.**)
1050

COMMITTEE STAGE AND THIRD READING

**Referendum Bill 2015;
Electronic Commerce (Amendment) Bill 2015;
University of Gibraltar Bill 2015; and
Financial Services Insurance Companies (Solvency II) Directive Bill 2015**

1055

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

1060

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Referendum Bill 2015; the Electronic Commerce (Amendment) Bill 2015; the University of Gibraltar Bill 2015; and the Financial Services Insurance Companies (Solvency II) Directive Bill 2015.

1065

Mr Speaker: Does the Hon. the Chief Minister wish to recess now, or are we continuing?

Hon. Chief Minister: Mr Speaker, I would propose that we continue through the Committee Stage, which I anticipate is not going to be long, and then adjourn.

In Committee of the whole Parliament

**Referendum Bill 2015 –
Clauses considered and approved**

1070

Clerk: (1) A Bill for an Act to govern the organisational and administrative and procedural matters associated with the holding of referenda in Gibraltar.
Clauses 1 and 2.

1075

Mr Chairman: Stand part of the Bill.

Clerk: Clauses 3 to 6.

Mr Chairman: Stand part of the Bill.

1080

Clerk: Clauses 7 to 9.

Mr Chairman: Stand part of the Bill.

1085

Clerk: Clauses 10 to 13.

Mr Chairman: Stand part of the Bill.

Clerk: Clauses 14 to 38.

1090

Mr Chairman: Stand part of the Bill.

Clerk: Clauses 39 to 42.

Mr Chairman: Stand part of the Bill.

1095

Clerk: Clauses 43 to 48.

Mr Chairman: Stand part of the Bill.

1100

Clerk: Clauses 49 to 60.

Mr Chairman: Stand part of the Bill.

Clerk: Clauses 61 to 79.

1105

Mr Chairman: Stand part of the Bill.

Clerk: Clauses 80 to 83.

1110

Mr Chairman: Stand part of the Bill.

Chief Minister (Hon. F R Picardo): Mr Chairman, it is here that I was given notice of an amendment after clause 83 to introduce a new clause 84, of which notice was given last week and, I understand, circulated to Members, which reads:

1115

‘Part 11
Referendum Result to stand’

– and then –

1120

‘Referendum result to stand
84. Where a result has been declared in the referendum conducted in accordance with this Act that result should be recognised and as the circumstances may require be given effect to until the result of a subsequent referendum requires otherwise.’

1125

Mr Chairman: Does any hon. Member wish to speak on the Chief Minister’s amendment?
I will then put it to the vote. Those in favour? (**Members:** Aye.) Those against? Carried. (*Interjection*)

1130

Hon. Chief Minister: I am sorry, it is a deletion, the hon. Member is right, because I have given written notice only of the new clause 84.

Mr Speaker, what I propose to do – and I will follow up with written notice if Mr Speaker will allow me – is to propose the deletion of sub-paragraph (a) in clause 3, so that sub-paragraph (b) no longer needs to be numbered (b) and it all reads as one sentence, as we indicated at the second reading, and I will give the Clerk written notice so he has it for his notes.

1135

Mr Chairman: I will put that amendment to the vote. Those in favour? (**Members:** Aye.) Those against? Clause 3, I think it is, as amended, stands part of the Bill.

I will now put clause 84. All in favour? (**Members:** Aye.) Those against? Clause 84 stands part of the Bill.

1140

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

Electronic Commerce (Amendment) Bill 2015 – Clauses considered and approved

1145

Clerk: (2) A Bill for an Act to amend the Electronic Commerce Act.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

1150

Mr Chairman: Stands part of the Bill.

University of Gibraltar Bill 2015 – Clauses considered and approved

Clerk: (3) A Bill for an Act to establish the University of Gibraltar and for connected purposes.

Clause 1.

1155 **Mr Chairman:** Stands part of the Bill.

Clerk: Part 1.

Mr Chairman: Stands part of the Bill.

1160

Clerk: Clause 2 as amended.

Mr Chairman: The Hon. the Minister for Education has given notice of a number of amendments, which have been circulated and all hon. Members have seen, so I think we can dispense with the need for him to read those amendments. Is that agreed? (**Members:** Aye.)

1165

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Chairman, there is one additional amendment. I have it in writing.

1170 **Mr Chairman:** Which clause?

Hon. G H Licudi: It is clause 23(1).

Mr Chairman: So we can get up to clause 22 and then you can make a reference to that amendment. Clerk, would you call out all the clauses up to 22.

1175

Clerk: Part 2.

Mr Chairman: Stands part of the Bill.

1180

Clerk: Clauses 3 to 4.

Mr Chairman: Stands part of the Bill.

1185

Clerk: Part 3.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 5 as amended.

1190

Mr Chairman: Stands part of the Bill.

Clerk: Clause 6.

1195

Mr Chairman: Stands part of the Bill.

Clerk: Part 4.

Mr Chairman: Stands part of the Bill.

1200

Clerk: Clause 7.

Mr Chairman: Stands part of the Bill.

1205

Clerk: Clause 8 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Part 5 as amended.

1210

Mr Chairman: Stands part of the Bill.

Clerk: Clause 9 as amended.

1215 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 10 as amended.

Mr Chairman: Stands part of the Bill.

1220 **Clerk:** Clause 11 as amended.

Mr Chairman: Stands part of the Bill.

1225 **Clerk:** Clauses 12 and 13.

Mr Chairman: Stand part of the Bill.

Clerk: Clause 14 as amended.

1230 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 15 to 17.

Mr Chairman: Stand part of the Bill.

1235 **Clerk:** Clause 18 as amended.

Mr Chairman: Stands part of the Bill.

1240 **Clerk:** Clause 19 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 20.

1245 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 21 as amended.

1250 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 22 as amended.

Mr Chairman: Stands part of the Bill.

1255 **Clerk:** Clause 23.

Hon. G H Licudi: Yes. Mr Chairman, a proposed amendment is being distributed to deal with the point of the Hon. Sir Peter Caruana. The amendment is to the power to remove a member of the board.

1260 I am not sure whether all hon. Members have copies.

Mr Chairman: We are going to proceed with all the other clauses and will –

Hon. G H Licudi: I understand we are ready now.

1265 There are a couple of amendments to the letter itself, which we have just done in a moment and passed over. It should say I propose to move the following amendments to the University of Gibraltar *Bill* 2015 rather than *Act* and then namely to remove the existing *clause* rather than *section* 23 and in place thereof include the new *clause* 23 in its place.

1270 Where there is a reference in the proposed new clause to the board of governors I propose that that should be amended and be replaced simply by a reference to the board, with a small ‘b’, because that is a defined term in the Bill. So whenever it says ‘of the board of governors’ it should simply say ‘of the board’, with a small ‘b’.

For some reason, in the letter that has been circulated there is a number – 1, 2, 3, 4, 5 and 6 – beside (a), (b), (c), (d), (e) and (f), which should not be there, and I say it to assist the Clerk. And then, at the end,

1275 where it says ‘as a member of the board to be vacant and thereupon such office shall become vacant’ I would propose that we put a full stop there and remove the reference to publication in the *Gazette*, because there is no need under this particular Bill for any publication in the *Gazette* in the first place, so let us just remove those last words.

1280 **Mr Speaker:** Are hon. Members in agreement with those minor amendments? (**Members:** Aye.) They stand part of the Bill.

We now go back to clause 23. All those in favour of the amendment moved by the Minister for Education. (**Members:** Aye.) Those against? Carried.

Clause 23 as amended stands part of the Bill.

1285

Clerk: Clause 24 as amended.

Mr Chairman: Stands part of the Bill.

1290

Clerk: Clauses 25 to 27.

Mr Chairman: Stand part of the Bill.

Clerk: Clause 28 as amended.

1295

Mr Chairman: Stands part of the Bill.

1300 **Hon. Sir P R Caruana:** Mr Chairman, could I just follow up on something that the hon. Member... [*Inaudible*] If this is not a company but a statutory body – do you want me to start again? – but a statutory body, and no public notice of appointments needs to be given, how do people know who are, from time to time, directors, or members of the board, sorry, of the University? It just struck me when I heard him say... [*Inaudible*].

1305 **Hon. G H Licudi:** Again, Mr Speaker, I would expect that notice of the board be part of the website of the University. The University will have a website; it should have a provision on who the board members will be and once the board is constituted there should be a provision made in the website to give public notice of the members of the board.

1310 **Hon. Sir P R Caruana:** Yes, I think I have had the thought a little bit too late to expect the hon. Member to act on this as well, but given that these are people who enjoy statutory immunity from suit perhaps ought to be more formally gazetted. People who have statutory immunity from civil action cannot be just website appointees. But anyway, if it is a problem at some future date perhaps it can be fixed at some future date.

1315 **Chief Minister (Hon. F R Picardo):** Can we give consideration to that valid point, Mr Speaker, because what we do not want to do, when we are talking about a very independent body, is actually create the nexus that the Government is going to gazette names etc.

1320 I think the hon. Gentleman is right to suggest that perhaps there needs to be something beyond just the fact that their names will be on the website – they will probably be on a board at the University and all the rest of it – but that there should be some other public reflection of appointment in a way and perhaps directing the chancellor or the vice-chancellor to make a public notice in some way, announcing it in a local newspaper, and elsewhere if necessary but not necessarily the *Gazette*, or directing the chancellor to put it in the *Gazette* but not the Government, for example. So if we could consider that, perhaps we can come up with a better solution.

1325

Clerk: Clause 29 as amended.

Mr Chairman: Stands part of the Bill.

1330

Clerk: Clause 30 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clauses 31 and 32 to be deleted.

1335

Mr Chairman: Stand part of the Bill.

Clerk: Clauses 33 to 34.

1340 **Mr Chairman:** Stand part of the Bill.

Clerk: Part 6 renumbered as part 7.

Mr Chairman: Stands part of the Bill.

1345 **Clerk:** Clause 37.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 36 as amended.

1350 **Mr Chairman:** Stands part of the Bill.

Clerk: Part 7 renumbered as part 8.

1355 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 37 as amended.

Mr Chairman: Stands part of the Bill.

1360 **Clerk:** Clause 38 as amended.

Mr Chairman: Stands part of the Bill.

1365 **Clerk:** Clause 39.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 40 as amended.

1370 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 41.

1375 **Mr Chairman:** Stands part of the Bill.

Clerk: Part 8 renumbered as part 9.

Mr Chairman: Stands part of the Bill.

1380 **Clerk:** Clauses 42 to 44.

Mr Chairman: Stand part of the Bill.

1385 **Clerk:** Part 9 renumbered as part 10.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 45.

1390 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 46 as amended.

1395 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 47.

1400 **Mr Chairman:** Stands part of the Bill.

Clerk: Part 10 renumbered as part 11.

Mr Chairman: And as amended.

1405 **Clerk:** And as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 48.

1410 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 49 as amended.

Mr Chairman: Stands part of the Bill.

1415 **Clerk:** Clauses 50 and 51.

Mr Chairman: Stand part of the Bill.

1420 **Clerk:** Part 11.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 52 as amended.

1425 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 53 to 54.

1430 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 55 as amended.

Mr Chairman: Stands part of the Bill.

1435 **Clerk:** Clause 56 as amended.

Mr Chairman: Stands part of the Bill.

1440 **Clerk:** Clause 57 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Renumber clauses 33 to 58 as 31 to 56.

1445 **Mr Chairman:** Stands part of the Bill.

Clerk: The long title.

1450 **Mr Chairman:** Stands part of the Bill.

**Financial Services Insurance Companies (Solvency II) Directive Bill 2015 –
Clauses considered and approved**

1455 **Clerk:** (5) A Bill for an Act to transpose into the Law of Gibraltar provisions of Directive 2009/138/EC of the European Parliament and of the Council on the taking up and pursuit of the Business of Insurance and Re-Insurance (Solvency II), and provisions of Directive 2014/51/EU of the European Parliament and of the Council amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) and related matters.

1460 **Mr Chairman:** The Hon. the Minister gave notice on 17th March to me, which has been circulated to all Members, of a few relatively minor amendments. Do all hon. Members agree that they have been read and can be incorporated? Very well.

1465 **Clerk:** Clauses 1 to 3.

Mr Chairman: Stand part of the Bill.

Clerk: Part 1.

1470 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 4 to 14.

1475 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 15 as amended.

Mr Chairman: Stands part of the Bill.

1480 **Clerk:** Clauses 16 to 46.

Mr Chairman: Stand part of the Bill.

Clerk: Clause 47 as amended.

1485 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 48 to 64.

1490 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 65 as amended.

1495 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 66 to 76.

Mr Chairman: Stand part of the Bill.

1500 **Clerk:** Part 2.

Mr Chairman: Stands part of the Bill.

Clerk: Clauses 77 to 100.

1505 **Mr Chairman:** Stand part of the Bill.

Clerk: Part 3.

1510 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 101 to 141.

Mr Chairman: Stand part of the Bill.

1515

Clerk: Part 4.

Mr Chairman: Stands part of the Bill.

1520

Clerk: Clauses 142 to 172.

Mr Chairman: Stand part of the Bill.

Clerk: Part 5.

1525

Mr Chairman: Stands part of the Bill.

Clerk: Clause 173.

Mr Chairman: Stands part of the Bill.

1530

Clerk: Clause 174 as amended.

Mr Chairman: Stands part of the Bill.

1535

Clerk: Clauses 175 to 179.

Mr Chairman: Stand part of the Bill.

Clerk: Schedule 1, paragraphs 1 to 8.

1540

Mr Chairman: Stand part of the Bill.

Clerk: Paragraph 9 as amended.

1545

Mr Chairman: Stands part of the Bill.

Clerk: Paragraphs 10 to 60.

Mr Chairman: Stand part of the Bill.

1550

Clerk: Schedules 2, 3, 4, 5 and 6 as amended.

Mr Chairman: Stand part of the Bill.

1555

Clerk: The long title.

Mr Chairman: Stands part of the Bill.
The Hon. the Chief Minister.

1560

BILLS FOR THIRD READING

**Referendum Bill 2015;
Electronic Commerce (Amendment) Bill 2015;
University of Gibraltar Bill 2015; and
Financial Services Insurance Companies (Solvency II) Directive Bill 2015 –
Third Readings approved: Bills passed**

1565 **Chief Minister (Hon. F R Picardo):** Mr Chairman, I have the honour to report that the Referendum Bill 2015, the Electronic Commerce (Amendment) Bill 2015, the University of Gibraltar Bill 2015 and the Financial Services Insurance Companies (Solvency II) Directive Bill 2015 have been considered in Committee and agreed to with amendments and I now move that they be read a third time and passed.

Mr Speaker: I now put the question, which is that the Referendum Bill 2015, the Electronic Commerce (Amendment) Bill 2015, the University of Gibraltar Bill 2015 and the Financial Services Insurance Companies (Solvency II) Directive Bill 2015 be read a third time and passed.

1570 Since there has been no indication of the Opposition being against any of the Bills, I do not think there is any need to vote for them individually, so I now propose that they be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

Silence held in respect of deceased family found at Boschetti's Steps

1575 **Hon. Chief Minister:** Mr Speaker, the hon. the backbencher has got the attention of the Minister for Education and made a suggestion to me, which I confess I am going to accept and I have discussed the issue with the Leader of the Opposition and he and I are entirely in agreement and of one mind.

1580 Today we know that four bodies have been found where apparently life has been extinguished in violent circumstances, and it would be improper to say more but the bodies are four British citizens and two of them are children, apparently of a very very young age indeed. Therefore, Mr Speaker, I think we all agree across the floor of the House that, given those circumstances – which are, thank God, unusual in Gibraltar; indeed, an absolute and utter aberration – today is not a day for us to be playing political gladiatorial games in the motions that we were about to consider.

1585 I am therefore going to move, first of all, that we have a minute's silence as a result of this tragic finding; and second, that we do not proceed today into Government and Opposition motions but that we adjourn until Wednesday at 5.00 p.m. to deal with those issues then. I now move therefore that we hold a minute's silence.

There was a minute's silence.

ADJOURNMENT

1590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, too often people think of parliaments as places where there is huge political conflict, and often it is right that there should be; but today, those who have tuned in to watch conflict and that type of exchange have seen this Parliament do perhaps what it does best, which is with both sides co-operating to produce better legislation for our people.

1595 I now move that on that note we adjourn until Wednesday at 5.00 p.m. to deal with Government and Opposition motions.

Mr Speaker: I now propose the question which is that this House do now adjourn until Wednesday, 1st April at 5.00 p.m. I now put the question which is that this House do now adjourn until Wednesday, 1st April at 5.00 p.m. Those in favour? (**Members:** Aye.) Those against? Carried.

The House will now adjourn until Wednesday, 1st April at 5.00 p.m.

The House adjourned at 5.35p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 5.00 p.m. – 2.10 a.m.

Gibraltar, Wednesday, 1st April 2015

Business transacted

Tribute to the late Solomon Seruya	2
Order of the Day	3
Statements by Hon. Daniel Feetham – Misleading the House – Motion carried/lost	3
Hon. Daniel Feetham – ‘In Touch’ magazine; misleading statements and arguments – Motion carried	22
<i>The House recessed at 8.45 p.m. and resumed its sitting at 9.05 p.m.</i>	36
PRIVATE MEMBER’S MOTION.....	36
Report of the Dr Giraldi Home Inquiry – To note the findings of the Report – Motion carried/lost.....	36
Adjournment.....	83
<i>The House adjourned at 2.10 a.m.</i>	84

The Gibraltar Parliament

The Parliament met at 5.00 p.m.

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

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

Tribute to the late Solomon Seruya

Clerk: Mr Speaker.

Mr Speaker: The House is going to hold a minute's silence as a tribute to the late Solomon Seruya, who, of course, graced this Chamber with his eloquence for very many years.

5

Members stood in silence.

Mr Speaker: Chief Minister.

10

Chief Minister (Hon. F R Picardo): Mr Speaker, people may ask themselves why it is that we held a minute's silence that might be beyond just the fact that Solomon Seruya had been a member of the predecessor of this Parliament. He was, of course, a Member of the House in the 1960s, but he was much more than that. He is also the Father of the Alameda Open Air Theatre, the Patron of the development of the Piazza. He became a Consul of the great state of Israel and President of the Chamber of Commerce when he returned to Gibraltar. A great Gibraltarian entrepreneur, a friend to all, whether or not he might have agreed with you politically – therein lies a lesson for many of us.

15

But, Mr Speaker, apart from all of those, Solomon Seruya is also in my mind to be remembered for another reason. He was the first person, I believe, who spoke out, either in this House or outside it, suggesting that in order to properly promote the tourist product in Gibraltar, and in particular those who might want to visit us from Spain, there should be on the eastern side of Gibraltar a marina so that people who wanted to come in their yachts to see the Rock or to shop on the Rock did not have to go round the Europa Point, which might get a little rough even on days when either the Bay of Gibraltar or the Mediterranean might look calm.

20

Mr Speaker, the Government expects that it will be possible for us to develop out the East Side reclamation into an area of housing and of general public amenity and that in that development, in common with the views of the previous Administration and the Administration before that... the GSLP Administration that started that reclamation – that there should be a marina in that area which will fulfil the vision originally put in Gibraltar by Solomon Seruya.

25

And I trust that by acclamation in this House, without needing for one moment to put this to a vote, the House will agree that on that East Side development there should be a fitting tribute, perhaps a road or some other fitting tribute named after our friend Sol.

30

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

35

Hon. D A Feetham: Mr Speaker, may I say without hesitation that I associate myself entirely with the words of the Chief Minister. He has used the words 'our friend' and indeed he was a friend to many of us. I think that his suggestion of having or naming a street or something else after Sol is a fitting tribute indeed and one that will enjoy the wholehearted support of this House.

40

Mr Speaker, I have very fond personal memories of Sol Seruya. I remember, Mr Speaker, in 2000 giving a speech in the Casino Calpe, where he was present, and then going afterwards to Sol and saying, 'Sol, how did you think that I did?' and he said to me "*No eres 'El Juli' pero eres novillero de carta*". That is what he said to me and it will always stay in my mind. Those comments will always stay with me, putting me in my place, but at the same time some encouragement for the future. That, I think, was Sol and we always had a laugh when I used to remind him about what he said to me on that evening 15 years ago.

45 But, Mr Speaker, I think we must not also forget that Sol was one of those politicians who stood for something. Throughout his career, indeed throughout his entire life, he advocated dialogue with Spain and he advocated good relations with Spain whatever the political climate may have been. Whether the people of Gibraltar at that stage, the political climate was such that they may have been receptive or non-receptive to that message, Sol Seruya was one of those individuals who was a conviction politician, a conviction individual and he always stuck to that message.

50 So, Mr Speaker, on behalf of the Opposition I have no hesitation in paying Mr Seruya the highest possible tribute. (*Banging on desks*)

Hon. Sir P R Caruana: Mr Speaker, associating myself with the words of both the Hon. the Chief Minister and the Hon. the Leader of the Opposition, may I really – harking back to my days in my previous job – add my own words of tribute to Sol?

Sol was not a person that you could always agree with, if for no other reason than his thinking was always so much more brave and so much more advanced, in the sense of vision, than certainly where public opinion was and probably where the political representatives of that public opinion were as well, and therefore it was sometimes not possible to agree with him.

60 Nevertheless I can tell this House that throughout my 16 years as Chief Minister I often sought and often heeded Sol's advice, not just on matters of commercial policy, but importantly on matters of foreign policy, in terms of the handling of Gibraltar's relations with the United Kingdom and with Spain. I very frequently sought that advice. He always gave it with clarity of thought, even when he knew I might not agree with it and even when he knew that I might have difficulty implementing his advice. He was throughout all my years as Chief Minister a frequent source of advice and influence.

70 And as the Leader of the Opposition said, he was always brave in his public statements of opinion, even when his views did not chime with the popular or the safely consensually held views of the majority of Gibraltarians, Sol almost always to his vision of what was in Gibraltar's short, medium and long-term interests – never shied from expressing views that he thought and knew would not be popular. I think that is a mark of a brave and opinion-forming citizen and I think that would be, probably in terms of his public life, what he will be rightly most remembered for.

75 I think Sol was a great Gibraltarian. He was a great Gibraltarian businessman. He was a great Gibraltarian politician. He was a great Gibraltarian citizen. He was a great Gibraltarian opinion former, and of course very often one has to wait until after one has passed, hopefully to better places, before all these things are recognised and said of you and I think it is right that that should be so. But for all his contributions to so many aspects of life in Gibraltar, I think it is right that this House is today recognising Sol in this way and from my seat here in Parliament I would extend publicly my sincere condolences to his daughter and the other remaining members of his family. (*Banging on desks*)

80 **Hon. Chief Minister:** Mr Speaker, it is clear that the House is unanimous in the view that there should be a tribute to Solomon Seruya on the East Side and to take from the Letters pages of the *Chronicle* many years ago from his old '*compinche*' a phrase that stuck in my mind when he left the Presidency of the Chamber of Commerce. '*Se va el Sol, pero*, we will always remember him on the East Side where he had the vision to think there should be a marina.'

85

Order of the Day

Statements by Hon. Daniel Feetham – Misleading the House – Motion carried/lost

Clerk: Government business, Government motions, the Hon. the Chief Minister.

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

90

'This House notes:

*Statements by the Hon. Daniel Feetham at the beginning of the House for questions on Thursday 19th March 2015 on the Sunborn floating hotel that he was not aware that the law firm of which he is a partner, Hassans, were solicitors for the operators of the Sunborn floating hotel; and
The content of exchanges in press releases in the past which disclosed that fact explicitly, namely Government Press Releases 483, 487 and 536 of 2013;
AND THEREFORE considers that Mr Feetham clearly misled the House when he stated that he was not aware that the law firm of which he is a partner, namely Hassans, were solicitors for the operators of the Sunborn floating hotel.'*

Mr Speaker, I gave notice of this motion at the time of the Question Time to which I refer in it. There was a heated exchange in this Parliament on the subject and hon. Members will know that during the course of that I disclosed that I was also a partner on sabbatical of that firm, Mr Speaker, and referred to these press releases.

Mr Speaker, I invited the hon. Gentleman at the time when I disclosed to him that the press releases referred him and the general public to the fact that Hassans were the solicitors for the Sunborn floating hotel, that there was no question therefore that he could not know that his firm represented this particular counter party in respect of the borrowing from Credit Finance Company Ltd. I told him, Mr Speaker, that if he simply told us that he had forgotten or that he had spoken in haste, I would be quite happy not to proceed to bring a motion and he did not take my invitation at the time. If he were to ask me to give way and say any of those things, I would happily withdraw the motion, but he does not, Mr Speaker. Therefore, I want to proceed with this motion on the basis, Mr Speaker, that what we have set out in it is absolutely and abundantly clear.

Mr Speaker, let us look at the terms of the press releases that are referred to in the text of this motion. Mr Speaker, Press Release 483/2013 makes clear that the Sunborn floating hotel, which was the subject then being debated in Parliament in 2013, was an issue that Mr Feetham should declare an interest in, because his firm were representing them. In fact, in the quote attributed to me in that press release, the press release reads as follows:

'I am happy to confirm that the position is exactly as I have previously set out in Parliament. There is nothing whatsoever to clarify.'

In fact if Mr Feetham is so concerned about the fantastic five star Sunborn Hotel, perhaps he should note that the firm that represents them is Hassans, of which he is a partner. The public may find that surprising, given how negative Mr Feetham seems to be about his own client's project, to bring – it has now brought, Mr Speaker – this fantastic five star hotel to Gibraltar.

Press release 487/2013, Mr Speaker, again sets that out explicitly, Mr Speaker. The press release reads in its fifth paragraph, as follows:

'What is entirely ridiculous, however, is Mr Feetham's suggestion that Mr Picardo's reference to the fact that the Sunborn is a client of Hassans is somehow an attempt to put pressure on him.'

In fact, Mr Speaker, it then goes on to talk about instances where I was the subject or the butt of criticism in this House by the former Leader of the House, when matters related to Hassans were debated in this House.

Finally, Mr Speaker, although there are many other such press releases and exchanges, press release 536/2013 also explicitly makes a reference to Hassans. In the second paragraph in the third sentence, it reads as follows:

'In fact the status of the Savings Bank, which is not a credit institution in EU law, is based on advice given to the GSD when they were in Government in the late 1990s by his own law firm, Hassans.'

This again, and the reference to 'again' is the reference to the fact that the reference had been made in previous press releases in relation to the Sunborn creates professional issues of conflict for Mr Feetham and his firm. And, Mr Speaker, there I gave notice that I was going to move a motion demonstrating that the Hon. the Leader of the Opposition had misled the Parliament then, something which I did not do, Mr Speaker, because frankly I did not want to put the Parliament to the time of having to deal with these issues. But now that Mr Feetham once again misleads the Parliament, I believe it is important to correct the record.

Mr Speaker, it is therefore abundantly clear when the hon. Member said that he did not know that Hassans represented the Sunborn floating hotel that he was in fact misleading the House. Mr Speaker, the

145 first supplementary that the Hon. the Leader of the Opposition took when he was asking me the questions that led to this exchange was a question that dealt with the issue of the Certificate of Fitness, and the questions that he asked, Mr Speaker, in particular Questions 271... in fact Questions 270, 271 and 272 all relate to the issue of the borrowings of the Sunborn floating hotel and they were all being taken together.

150 Mr Speaker, when I alerted the hon. Member to the fact that Hassans were the solicitors for the Sunborn, he told me that I knew more about the business of Hassans than he did and all the rest of it. He said some quite scandalous things during the course of those exchanges about what he felt about and what he cared about the clients of Hassans. He told me that he would take my word for the fact that Hassans are somehow involved with the Sunborn floating hotel to the extent that it is so. He then said that he had no problem declaring that interest, but, Mr Speaker, he did not accept that he had known this. He then went on to say that he did not know perhaps that Hassans were acting in relation to those matters. Well, Mr Speaker, 155 those matters could only have been a reference to Questions, 270, 271 and 272 and 266, 267, 268 and 269, and therefore, Mr Speaker, he cannot pretend not to have known that the subject on which he was asking questions included the very subject which had caused the press releases to be issued in 2013 and that therefore, Mr Speaker, he certainly did know that Hassans were acting on behalf of the Sunborn.

160 He said in particular this phrase, Mr Speaker:

‘He appears to know more about the business of Hassans than I do. I was certainly not aware that Hassans had been advising the Sunborn floating hotel in relation to these particular issues if that is what he is suggesting.’

165 But, Mr Speaker, it is very clear that the issues that he was dealing with include the issues of the loans which he was trying to seek more information on, information, Mr Speaker that the Government has already made its position very clear about.

And so, Mr Speaker, I invite the House to support the Government motion and find that Mr Feetham misled the House.

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

Hon. D A Feetham: Mr Speaker, so many motions, Mr Speaker, and just for me.

175 Mr Speaker, anyone listening to these debates would be forgiven for thinking that the hon. Gentleman has got it in for me. Indeed, Mr Speaker, on Saturday morning walking down Main Street, a lady came up to me and said, ‘Good luck, Mr Feetham, on your debate on the three motions on Monday. That Mr Picardo doesn’t seem to like you very much, does he?’ I said, ‘Nonsense. It is a love-hate relationship’. (*Interjection*) Exactly, and then I remembered the hon. Gentleman’s words to my wife when she made a similar statement to him. The love is yet to come, Mr Speaker. That was the statement that he made.

180 Mr Speaker, it certainly was not a statement of intent as to any future platonic relationship between the hon. Gentleman and myself, Mr Speaker. And for the avoidance of any doubt, Mr Speaker, it certainly was not a statement of intent as to any sort of civil partnership between us in the future. I thought that I might get that one in, Mr Speaker, now that the rainbow flag flies so proudly over No.6 Convent Place. Rightly, I should say, because of course on this side of the House we are very much in favour of equality too, Mr Speaker.

185 But, Mr Speaker, it was meant in the sense of ‘*ni el microfono te traga*’ which were the words that he uttered to me across the floor of the House from a sedentary position, because my microphone broke down during a Question and Answer session about a week and a half ago and it is very sad, Mr Speaker. It is sad. It is sad, Mr Speaker, because the hon. Gentleman does not appear to be able to break away from the sterile politics of the personal and the personalised, Mr Speaker. (**A Member:** Hear, hear.) (*Banging on desks*)

190 It is sad, Mr Speaker, because this motion, as indeed the next motion, is a blatant attempt to drown the Dr Giraldi motion in a sea of news, Mr Speaker, and for that motion to be heard at eight o’clock tonight, because of course it is going to take some time for us to deal with his two motions. Mr Speaker, it is sad because it takes the ground from underneath, Mr Speaker, who on many occasions in this House has said to both sides of the House, and certainly the Opposition, that we ought to debate important issues of the day. If 195 we are going to be met with this kind of filibustering tactic when we present a motion on the Dr Giraldi Home... as important, Mr Speaker, as the Dr Giraldi Home is going to be met with these kind of tactics to be drowned in a sea of news and to be heard as late as possible so that people are not tuned in and do not listen to the debate, well, Mr Speaker, it is just not worth the Opposition’s while to bring any kind of motion to just be debating it as between Government and Opposition without anybody listening to the 200 debate.

It is sad, Mr Speaker, because it places the firm, of which we are both partners, Mr Speaker – sabbatical or no sabbatical – the firm of which I derive a substantial financial benefit and he derives a substantial financial benefit in the eye of the storm, Mr Speaker, and that is his doing, not mine, Mr Speaker. It is sad, Mr Speaker, because I see the faces of good friends across the floor of this House, who are now going to be

205 forced to vote in favour of an *abusive* – as I will demonstrate in a moment – abusive motion, simply because of collective Cabinet responsibility and because this is a Government motion, Mr Speaker.

It is a motion that is misleading the House, Mr Speaker, and not what I said on the 19th March, because it attributes to me words which I simply did not utter or were not reasonably capable of being interpreted as the mover of the motion suggests. It is an abusive motion and it is says, Mr Speaker, I am sorry to say, more
210 about the mover of the motion than it does about me.

Mr Speaker, the motion says and I quote:

215 ‘Mr Feetham clearly misled the House when he stated that he was not aware that the law firm of which he is a partner, Hassans, were solicitors for the operators of the Sunborn floating hotel.’

Well, let us see, Mr Speaker, what in fact I did say and how it was in fact interpreted by reporters who were present during those exchanges.

Mr Speaker, the starting point – and this must be the starting point because this is the context in which this all took place – was my first supplementary. Mr Speaker, I quote:

220 ‘Starting with a question of a Certificate of Fitness, Mr Speaker, does the Government feel comfortable with a situation where the Sunborn floating Hotel does not have a Certificate of Fitness here in Gibraltar? My understanding of the position is that any hotel in Gibraltar would need to have a Certificate of Fitness and presumably the reason why this particular hotel does not have a Certificate of Fitness is because it falls
225 between two stools. In other words, it falls between regulations pertaining to hotels and regulations pertaining to ships. I then continue.

He then comes back to me and he says, and I quote:

230 ‘Mr Speaker, before I answer, can I invite the hon. Gentleman to declare his interest in respect of those questions?’

I am going to return to that in due course, Mr Speaker, because it was a wholly misconceived statement for the hon. Gentleman to make. Unsupported, either by the Rules of this House or by Erskine May. I said:

235 ‘Mr Speaker, I am certainly not the owner of the hotel and so I am not sure what interest he wants me to declare.’

He came back to me, and he said:

240 ‘Mr Speaker, the hon. Gentleman is a partner in the law firm that advises the Sunborn floating hotel. As I understand it, given previous rulings, it is incumbent upon him to declare his interest in that respect.’

– and then he continued.

Then I said:

245 ‘Mr Speaker, he appears to know more about the business of Hassans than I do. I have to say that is the reality. He appears to know more about the business of Hassans than I do. I certainly was not aware that Hassans had been advising the Sunborn floating hotel in relation to these particular issues...’

– Mr Speaker, we are talking about the Certificate of Fitness – That is what we are talking about.

250 ‘If that is what he is suggesting...But to the extent that I must accept the hon. Gentleman’s word for it, that Hassans are somehow involved with the Sunborn floating hotel, to the extent that that is so, Mr Speaker, I have no problem in declaring that is so, accepting *his* word for it that Hassans are acting on behalf of the Sunborn floating hotel...’

– and then he comes back to me.

He could never have misunderstood what I said to him, that it was wider than that, because he came back to me and he said this:

255 ‘Well, Mr Speaker, it is not that I know more about the business of Hassans than he did, it is that lawyers from Hassans come to see me about the Sunborn floating hotel and they appear to have advised that the Sunborn floating hotel does not need to apply for a Certificate of Fitness. It may be that, given everything he said, he takes issue with the views expressed by some of the partners and associates working in his firm.’

260 Well, Mr Speaker, just pausing there, I thought that was a scandalous statement for him to make because if a firm of solicitors goes to the Chief Minister of Gibraltar and they say, ‘We have received this particular advice’, surely that advice is privileged advice and he should not be disclosing it in this House. But, of course, he has no respect for the principle of privilege because what he is doing is... he does not waste a single opportunity to try and get a political point in.

265 What is obvious, Mr Speaker, is that he did not misunderstand what I had said about what I did or what I did not know, Mr Speaker, and of course the reality is that Hassans is a firm with many, many lawyers. It has nearly 300 employees. How on earth is the Leader of the Opposition, or indeed any other lawyer in Hassans, going to know or must know what every single lawyer in Hassans advises or does not advise? Indeed, it is a step back from that, Mr Speaker. How on earth do I know that the Sunborn floating hotel has
270 gone to Hassans to seek advice on a Certificate of Fitness, because it came as a complete surprise to me, Mr Speaker?

And I said:

275 'No, Mr Speaker. I do not take issue with the advice provided by any lawyer. I am asking the Government questions because they are accountable at the end of the day to this House and to the people of Gibraltar. I am the Leader of the Opposition. I also happen to be a partner in Hassans. But the fact that somebody from within Hassans, which is a massive organisation, has been advising the Sunborn [floating hotel] is neither here nor there. I am asking the Hon. the Chief Minister whether he, as the Head of the Government, feels comfortable with a situation where you have a hotel which does not appear to have a Certificate of Fitness. That is all I am asking. Now surely that is capable of a very simple answer.'

280 And then he came back to me again, upset at the fact that the hon. the backbencher had presented a motion or had made this particular point on the voting of a Bill when he was on this side of the House and we were on that side. Indeed, I recall it well, Mr Speaker, because I stood as Minister for Justice, a Member of the Government, and I too declared my interest at the time, Mr Speaker.

285 Then I said:

'Mr Speaker, I do not care what advice – I am not here in my capacity as a lawyer – what advice has been provided by Hassans, nor was I aware that Hassans had advised the Government in relation to this particular issue or advised anybody else about this particular issue.'

290 Again, Mr Speaker, he could not have been misled by that.

And indeed, at the end of this exchange, I said to him as well when he said that he was going to bring a motion that I had misled the House, I said:

295 'The issue of Hassans acting on behalf of the Sunborn floating hotel has arisen in relation to the question of the Certificate of Fitness. I have absolutely no clue about Hassans acting in respect of the Certificate of Fitness and advising the Government or anybody else as to whether a Certificate of Fitness was necessary in this particular case, but that is irrelevant. He brings whatever motion he wants to bring and I will meet it head on.'

300 That is what I said to him and for him to suggest that I had meant something else is a gross misrepresentation, Mr Speaker, of what I said and what I meant, which he must have understood very clearly, because certainly, Brian Reyes, the reporter from the *Chronicle* understood it as I have outlined in my own speech because he said this in the *Chronicle* of 20th March 2015, and I quote:

305 'As the two men hit back and forth on this issue, Mr Feetham insisted that he had no knowledge that Hassans had advised the Sunborn on the issues of the Certificate of Fitness and that this was irrelevant to his line of questioning.'

That is how Mr Reyes, Mr Speaker, the correspondent for the *Chronicle* understood what I had said.

310 Mr Speaker, the reality of this particular motion is that this is part of an ongoing campaign by the Hon. the Chief Minister in particular, to make my life within Hassans as difficult as possible – that is the reality. That is the transparent reality of what is going on here, because he has raised the issue of Hassans every single time I ask questions about Credit Finance, every single time I ask questions about the Gibraltar Savings Bank and every time that I ask questions about the Sunborn, Mr Speaker. It is part of a tried and tested *modus operandi* on the part of the GSLP going back years. They did it with – (*Interjection by the*
315 *Hon. Chief Minister*) My Father, Mr Speaker, has nothing to do with it. If he wants to make a comment about my Father, let him make it to the microphone so that the entirety of the electorate in Gibraltar can hear that he stoops as low as mentioning my father in debates. My father is not here to defend himself, Mr Speaker. I am and that is precisely what I am doing.

320 So whilst I am on my feet, Mr Speaker, he will listen to what I have to say, however unpalatable my words may be to him. (*Interjection by the Hon Chief Minister*) They did it to Peter Montegriffo Mr Speaker. They did it to Peter Montegriffo in 1990 and 1991, with the then clients of Hassans, and it ultimately caused him to leave politics and cause a by-election. They did it to the hon. the backbencher, Peter Caruana, as he then was, in relation to the Spanish pensions and Triay advising Spanish pensioners and they are now trying to do it to me, Mr Speaker. That is the transparent political ploy that lies at the heart of this particular
325 motion.

I want the hon. Gentlemen, Mr Speaker, and anyone who forms part of his small cabal trying to apply political pressure on me using my partnership in Hassans to understand this. I have every faith, Mr Speaker, in my senior partners that they will not be influenced one jot by his games and by his attempts to pit them

330 against me, because at the end of the day, Mr Speaker, Hassans has a very long and distinguished tradition of producing lawyers that ultimately end up in public service and in politics.

In any event, if I am ever made, because of the pressure that he may exert, to choose between my partnership of Hassans and my service to the people of Gibraltar, the people of Gibraltar win every single day of the week, Mr Speaker. (*Banging on desks*) I will discharge my role as Leader of the Opposition fearlessly, Mr Speaker, so that kind of pressure will fail on both grounds.

335 But, Mr Speaker, there is also an immense hypocrisy in all this and the constant retort by the hon. Gentleman, ‘Ask your client’, every time I ask a question about the Sunborn or the Gibraltar Savings Bank or Credit Finance. He is a partner of Hassans, Mr Speaker. He says that he is on a sabbatical, but he continues to be a partner of Hassans and he continues to derive substantial financial benefits from Hassans, Mr Speaker.

340 Mr Speaker, if the Sunborn are clients of mine, they are clients of his and he has as much of an obligation to declare any interests as I do, Mr Speaker. On this particular occasion, on the Certificate of Fitness, he knew that Hassans had advised on the Certificate of Fitness and I did not, Mr Speaker. Well, should he not have allowed someone else to answer the question? Should he not have declared his interest before he stood up and answered the question?

345 I have absolutely no influence, Mr Speaker, on the Government at all except it appears in the propensity to rile the hon. Gentleman into bringing absurd motions; therefore any conflict of interest on my side pales into absolute insignificance in relation to any conflict of interest on his side, Mr Speaker. I may be a partner of Hassans and Hassans may have acted for the Sunborn, but I did not bring the Sunborn to Gibraltar, he did and he is a partner of Hassans as well. Mr Speaker, the absurdity of this particular point about conflicts of interest really is absolutely astonishing. Mr Speaker, it is also misconceived, as I am going to demonstrate to the Hon. the Chief Minister now.

350 Mr Speaker, Standing Orders in relation to this question of conflict of interest, the relevant Standing Order is 53(7), and 53(7) says:

355 ‘Where a member has a direct personal pecuniary interest on any subject, he shall declare that interest and shall not vote on the Question, but a motion to disallow a member’s vote on this ground shall be made only as soon as the numbers of Members voting on the Question have been declared. If the motion for the disallowance of a Member’s vote shall be agreed to, the Speaker or in Committee the Chairman, shall direct the Clerk to correct the numbers voting in the division accordingly.’

– and then it continues.

360 Mr Speaker, this Standing Order deals with voting on Bills or on motions – that is what it is addressed to. It is not addressed to Questions and Answers. Now, of course, we then go to Erskine May, and may I, for the benefit of the Chief Minister, pass a copy of the relevant passage of Erskine May so that he can follow my point as well?

365 Mr Speaker, page 76 of Erskine May, and I think my colleagues have extracts too. Mr Speaker, the third line:

370 ‘The House has two distinct but related methods of the disclosure of the personal financial interest of its Members: registration of interest in a register which is publicly available and declaration of interest in the course of debate in the House and in other context.’

The main purpose of the register is to give public notification on a continuous basis of those financial interests held by Members which might be thought to influence their Parliamentary conduct or actions.

The main purpose of the declaration in debates is to ensure that fellow Members of the House and the public are made aware at the appropriate time when a Member is participating in the proceedings of the House, of any past, present or expected future financial interest which might reasonably be thought to be relevant in those proceedings.’

375

– and the issue is relevance.

Indeed, when you turn to the third page, it is page 80, Declaration of Interest in Debate, the second paragraph, it says this:

380 ‘It is the responsibility of the Member, having regard to the Rules of the House, to judge whether a financial interest is sufficiently relevant to require a declaration. The basic test of relevance is similar to that for registration, that a financial interest should be declared if it might reasonably be thought by others to influence the Member’s speech.’

385 In other words, it is only relevant if it would influence what *I* say, Mr Speaker. It is quite the reverse... and indeed the criticism from the hon. Gentleman is that I have no regard to the clients of Hassans. Indeed, he has made that point in his speech today. Mr Speaker, *I* am the one that is saying I do not agree with the incorporation of Credit Finance. *I* am the one that is saying I do not agree with the use of the Gibraltar Savings Bank in the manner that the Government is using the Gibraltar Savings Bank and *I* am the person that is saying that I would not have lent the money to the Sunborn or indeed I was questioning the Certificate of Fitness. Well, Mr Speaker, how on earth that could be relevant to anything that I might say in this House, I just really do not know. But it does affect him, Mr Speaker, because he is the Chief Minister

of Gibraltar. He has a pecuniary interest and he is the man in the hot seat making the decisions and potentially making decisions that influence favourably or otherwise the clients of Hassans. Well, I have no influence, Mr Speaker. It is utterly misconceived, Mr Speaker, for him to talk to me about declarations of interest and me not declaring interest the way that he does at every single opportunity.

395 But, Mr Speaker, now that I have dealt with some of the balls that he has served in my direction, may I also serve him a couple of volleys with a little bit of top spin too? Mr Speaker, the context of this motion is the Sunborn with its obvious connections to Credit Finance – indeed, he has introduced Credit Finance – and the Gibraltar Savings Bank... and it is an utter hypocrisy, Mr Speaker, to be talking about me misleading the House when the way that he answers questions about the Gibraltar Savings Bank, Credit
400 Finance and the Sunborn is at the root of all the issues between him and me about the lack of transparency and the opaqueness of this Government in the management of Gibraltar’s public finances, of which this is clearly a part.

Mr Speaker, the starting point is March 2012 and the Bill the Chief Minister brought to this House in order to amend the Gibraltar Savings Bank, and he may recall that what he did in that amendment in March
405 2012 was delete the requirement of the Gibraltar Savings Bank, invest in cash or cash equivalents – in other words, it went in March of 2012 from a position that the Gibraltar Savings Bank could only invest in very solid safe forms of investment to investing in anything under the sun. They could do anything because of that amendment.

Mr Speaker, in November of 2012, eight months later, in a supplementary question to Questions 1001
410 and 1002, the Chief Minister was asked whether, and I quote:

‘The Chief Minister is able to confirm that the money represented by the issue of debentures by the Gibraltar Savings Bank is held in cash or near cash by the Savings Bank?’

– and that was the question that he was asked.

415 The answer from the Chief Minister was, and I quote:

‘Mr Speaker, that is what the Gibraltar Savings Bank Act provides’

– that is what he said –

420 ‘that investments must be held in. So unless somebody is in breach of the Gibraltar Savings Bank Act, then yes, I can confirm that.’

Later, he repeated:

425 ‘As far as I understand it, all investments of the Bank are in cash or near cash, which is what the Savings Bank Act requires.’

Well, Mr Speaker, he obviously did not understand it, because eight months previously he had come to this House to actually move an amendment to delete the requirement that investments in the Gibraltar Savings Bank had to be in cash or near cash equivalents And, of course, that then allowed the Government,
430 Mr Speaker, on 17th February 2013 to incorporate Credit Finance Company Ltd with a registered address at No.6 Convent Place and invest £303 million of savers’ money into it. Had the Act required the Gibraltar Savings Bank to invest only in cash or cash equivalents, which was the position when we were in Government, that would not have been possible, Mr Speaker.

Well, Mr Speaker, I cannot believe that such a huge investment by the Gibraltar Savings Bank in non-cash investments had not already been planned by someone within his Government when he said three
435 months earlier, in November, that the Gibraltar Savings Bank could not invest in cash or near cash equivalents. Mr Speaker, Ministers and certainly not, Mr Speaker, the Father of the House, they do not wake up one morning and say, ‘Well, you know, I think it is a good idea to cause the Gibraltar Savings Bank to invest £303 million in a Government-owned company’. Indeed, Mr Speaker, the very fact that the
440 Government moved an amendment in 2012 to do away with the requirement that he said existed in November was what allowed the investment of that money in Credit Finance Company in the first place.

Mr Speaker, there are two explanations for the statements that he made in November of 2012. Either he was blissfully unaware, Mr Speaker, of the plans of the Father of the House as to the use of the Gibraltar Savings Bank to fund huge parts of the Government’s expenditure and projects, blissfully unaware, or Mr
445 Speaker, he was aware but he chose to make that statement to the House. I do not say, Mr Speaker, that he was misleading the House at that stage. I actually think that he did not know what was happening in his own Government, Mr Speaker, on the management of the public finances of Gibraltar.

Mr Speaker, the Sunborn Gibraltar Ltd was incorporated on 12th March 2013 and on 16th April 2013 it registered a mortgage for an unlimited amount. So at that stage Credit Finance had already provided that

450 loan of between £30 million and £40 million – we do not know because the Government does not give us the exact figure – had provided that loan to the owners of the Sunborn.

Mr Speaker, whatever his ignorance of Mr Bossano’s secret plan may have been in November 2012, he certainly must have known about Credit Finance Company and the loan to the Sunborn by April of 2013, otherwise, Mr Speaker, he ought to move to one side and allow the Father of the House to run the show because he is clearly the figurehead of this Government and is not running the show, Mr Speaker. On 16th
455 May 2013 I asked the question for the first time about the Sunborn, and so a month afterwards.

After indicating in answer to the penultimate supplementary of Question 423 that the Government had not made any financial investment in the Sunborn and therefore the taxpayer stood to lose nothing if the ship just sailed away into the sunset, I asked the next logical question, which was whether the Government
460 had loaned any money to the owners of the Sunborn, because of course the taxpayer could lose that money if the Sunborn just decided to sail into the sunset as he had remarked. The answer was this, Mr Speaker:

‘I would need notice of that question.’

465 That is a month after the Government loaned the money, £30 million or £40 million, to the Sunborn and two months after the Government had invested £303 million from the Gibraltar Savings Bank into Credit Finance. This is the Chief Minister of Gibraltar:

470 ‘I would need notice of that question. This is not any of the issues that have been raised in respect of this matter, so if the hon. Gentleman gives notice of that question for the next meeting, I can try and find out exactly what the detail of anything related to soft loans might be, but I have no information with me today.’

No information a month after he provides his Government, through a Government-owned company registered at No.6 Convent Place, provides a loan between £30 and £40 million to the owners of the
475 Sunborn.

Mr Speaker, a month later on 23rd May, Question 384/2013, I asked the Chief Minister how the proceeds from savers money at the Gibraltar Savings Bank had been invested as at 1st May 2013, and it was answered by Minister Bossano. This is the first time that Minister Bossano answered any questions about Credit, about the Gibraltar Savings Bank or about these issues. They had been answered by the Chief
480 Minister prior to that and all the answers, in fairness to him, have been properly provided. Minister Bossano answered by providing me with a list of investments, not as at the 1st May 2013, but as at 31st March 2012 – a year earlier, Mr Speaker.

The significance of that, Mr Speaker, is that if they had disclosed all the investments of the Gibraltar Savings Bank as at 1st May, it would have disclosed the fact that the Gibraltar Savings Bank had invested
485 £303 million, Mr Speaker, as at that date in Credit Finance Company Ltd, which would then have led the Opposition on a trail of enquiry and no doubt we would have then seen the loan to the Sunborn floating hotel. But, of course, Mr Speaker, there was a by-election looming, hence the manner in which the Government answered all these questions.

Then, Mr Speaker, on 20th June 2013, I asked the Hon. the Chief Minister, and I quote, because this really is one of the most shameful episodes in Parliamentary history:

‘Can the Chief Minister state whether the owners of the Sunborn Hotel have had the benefit, either directly or indirectly, of any financial assistance from the Government?’

495 The answer was no. That was the answer from the Government.

Well, Mr Speaker, I just simply do not understand how on earth a Chief Minister of Gibraltar discharging his responsibilities to the House could possibly answer no to a question like this when he must have known, Mr Speaker – otherwise he is not running his own Government – that Credit Finance, a Government-owned company registered at No.6 Convent Place, in his Department, had made a loan of
500 some £30 million to £40 million, Mr Speaker, to the owners of the Sunborn. Mr Speaker, absolutely shameful.

Then on 24th June 2013, during the Budget session, I said this, Mr Speaker:

505 ‘I have already sought to show how the Government has shifted Government debentures to the Gibraltar Savings Bank where they do not rank as public debt. I want to deal now with the use of the proceeds of the Gibraltar Savings Bank issued debt security may be put to.’

I then reminded the House of the amendments in March of 2012 and I said this:

510 ‘Mr Speaker, I have been observing the Hon. the Minister responsible for the Gibraltar Savings Bank, Minister Bossano, for many years now. I may not always agree with what he does or the manner in which he does it, but he does everything for a reason. I hope, Mr Speaker, that I am wrong and that the Government is not contemplating using that money to fund its capital projects and

515 expenditure simply because it is committed not to borrow or donate Government surpluses to community care. The consequences for these annual debates and the transparency of Government finances would be considerable because it would blow a massive hole in the Government's duty to account to this House at Budget time for expenditure because, as we all know, the Gibraltar Savings Bank expenditure is not reflected in these estimates.'

Mr Speaker, at this stage, we did not have a clue about Credit Finance or about the Sunborn, but certainly because we are a diligent Opposition, we certainly had an inkling that all this transference of debt from the Government into the Gibraltar Savings Bank was for a reason and that the Government intended to use it for its own purposes, Mr Speaker. But the importance is that in the light, Mr Speaker, of the way that he had answered the question as to the loan, the way that Minister Bossano had provided me with a schedule relating to a year before, Mr Speaker, there was an obligation on the Leader of this House to come to this House and set the record straight, Mr Speaker, about the Sunborn and about Credit Finance. That was his obligation at the Budget if not earlier and he did not do so, Mr Speaker.

520 Indeed, Mr Speaker, he only came clean, because this only became an issue during the by-election because somebody came to me and said to me, 'Look, it is not true that the Government has not provided a loan to the owners of the Sunborn'. I was prepared to give him the benefit of the doubt, Mr Speaker, but somebody told me that it was not the case. We then conducted a search on the Sunborn company and we found the loan to it from Credit Finance Company, Mr Speaker. He continued to deny it throughout the by-election and it was only, to his eternal shame, the day after the by-election that he came clean in an interview with Dominique Searle in the *Gibraltar Chronicle* drawing the distinction, Mr Speaker, between the Government and a Government-owned company and saying that I had asked the wrong question.

535 Well, Mr Speaker, what is wrong about a question that says has the Government directly or indirectly provided any kind of financial assistance to the owners of the Sunborn, Mr Speaker. The irony and absurdity of all this, Mr Speaker, is that earlier on this year when it suited the Government's purposes and it wanted to make an announcement as to the purchase of the shares in Gibtelecom owned by the Slovenian company, he told the press that the Government had bought back those shares, when indeed we only found out two months later that it was not the Government, it was the Gibraltar Savings Bank. So when it suits him, Mr Speaker, he draws the distinction between a Government and a Government-owned company registered at No.6 Convent Place, Mr Speaker, but when it does not suit him, the Government and the Gibraltar Savings Bank are one and the same, Mr Speaker.

540 What is also absurd, Mr Speaker, about the exchanges last week, was that on 29th May 2014, when I asked the question whether any of the debt – we do not know how much because he refused to tell us – to the Sunborn had been rescheduled...well, I did not ask that. I apologise. What I asked was whether the Sunborn had paid that debt on its due date and the hon. Gentleman said to me, in May of 2014, 'Yes, the Sunborn had paid its debt on the due dates'.

550 Mr Speaker, I then asked in the last session a similar question... indeed I asked that and the rescheduling. I asked that question and he did not want to give it to me, Mr Speaker. Well, look, I could be forgiven and the Opposition could be forgiven, Mr Speaker, for being on the highest alert, not only about the history in which... because the history and the manner in which the Government has dealt with this, but because in May 2014 he was willing to say to me openly that the Sunborn has paid always on its due date and then a week and a half ago he did not want to answer the same question.

555 Well, Mr Speaker, does he now have something to hide, because that is the next logical question? Mr Speaker, during his New Year speech, again he then publishes a balance sheet relating to Credit Finance Company and he says, 'We are the most transparent Government in the history...' of what I do not know. He publishes a balance sheet, a four line document, Mr Speaker. A four line document insulting the intelligence of the people of Gibraltar, Mr Speaker... insulting the intelligence of the people of Gibraltar – and then he says during the course of that speech, 'Not one penny is being spent on Government projects'.

560 Again, Mr Speaker, I was willing to accept him at face value, but then Mr Bossano, Mr Speaker, a month later... within a couple of months, I beg your pardon – in answer to questions in this House, accepted that in answer to questions from me that £347 million of the now £400 million invested in Credit Finance by the Gibraltar Savings Bank had in fact been transferred to Gibraltar Investment Holdings Company, which is the Government's holding company for all Government-owned companies, for the purposes of allowing 'Government-owned companies to meet their cash flow requirements'. Well, Mr Speaker, that includes GJBS, who are undertaking about £200 million worth of Government work.

565 Mr Speaker, if anybody has to be careful with the statements that they make, it is the hon. Gentleman, and not me, Mr Speaker. It is certainly not me.

570 Mr Speaker, the reality is that on the issue of transparency, on the issue of who is honest with the people of Gibraltar, on the issue of opaqueness, the hon. Gentleman has been measured, Mr Speaker, and he has been found wanting, Mr Speaker. That is the reality, Mr Speaker, and there is no one who has misled this House or the people of Gibraltar more than the hon. Gentleman, Mr Speaker. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to contribute to the debate?

575 The Hon. Sir Peter Caruana.

Hon. Sir P R Caruana: Yes, Mr Speaker, very briefly I would just like to add one thing. The Hon. the Chief Minister invited Parliament, by which I assume he meant the Opposition as well, to support what he called the ‘Government motion’. In appealing to the whole of the Parliament, that is to say to the
580 Opposition including me to support the motion, he must have been suggesting that he thought that I was capable of objective fairness and that I would not make a decision on this motion based solely on Party lines. If that is the case, then I trust that it will be equally true of the Members on that side of the House.

I have no doubt whatsoever in concluding that the suggestion that the Hon. the Leader of the Opposition has misled this House in the manner that the hon. Member has suggested in his motion, or at all, is
585 completely unfounded and unmet, not just for the reasons that the Hon. the Leader of the Opposition has just so formidably articulated, but also for this reason, and this is my only contribution to this debate.

It seems to me that as he has put his motion it suffers a fatal flaw and that is that as I have understood his address in support of his motion he has listed, and I have made a note of three, he may have referred to more – at least three Government press releases that I made a note of the number of – in which he says
590 public notice, and therefore it was in the public domain because it was in Government press releases that Hassans represents the Sunborn, leaving to one side the issue about the precise words that the Leader of the Opposition uttered or did not utter.

My Lord... I mean *Mr Speaker*. I get into the same trouble in Court by the way. (*Laughter*) I call the judge Mr Speaker and he does not like it either. (*Laughter*) Mr Speaker, I believe the fatal flaw is this. The hon. Member has said that the Leader of the Opposition is obviously misleading the House because the
595 information that he claimed not to know about was ‘in the public domain already and therefore he must have known.’ But Mr Speaker, if it was in the public domain for the hon. Member, it was in the public domain for this House as well, and if the hon. Member is to be imputed knowledge of everything that is in the public domain then the same knowledge for the same reason has got to be imputed to everybody in this
600 House.

Every lawyer sitting in this House on both sides knows that it is not possible to mislead someone who knows the truth – in other words, you cannot mislead somebody who knows the truth about what you are saying. And if, as the hon. Member says, the misleading flows from the fact that the information is in the
605 public domain, *ergo* the House must know the same information and it is not possible for the House to have been misled by it, because it is already in the public domain, namely the same criteria by which he seeks to condemn the Hon. the Leader of the Opposition. So quite apart from the objective view that one takes on the evidence, and quite apart from Party lines and quite apart from objectivity and subjectivity, by the very basis upon which he has presented his case against the Leader of the Opposition, it is not possible. It is not possible to be sustained because by his measure of what constitutes misleading this House could not have
610 been misled by what the Hon. the Leader of the Opposition said, even if he had said what the hon. Member attributes to him. You cannot mislead someone who knows the truth.

Mr Speaker: Does any other hon. Member wish to contribute to the debate before I ask the mover to reply?

615 The Hon. Mr Albert Isola.

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, Mr Speaker, I am grateful.

I had no intention of intervening in today’s motion on the subject matter before us now, but the two interventions from the Leader of the Opposition and from the hon. the backbencher has stirred me to rise because I am almost in disbelief at what I have heard. We have had, I think, probably about 45 minutes
620 from the Leader of the Opposition talking about conflict of interest, declaration of interest, the cabal that sits on this side of the House, the GSLP plots, Erskine May, Credit Finance, Savings Bank and then of course the huge lesson in arguments that we have heard *ad nauseam* from the Hon. the Leader of the Opposition in respect of his personal views on Credit Finance, the Sunborn and the Gibraltar Savings Bank.
625 But Mr Speaker, what an absolute smokescreen. What relevance have any of those issues got to do with the motion before us?

The motion before us is actually very, very simple, Mr Speaker, and it is that the hon. Member said he was not aware that Hassans were acting on behalf of the Sunborn. The Hon. the Chief Minister gets up and says, ‘I am happy to forgive if you just accept that that was a mistake’ and the hon. Member gets up and
630 fails to correct the clear error, which by the way has not been denied by the hon. backbencher. The hon. backbencher is actually saying in effect that what the Leader of the Opposition has done is consistent because everyone in the Parliament knew the truth and therefore it is impossible to mislead.

Hon. Sir P R Caruana: Mr Speaker, on a point of order.

635 No, Mr Speaker, he cannot attribute words to me. I have not said. I have said even on the assumption, which I do not accept, that the Hon. the Chief... uttered the words acclaimed, my point is right. He cannot convert that into a statement that I accept that what the Hon. the Leader of the Opposition said are the words attributed to him. So I am always very interested in hearing him, but please without putting words in my mouth.

640

Hon. A J Isola: Mr Speaker, in that case, what I will do is say that he certainly did not suggest that he had not intended to mislead the House, if I can leave it at that, which is a flipped coin of the same thing.

Mr Speaker, it is interesting really –

645

Hon. Sir P R Caruana: Floundering!

Hon. A J Isola: I am doing my best. (*Interjections*)

650 So it is one of the worst lessons in the art of diversion that I have ever seen in my life, because to sit here and listen for 45 minutes about Sunborn and Credit Finance when the actual motion is so simple and so brief, and it is basically saying this, ‘I was not aware that Hassans were lawyers.’ The Chief Minister gets up and says, ‘But hang on a minute. Are you sure about that? And if you are not sure, do you want to correct? If not, I will bring a motion.’ ‘I do not care two hoots about whether you bring a motion or not.’ That is the issue that we are adjudicating on, and frankly, Mr Speaker, this motion is hugely important – *hugely* important.

655 The hon. Member says that one of the things that my friend talked about in some session many, many moons ago was one of the most shameful episodes in Parliamentary history. Well, Mr Speaker, for me, misleading Parliament is one of the most shameful episodes in Parliamentary history and I am absolutely gobsmacked that the Leader of the Opposition has not dealt with the very single and simple point as to whether he was or was not aware that Hassans were the lawyers for the Sunborn. It is as simple as that, Mr Speaker. (*Interjection*)

660

Mr Speaker: The Hon. Mr Bossino.

665 **Hon. D J Bossino:** Mr Speaker, I think there is one point that needs to be clarified here. I think the hon. my learned and hon. Friend the Leader of the Opposition very clearly set out in his exposition and in his intervention in response to the Chief Minister’s motion what he actually said. The Hon. Mr Isola said that this motion is simple and brief, but I am afraid it is wrong. It is wrong and misconceived. Quite frankly, one of the points I was going to make in my initial intervention was to say that this is a huge and humongous waste of time, quite frankly, that Parliamentary time should be used for this purpose.

670 Mr Speaker, what is it that the Hon. the Leader of the Opposition said? Let me just make the point. Let me just make the point in answer to his point and it is this. We need to understand one thing that this point really arises as a result of a supplementary question which my hon. Friend the Leader of the Opposition said and it related specifically to the Certificate of Fitness and all the rest of it flowed from there. That is when the Hon. the Chief Minister rose to his feet and made the misleading the House or Declaration of Interest point. He did not make it before he answered his formal reply. He made it after the first supplementary which related specifically, as I said earlier, to a Certificate of Fitness. And what is it that he said? On two occasions, Mr Speaker on two occasions he said, ‘I certainly was not aware that Hassans had been advising the Sunborn in relation to these particular issues’. How could he have been?

675 He may have been aware that Hassans was retained by the Sunborn, but not in relation to these particular issues, and this particular issue related to the Certificate of Fitness. He ends his intervention on 19th March in this manner, Mr Speaker, when he says very clearly the following:

680

685 ‘The issue of Hassans acting on behalf of the Sunborn has arisen in relation to the question of the Certificate of Fitness. I have absolutely no clue about Hassans acting in respect of the Certificate of Fitness and advising the [office] or anybody else as to whether a Certificate of Fitness was necessary in this particular case...’

The point is abundantly and absolutely clear, and therefore the premise of both the motion and indeed the Hon. the Minister for Financial Services’ recent intervention are completely and utterly wrong, erroneous and misconceived.

690

Mr Speaker: Any other hon. Member wish to speak on the motion?

The Hon. Mr Bossano.

695 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** Thank you, Mr Speaker.

Mr Speaker, the Leader of the Opposition has spoken about almost everything under the sun except the Sunborn. (*Laughter*) The distinguished backbencher was making a point, which was a legalistic point, I think, that it is not possible to accuse somebody of misleading us or misleading other people if the thing that he is intending to do is impossible because we all have the level of knowledge that is linked to the misleading. Therefore, if we all know that it is in the public domain that Hassans represents the Sunborn, then he cannot possibly be successful in misleading us and therefore it is not the case that we should be accusing him of attempting him to mislead.

Well, I do not suppose he was attempting to mislead anybody, because frankly it is not an issue that I think would worry many people, whether Hassans represent the Sunborn or not. (**A Member:** Hear, hear.) It would be very peculiar if they were not represented by Hassans as Hassans represents almost every successful business in Gibraltar and the Sunborn is a huge success. (**A Member:** Hear, hear.) (*Laughter*) Of course he gets a share of it no doubt. (*Laughter*) But he draws an analogy, Mr Speaker, between that and what he claims were the dreadful things that the old GSLP Administration used to do, of which he was such a proud admirer and follower. I am certainly not going to bring into the discussion his dad, who is still a close friend of mine, and I am of him.

But I have to tell him that his conversion to the other side of the fence is something that is almost incomprehensible for somebody who puts standards at such a high level and hypocrisy at such a low level, because one of the things that he said about his commitment to politics and his commitment to being in Parliament is that if such is his dedication to the people of Gibraltar that if he had to choose between losing the huge sums he gets from the successful Hassans and serving the people of Gibraltar in this House, he would have no doubt what he would do. I often wonder, Mr Speaker, how many lawyers we would have if we banned the profession from standing for election and they all had to give up their jobs. (*Laughter*) But I can tell him one thing, I do not really think I can believe his dedication to the cause.

He reminds me of one of the things that I encountered in my first occasion when I spoke after being elected in 1972, and I did not speak here because I was elected before the summer recess and there was a CPA Conference in Malawi. I went with the then Minister Horace Zammit and Paul Garbarino to Malawi as the CPA delegation from Gibraltar. We had His Highness, the Ngwazi, Dr Hastings Kamuzu Banda telling the Commonwealth of the great sacrifice that he had made by giving up his practice in Kentish Town in the National Health Service and coming back to defend his people. At the same time he was in the process of building his seventh palace in Malawi, something that I do not think he was getting in Kentish Town under the National Health Service. (*Laughter*)

Then I remembered how he told me when he came back to join the socialist family of the great sacrifice he was making when he was one of the top criminal lawyers in the Midlands and he was losing a lot of money by coming back here. But he was coming back here because the most important thing for him was to join the socialists to get rid of the dear old backbencher sitting there (*Laughter*) which he succeeded in doing. He succeeded in doing it in a peculiar way, an unexpected way and not the way we expected it to happen, but he did it. (*Laughter*) On top of that he has not had to lose money and so it is a win-win situation. He is actually better off than in the Midlands and he has achieved his target. (**A Member:** Hear, hear.) (*Banging on desks*) (*Interjection*)

Hon. D A Feetham: [*Inaudible*]

Hon. J J Bossano: Of course I must say that I admire his skills in getting where he wants to be and he has done well, but of course there is another side, and that is the criticism of what was done by the GSLP before the Montegriffo exit, which allowed the entry of the distinguished backbencher. Gibraltar might have been deprived of 15 years of tyranny if we had not made that mistake (*Laughter*) but there you are. We get things wrong sometimes. (*Laughter and interjections*)

But of course there is something that I am prepared to stand up and defend when it comes to hypocrisy and double standards and that kind of thing, and that is, Mr Speaker, if the hon. Member, for example, as a politician is saying to people, 'Do not trust the Savings Bank', I would not expect him to be telling his clients, 'Put your money in the Savings Bank', because then he is being a hypocrite because he is saying one thing as a politician with one hat and doing something else with another hat.

I can tell him what I found completely unacceptable was that we had a situation where somebody like Peter Montegriffo would bring me a string of clients, which I was happy to receive and happy to work with, but then publicly the next day saying that people should not be bringing money to Gibraltar because Gibraltar was going down the tubes. Well, look, surely if you are a lawyer advising clients and you honestly believe it... or is it that you only believe it when you are behaving like a politician, but you do not believe it when you are behaving as a professional advising clients? If you are telling people that the economy is bankrupt, you are telling people that there is no money, you are telling people do not use the Savings Bank and you are telling people Credit Finance is a terrible thing, *then* you have to have a duty of due diligence

with your clients and you must give them the advice that is consistent with the views that you claim to hold honestly politically.

Those of us who are not lawyers do not have those kinds of conflicts and we can afford to say the same thing to everybody. So I think there is a legitimate position to take. Certainly I have no problem with taking
760 it. You should stand by what you say and if you say one thing in one forum then you should say the same thing in other forums. Therefore, if he wants to know the reason for the Montegriffo exit, the reason was quite simple. Nobody said Montegriffo should go from this House, but what I said was that I am not prepared to have somebody lobbying me with customers when at the same time he is saying that Gibraltar is not a place in which people should be putting their money and the economy is not well run. (*Interjection by Hon. D A Feetham*) Now you understand it. Well, I can tell him that if he brings me a customer tomorrow which is contrary to what he is saying in this House, I will say to the customer, in front of him, 'You should not trust this guy as your lawyer because he is trying to get you to put money in something that he says is ruinous'. (*Interjections*)

Therefore I think because that is what happened and because that is what I am prepared to defend, I am
770 telling him and I am telling it publicly, I have no problem with it. And if that he thinks, is something that was wrong about the GSLP and he is wrong about it now. Well, look, whether it is the GSLP or not, it was me then and it is me now. (*Laughter*) You all know on that side of the House that the leopard does not change his spots. (*Laughter*) You have told me that often enough. (*Laughter and banging on desks*) (*Interjection*) All the leopards are the same as far as I know. I do not know of any leopard that changes his spots.
775 We are all the same, all leopards. (*Laughter*)

The reality, of course, is that when the hon. Member came back and made that big sacrifice, he was making it for a particular purpose, and as I have said he has achieved that purpose. Often he stands up here and says things where I get surprised that he seems to be welcoming the role that I am playing, but really today he has given the game away. He is not welcoming the role I am playing at all. He is not saying today
780 any of the things that he said a few days ago, that it is a good thing that I am there and it is a good thing I am in charge of the Savings Bank. Is it that he has suddenly lost his confidence in my ability to protect the investors in the Saving Bank? Well, I hope it is not, because frankly I would not take it very kindly if he was insinuating that with me in charge... I am in charge, it is my responsibility, and I am glad that the Chief Minister has decided to make it so officially.

The reality of it is that technically the Savings Bank does not exist, and he should know that, because in fact the Savings Bank as an institution is a creature of statute and when what he now calls 'his Government', but which was the other lot when he was with me – (*Laughter and interjections*) What he now calls 'his Government' were prepared to go further than we have done so far and even further than we had planned to go with the Savings Bank, because we had not at any stage actually gone as far as saying, as
790 was said by the previous Government, that their plans – I think it was in 2007 or it might have been earlier – were to actually go down the road of allowing the Savings Bank to have credit cards, to have current accounts with cheque books and to do all those sorts of things. It is in *Hansard*. I can fetch it if you want. (*Laughter*) It is in *Hansard* and I supported it. I supported it actually from the Opposition. I thought it was a jolly good thing that they were looking at doing those things.

Does the hon. Member for one moment think that any savings institution that wants to make profits and wants to expand and wants to grow can actually grow by keeping all the money in cash? Because if that is what he thinks then I hope he never gets into Government because the Savings Bank will really go down the tubes. Does he think that there is anything wrong with having a requirement, not that says everything is in cash, but says that everything is in cash or invested with a profile which matches the deposits which I
800 give him every month? Not what banks do everywhere in the world that they publish how they have got their money invested once a year and usually a year after the year when it happens. No, every month. Every month he sees the figures.

If he suddenly comes saying, 'Ah, yes, but you said that the money was in Gibraltar Investment Holdings and you only told us after the by-election because you did not want us to know before', well, I am
805 not telling him where it was before, but I can tell him it was in his possession before. I am not going to help him find out where it was, but all he needs to do, if he has got the time, is to go back and look at all the bits of paper that I have given him in the past and he will find it there before the by-election. So that theory has gone down the tubes.

So I have to tell the hon. Member that in fact one of the strengths, the *competitive* strengths that the Savings Bank has in appealing to savers and to depositors is precisely that the one thing we do not do is what would be done or what will be done by the Gibraltar International Bank. I do not know when the International Bank starts operating, which will be very soon hopefully. The hon. Member will think that it is necessary for transparency for the bank to come here every month, for the hon. Mr Isola to come here every month and tell him how much money in overdraft every single customer of the bank has and what
815 they are spending it on or how many mortgages there are. Or is it that it applies to the Savings Bank but not to the International Bank? Because if the principal is that if it is state owned, what you do is you put every

single action that you take as a commercial entity in the public domain, then I do not think that even the Bank of England does that, never mind anybody else.

820 It is certainly not done, for example, by the Post Office Savings Bank in Singapore, which is a massive institution and which started life the same as we did, as a savings bank, and which one day I hope we will get as big as they are. Because we have got this clause in our legislation, the element of risk that is fundamental in the banking system, and which is known to be where the element of risk is, is that banks make money by borrowing short and lending long. So you put your money in the bank and if everybody in this room put their money in a bank tomorrow, they would, I suppose, think like the Leader of the
825 Opposition does, that the bank has got it all in a safe that if they come back tomorrow and they can get it out, which is what he thinks happens with banks. It does not happen like that. The banks actually lend money to other people, but they do not lend it to other people on the basis that they can only have it for 24 hours. They lend it to people on the basis that they may have it for five years. So if your money is there for 24 hours and they have given it to somebody else for five years, by definition, if everybody went for their
830 money the next day they would not be able to get it back because it was tied up, and that is what is known as a liquidity crisis. The clause which he finds so objectionable is the clause that protects the Savings Bank from a liquidity crisis, because if we have got money that is invested in the bank on call, we have got cash.

If there is money that is invested in the bank in one month, we have got it on one month. If there is money that is invested for five years, we put it in for five years. I have told him that before in answer to his
835 questions and I have given him the breakdown of the maturities. I have told him that the average maturities are designed to do that and it is monitored to do that. So what is clear is that reassuring him does not let him sleep at night peacefully like I would want him to be able to do. It does not matter for me because I do not sleep anyway, but he needs sleep. He is getting on a little bit and he needs his sleep. *(Laughter)* I am still the head of the youth section in the GSLP. *(Laughter)*

840 So if I thought that giving him these assurances and these clarifications would make him sleep at night, I would be happy to do it, but I know it does not. Regretfully it does not do that, because he then stays all night awake thinking of what next he can think of to trip us up, create problems for us and undermine the work that we are doing, which is so good for him, for his children and for the future of our country. I hope that one day he will stop doing that and then I would be able to congratulate him for stopping.

845 Thank you, Mr Speaker. *(Banging on desks)*

Hon. Sir P R Caruana: Mr Speaker, will he give way before he sits down?

850 **Hon. J J Bossano:** Yes, of course.

Hon. Sir P R Caruana: Mr Speaker, if the Hon. Mr Isola had another opportunity to rise, no doubt he would deliver the same speech about smokescreens all over again, but perhaps the Hon. the Father of the House identified the need for a smokescreen of that sort. Mr Speaker, he has provoked me into getting up simply to make the following points, which I will make briefly because we have both made these points
855 before. He has made those before and I have made the one that could be made.

Mr Speaker, he cannot confuse when the Opposition, particularly on the issue of transparency and Government accountability, challenge what the Government is doing in the area that he has just been speaking about. It is not because we do not think a Government-owned bank can function like any other bank and it is not because we think that a bank that is owned by the Government has to blurt out all the
860 details about its customers business. No, Mr Speaker, and he sort of caricatures, as he has done just now at length, the Opposition's position as if it were that for the purposes of ridiculing it. Of course, if that were the Opposition's position it would be ridiculous, but that is not the Opposition's position and that is not the criticism that has been articulated. Therefore, Mr Speaker, he provokes me, even from my lowly position in the backbench *(Laughter)* to rise to my feet just to remind him that in all that he has just said, he has
865 overlooked two facts which lie at the core of everything that I have ever said in this House about the area that he has just given his talk about.

I believe the Opposition frontbench too, which is firstly because the funds that find their way through the commercial finance and through Gibraltar Investment Holdings and perhaps spent or invested or lent
870 *wisely* perhaps, are to the extent that they are put at risk, because all commercial ventures can fail, because they are funds that eventually have to be paid back to the Savings Bank and the depositors of the Savings Bank are by statute secured by a Government guarantee, therefore any money that goes bad, despite the brilliance of his management of it, any investment of the bank... of the commercial finance that goes bad has ultimately to be paid for if the CFC, Commercial Credit Finance cannot make it good, by the Government ultimately guarantee of the depositors money or its own from which it originated.

875 Therefore we think, they may disagree, but we think, that because that is a contingent financial liability of the Government only if it goes wrong, hence the word 'contingent', because it is a contingent financial liability of the Government the House that is here to hold the Governments to account financially is entitled

880 to know – not by virtue of any obligation to poke into the affairs of the bank’s customers, but by virtue of the Government’s contingent financial liability to ask the Government what it is allowing the money that he is ultimately the guarantee of to be invested so that we can assess the risk. That is point one.

885 Point two is that we are not asking about – at least I have never asked – about the business of an individual customer of either his bank or the International Bank when it comes up, except to the extent that the customer is a Government Agency or a Government Company or a Government Department or an entity for which the hon. Members are responsible to this House, then I do reserve the right in this House to ask questions about the customer and to poke my nose into the customer’s affairs, because the customer is not any old customer, it is the taxpayer. The taxpayer through the Government, the taxpayer through the Savings Bank, the taxpayer through a Government-owned company, and where the account holder – that is the customer – is of such a kind, I think wholly different rules apply to *that* customer’s right to privacy than applies to the other customers, of which I am hoping there will be many and profitable of both CFC and the Gibraltar International Bank when that gets off hopefully to a very successful start. Mr Speaker, the hon. Member does not have to agree with us on that or anything, but what he cannot do is mischaracterise, but what he cannot *fairly* do is mischaracterise our position by painting a picture of what we think, and what we say, and what we do not know and what we do not understand by reference to things that are not the things that we have said.

895 In my opinion – and I will sit down now – there is a whole difference between accountability and transparency on the one hand and the structure of a bank that I would have set up too if I was still on that side of the House. They are wholly different things and we are entitled, we believe, to this House’s rights to accountability and transparency in the appropriate cases without being said to be critical of one bank or the other. I am critical actually of neither.

900

Mr Speaker: Just one moment before the Hon. Minister rises.

In wanting to be as liberal as possible in interpreting the rules on debate, if the hon. Members read the motion carefully they will see that there is a limit about the extent to which a debate... within the debate on the Gibraltar Savings Bank and on the Gibraltar International Bank there is a limit about the relevance of these issues, which we have been going on for half an hour, to the rest of the motion.

905

I am being very, very liberal, but there is a limit to the extent that I am prepared, because this is a debate that you are going to have again in June and you should not be having it under this particular motion. I am very sorry. So unless the Hon. Mr Bossano has a very specific point that he is going to make, otherwise I will ask him to sit down and call upon the mover to reply.

910

Hon. J J Bossano: Mr Speaker, I had given way and so I have got to stand up before I sit down.

Mr Speaker: Yes, that is why I am saying that in your coming back I want you to be brief and to the point.

915

Hon. J J Bossano: Yes. Well, I accept what you are saying. You are absolutely correct in what you are saying, but given the fact that the entire 99% of the Leader of the Opposition’s contribution was about everything other than Hassans and the Sunborn, then what else can one do but take up the tantalising invitation to follow through with the avenues that he has opened up.

920

I am glad the hon. backbencher has raised the two issues for two reasons. One of things is that I can see that being on the backbench produces a sense of a necessity for fairness, which apparently being on the frontbench or on the Government benches does not do, but I am happy to see him wanting us to be fair. It is difficult for me to remember when in the 15 years I saw that happening (*Laughter*) but nevertheless I am happy that he wants us to be doing it now. It must be something to do with the new experience of being on the backbench.

925

The second thing is that there is in fact a contradiction between the two points that he has made because if the concern of the Opposition is about the contingent liability of what happens if the borrower has not paid, then the concern of the Opposition cannot be that the borrower is the Government, because if what they are saying is that Credit Finance is lending money to the Government, which is wrong, and then they say that what I am concerned about is the contingent liability and what happens if the borrower does not pay?

930

If the borrower does not pay... Who is the borrower? The Government. What happens if it does not pay? The Government has to pay. Wait a minute, did I get this right or did I get this wrong? The Government –

935

Hon. Sir P R Caruana: But that is if the Government is spending the money.

940 **Hon. J J Bossano:** I have not said we are spending the money. I am saying if their concern is that, then they should stop saying that their concern is the other because if their concern is that the money is being used by the Government then their first concern is obliterated, because if the Government does not pay, the Government has to pay and that is a contingent liability. Well, it is the same liability. It is not *twice* the liability, it is only once.

945 I am not saying that the money has been borrowed by the Government. I am saying they do and therefore by virtue of that concern they obliterate the other one. That is all I have got to say. (*Laughter*) Thank you, Mr Speaker.

Mr Speaker: If no other hon. Member wishes to contribute to the debate, I will call upon the mover to reply.

950 The Hon. the Chief Minister.

Hon. Chief Minister: Well, Mr Speaker, one could be forgiven for having forgotten what this motion was about (*Laughter*) but it has all been worth it just to see the hon. the Father of the House enjoy himself as much as he has. (*Laughter*) It is clear that the leopard cannot change his spots, thank goodness, and it is clear that the sheep do not stand a chance when he gets in the room.

955 It is also clear, Mr Speaker, or it has become abundantly clear this afternoon, that the hon. the backbencher feels he can still get up and clarify what it is that the Opposition is saying. Well, the times when he used to speak for the Opposition appear, unfortunately, to be past because at least we got some element of logic in what we heard when he was the one responsible for putting the arguments. But he has, of course, not lost one particular characteristic of the way that he deals with things, which is that he says things and when we seek to reply to them he quickly seeks to get up and say that we have mischaracterised what it is that we are replying to. Well, Mr Speaker, in all the time that I have been in this House that has become the way that he has dealt with *every* reply he has been given when it has been demonstrated to him that what he has said was wrong.

960 But, Mr Speaker, when the Hon. the Leader of the Opposition started to reply to my motion, I thought that ‘Monty Python’s Flying Circus’ had landed in this Parliament. He got up with the words ‘in for me.’ I expected him then to go on to say, ‘In for me. They have all got it in for me’, like the great sketch, because that is the only argument that he has put really, Mr Speaker. It is all about that we have got it in for him. We are trying to stop him from being able to practice law and we are trying to stop him from being able to put his arguments. He gets up on his white charger and says that he will be there for the people of Gibraltar in their service before he is going to be a lawyer in his law firm. Well, Mr Speaker, it just does not seem to me to be credible that this is what the debate should have become about.

970 Then he refers to the fact, I suppose in an attempt to try and tarnish us, but then he wraps himself up also in our colours, something that he constantly tries to do, this duality of what he represents... that now that the rainbow flag flies proudly over No.6 Convent Place, ah, but that is something that we also support. Well, Mr Speaker, it must be something that they *now* support, when he was referring to civil partnerships, because it certainly was not something that was supported by hon. Members when they were on this side of the House and that which the hon. Member, the Father of the House, reminded him was the Government he called ‘his Government’.

980 So when he was in ‘his Government’ they did not believe in civil partnerships or in the rainbow flag flying. Now that they are in Opposition they believe in all the things that they did not believe in when they had the power to do them in Government. That is the duality that we will see in the context of having to reply to him. He deployed in everything that he said. He said in particular that we brought this motion, not because he had misled the House at the last Question Time – the one that is relevant... the one that is current – but simply because we do not want to debate the Dr Giraldi motion. He said that we had done this to filibuster. Well, Mr Speaker, the facts are always better than the allegation. Let us look at the facts.

985 Opposition Members have spoken perhaps for 20 minutes... sorry, *Government* Members have spoken perhaps for 20 minutes, myself included up to now. Opposition Members, in particular the Leader of the Opposition has spoken for over an hour, and so, Mr Speaker, who is filibustering? I gave him the opportunity of simply saying, ‘Well, fair enough. I forgot Hassans represented the Sunborn’, and I would have got rid of the motion. I gave him that chance last time and I gave him that chance now again, but he wanted to get up and he wanted to make this defence. Well, Mr Speaker, where was the filibustering? It certainly was not on this side.

990 We gave him a way out, an exit, if the Giraldi motion is so important. Mr Speaker, where was the smokescreen if not in going off at a tangent and talking about issues, which he wants to bring up at every opportunity because he thinks that it earns him political points on the Savings Bank in borrowing and lending. Well, Mr Speaker, therein lies the smokescreen. So he says, ‘You are just doing this to filibuster’, and goes on to filibuster himself, although we had only been five minutes. He says, or they say, ‘It is a smokescreen, Mr Speaker’, and then they proceed amongst themselves to smoke all the cigarettes that

Spanish commentators say all of Gibraltar must be smoking in order to create the smokescreen to stop us from being able to get to the substance of the motion. They say one thing and then they do another.

1000 He says that we are both partners of Hassans. Well, Mr Speaker, we clearly are. My declaration confirms that I am, and there is nothing wrong in that. I have a pecuniary interest. I have declared it, Mr Speaker. It is in the Register of Members Interests. There is no issue to be had there, Mr Speaker. He says that this motion is abusive. Well, Mr Speaker, if it is abusive, how is it that he has managed to spend
1005 45 minutes dealing with it, most of that time not dealing with issues that arose on the motion?

And then he says that we will only win because Members on this side are subject to the principle of collective responsibility and they will be whipped to vote in favour of the motion, whatever they think. Well, unless it is not abundantly clear to him already, Mr Speaker, Members on this side of the House are not going to have to be told how to vote because that is actually not the way that we do it and that is not the way that Cabinet Government works, Mr Speaker. What he is looking at is a Cabinet Government, Mr Speaker. It may be the way that Governments work elsewhere, where there are Members who are not in the Executive and they have to be whipped to vote in a particular way, but, Mr Speaker, he has watched too much ‘House of Cards’ – the BBC version and the Netflix version. He is thinking too much of these great congresses and these great parliaments.

1010 Mr Speaker, this is not about whipping Members of Parliament to vote in a particular way, this is an Executive of Members of a Cabinet, all of whom I would expect will *always* vote what they believe is the right thing to vote and not simply what a Chief Minister tells them to do. Those days, Mr Speaker, are over. They ended on the glorious morning of 9th December 2011 when the new dawn arrived, Mr Speaker, and people were free once more to make up their minds for themselves, even those who were in Government.

1020 I can tell him, Mr Speaker, from recollection that I remember the embarrassing moment when he was told by the Hon. the then Leader of the House now, the distinguished – as the Hon. Father of the House has called him – backbencher, when he was about to get up, ‘Shh, shut up. Sit down’. Now that might have been one of the particularly shameful Parliamentary moments that he had in mind when he referred to it, or what whipping was about. But I can confirm to him that Members on this side of the House are free to vote
1025 on this motion *as they wish*, Mr Speaker, and free to make up something called ‘their minds’ for themselves.

Mr Speaker, he came up with a particularly ridiculous example of when the Chief Minister of Gibraltar has somehow waived a privilege or not respected the privilege of something that has been put to him. ‘A solicitor’, he says, ‘comes into your room and gives you the benefit of the advice he is giving their clients...’ I assume in the context of a meeting with their clients, and you then say that publicly you have breached the privilege.

1030 Mr Speaker, this man, the Leader of the Opposition does not have a clue how a legal professional privilege arises and how it might be breached. How can someone say if you go and see the Prime Minister of the United Kingdom with your lawyer and your lawyer tells the Prime Minister of the United Kingdom what he is advising you, because you have allowed him to do so, the Prime Minister of the United Kingdom is not free to refer to that in public because you suddenly cover him with the cloak of privilege. Mr Speaker, I have not heard such nonsense, but frankly it discloses exactly how the hon. Member would like us to believe that the rules of conflict of interest are framed.

1040 He says, however, that we raise these points, not because they are of substance, but simply to try to damage him and to stop him from being able to do his job. He says that the GSLP has form in this respect. Well, Mr Speaker, the Hon. the Father of the House has explained the form clearly and in perfect logic and he gave the example, Mr Speaker, of Mr Montegriffo. He gave the example of the hon. the backbencher and Triay and Triay, all of the things which the Hon. the Father of the House has referred to and were happening at the time that *he* was a Member of the GSLP, and he says, ‘And now it is *me*, Mr Speaker. Now they have got it in for me’. And I again heard him say, ‘In for me, in for me. They have all got it in for me’. To try and wake myself up of the soporific feeling that was coming over me (*Laughter*) because, Mr Speaker, I noticed immediately that he had left one out.

1050 One of those partners of Hassans, who had had conflict thrown in their face and was required to leave the practice in order to be able to continue becoming a Member of this House, is *me*, Mr Speaker. I do not know why he did not refer to me. Is it that he has got it in for me, in for me, in for me? Or does he not recall, or maybe he does not really enjoy Parliament as much as I do and he does not read the old *Hansards* and he was not here so perhaps I cannot expect him to know. Does he not remember the number of times that the hon. the now much more docile, approachable and likeable backbencher (*Laughter*) used to put all these issues across the floor of the House and that I was required to leave my practice at Hassans, Mr Speaker, shortly after I was first elected?
1055

Does he not remember, Mr Speaker, that Unite, the Union, at that time represented by a gentleman by the name of Raphael Benzaquen who is a member of his executive representing his own brother, Michael Feetham junior and Unite – brought a claim against me, Mr Speaker, trying to have me disbarred by a complaint to the Admissions and Disciplinary Tribunal because they said that I was politically behind

1060 something where Hassans, via his brother Nigel Feetham, had been involved advising on another matter? Does he not remember those things?

Is it that I am a black spot in his memory, Mr Speaker? A bit like Lady Macbeth's, 'Out, out, damn'd spot! Out'? Well this damn'd spot ain't going anywhere, Mr Speaker, and is going to be here to remind him of the way that they, when they were in Government, dealt with these issues – nowhere near what we have done, Mr Speaker – only say to him, 'Look, you have got something to declare'. Does the need to declare only have to arise when we are dealing with motions, Mr Speaker? Does it only have to arise when we are going to vote on a subject, Mr Speaker? The hon. Member is trying to rewrite the rules.

1070 The hon. Member needs to remember, in case he forgets, the cash for questions scandal in the United Kingdom. At Question Time, as much as at any other time, Members have to declare an interest if they have it, and if he does not want to declare interests and use the examples that he has used from Erskine May and the Rules of the House, is he telling the House that he will ask questions about things in which he has a pecuniary interest and not declare it? Because that, Mr Speaker, is the typical duality of putting one point, of pretending to be transparent, and yet saying, 'I am rewriting the rules in order to ensure that in the future I can ask questions about anything on which I have a pecuniary interest without having to disclose that'.

1075 He said, Mr Speaker, that either I was blissfully unaware of the plans of the Father of the House or something else. Well, Mr Speaker, do you know what I am blissfully aware? I am blissfully aware that after 16 years in Opposition the hon. the Father of the House is back in Government. I am blissfully aware that all those who wrote him off got it wrong and I am blissfully aware that he and I agree about at least one thing, that his influence in matters relating to the economy and public finances are absolutely in the interests of the public in Gibraltar. So will he now tell the public in Gibraltar to vote for Joe Bossano, the thing he has been telling them *not* to do for the past 10 years? Since he decided that he was not going to back him to get rid of the hon. now backbencher, he was actually going to have a Damascene conversion, and support the hon. now backbencher, who must to his clinical political eye looked more vulnerable than the hon. the Father of the House in order to be able to take over from him as Party Leader, something which he eventually did, although only as a result of a secret ballot not being allowed at that particular meeting of the Executive as the hon. Member sitting next to him has sometimes perhaps been thought to suggest.

1080 Well, Mr Speaker, certainly the way that he put his arguments might illustrate why it is that so often judges do not agree with him. He told me, Mr Speaker, that I am ignorant of Mr Bossano's secret plan for the economy. Well, Mr Speaker, again I remind him that we do not work in the way that what he now blissfully calls 'his Government' used to work. The 10 of us meet every Monday and we are all blissfully aware of everything else that the other is doing and of our *not* secret plans because we are the only political party, certainly at this election, but I believe in any election, that actually dares to tell the general public, when we ask them to give us their vote, how the GDP is going to grow, how we are going to lower their taxes and actually follow that plan to the letter in every Budget because, Mr Speaker, we have the benefit of the Hon. the Father of the House not having changed his spots and having demonstrated that he can do that in a number of successive elections. So, again, he can get up. He can say what he likes. He can call me ignorant if he likes, but that is the *objective* reality. Just go back to the manifesto, look at the pages on the economy and realise how we are following those.

1090 Mr Speaker, he talks about shameful episodes in Parliamentary history and I can think of a couple of those long before we were elected, Mr Speaker. But in fact, Mr Speaker, he just needs to get it into his head that the Government – his question – the Government neither directly nor indirectly is lending money to anyone. There is a company called Credit Finance Company Ltd and that company is the company that is lending money.

1100 Yes, it is true I said the Government is going to acquire the shares in Gibtelecom, and subsequently the shares in Gibtelecom were acquired not by the Government, but by the Gibraltar Savings Bank. But I thought, Mr Speaker, that at least out of professional courtesy he saw the interviews that I gave to GBC, either in direct democracy or otherwise, I forget exactly which, because at least Mr Speaker, I pay him the professional courtesy of listening to what he says in the broadcast media and not just here. He will have heard me say in the broadcast media that the financing and the manner in which we will acquire the shares is not yet determined. Mr Speaker; it is for that reason that subsequently the decision was made that the Gibraltar Savings Bank should acquire the shares in Gibtelecom for the reasons that have been ventilated and explained.

1110 Mr Speaker, the hon. Member did not want to come here to answer the succinct points made against him, he wanted to come here to raise the subject in debate that he constantly wants to raise about whether Credit Finance is a good thing or a bad thing and whether public debt is up or down – all of those things. We saw, Mr Speaker, how he quickly dealt with issues relating to the subject that we are debating, how he quickly avoided the substance of the complaint about whether these matters relate only to the Certificate of Fitness or whether it relates to the questions that were being put by him in relation to the Sunborn's loans etc. and therefore he wanted to move into a half-hour, I think it was, soliloquy on public finances and debt.

1120 What he did, Mr Speaker, in doing so is demonstrate to anybody who was listening that he had no answers to the substance of the argument. He had no answers to deal with the fact that the motion is short and clear.

Mr Speaker, the hon. the backbencher tried to come to his defence. He tried to say, ‘Well, look, put it this way. If something is in the public domain you no longer need to declare it when you are in the Parliament because you cannot mislead the Parliament by not declaring it, because the Parliament must have knowledge of it’, That is not what the rules are about, Mr Speaker. It is not what the rules require. 1125 *(Interjection)* The rules require that in Parliament...and the hon. Gentleman is going to suggest that I mischaracterised what he said and I am not going to give way because otherwise we are never going to finish, Mr Speaker. *(Interjection)* We are never going to finish, because as I told the Hon. the Leader of the Opposition, *Hansard* is there to demonstrate to all of us everything we have already said. So he may allow me to get on to say what I am going to say. *(Interjection)* Right.

The rules do not require simply that hon. Members disclose interest in matters which they have not already disclosed in the street or in the media, the rules require that Members disclose interests in this House, full stop, and that is where the hon. Member failed to disclose his interest, Mr Speaker.

So I am left, Mr Speaker, with one thing to say to the hon. the backbencher. As in the exchange he had with the hon. leopard, as we might start to call him, *(Laughter)* later on in relation to debt and public finances, his arguments, although flawed, at least sound good. There is logic to them and they try to go back to the point to obfuscate and smokescreen. At least, Mr Speaker, he had that ability. He had that ability to demonstrate that there was logic behind what he was saying, although skewed. That is, Mr Speaker, what so many supporters of his party miss and that is why they are haemorrhaging support.

1140 But, Mr Speaker, there was one more speaker – *(Interjection)* there was one more speaker *(Interjection)* on the other side. There was one more speaker and that was Mr Bossino, Mr Speaker. Mr Bossino at least spoke shortly to say that we were wasting our time on this subject and that we should move on to other matters. Mr Speaker, I give him that he spoke shortly on the matter. I believe I have replied shortly on issues which have taken the Hon. the Leader of the Opposition almost an hour to try to reply on.

1145 Mr Speaker, if this motion had no substance, why has it taken them an hour to try and wriggle off the hook that they made for themselves, Mr Speaker? If this motion had no substance, Mr Speaker, why did they not simply accept my invitation to move on? If this motion had no substance, no doubt I would be defeated because I do not whip my side, Mr Speaker. They can make up their minds for themselves. *(Interjections)* But, Mr Speaker, we will see –

1150 **Mr Speaker:** Order.

Hon. Chief Minister: - whether this motion has substance in two ways, Mr Speaker, in the result of the vote and in an analysis of just how long the hon. Member, like a tuna that is hooked and is trying desperately to get off, twisted and turned, twisted and turned, but managed only to get the hook in deeper.

I therefore, Mr Speaker, commend the terms of the motion to the House and seek the support of each of its Members.

1160 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? **Members:** Aye.

Hon. Sir P R Caruana: Mr Speaker, can the backbencher call for a poll?

1165 **Mr Speaker:** He can if he wants to. Whether we advance the matter any further remains to be seen, but you are entitled to, certainly.

Hon. Sir P R Caruana: If I am entitled to, I would like to –

Mr Speaker: Very well.

1170 **Hon. Sir P R Caruana:** – as I want to say no, personally. *(Laughter)*

Mr Speaker: Very well. I will – *(Interjections)*

1175 **Hon. Sir P R Caruana:** *[Inaudible]*

Hon. Chief Minister: Mr Speaker, if I might?

1180 Any Member is entitled to call for a poll at any time and the hon. the backbencher is entitled to do so and he has prompted me to think that I actually would like to say yes myself. So he has my full support in calling for the poll.

A division was called for and voting resulted as follows:

FOR

The Hon P J Balban
The Hon J J Bossano
The Hon Dr J E Cortes
The Hon N F Costa
The Hon A J Isola
The Hon G H Licudi
The Hon S E Linares
The Hon F R Picardo
The Hon Miss S J Sacramento

AGAINST

The Hon D J Bossino
The Hon Sir P R Caruana KCMG QC
The Hon D A Feetham
The Hon S M Figueras
The Hon J J Netto
The Hon E J Reyes

ABSENT

The Hon Dr J J Garcia
The Hon Mrs IM Ellul-Hammond

1185 **Mr Speaker:** There are two Members absent. Nine in favour, 6 against, the motion is carried. (*Banging on desks*)

Hon. Sir P R Caruana: I think we can all guess how [*Inaudible*] would have voted. (*Laughter*).

1190

**Hon. Daniel Feetham –
'In Touch' magazine; misleading statements and arguments –
Motion carried**

Mr Speaker: The Hon. the Chief Minister.

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

1195

'THIS HOUSE condemns the Leader of the Opposition for attempting to mislead the readers of the Gibraltar Federation of Small Businesses excellent magazine, 'In Touch', by the use of the following statements and arguments which are entirely false, namely:

that the Chief Minister compared Spain to North Korea at the United Nations;

that the Chief Minister associated himself with the comments of Dennis Matthews at the United Nations that Spain was a terrorist state;

that the Government had created a reef (which the Leader of the Opposition, in common with Spanish Partido Popular politicians describes as having laid 'concrete blocks') on environmental grounds when barely a few metres on it now plans a land reclamation next to the airport; and

that the Government is misleading the public on BOTH public finances and the strength of the economy.

And notes that the Leader of the Opposition is clearly prepared to ignore information provided to him in this House or pervert it in order to serve his own agenda and ambition, whether or not that misuse of information is damaging to the public interest of Gibraltar.'

Well, Mr Speaker, hon. Members have dealt with our previous motion suggesting that we are filibustering to avoid the debate of the next motion. Let them support us in not having to do so in this case and let us have a prompt debate dealing with this matter.

1200

Mr Speaker, the Gibraltar Federation of Small Businesses has a magazine. It interviews local political personalities and business personalities and this month, or this *season*, because it is published by season, was the opportunity of the hon. Gentleman to have his say to Members.

1205

Mr Speaker, this is a magazine that goes to members of an important business organisation and therefore it is important that the information that we provide to those business men and women is correct information and it should be corrected if it is not correct, Mr Speaker. There are two statements in the interview that the hon. Gentleman gave which are clearly misleading, Mr Speaker – in fact, they are absolutely wrong.

The first, Mr Speaker, is the first of the comments referred to in my motion. He says, when dealing with me and Frontier restrictions and whether or not I might have been involved in the matter, the following:

1210

‘Was it necessary to compare Spain to North Korea at the United Nations or associate yourself with the comments of Matthews that Spain was a terrorist state?’

1215 Mr Speaker, it does not seem to me that there is much room for doubt as to what it is that that sentence says. Have I ever compared Spain, or indeed Mr Margallo, etc, Spain, the Government of Spain to North
1220 Korea? I have, Mr Speaker. I did so in an interview during the course of August 2013. Was it the right thing to do? Well, Mr Speaker, clearly the hon. Gentleman does not think so, but I must tell him that if he was stopped by one lady down Main Street telling him that she was going to listen in – and I hope she is because it is important that Parliament be seen by as many in our community as possible – to tell him how much she appeared to sympathise with him on the subject of the motions, then I must have been stopped by thousands in August 2013 who told me that I was absolutely right to make that comparison.

1225 Was it at the United Nations, Mr Speaker? No, it was not. Mr Speaker, did I associate myself with the comments of Matthews – by whom I interpreted that the hon. Gentleman meant Dennis Matthews – that Spain was a terrorist state? Those comments were made at the United Nations. Mr Speaker, I did not associate myself with those comments. The hon. Gentleman asked me in this House whether I knew he was going to make those comments and I said I did not. I have not said anything in *any* interview which might remotely be suggested to support that I, in any way, am prepared to associate myself with a statement that Spain was a terrorist state. Therefore, Mr Speaker, those very damaging allegations are entirely deprecated. I do not accept that I said them and therefore certainly not of the North Korean issue at the United Nations or associate myself with Dennis Matthews’ comments that Spain was a terrorist state.

1230 Mr Speaker, the hon. Gentleman in the same answer goes on to say, asking himself this question:

‘Was it necessary for the Government to lay concrete blocks...’

1235 Mr Speaker, we call it a reef on this side of the House and for us it is a bit like Falklands and Malvinas. We do not think we have laid concrete blocks. We think we have created a reef, but in common with every Spanish politician that refers to the reef, the hon. Gentleman chooses to call these concrete blocks. Well, at least he does not say ‘spikes’, although they have spikes, but that is what the *reef* is about.

Anyway, he says:

1240 ‘Was it necessary for the Government to lay concrete blocks on environmental grounds when barely a few metres on it now plans a land reclamation next to the Airport?’

1245 Well, Mr Speaker, which reclamation is that? The reclamation planned next to the Airport is not something that we now plan. The reclamation next to the Airport is a plan that we inherited from hon. Members when they were in Government, a complex plan, Mr Speaker, that requires – as the hon. Gentleman will know – a lot of logistics to be in the right place and the rubble mountain and a lot of truck movements, and aeronautical studies and ensuring that things are done absolutely properly so that they do not have a transboundary effect. And the project, Mr Speaker, that when asked by hon. Members opposite, I believe specifically in respect of this project or reclamation generally, but I believe specifically about this project, I said we still believed was in the socio-economic interests of Gibraltar to ensure we were able to deliver when it might be logistically possible.

1250 Well, Mr Speaker, then it is not something that we are planning now – in other words, it is something that *they* were planning which we still plan to do. But we did not create a reef in an area which we are trying to protect environmentally to now create a reclamation – not that, Mr Speaker. Environmental protection and the creation of a reef and reclamations are things which cannot live side by side... in fact reclamations can sometimes create more marine life than they spoil, because the revetements are actually one of the things that create marine life.

1260 In fact, Mr Speaker, hon. Members might recall that recently we had to move a number of what most of us would call limpets – but have a detailed scientific name in Latin, which the Hon. the Minister for the Environment is not here to remind me of – in an area which is now considered to be of huge environmental importance, but which is actually a revetement to a reclamation created in the times of the GSLP. So he should not give readers the impression, Mr Speaker, that reclamations and environmental protection are things which are mutually exclusive. But, in any event, that is not something that we now plan.

1265 And, Mr Speaker, when he goes on to what are his Questions 7, 8 and 9, he suggests, Mr Speaker, that of course everything we are saying in relation to the economy is just not credible, is untrue and is not to be believed. Well, Mr Speaker, I actually do not think that he does Gibraltar anything other than a disservice when he does that. But Mr Speaker, that is a matter entirely for him, but our view on this side of the House is that what he said there, for all the reasons that have been ventilated on a number of occasions in relation to the debate and not least a few moments ago in the debate on whether he misled the House by failing to declare or failing to accept that he did not know that Hassans were instructed by the Sunborn... well, Mr Speaker, that is our position in relation to matters which relate to public finance and the economy.

1270

1275 Mr Speaker, we do not believe that it is in the public interest of Gibraltar that the Hon. the Leader of the Opposition, who holds an important post in Gibraltar... not a Constitutional Office, but an important post in Gibraltar – should be making statements which are misleading, for the reasons that I have set out.

Mr Speaker, I do not believe I have spoken for more than 10 minutes and therefore I trust that those who might wish to accuse me of filibustering will speak for less.

1280 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Chief Minister. Does any hon. Member wish to reply?

Hon. D A Feetham: Yes, Mr Speaker. Yes.

Well, I am afraid, Mr Speaker, I am going to take considerably more than 10 minutes. I think that it is an important motion that the hon. Gentleman brings dealing with important issues.

1285 Mr Speaker, it must be the first time in the political history of this place that a Member of this House, let alone a Government, brings a motion that someone, a Member of the House, is misleading the public because of something that that person said in a magazine interview. Mr Speaker, it was not even my best, I have to say. It was not even my best interview, I admit that.

Mr Speaker, my Chairman, Mr Hammond, said to me when he read it:

1290 ‘A shame we had not finished’

– and I am quoting –

1295 ‘shame we had not finished developing our small business policies at the time...’

Because this interview, Mr Speaker, was given in November of last year; indeed you can actually see the poppy in my lapel. Can I have the magazine? You can actually see the poppy in my lapel. It was an interview that was done in November of last year and only published several weeks ago.

1300 And he said:

‘You know it reads like one of the Chief Minister’s interviews: nice photo, nice words, but rather scant on detail.’

1305 That is what my Chairman told me, and I said, Mr Speaker – (*Interjection*) No, no. Look, I am being as open and transparent as possible with this House, Mr Speaker, and I said, ‘I know. I do not like waffle or flimflam as much as Fabian does’... that is what I said to him, ‘but the last three answers in that interview on his handling of our relations with Spain and on his handling of the public finances of this community were absolutely excellent and I hope that people read those answers’. That was what I said to him. Mr Speaker, I want to thank the hon. Gentleman for giving me the opportunity of drawing the attention of

1310 the entire community to those three answers that I gave in the ‘In Touch’ magazine – no flimflam and no waffle in those answers, Mr Speaker. The problem with the hon. Gentleman in his handling of our affairs with Spain is that he has, and I am sorry to say, Mr Speaker, the propensity of engaging his mouth before he engages his brain, that is really the problem at the heart, the core problem that the hon. Gentleman has, and of saying one thing and then doing another and of being all things to all men.

1315 One day, Mr Speaker, he wants to be a worthy successor of the Father of the House, Mr Bossano, and be more hawkish than the largest eagle soaring the GSLP skies, Mr Speaker; indeed, trying very hard to soar in particular higher than the hon. the Father of the House and the next he is the champion of dialogue wanting to airbrush away everything that he has said. One day he is comparing Spain to North Korea and the next he is sending a missive to the former King of Spain congratulating him for his wonderful career just after he

1320 abdicated the Crown of Spain. Mr Speaker, I do not know whether that is symptomatic of the ideological tensions in his own Government that have been most evident in his handling of the fishing crisis or that it is a matter of personal chemistry. I have to say that to the hon. Gentleman, he just cannot help trying to be all things to all men, but he cannot expect to be all things to all men and not expect somebody not to pick up on it. Well, certainly whilst I am his political opponent and I am on this side of the House, as Leader of the

1325 Opposition, he cannot expect me not to pick up on it.

Every time, Mr Speaker, this is the reality and this is again at the heart of my criticism of the hon. Gentleman’s handling of our affairs with Spain. Every single time he opens his mouth on these issues, I sense a collective holding of breath by the community because people understand that the best way is always the calm, measured, intelligent way.

1330 Mr Speaker, the hon. Gentleman really is right. He did not say at the United Nations that... he did not compare at the United Nations Spain to North Korea, but, Mr Speaker, he compared Spain to North Korea in a BBC programme on UK national TV and also on Sky News, Mr Speaker; indeed there was more coverage – (*Interjection*) I will –

Hon. Chief Minister: Channel 4, Mr Speaker. (*Laughter*)

1335

Hon. D A Feetham: And BBC, Mr Speaker. I have gone back and done my research, because he is right. He did not say it at the United Nations and I am mistaken, but he said it on BBC Breakfast Radio. It was not Channel 4. It was the BBC Radio 4 'Today' programme. That is the channel in which he made his comments (*Interjection*) and he said it in an interview with Sky News... absolutely. His comments, Mr Speaker, were probably more widely reported because he made them on Sky News and the BBC than if he had made them in the United Nations, and that is the reality. I made a mistake. I accept that I made a mistake in saying that he made them at the United Nations.

1340

The problem, Mr Speaker, with the comment that he has defended in this House, is not offending Margallo or the rest of his far right brigade, Mr Speaker. The problem, as I have told him on many occasions, is alienating all those Spaniards who do not agree with Mr Margallo his policy of punishment towards Gibraltar or the campaign of slander against this community including the *PSOE*, but who both he and I – whoever is Chief Minister after the next election – hope to persuade to sit down with us in the trilateral talks across a table, Mr Speaker, because it was the *PSOE* too that came out roundly condemning the comment comparing Spain to North Korea.

1345

He cannot hope, Mr Speaker, to champion the cause of dialogue for which one needs to be a valid interlocutor, in the sense that people will want to sit down with him if he insults an entire nation, Mr Speaker, because that is what we are talking about, instead of rounding on the man or his party – a nation. I have, Mr Speaker, absolutely no hesitation in standing here today and saying that Mr Margallo has behaved towards Gibraltar like the worst kind of dictator, but I will not compare Spain, as a nation, to North Korea, nor will I tarnish everyone in Spain with the same brush. I will not do it.

1350

1355

And, Mr Speaker, I did go back and I listened to his United Nations speech and let me give you an example of what I mean. He may not have said, compared Spain to North Korea in the United Nations, but this is what he said, and I quote:

1360

'The face of Spain that we see now is not very different than when the notorious General Franco was in power.'

Not the face of the PP Government. I would agree with him, that is the face of the PP Government. Not the face of Margallo, but the face of *Spain*, Mr Speaker, and that is the division between the hon. Gentleman and this side of the House.

1365

I have to say, Mr Speaker, that the hon. Gentleman should have the courage to stand up and defend his own words, as Mr Bossano has always had in fairness to him, the courage to defend his words when he utters them, Mr Speaker. He would not have stood here after comparing Spain to North Korea and want to draw the distinction between Spain and Margallo on the one hand and the PP. He has never drawn that distinction. It is a distinction that I draw now, and anticipating the point that I am about to make that he has sought to draw during the course of his own speech.

1370

Mr Speaker, the hon. Gentleman says that he did not associate himself with the sentiments expressed by Mr Matthews in his own speech at the United Nations. Mr Speaker, if a Chief Minister of Gibraltar travels to the United Nations with a self-determination group as part of one Gibraltar delegation, he cannot then be heard to utter the words, 'It was not me, Mr Speaker'. That is the reality.

1375

Mr Speaker, this is the problem with the hon. Gentleman being all things to all men and it is the most feeble of excuses to say that he had not seen – as he told me in this House a number of months ago – that he had not seen the speech beforehand. If he goes to an International Forum, representing Gibraltar, he is responsible for what is said in the name of Gibraltar from one of the members of a Gibraltar delegation, whether he likes it or not, Mr Speaker. That is the reality.

1380

Mr Speaker, as to the blocks, he now says, 'Well, the land reclamation project was a GSD project'. Well, Mr Speaker, he can scrap a GSD project if he wants to. He has done it before. The reality is that this is now as much his project as it was ours and the point that I made, rightly made in that interview, Mr Speaker, was that they have laid blocks on environmental grounds, and then a few metres further down next to the Airport they are also going ahead with the land reclamation. Mr Speaker, that is the simple point and it is also an *accurate* point.

1385

Mr Speaker, I will say this as well in relation to that, that the irony in relation to these blocks – and I will be saying something about this in a few moments... a bit more about this in a few moments – is that we have a situation where that reef has been laid by the Government or the blocks have been laid by the Government and you have Spanish fishermen coming into British Gibraltar Territorial Waters being photographed, habitually Mr Speaker, fishing in the area or on top of the area of the artificial reef, Mr Speaker. That is the absurdity of the current situation, but of course, Mr Speaker, he has opted to keep quiet about that.

1390

One of the parts of the interview which he has completely ignored, Mr Speaker, is and I quote something that I said:

1395 'What has been achieved by tearing up the 1999 Agreement which triggered off the current crisis when there is more fishing by Spanish fishermen than ever before?'

He has chosen to ignore that, Mr Speaker. Of course he has opted to keep quiet about that. The reality is that for all his championing of the rule of law in British Gibraltar Territorial Waters, the rule of law no longer applies in British Gibraltar Territorial Waters since *his* Government took Office in December 2011, Mr Speaker, and the decision to tear up the 1999 Agreement, without anything to take its place, Mr Speaker, amongst the calls from their activists of '*aqui no se pesca, aqui no se pesca.*' was probably one of the most monumental errors that any Government has ever committed. It has been described, Mr Speaker, as a rookie error and I think that is a quite apposite description.

1400
1405 Mr Speaker, I have told him before, the principal job of a Chief Minister is to keep the people of Gibraltar safe and secure. That doing away with the 1999 Agreement, without having anything in its place, created a huge sense of instability insecurity and uncertainty at the very beginning of his tenure as Chief Minister of this community, and for what, Mr Speaker? For zero gain, as I said in the course of my interview with the 'In Touch' magazine.

1410 Mr Speaker, the reality of the situation is that there is more fishing today than ever before. The reality of the situation is that it was his Government, for example, that instructed fishing experts –

Mr Speaker: Could I ask the Hon. the Leader of the Opposition to draw to a close this point about the 1999 Agreement because it is not in any of the paragraphs in the motion.

1415 **Hon. D A Feetham:** Mr Speaker, it may not be –

Mr Speaker: Very loosely, one can say that it is related to the artificial reef, very loosely, and to that extent I am allowing the hon... and also, of course, it is a matter that he may have raised in the article –

1420 **Hon. D A Feetham:** In the interview, exactly.

Mr Speaker: – which I do not have with me, but the whole of the article is not germane to the motion. Does he get my point?

1425 It is fair enough to make a reference, but he cannot go on and on and on about the 1999 Agreement and the mistake which he alleges that the Government made. You have made the point, but you cannot labour the point.

Hon. D A Feetham: Mr Speaker, I accept the point that the hon. Mr Speaker has made, but Mr Speaker I think it is germane and it is noteworthy that of all the points that I said in that interview, he chooses to ignore the very point in which his Government has come for most criticism, and that is in the handling of the fishing crisis and in the way that they went from no fishing to now more fishing than ever in the space of effectively three years.

1430
1435 But I will wrap up, Mr Speaker. I think it was in my view, Mr Speaker, for zero gain. In my view, Mr Speaker, there has been a monumental mismanagement by the Government of this particular issue which is symptomatic, Mr Speaker, of some of the mismanagement there has been in relation to the wider issue of the handling of our relations with Spain.

1440 But turning, Mr Speaker, to the public finances, because that does form part of the motion very directly by the Chief Minister, Mr Speaker, what we are seeing is a complete abuse of the democratic process and the laws to ensure that Governments do not borrow in a manner that becomes unaffordable for this community, Mr Speaker. I have already – in the context on the debate about whether I lied or misled this House in relation to the previous motion – very clearly set out the hon. Gentleman's catalogues of refusals to answer questions and keep half the public debt of this community, some £400 million, behind a veil of secrecy.

1445 Of course the Government, Mr Speaker is misleading the people of Gibraltar on the public finances, as I said in that article, and that, Mr Speaker, in my respectful view to this House, is down to him *personally*, Mr Speaker.

1450 Mr Speaker, the reasons for the present situation lie, as I have told him before and I will repeat every single time that I have an opportunity to say so... the big lie at the last election where he continuously told the people of Gibraltar that the public finances of this community were in a ruinous state, that the GSD was addicted to debt, whilst promising everything to everyone, Mr Speaker.

1455 Because let us not forget that at the root of what we are seeing – in other words, the attempt to have half the public debt of this community behind that veil of secrecy through the use of Credit Finance Company Ltd – are the promises that he made at the last election: £750 million in capital projects; the freezing of rents, rates and electricity; the cutting of public debt by half and the donating of every single last penny of

Government surpluses to Community Care, Mr Speaker. All those promises, Mr Speaker, and it was not possible to fund all those commitments by conventional means; it simply was not.

Mr Speaker, there are limited ways in which a Government can fund *huge* capital projects or recurrent expenditure: it can either borrow, it can either use its reserves or it can use its surplus income. But if you have a party led by a man, Mr Speaker, who is telling the nation, ‘Our borrowing is too high *ergo* we need to reduce it. Our reserves are too low’, as indeed he said many, many times in this House and outside it, ‘and I am going to donate every last single penny of Government surplus to Community Care’. Well, Mr Speaker, how an earth was he going to pay for it? Of course, that is the reason why we have a Credit Finance Company Ltd, because the Government would not have been able to fund the hundreds of millions of pounds on capital projects it promised and the huge increases in recurrent expenditure at the last election without it, Mr Speaker.

The implications for the public finances of this community are very serious indeed, because Parliament is unable to scrutinise what is effectively half the public debt of this community. The public debt is nearly £400 million net debt – a direct Government debt – and in addition, what we have is another £400 million of Government debt because the Government has to repay that money one day, and it is being used, Mr Speaker, it is being used importantly, for Government expenditure and Government projects and it is hiding that behind a veil of secrecy. And of course, Mr Speaker, not only does the Government guarantee all the deposits in the Gibraltar Savings Bank, but the hon. the backbencher himself has admitted – as I said in relation to the other motion... sorry the hon. the Father of the House (*Laughter*) that £347 million... Mr Speaker that is not a statement of intent, that I want him to retire to the backbenches. I assure him that really I feel safer with the hon. Gentleman on the front bench advising the hon. Gentleman about the public finances of Gibraltar than I do if he was not there.

But, Mr Speaker, £347 million by the Government, by Minister Bossano’s own admission, is being used in order to fund the expenditure requirements, the cash flow requirements of Government-owned companies, Mr Speaker, and the reality is that the Government could not have borrowed an extra £400 million directly – it could not. Why? Because the net debt is already nearly £400 million and, as we know, on the economy at the size of which it is today the Government would only have been able to spend out of monies that he has borrowed another £43 million. It would have been impossible, Mr Speaker, because there are laws that are in place to prevent Governments from borrowing in a manner that becomes unaffordable for this community and they could only have spent another £43 million, Mr Speaker. Hence why they have had to effectively transfer £400 million from the Gibraltar Savings Bank into Credit Finance Company Ltd and then used it in order to fund Government expenditure and Government projects because part of that money has actually flowed down to GJBS, which is currently engaged in about £200 million worth of Government projects, Mr Speaker.

Mr Speaker, the reality – and I would be remiss to the people of Gibraltar if I did not make the point very clearly, Mr Speaker – is that the Government does not have the money to pay for, directly, the Power Station, even on their estimate of the Power Station, which is £77 million. They just simply do not, that is the reality, hence why they needed to create this scheme through Credit Finance Company Ltd and transfer £400 million of savers’ money. That is the reality, Mr Speaker, and indeed the proof of the pudding is in the eating because the shares of the Slovenian company in Gibtelecom cost about £30 million, I think it was. The hon. the Father of the House will correct me if I am wrong, but I think it is about €37 million.

The fact that it is not the Government that is actually paying for those shares, but the Gibraltar Savings Bank, actually supports the point that I am making. The Government would not have been able – unless it wanted to really get within £10 million or less from the legal borrowing limits – to have paid for the purchase of those shares directly itself. This is what we are seeing, Mr Speaker, and this is unprecedented in the political history of Gibraltar. A Government that is willing to ride roughshod, Mr Speaker, over legal borrowing limits. An architecture which this Parliament has been introduced, very carefully introduced, in order to ensure that no Government borrows in a manner that becomes unaffordable to this community, and also then, Mr Speaker, keep it from the scrutiny of this House by then refusing – as I demonstrated in the other motion – by refusing to answer questions about the Sunborn and about loans provided by Credit Finance and about exactly how the money that has been placed in Credit Finance has actually been spent, Mr Speaker. For those reasons, I do not resile one word of what I have said, Mr Speaker, in relation to that part of the interview, in relation to the management of public finances and the economy.

Let me say this – just a final point, Mr Speaker – that it is all very well for the hon. Gentleman at Budget time to come to this House and say, ‘I have a £70 million surplus. The Government has a £70 million surplus’. Mr Speaker, it is complete nonsense. If the Government has just used £400 million from Credit Finance in order to pay for expenditure that the Government would have of its own pocket have had to pay, of course it is going to have £70 million of Government surplus because it is using the Gibraltar Savings Bank in order to effectively defer expenditure that is properly the Governments, Mr Speaker. Because if the Government had spent that £400 million, if the Government, for example, had paid

£347 million to all those Government-owned companies, which the hon. the Father of the House admitted had been paid, if the Government had done so directly, it has £347 million *less* than it has now.

1520 So, Mr Speaker, he cannot crow about a £70 million Government surplus or whatever it is going to be the surplus – I have no doubt he is going to produce a substantial surplus at Budget time – because the reality is that the Government’s books, as a consequence of everything that he has done as Chief Minister of Gibraltar, as a consequence of that it really cannot be trusted, Mr Speaker. It cannot be trusted as a true reflection of the public finances of this community and indeed as to the state of the economy. (*Banging on desks*)

1525 **Mr Speaker:** Does any other hon. Member wish to contribute to the motion?
The Hon. Mr Bossano.

Hon. J J Bossano: Mr Speaker, the hon. Member opposite clearly likes to hear me, because he keeps on saying things that he knows I will not be able to resist.

1530 Obviously the hon. Member no longer thinks like he used to think when he was GSLP. (*Laughter*) So, although I thought he had made a mistake in the move that he made, I am now revising that opinion because I think he really does not belong, and maybe he never did ever belong with us.

1535 Look, if the hon. Member is worried about Spain being upset with North Korea comparisons, I do not think the GSLP would have been very worried about this... you never know who people like to be compared with or not. Suppose North Korea does not like being compared to Spain. I mean that is a much more dangerous proposition. (*Laughter*) They are a nuclear power. I have tried to find out what the feeling is like in North Korea, but I have not had any feedback so far.

1540 If there are now Spanish fishermen catching more fish than ever on our reefs, then why are they so upset that we put the reefs there and complaining that they are catching less? (*Laughter*) I could understand the level of contradiction and ignorance on fishing and on North Korea, but what I cannot understand is the same level being displayed on things on which he has raised questions before and been given answers before. I have got a dilemma, Mr Speaker, when I stand up to follow him, because I say to myself, well look, I have told him where he is getting his numbers wrong three or four times. Now he keeps on getting them wrong. There are two possibilities, either he is so ignorant of the subject matter that he cannot follow the helpful explanations that I give him or else he does not really care about the explanation and he is going to keep on saying the same things whatever explanations I give him. My dilemma is that if it is the second then it does not really matter because whatever the explanation he is still going to say the same thing, but if it is the first, I may be making a mistake in helping him because eventually he might get his act right and then he might become more difficult to contradict if he learnt to get the sums right.

1550 So I can tell him that certainly his comments in this article are not very enlightening. The hon. Member says, ‘Anyone who knows anything about economics knows that economic growth funded by borrowing is simply deferred taxation’. Cameron is going to an election this month, not very far away, *precisely* on the opposite proposition. The entire global economy is engaged in something called quantitative easing, on the basis that the engine for economic growth is banks printing money, which is effectively Government selling debt to central banks. He says, ‘Everybody that knows anything about economics knows the very opposite’ – not true. Nobody that knows anything about economics says such a nonsensical sentence as the one that he wrote in this article.

1560 The entire global business community does something which is called gearing, by which they invest more than they have and they make a profit because the result of borrowing and investing at a margin means that the equity holders get a better return. Without borrowing, we would be living like the Neanderthals in Gorham’s Cave. Does he not know that? It is true that in opposition the GSLP on occasions criticise the level of debt – yes, but it is also true that I never did, because in fact the learned backbencher would point to that distinction on more than one occasion and I always said the important thing is not how much you borrow; the important thing is how you use the money that you borrow, because if you use the money profitably, then you make money which allows you to service the debt, pay the loan and have money left for something else.

1570 So if you borrow £100 and you waste it, that is bad borrowing. If you borrow £1,000 and you make a lot of money, that is good borrowing. So the essence of the judgement on borrowing has to be, in my judgement, whether the money is going to result in the creation of growth. He is saying that borrowing is incapable of creating growth. Well, no, that is what borrowing should be for, *precisely* to create growth. What you do not do is borrow to pay for pay rises because then you can never escape that debt trap.

1575 It is true that there is a ceiling on the debt, but the ceiling on the debt, surely he must know, is a ceiling that was introduced by the previous Government, a ceiling which he used to criticise by the way, because he used to criticise it when it was £100 million. Yes, he criticised me for not agreeing with him and agreeing with the Hon. Mr Caruana in the debate of 2003.

Hon. D A Feetham: Will he give way and I will explain to him?

Hon. J J Bossano: Yes, I will give way, of course, I always give way.

1580

Hon. D A Feetham: Mr Speaker, I am very grateful to the hon. the Father of the House for giving way in relation to this particular point.

The point that I made in 2003 was this, that the legal borrowing limit, and this is pre the new constitution, was £100 million. The then Government had borrowed over £80 million – in fact I think the budget was £78 million, but by the time of the General Election it was about £86 million. And the point that I was making there, and indeed is consistent with the point that I have always made on this particular issue, was that the then GSD Government had entered into a PFI arrangement in respect of the Hospital, which was off balance sheet, and then if you took into account that off balance sheet borrowing, it would take it over the £100 million.

1590

Indeed, I think that I was right in relation to that. Not only was the point well made, but also the use of PFI arrangements, of which I was critical, and he and the hon. the backbencher were as one in relation to this particular point... now it is accepted that PFI arrangements should form part of the public debt. There has been a report in Parliament in the United Kingdom. So indeed my criticism of Credit Finance is exactly the same as I made of the hon. backbencher at the time. I do not like debt that is off balance sheet because it does not give a true reflection of what is the public debt of the community, and that is the point that I wished to make and I think you for allowing me to make it.

1595

Hon. J J Bossano: Mr Speaker, I think my memory of what he said is better than his memory of what he said (*Interjections*) but I will make a point of getting it and sending it to him in writing so that he will see that I am right. (*Laughter*) I know that he has criticised the PFIs, I know that, but on that debate on the radio he was not criticising the PFIs. On that debate over the radio where he was criticising the £100 million, which he said was due to mature and would have to be rolled over. (*Interjection*) Well, I will get it for him.

1600

The point is, Mr Speaker, that it is true that before he joined the dark side he used to criticise it, that is true, but he stopped criticising it and started doing it when he joined them because it did not end with the hospital, it carried on in other areas. I remember on one particular occasion, for example, when I noticed from the opposite benches a figure of £20 million, which did not seem to add up with the figures that had been provided to me on a big list of numbers – I have the advantage that I can home in to numbers, which many other people do not – and when I asked, ‘What is this?’, the Hon. Chief Minister said he could not remember and I found that odd. I mean, £20 million is not pocket money, in fact –

1605

1610

Hon. D A Feetham: That is what I say about the Sunborn loans [*Inaudible*].

Hon. J J Bossano: Of course, I know you do that but the £20 million was money that he had borrowed but had forgotten to tell us anything about and he was going to do it to buy shares in a private company run by Mr Pardo to do the central thing – (*Interjection*) Midtown, I mean, and that was something that he did not object to. I did not object to it either, I just asked what it was for and they could not remember, and it took more Houses and more questions before the memory all came back and the amnesia disappeared.

1615

Well, look, if the hon. Member wants to criticise the principle of the thing, he cannot criticise the principle of the thing because something is happening now with £100 million, which before happened with £10 million, because of course every year you will find that the volume of money gets bigger, simply because everything that we are doing in a growing economy is related to a growing economy. The hon. Member has never yet – since he started speaking on the level of debt – never yet talked about debt except in absolute terms. Talking about debt in absolute terms, if he cares to speak to his learned backbencher, is being an economic illiterate. We were constantly told, ‘You are an economic illiterate because you say the debt is £100 million. You must not say it is £100 million, you must say it is 10% of GDP or 5% of GDP and that is the only measure that counts’. I do not mind him using figures, but he belongs to a party that considers that to be evidence of illiteracy, unless of course now that he is leading it, the doctrine has changed, but in other areas it does not seem to have changed.

1620

1625

I must say that I tended to agree with him that when the questions that he answered in this article were printed and I read them – I do not read very much these days, but they sent it and I saw his picture on the front and thought maybe I can find out what he is up to – (*Laughter*) and what do I find? What measures does the GSD have in mind to help benefit the small business community? Ah! This is one of the areas, like so many areas, that we are taking soundings and consulting businesses as to what their concerns and requirements are, *ergo* – to use the new jargon that I have just heard from him and his predecessor... *ergo* I have not got a clue. (*Interjection and laughter*) I mean my Latin is a bit rusty since they stopped using it in church and they went into English. (*Laughter*)

1630

1635

1640 We have taken a view that as a responsible Opposition we have an obligation to spell out our policies and ideas in any given areas. For this reason we have already announced many months that our policy ideas and important matters... Well, look, all the policy ideas that he started spelling is that he is going to go around asking people what they want. I was impressed last time and I responded to him when he said that it is not in Gibraltar's interest that political (*Interjection*) debate should be about an auction for votes by seeing who promises to do more. I agree entirely with him on that and therefore I was a bit disappointed because he seemed to be heading in that direction and I believe that he was right in what he said the last time and it is a philosophy that I agree with. I think we have to commit ourselves to doing the things that we think are needed and we believe we can afford to deliver. (*Interjection*)

1645 We may have different priorities – that is to say, one party may attach more importance to one thing and another party to another – and then the choice for the people is whether they want a particular direction or another direction. But if we all promise everything to everyone and then it is just a question of how much more we can do, the answer is that in the long run we will all live to regret it, and therefore I have to tell him that although I will not be correcting his figures on this occasion, I am afraid they are not right. (*Banging on desks*)

Mr Speaker: Does any other hon. Member wish to speak on the motion?
I call upon the mover to reply.

1655 **Hon. Chief Minister:** Well, Mr Speaker, I am grateful to the hon. Gentleman for now having accepted that this is an important motion that I bring, because a few minutes earlier, or at least three hours earlier, he said that the motions that I brought were just a waste of time designed to filibuster. So the duality, Mr Speaker, returns – one minute we are told one thing, the next we are told something else – but something quite dramatically different. One moment we are told something is worthless and the next moment we are told something is of huge value. So one moment it is black and one moment it is white. You would not really expect that, other from somebody who one moment was GSLP and the next moment is GSD. I reminded him, Mr Speaker, in my first Budget reply that he really does remind me of a soldier sometimes: left, right, left, right. We just do not know which side he may be on on a particular day.

1665 But, Mr Speaker, he says that this is the first time in the history of this Parliament that somebody has brought a motion about something in a magazine, as if to say about something outside of this House. Well, Mr Speaker, he must really have a short memory because in September 2011, the hon. the now backbencher, as Chief Minister at the time, as the Leader of the House, brought a motion not about a magazine, but about my Facebook page, Mr Speaker, and something that I had said there. (*Interjection*) He called that, Mr Speaker, magnificent exposition of the financial situation in which Gibraltar found itself at the time a 'grubby podcast', Mr Speaker – a grubby podcast.

1670 Mr Speaker, I must be a bit behind Mr Speaker, I must be a bit behind, because I always consider myself to be avant-garde, in terms of technology, and I have not brought a motion about something happening in on Tumblr. I have brought in about something happening in the old paper form of magazine. Perhaps I should have gone for the Issuu Issue version of the magazine online and quoted that in the motion and the hon. Member might not then have drawn this distinction, because this is not the first motion that is brought about something that has happened outside of this House or said by a Member of this House outside of this House, and he was here, Mr Speaker. I forget where he used to sit, Mr Speaker, to be told to be quiet when the Hon. the Leader of the Opposition wanted him to. (*Interjection*) I think it was in that region, but he must have been asleep at the time, Mr Speaker, because this is clearly not the first time that such a thing happens and therefore, Mr Speaker, he is wrong about that as well.

1680 But he accuses me, Mr Speaker, perhaps in an accusation as erroneous as all the others – and I note that he seems to be sleepy, but we are expecting him to speak on the next motion, Mr Speaker – that I engage mouth before brain. Well, Mr Speaker, I will let others be the judge of that, because I clearly cannot accept it. I would not do it if I accepted that. I would not do it if I knew I was doing it; but let us let others be the judge of one and not try to be judges of ourselves, for reasons that I will come along to in a moment in relation to certain of the other accusations that the hon. Gentleman makes.

1690 But he says that I engage mouth before brain. Is it that that was exactly what he was doing when 180 minutes ago he described the motions I bring as a waste of time, only to now describe one of them as actually a very important motion? Or is that what was happening when he was sitting here as a Member of the Government when a motion was brought about something happening in Facebook and he now says that this has never happened before?

1695 Mr Speaker, the hon. Member says things which are demonstrably untrue, as I have now seen he accepts about some of the things he said in 'In Touch', to such an extent that he gives credence to Bernard Shaw's statement, Mr Speaker, that politics is sometimes the paradise of charlatans. He says that people hold their breath when I am about to speak on the subject of Spain –

A Member: Collective breath.

1700 **Hon. Chief Minister:** That people hold their collective breath when I am about to speak on the subject of Spain because actually things are better handled calmly etc, as no doubt he would wish people to impute *he* suggests *he* would handle matters if he were ever in a position of authority to do so.

1705 Well, Mr Speaker, I know when people held their breaths that summer. People held their breaths that summer, Mr Speaker, when once again, like the erstwhile Ken Boon of the television series of the same name, he got on his white charger – I think he might have been in France on holiday that September or August, Mr Speaker – to come back to Gibraltar to help the Government in dealing with the aggression from the Spanish state. He went on television or radio and was reported in the *Gibraltar Chronicle* as saying, ‘Of course I will be prepared to remove the concrete blocks’. Gibraltar collectively took a deep breath and thought what sort of political animal is this, the like of which we have not seen before, who is prepared to bend his arm or allow his arm to be bent with the pressure that has been put to bear on our community? Today on this subject, tomorrow on another and on the third on the issue of sovereignty.

1710 He tuts, Mr Speaker, but the headline in the *Chronicle* was very clear and his words were not capable of another interpretation, to such an extent that he spent most of the next month trying to say that he meant something different.

1715 So if I have heard the sharp collective intake of breath once in this community, it was then. It was then, Mr Speaker. A sharp collective intake of breath demonstrating the concern that the man, who the party in Opposition were putting up to be Chief Minister might be of the ilk that one day he might have a position of responsibility and his arm may be as twistable as he demonstrated on that day it is on a subject as important as our defence of British Gibraltar Territorial Waters. Not quite, Mr Speaker, the negotiator that people will want to put in the chair that I have the privilege and honour of incumbing the will of the people of Gibraltar.

1720 Mr Speaker, he says that he accepts – and I commend him for it – that I did not say, as he said, to the magazine that I had compared North Korea to Spain at the United Nations. He says that it is worse, Mr Speaker. I was wrong in the magazine, but it is worse. ‘You did it on Sky News and the BBC’, and I say to him also on Channel 4, worse because it went around the world. Not worse, Mr Speaker, but well thought out, calmly delivered, designed to go around the world, and in that way what had always been a little local difficulty for the world that Spain could get away with, bullying us, setting up the queues... and when I say Spain, Mr Speaker, of course I do not mean my cousins in Los Barrios (**A Member:** Or La Línea) or La Línea.

1730 Mr Speaker, what we managed was that by artfully ensuring that we captured the imagination of the world’s media, Spain, its *Partido Popular* Government, and of course, Mr Margallo were exposed to the scrutiny of the world’s press that then saw what was happening here and we soon were able to use that as leverage. Are relations as they should be? No. Have we been able to cure the ill with whom Mr Margallo was obviously elected? No, Mr Speaker, but I challenge him to say that he would be enjoying a cosy relationship with Mr Margallo because there is only one way that he might be enjoying that cosy relationship.

1740 But by comparing Spain to North Korea, Mr Speaker, at that moment what we did was manage to get the world’s attention, because the world’s attention was not on us when we had queues of three and four hours, because that was just a little local difficulty in Gibraltar. The Hon. the Father of the House was ahead of him in reprimanding me for that, Mr Speaker, for that comparison, for that odious comparison as the Father of the House saw it, because given his socialist credentials he does not see that there is necessarily anything wrong with North Korea and I should not have been comparing the behaviour of Señor Margallo with them.

1745 The hon. Gentleman has been left with having to say, ‘But because you didn’t say the Government of Spain or Mr Margallo or the *Partido Popular* you tarnished the *whole* of Spain with that brush and you therefore annoyed everyone in Spain, even those who might be our erstwhile friends’. Mr Speaker, he has got it completely wrong, and the proof that he has got it completely wrong is that in international politics, in international *diplomacy* even, and politics and diplomacy are two different things and politicians are not diplomats... officials are diplomats. Politicians are politicians. One often might refer to a nation when representing the actions of its Government. Spain does it of us. We do it of Spain. Spain does it of the United Kingdom and the United Kingdom does it of Spain.

1750 The hon. the backbencher when he was addressing the United Nations on a number of occasions when I was proudly there with the Father of the House, would often say, ‘What Spain cannot do, what Spain cannot sustain...’ and he was not required to say ‘what the Government of the United Kingdom of Spain... what the political party that is today in Government in the kingdom of Spain’. Mr Speaker, in the United Nations you need to give a speech quickly, in eight minutes sometimes. It is not fair that we should only have eight minutes, but that is sometimes what we have and we cannot say, ‘The Government of the kingdom of Spain’ every time that we have to say it and neither do diplomats or politicians and everybody knows what

1760 is meant by it, but perhaps he is the only one who does not know. Perhaps he is the only one who thinks that I was comparing the Government of Spain that did the Trilateral Agreement, which we support, and the Córdoba Agreements, parts of which we support, with the Government that was setting up the seven hour queues. Everybody else knew that that is what we meant.

1765 In fact the hon. Gentleman, in throwing my words back at me, has made the point more eloquently, inadvertently of course, because I said, ‘The face of Spain that we see today is no different to that to which we saw in the 1950s and 1960s that is reminiscent of North Korea’. The face of Spain is not my cousin in *Los Barrios*, is not the magnificent Gemma Araujo in *La Línea* of the Socialist Party. Is not Señor Moratinos, because they were not the face of Spain in August 2013. Unfortunately we might all think – although who the Spanish people choose as their government is a matter entirely for them – the face of Spain is its Government, the *Partido Popular* Government. Mr Speaker, am I the only one who thinks that
1770 the comparison between Spain and North Korea was apposite?

Mr Speaker, the Foreign Affairs Committee of the Westminster Parliament when they were analysing the matter of Gibraltar – and they actually came here and took my evidence at the Garrison Library and they invited representations from third parties, although I note the hon. Gentleman did not bother to even ask them for the opportunity to address them – produced a table in their excellent Report, and the Foreign
1775 Affairs Committee of the Westminster Parliament often does ride in at just the right time to push the executive, the British Government, in the right direction. The hon. the backbencher had the benefit of that in 2002, 2003 and in the late 1990s, and I had the benefit of it in Gibraltar two years ago. The Foreign Affairs Committee included in their findings a table that set out the nations – the ambassadors of whom had most been called to the Foreign Office for a ticking off, i.e. a cup of tea – and in that table the Foreign
1780 Affairs Committee thought it was appropriate to include North Korea, Mr Speaker. Useful, Mr Speaker, in particular for one reason, because their ambassador had been called in twice less often than the Spanish ambassador being called in over Gibraltar.

Well, Mr Speaker, moreover, this is not the only time that Spain has been compared to North Korea. A Spanish magistrate, his name is Elpidio José Silva was recently being dealt with by the Spanish Supreme
1785 Court in Madrid and he said that the standards being applied to him in justice were reminiscent of North Korea. So at least that is one Spaniard who agrees with me, Mr Speaker. (*Laughter*) I follow the Spanish news and this was the lead on the *Televisión Española* news on one particular occasion. It is clear the hon. Gentleman does not.

But what annoyed Spanish public opinion about something I said at the United Nations was not the comparison with North Korea – and it is true I said something at the United Nations...not that because I did
1790 not say it at the United Nations – that led to my statements being deprecated not just by *Partido Popular* politicians, but also by Socialist Party politicians, and the hon. Gentleman should know what it is. I rely on him to know what it is, because he is the Leader of the Opposition and he could be in Government. That is what politics and democracy is about, but he needs to know these things. He is paying more attention to that than to some of the things that he is obviously paying attention to.

I was deprecated by politicians in Spain on both sides of the *Partido Popular* and Socialist Party divide for having told the Fourth Committee, I believe – not the Committee of 24, but I believe the Fourth
1800 Committee – that a Spanish Guardia Civil vessel had shot at a Gibraltarian jet skier a rubber bullet in British Gibraltar Territorial Waters. I stand by what I said. I have seen the video evidence. A complaint was made to the Royal Gibraltar Police. The Royal Gibraltar Police elevated that complaint to both the Government of Gibraltar and the Convent. The Convent and the Government of Gibraltar elevated that complaint to the Foreign Office and the Minister for Europe sought explanations in writing from his counterpart in Madrid. The explanation of course was eventually that it did not happen, despite the video
1805 evidence. That led to my being condemned by the *Partido Popular* politicians and Socialist Party politicians and by the union that represents the Guardia Civil.

If what the hon. Gentleman is telling the public in Gibraltar is that if a Gibraltarian is shot at in British Gibraltar Territorial Waters and there is video evidence of that, the complaint is elevated by the Royal
1810 Gibraltar Police to the Government of Gibraltar and the Convent, the Convent and the Government of Gibraltar elevate that complaint to the Foreign Office and the Minister for Europe and the Minister for Europe puts that complaint in writing – therefore also believing in it because we have all seen the video evidence – that the Chief Minister of Gibraltar should not reflect that at the United Nations when he goes to report to the Fourth Committee which is looking at the Article 173 Report made under the charter, which the colonising or administering power is making to the Fourth Committee, should not report that because it might annoy Spanish political representatives... in fact, all of whom I have been trying to curry favour with
1815 the union of the Guardia Civil, despite it being clear that it happened – then Mr Speaker, that is another piece of *crucial* evidence of what the hon. Gentleman might be like as a Chief Minister.

It is one thing to say that you do not poke your finger in peoples’ eyes just to annoy them, but it is quite another to say, when the heat of international public opinion is focused on Gibraltar, ‘I might remove the blocks’ – sharp intake of breath from the community. It is quite another, Mr Speaker, to say, ‘I don’t want

1820 to see Spanish politicians annoyed with us and therefore I would not say at the United Nations things that
 might annoy them'. Whether the Socialist Party is annoyed or the *Partido Popular* is annoyed, we have
 lots of friends in the Socialist Party, very few but some friends in the *Partido Popular*, but when things
 happen they must be elevated to the right level. Indeed, Mr Speaker, in the time that they were in office and
 in the time that we were in office, when the hon. the Father of the House returned to the United Nations,
 1825 there have been occasions when we have had to say such things.

The hon. the backbencher has on occasion referred to Frontier queues in the time before the 2003
 election of the Socialist Party in Madrid, when he had to deal with señor Matutes and after that with señor
 Piquet when he was reporting the conniving attempt by the then British Government and the Spanish
 Government to deal with the joint sovereignty issues. We annoyed everybody, Mr Speaker. In fact I daresay
 1830 that I have not yet managed to annoy the British Government and the Spanish Government and even the
 Spanish opposition probably at the time as much as the hon. the backbencher managed to do in 2002-03
 with the full support of everybody in this House and in the rest of Gibraltar when he was defeating, with the
 support of all of us, the joint sovereignty attempts by the United Kingdom Government.

But to have a Leader of the Opposition, who is seriously saying, 'You have got to mind your *Ps and Qs*
 at the United Nations, whatever it is that you may be reporting', is absolutely wrong. And in *his* mind, my
 comparison of North Korea and Spain and the report of what happened on that water, on that day, risking
 the life of that Gibraltarian when he was shot at with a rubber bullet by the *Guardia Civil* are all one. He is
 absolutely wrong to rule out the fact that you sometimes have to put yourself in political harm's way
 because your job is to defend Gibraltar and the Gibraltarians and to tell the UN what is happening, how it is
 1840 happening and when it is happening.

But, Mr Speaker, that tangentially led him to say that he was going to comment about the Fishing
 Agreement, and he said, 'Now there is no rule of law in Gibraltar because of the way that the hon.
 Gentleman has dealt with the Fishing Agreement. Previously there was and now there isn't'. For all my talk
 of the rule of law, he said of me, the rule of law is now something which is no longer respected since I took
 1845 over. Mr Speaker, we have had this debate on a number of occasions. To respect the rule of law one has to
 say that the law should be applied fairly and equally to all, without discrimination or distinction. We make
 laws in this Parliament. We do not enforce laws. The hon. Gentleman seems to think that if he is in
 Government, he is responsible for the *enforcement* of laws, and he has already on a number of occasions
 suggested what he might do in that respect. Well, Mr Speaker, another third piece of evidence of why
 1850 people might want to think twice before ever giving him the responsibility of being Chief Minister.

Mr Speaker, what does drive a coach and horses through the rule of law is to have an agreement
 between the Government – in particular a Government which involves him, because he was a member of it
 for four years – that allows third parties, namely people from outside Gibraltar, to offend against a
 particular Act of this Parliament and allow that to happen by agreement – that is a real driving of a coach
 and horses through the rule of law. That, Mr Speaker, as I have often told the House, is what we interpret
 1855 the 1999 Agreement to be, since the days that Joshua Gabay, more eloquently than I ever will be able to,
 put the argument in 1999 to the hon. then leader of the House. But let us have an objective assessment of
 the subject, Mr Speaker, of whether the rule of law is respected in Gibraltar since I took over or not, without
 regard to what was happening before. Let us just deal with his allegation that under me the rule of law is to
 1860 be considered not being observed.

Well, Mr Speaker, as the House knows – and I was very humbled and privileged to accept – a citation
 came from London from the Minister for Europe to his Excellency the Governor proposing that I should be
 appointed Queens Counsel on the basis – and this is their citation, not mine – of my commitment to the
 observance of the rule of law. Mr Speaker, the proposal of the Minister for Europe was accepted by his
 1865 Excellency the Governor, on behalf of Her Majesty the Queen, given that that is his role and the
 representation in Gibraltar, and by the Supreme Court of Gibraltar. If I had to choose who to be judged by,
 Mr Speaker, objectively, fairly and without any reason politically for wanting to propose the opposite, I
 would rather be judged by the Chief Justice in the Supreme Court, the Governor and the Minister for
 Europe than by him. Mr Speaker, I am now very proud indeed that the grandchild of the Attorney General's
 1870 maid is now a Queens Counsel on the basis of that particular citation. Mr Speaker, but perhaps there is
 another opportunity... that is a reference, Mr Speaker, to the fact that my grandmother used to be a maid for
 the Attorney General in the 1930's and she is from Los Barrios, which is where my cousins, who were not
 so annoyed at my remarks at the United Nations, come from, just to explain it to him, Mr Speaker.

But to say that the whole community has seen the undoing of the Fishing Agreement without a
 replacement is something which enjoys universal condemnation and exposed me to criticism. Well,
 1875 Mr Speaker, it exposed me to criticism from him constantly, because he has got very few arguments and he
 makes them all the time although none of them are valid. But, for example, it did not expose me to criticism
 from Louis Wink because when I met Louis Wink, who was then Commissioner of Police, the week after
 we were elected, not three months later when the Hon. Mr Cortes confirmed on Facebook that I had done,
 1880 on behalf of the Government and in implementation of our manifesto commitment... when I told Louis

1885 Wink that the Government did not consider that he should be bound by the 1999 Fishing Agreement, Louis said to me in that usual earthy tone for which he is famous, ‘Mr Picardo, Chief Minister, thank goodness, I feel liberated at last. That Agreement was untenable. It stopped us from doing what we had to do. Now we are free to act in the way that we consider is appropriate. It should never have been done.’ So regardless of what *his* recollection might be, at least I have the comfort of knowing, Mr Speaker, that one of his executive members agreed with me at the time.

1890 Mr Speaker, the hon. Member then went on to talk about public debt and lack of transparency and said it is all my fault. I did not know whether to be heartened or concerned, Mr Speaker, because in speaking to the other motion, again the duality came in. Speaking to the other motion he said that it was the hon. the Father of the House who was running public finances and the economy and all the rest of it and therefore he was very happy with the fact that it was all in his hands, rather his hands than mine, and all the rest of it. In this motion he wanted to say the opposite. So the fact that he had said one thing and was now going to say the other was of course of absolutely no concern whatsoever. He said, ‘It is all your fault, Chief Minister. You are the one who is creating all this lack of transparency, all this failure to answer questions.’ Having
 1895 also said that it is now the Father of the House who answers those questions because I have given him specific ministerial responsibility for the Savings Bank, which is where the money from Credit Finance flows. Then, Mr Speaker, he did one of his... to do a loose translation of a Spanish phrase ‘*hizo una de las suya*’ He said, ‘As I demonstrated in the earlier motion’. My recollection is that he lost the vote on the other motion. That actually the Father of the House got up and demonstrated everything he had said in relation to
 1900 public finances and the economy was wrong and the demonstration was of not knowing what he was talking about and not that what he was talking about was correct. So how could it get worse, Mr Speaker? How could it all get worse? Well, it could get worse in one particular way. He did not just admit that what he had said in the context of the magazine he admitted was incorrect, for which I commend him, he then went on to say that in fact everything that is going to be said in the Estimates Book, soon to be published, is going to be a false picture, tarnishing not just me and the Father of the House – both of us, one of us or each of us...
 1905 I do not know in what particular mood he may be at the moment – but every civil servant in the Treasury who is involved, and the Financial Secretary, who as we all know is not a civil servant at the moment. Well, Mr Speaker, that is really quite extraordinary. It is quite extraordinary that he has given notice, Mr Speaker, in effect, that he will not believe what he reads in the Estimates Book. Mr Speaker, even if he were not to believe it, he has got the Estimates Book, he has got the balance sheet of Credit Finance, he has got where the investments of the Savings Bank are. Mr Speaker, he has got more information than we ever had. He has probably got more information than most people have, but he has put us on notice that he does not believe the estimates.

1915 Well, Mr Speaker, last year they were saved by the bell, because the hon. the backbencher came in just in time as they were considering either abstaining or not voting in favour of the budget. But in the time that has passed since that debate and will pass before the next debate – you never know there might even be an election between now and then – (*Interjection*) I challenge him (*Laughter*) given that he disagrees with how the money is going to be spent, given that he now says he will not believe the Estimates Book, to vote against the budget. To have the courage of his convictions, which he says he has, and when we debate on
 1920 the Appropriation Bill to vote against the Appropriation Bill, but I know he will not do that because the duality will kick in and having the courage of your convictions will mean getting up, saying one thing and voting quite the other way. If it were anybody else it would surprise me, but it is his him.

Mr Speaker, then he said that I had gone around Gibraltar telling people that Gibraltar was bankrupt. Although he was here for the 2011-12 Budget debate on the Appropriation Bill for that year, he obviously
 1925 did not hear what I had to say. The hon. the backbencher did and brought a self-serving and aggressive motion to try and deal with the important point I was making to try and obfuscate it a little bit, in terms much more aggressive (*Interjections*) than I am bringing motions, because it was a motion that said not just what the facts of the motion said, but it reached a conclusion that said that I was therefore unfit to govern. I said that this is a kangaroo court. I am being tried by a majority that is going to follow, because in those
 1930 days, of course, this lot were whipped and they all had to vote with the head honcho – in this instance they will all vote their consciences, right? (*Interjections*) – and that I was *unfit* to govern.

I said the people of Gibraltar will decide who is fit to govern and, Mr Speaker, they were the judges of whether I was fit to govern or not. They returned a verdict that I was and I do not appreciate that they appear to be too angry with the work that I am doing, but they will have their opportunity to return a new
 1935 verdict very shortly – you never know, perhaps even before the Budget – and therefore if I stand here in future it is only because motions brought by the hon. Members last time with the vitriol and what the hon. Gentleman commended to the Hon. Charles Bruzon as the essential element of politics, namely ‘*mala leche*’ are not the way we do things, because actually they really are not as relevant as the hon. Members obviously thought.

1940 But what I said during the course of that budget debate was by the measure applied in 1996 or 1995, which was the last Budget debate, by you, then Chief Minister, let us look at what the debt per capita is

today and how it has grown. If it has grown so much and you were so concerned in 1995, should we not, by applying that measure, be equally concerned? In the same way as in my Budget speeches, some of which I would commend to the hon. Gentleman – in particular those I gave when I was in opposition and had more time to be inspired and to search through for some excellent comparisons – was social insurance, because I used to say to the hon. Gentleman that GSLP raised social insurance when it was in Government and we do not resile from the fact that that was appropriate at the time. You at the time criticised the increases in social insurance, and I hesitate to say ‘you’ – I am using that as shorthand. I believe it might have been Mr Vasquez who was on his front bench in Opposition before then – and you, the GSD in Opposition, used to call social insurance increases ‘taxation by the back door’.

A Member: [*Inaudible*]

Hon. Chief Minister: No, taxation by the back door or some similar description, which was not a tax on jobs. (*Interjections*) Right? Hidden taxation, I think. ‘Hidden taxation’ was the phrase, and I used to say to him that the GSLP used to put up social insurance and there is nothing wrong in doing so, but by your standards you are putting up this hidden taxation by *x* amount, sometimes more than inflation etc. The trick always was – I will just let the hon. Gentleman into it – the trick always was you put it up the year after the election and two years before. You do not put it up the year of the election and the year after the election, you put it up by more than you should have put it up for the two years before, something we have demonstrated we have not done.

But Mr Speaker, putting up social insurance contributions is something that sometimes has to happen, but what I was doing in taking the argument to the hon. Gentleman, as I was doing on debt, was saying by the measure you established. So if he wants to come back to me, and say, ‘Ah, but you said about debt and now you are doing...’, he needs to look at what I actually said about debt and what I said they would do, because another thing I said they would do was that if they were elected they would increase the debt quite considerably. Of course, it caught us all by surprise that the debt had been increased very very considerably and we only found out, having had the Estimates Book in April, estimating that there would be £480 million, I believe. We only found out, and I say ‘we’ because I mean Mr Azopardi, who was the leader of the PDP, myself and the rest of the community, on the night of the Leaders’ debate, when we were finally told by the hon. Gentleman, it had gone up to £520 million. And that is why I used to say, how are they going to fund their manifesto ‘D’ ‘E’ ‘B’ ‘T’ debt?

But, of course, the other argument available, Mr Speaker, is that one of the things the hon. Gentleman constantly says is that we are receiving a lot of money in the context of tobacco sales and that our revenue is up. Mr Speaker, either we are taking more debt or our revenue is up. He has got to try and be consistent in some way in the way that he deals with these things, but he has got to look at what I said before the election.

He says he criticised the PFI when he was the leader of the now defunct Labour Party, the one that merged with the GSD, but accepted the name of the GSD and that only one or two of its members should be in the executive. He said, ‘I do not like debt which is off balance sheets’, and nobody has dealt with that better than I saw the Father of the House deal with it a moment ago, because of course it was not just the PFI deal that related to the Hospital that hon. Members did a balance sheet, there was a lot more done on balance sheet or does he forget the £100 million hole that we found in companies when we were elected? That is in addition to the £520 million of debt that there was. Does he forget, Mr Speaker, or is it that he was, to take his phraseology, ‘blissfully unaware’ of the deals being done by the Government of which he was a member – i.e. between 2007 and 2011 on the Midtown and on the car parks? Mr Speaker, does he not know those things? Was he really a member of the Government or was he perhaps like the others who accompanied the now backbencher in his journey through Government – really no more than a decorative wallflower?

I have pursued the facts. I have reflected that this motion does not call for people to judge the Hon. Member to be fit or unfit for any purpose – that is a matter for the general public – but simply that the House should reflect and condemn the fact that the public have been misled and I will commend him for the fact that indeed he has accepted that some of the things that he has said in this magazine were wrong, although he has then tried to create one of those smokescreens which he is so adept at producing, but so unable to maintain, in trying to avoid the inevitable conclusion that the motion is correct and it should be supported.

Mr Speaker, I therefore commend the motion to the House, seek its support, and as the hon. the backbencher did earlier, seek that each Member be polled individually in respect of the vote.

Mr Speaker: I now put the question in the terms of the motion proposed –

Hon. Chief Minister: Mr Speaker can I, before you do, the word ‘prevent’ should be ‘pervert’ in the motion. I think that is –

2005 **Mr Speaker:** There is a typographical error in the motion. Instead of ‘prevent’ in the last paragraph it should be ‘pervert’.

I now put the question in terms of the motion proposed by the Chief Minister. Division is required.

2010 *A division was called for and voting resulted as follows:*

FOR

The Hon P J Balban
The Hon J J Bossano
The Hon Dr J E Cortes
The Hon N F Costa
The Hon A J Isola
The Hon G H Licudi
The Hon S E Linares
The Hon F R Picardo
The Hon Miss S J Sacramento

AGAINST

The Hon D J Bossino
The Hon Sir P R Caruana KCMG QC
The Hon D A Feetham
The Hon S M Figueras
The Hon J J Netto
The Hon E J Reyes

ABSENT

The Hon Mrs I M Ellul-Hammond
The Hon Dr J J Garcia

Mr Speaker: There are two hon. Members who are absent. With 9 in favour, 6 against, the motion is carried.

We will now have a recess of 20 minutes.

2015

The House recessed at 8.45 p.m. and resumed its sitting at 9.05 p.m.

PRIVATE MEMBER’S MOTION

**Report of the Dr Giraldi Home Inquiry –
To note the findings of the Report –
Motion carried/lost**

Clerk: Private Member’s motion, the Hon. D A Feetham.

Hon. D A Feetham: Yes, Mr Speaker, it is five past nine and somebody has just tweeted that – I thought it was quite amusing – we have gone from “*Aqui no se pesca*” to “*aqui no se cena esta noche*”

2020

Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

‘This House:

Notes the findings of the Report of the Dr Giraldi Home Inquiry, produced by the Inquiry Chairman, the Rt. Hon Sir Jonathan Parker. The House particularly notes the following:

- 1. That all the allegations of abuse in the Dr Giraldi Home were properly investigated by the Social Services Agency as and when the allegations were made;*
- 2. That those allegations of a criminal nature were referred to and investigated, as appropriate, by the Royal Gibraltar Police;*
- 3. That there was no conspiracy by any Government Minister, or indeed anyone else, to prevent the allegations in the witness statements filed on behalf of Joanna Hernandez from being put into the public domain and/or becoming the subject of judicial investigation, whether by delaying or obstructing the hearing of the claim, or by stifling the claim by prolonging the proceedings unnecessarily, or by any other means;*
- 4. That the serious claims were untrue, grossly exaggerated or unsubstantiated by credible evidence;*
- 5. That staff at the Dr Giraldi Home were subjected to unfounded, offensive and regrettable criticism;*
- 6. This House is grateful to the Care Staff at the Dr Giraldi Home, who despite having been the victims of the most spurious allegations, stood steadfast in their resolve to provide the best possible care to residents and service users in very difficult circumstances.*

This House thanks and re-affirms its trust in the Royal Gibraltar Police, outgoing Attorney General Ricky Rhoda QC and the Social Services Agency.

This House resolves to repair the damage caused to the reputation and good standing of the Dr Giraldi Home, its staff, the Royal Gibraltar Police, the Social Services Agency and the Attorney General by informing, through a letter from the Leader of the House, the Spanish TV Channel Antena 3 and the producers of the Espejo Publico Programme, of the outcome of the Inquiry.'

Mr Speaker, this motion concerns one of the most disgraceful and sad episodes in Gibraltar politics. An episode that involved the systematic and merciless exploitation of allegations by Members opposite, which they were told on numerous occasions, Mr Speaker, both in this House and outside it, had been investigated by the Social Services Agency and the RGP and had been found to be without foundation.

2025 Some of the most serious allegations, which as they well knew had also been considered by her Majesty's Attorney General at the time, and again found to be unsupported by credible evidence. I know, Mr Speaker, that the Hon. Members opposite will say that at least they conducted a public inquiry, but the point is that the inquiry would not have been necessary had they chosen to accept the assurances of the Royal Gibraltar Police, the Social Services Agency, Her Majesty's Attorney General and the Chief Minister

2030 of the day that the allegations had been investigated and found to be without foundation.

The stark reality is that the Inquiry has been a cure for an illness that they themselves invented, Mr Speaker, because if it had not been for the manner in which they turned Mrs Joanna Hernandez into a cause célèbre, it would not have been necessary to spend over £3 million of taxpayers' money on it. The reason why the parties refused to accept the assurances of all those public authorities was because they

2035 wanted to exploit the allegations for their own narrow political ends with the intention of causing *maximum* damage to the Government of the day, without care or thought, Mr Speaker, about the collateral damage that it would and indeed did cause those institutions of state, such as the RGP, the office of Her Majesty's Attorney General and above all the real victims in this sad episode, the staff at the Dr Giraldi Home.

Mr Speaker, Members of staff that have stood steadfast and with great dignity in their resolve to provide the best possible care to residents and service users, whilst the Parties opposite continued with their systematic and calculated political campaign, both in Gibraltar and abroad against the Dr Giraldi Home. A word-of-mouth campaign. A campaign on social media in the press and on television, both here and in Spain, Mr Speaker. I do not understand for the life of me how the Chief Minister can in the future stand up

2040 in this House; indeed, I do not understand how he stood up in this House today in the context of the last motion that we have debated and with a straight face accuse anyone in the Opposition of doing Gibraltar down with our legitimate criticisms of the public debt or their handling of the fishing dispute, when they were responsible for turning Mrs Joanna Hernandez, one of their political activists, and her unfounded allegations into a *cause célèbre* both here and in Spain. Mr Speaker, I am going to demonstrate today just how orchestrated that campaign was.

2045

On 26th April 2006, the Industrial Tribunal gave directions, Mr Speaker, for steps that needed to be taken in Mrs Hernandez's claim against the Social Services Agency. One of those directions was that witness statements be exchanged by 16th June 2006. At that Directions Hearing, Mrs Hernandez was represented by the hon. Gentleman opposite the Chief Minister, Mr Picardo, who continued to act for Mrs Hernandez at the time that witness statements, which formed the basis of the allegations, were being

2050 obtained, witness statements that were prepared, of all places, at GSLP headquarters. Not at Hassans, but at GSLP headquarters. I am not inventing that, Mr Speaker. It is admitted in a press release issued by the GSLP on 26th November 2009. It is in their press release. Those witness statements were then systematically leaked by someone – I do not know who and of course it must be a limited number of people, but it was leaked by someone – to the *VOX* newspaper and printed verbatim by that newspaper on a

2055 weekly basis, a newspaper openly supportive of the Parties opposite.

Mr Speaker, I have never come across, in my 22 years of being a lawyer and in the 15 years that I have been involved in politics, with a situation where all the witness statements produced in a particular case were leaked and printed systematically by a newspaper as part of an intensely orchestrated political campaign.

2060

Mr Speaker, it gives me no pleasure to read some of the headlines and parts of the articles printed by *VOX*, but I think it is important, Mr Speaker, that those listening to this debate appreciate the intensity of the campaign and the vileness of the allegations made against the carers of the Dr Giraldi Home to then appreciate the huge entirely manufactured cloud that these poor carers had to endure and the extent to which they were exonerated by the Report from the Rt. Hon. Sir Jonathan Parker.

2065

The first salvo came on 16th May 2008, issue 2775 of the *VOX*, under the front page headline, and I quote:

2070

'Crime is crime whatever Rhoda may say'

2075 The *VOX* then carried a story saying that, and I quote:

2080 'Written allegations by Agency staff, which were handed to Mrs Joanna Hernandez soon after she took up her post in the Dr Giraldi Home along with other allegations, which would have formed part of the Industrial Tribunal evidence which the Government attempted to suppress, paint a damaging picture of abuses in the Agency. Crime, however serious or trivial it may be, should not be merely brushed under the carpet because it would be politically embarrassing for action to be taken.'

2085 The article, Mr Speaker, was clearly intended to convey the imputation of criminal conduct in the allegations made against the carers at the Dr Giraldi Home, which were not, according to Ms Hernandez and indeed an Opposition press release contemporaneously issued at the same time, were not being investigated by the Police or Her Majesty's Attorney General because they were being suppressed by the Government of the day. Indeed, in that article, Mr Speaker, the evidence in support came from those leaked witness statements in the Joanna Hernandez tribunal case.

2090 On 21st August 2008, issue 2787, under the front page headline 'Agency covered up evidence of cruelty to child in care', the *VOX* carried an article, again from one of the witness statements, and stated:

'Protracted abuse of a child in care of the Social Services Agency over a five-year period was never investigated by the Agency, though a doctor found bite marks on his arms. He had suffered unexplained fractured leg and then been punished by having his head held inside a refrigerator.'

2095 I will come back to the allegation when we look at the conclusions of the report.

At page 12, under the headline 'Significant abuse allegations were ignored', the article then sets out the statement by the *GSLP* Liberal Opposition at the time, which referred to various allegations of abuse as:

2100 '... having his head pushed into a fridge, given cold showers whilst the child was screaming as a result of his condition. This is not in fact an isolated incident, but a reflection of the culture that persisted in the way the Agency has handled its responsibilities of those it is supposed to be protecting and caring for.'

2105 Not an allegation by Joanna Hernandez, an allegation by the hon. Members opposite when they were in Opposition.

On 4th September 2008 the *VOX* carried the front-page headline in capitals:

'DR GIRALDI HOME SEX ROMPS EXPOSED. CARERS URGED MOCK SEX ACTS FOR THEIR OWN AMUSEMENT AFFIDAVIT ALLEGES.'

2110 The article then goes on to say that:

'Workers at the Dr Giraldi Home encouraged those in their care to indulge in mock sexual activities for their own amusement.'

– again, Mr Speaker quoting from witness statements that had been leaked to that newspaper from the Joanna Hernandez case.

On 5th January 2009, the *VOX* carried the front page headline:

2115 'Locked in the Dr Giraldi Home. Boy forced'

– and I am using a more polite term for the word used by the *VOX* –

2120 'to [defecate] on floor. See page 20.'

At page 20, under the headline in capitals:

'GIRALDI HOME BOY WAS BULLIED BY SADISTIC CARERS BUT NO ACTION WAS TAKEN BY FELLOW CARERS'

2125 The article then says:

2130 'Details of an alleged regime of sadistic bullying of a young boy by two of the carers at the Dr Giraldi Home more than a decade ago are contained in documents which the Caruana Government has attempted to keep secret, which the Social Services Agency has declined to investigate and which the Attorney General has refused to act on.'

Again, Mr Speaker, the article preys in aid of witness statements that it said had been filed in the Joanna Hernandez case.

On 11th February 2009 the front page of the *VOX* carried in capitals the headline:

2135 'THE GIRL WITH BURNT BUTTOCKS. See page 3.'

Then under page 3 it says, the headline:

2140 ‘The girl with the blistered buttocks. Giraldi Home carers sadistic and sexual pastimes disclosed in a dossier of shame.’

Then it says... an article referred to claims in respect of:

2145 ‘A young girl who was in the care of Social Services Agency was brutally abused by the staff at the Dr Giraldi Home are contained in a dossier prepared by whistle-blower Joanna Hernandez, which she intends to release to the media in Britain and Spain.’

The article then describes how a girl was tortured, according to them, by making her sit on a bidet with very hot water until she sustained severe burns on her buttocks.

And then it continues:

2150 ‘The dossier also contains a string of allegations of drug misuse, of overdoses being given and of drugs going missing.’

2155 Yet another headline, Mr Speaker, in the *VOX* newspaper, again from witness statements filed in the Joanna Hernandez tribunal case referred to allegations of sexual misconduct on a trip to Lourdes. The picture, Mr Speaker, was of systematic abuse of the worst possible kind, coupled with a cover-up by the then Gibraltar Government, the RGP and the Attorney General. It is a picture that they gave then too when they were in Opposition, Mr Speaker, and indeed, used it to their own political benefit unashamedly so for many years at that time.

2160 For example, Mr Speaker, on 29th October 2008, GSLP press statement 124/2008, the parties opposite said:

‘The reason why the Opposition continues to make public the shortcomings at the Dr Giraldi Home is because both the Social Services Agency and the Government have been involved in a cover-up exercise since the allegations came to light.’

2165 And accepting the veracity – it is not a question of the Joanna Hernandez making these allegations and the Opposition being at arm’s length from Joanna Hernandez, no, Mr Speaker – and accepting the veracity of the allegations made by Mrs Joanna Hernandez, it appears without question they then said:

2170 ‘Gibraltar owes a great debt of gratitude to the former manager of the home, Joanna Hernandez, for having had the courage to come forward and make public what was happening at the home behind closed doors.’

Unequivocal, unconditional – a statement, Mr Speaker.

And then to conclude the press statement also said this:

2175 ‘Nobody has yet taken political responsibility for what happened in the past when in other countries heads would have rolled for far less.’

2180 Well, Mr Speaker, what heads are going to roll now that we find that there was no basis for the allegations of either serious abuse or of any conspiracy or cover-up by the Authorities of the then GSD Government, Mr Speaker? In any other jurisdictions heads would have certainly rolled for far less.

2185 Talking about rolling of heads, what heads are going to roll, Mr Speaker, now that Members of the benches opposite have been found, Mr Speaker, to have spread unfounded allegations in the Spanish TV channel Antena 3, where as a consequence of those unfounded allegations the Dr Giraldi Home was described as the ‘house of horrors’. What heads are going to roll for the participation of Members of the benches opposite in that programme?

2190 Mr Speaker, Gibraltarian politicians participating in a programme in Spain denigrating our institutions – it cannot be described as anything else, Mr Speaker. It is simply not credible to suggest that they did not know that the Spanish TV channel would not be casting the worst possible light on Gibraltar and its institutions. If anyone on this side of the House, Mr Speaker, had done anything remotely resembling that, our reputations would have been burnt to an absolute cinder by the GSLP machinery – that is the reality.

2195 I hope – but I will not hold my breath having heard what he said earlier in reply to what I said on his motion – that never again do Members opposite preach about doing Gibraltar down with our own legitimate, internal criticism, because it is not criticism of Spain, they are here in Gibraltar, about the public debt and about anything else which are important issues of the day for this community. If we make the criticism, Mr Speaker, we make them here in Gibraltar. We do not go to Spanish TV channels doing our institutions down and doing our community down. That is something that they, to their eternal shame, did in relation to the Dr Giraldi Home. Not only, Mr Speaker, have heads not rolled, but we have not even had an apology from Members opposite for that shameful intervention in that programme, not even an apology, Mr Speaker, a sorry, an admission that they were wrong in doing so.

2200 Look, Mr Speaker, when the hon. Gentleman rightly said he had not made the North Korea comparison in the United Nations, I said, yes, I accept I made a mistake. He made it in the BBC programme and in Sky

News. Mr Speaker, it pales into insignificance if we are going to talk about comments doing Gibraltar down or comments misleading anybody, it pales into insignificance with the participation of Members of this House on a Spanish TV programme doing the institutions of this community, doing the carers of this community down, Mr Speaker, because that is what *they* did, and not a squeak of an apology, Mr Speaker, to this House for their participation in that programme.

Indeed, Mr Speaker, at a time when the Government is taking legal action against the *ABC* newspaper – rightly we have said – for the defamation of Gibraltar, it is incumbent on the Hon. the Chief Minister, the leader of this House to correct one of the biggest defamations ever to have been perpetrated against Gibraltar, its workers and its institutions, which was a defamation that was aided and abetted by the hon. Gentlemen opposite, Mr Speaker. At the very least he ought to do what I suggest in my motion, which is to write to the producers of the programme and inform them about the results of the investigation, correcting the record that they so cynically and incorrectly created in that programme those years ago.

Mr Speaker, I have set out how the allegations contained in the witness statements were leaked to, and published by, the *VOX* newspaper. This is what Sir Jonathan Parker had to say about those allegations, and I quote directly from the Report, Mr Speaker. I think it is important that this House has the recitation of exactly what Sir Jonathan Parker has found in his conclusions in the Report. A quote regarding the allegation, the alleged incident of sexual misconduct on the trip to Lourdes, and you may recall the headline in the *VOX*:

‘I am more than satisfied that no such incident in fact took place. As to the allegation that X and another carer “put Z’s head in a freezer and he shouted like an animal”, I find that no such incident occurred.’

As with the alleged “head in the freezer” incident, the evidence of X and Y in relation to resident Z being given cold showers insofar as it suggests that this was a form of punishment meted out to resident Z, is also based on an unfounded rumour.

As to Mrs Joanna Hernandez’ allegation that staff at the Home did not give priority to caring for residents, and the associated implication that service users were treated as “silly little children or adult imbeciles”, is a travesty of the truth and an insult to the efforts of dedicated members of staff.’

– an insult to the efforts of dedicated members of staff –

‘Her allegation that the Home was in “virtual chaos”, and that the entire culture at the Home was one of “institutionalised, historic malpractice”, are also rejected. Experienced carers, such as Sharon Berini and Sean Matto would not have allowed themselves to be associated with such a situation. Nor would they have allowed any sexual, physical, verbal or emotional abuse of service users to take place in the Home.

As to Joanna Hernandez’ allegation that Yvette del Agua pressurised Isabella Tosso and/or Marie Gomez into threatening her with losing her job and career, in oral evidence Yvette Del Agua described that allegation as “an outright lie”.

I accept Yvette Del Agua’s evidence and find the allegation to be wholly without foundation.

I accept Yvette Del Agua’s evidence that she took her ministerial responsibilities in relation to the Home extremely seriously and did all she could to discharge those responsibilities promptly and effectively.

I accept, without qualification, the evidence of Yvette del Agua, Jaime Netto and Sir Peter.

I find that there was no conspiracy by anyone in Government, or indeed anyone else, to prevent the allegations in the witness statements filed on behalf of Joanna Hernandez from being put into the public domain and/or becoming the subject of judicial investigation, whether by delaying or obstructing the hearing of the claim, or by stifling the claim by prolonging the proceedings unnecessarily, or by any other means.’

– and, Mr Speaker, I am still quoting from the conclusions.

Quote again:

‘Many of the allegations in the witness statements filed on behalf of Joanna Hernandez in the Industrial Tribunal in 2006 were untrue, grossly exaggerated or unsubstantiated by credible evidence.

In any event, allegations of serious misconduct or abuse were investigated by the management, the Social Services Agency and the relevant authorities (including the Royal Gibraltar Police) as the case may be. There was no conspiracy to prevent such allegations being investigated or being put into the public domain. The decisions taken by the relevant authorities (including the Royal Gibraltar Police) in relation to such allegations were justified.

To the extent that such allegations were established on the evidence, the incidents in question were largely historic and infrequent, and had been dealt with at the time by management at the Home, and the SSA.

I find that there is no factual basis for Joe Bossano’s suspicion that the Government’s motive in taking and pursuing the preliminary point was to prevent the allegations contained in the witness statements filed by Joanna Hernandez coming into the public domain...’

– Mr Speaker –

2270 'As to whether improper pressure was applied to the Transport and General Workers' Union in reaching its decision not to fund Joanna Hernandez' claim, no evidence has been presented to the Inquiry to support Joe Bossano's suspicion. I accordingly reject the suggestion that improper pressure was exerted on the TGWU in connection with its decision not to fund the Joanna Hernandez' claim in the Industrial Tribunal.

Accordingly, I find Joe Bossano's suspicion in relation to the conduct of the Industrial Tribunal proceedings /by the Government, Social Services Agency/ to be unfounded in every respect.'

2275 Pausing there, Mr Speaker, how on earth do the hon. Gentlemen opposite justify the call for heads to roll because of allegations made by Joanna Hernandez in 2009, and for no heads to roll now that everything that the hon. the Father of the House said was absolutely proved to be false to be wrong... to be false?

2280 Really, there is not a western democratic country in the world where something like this would have happened, where there would have been participation in a foreign TV programme, where there would have been a campaign of the intensity of this campaign. For those people to get it so badly wrong, to go to a Tribunal of Inquiry, to say there was a huge cover-up, and then for that Tribunal of Inquiry to find that there was no cover-up at all and that his evidence was not accepted in any respect, and still he remains a Government Minister, Mr Speaker, because this is the time for heads to roll – not in 2009, but now, Mr Speaker.

2285 'Accordingly I find Joe Bossano's'

– again I quote –

2290 'suspicions in relation to the conduct of Industrial Tribunal proceedings and the Government Social Services Agency to be unfounded in every respect.

2295 I also accept the evidence of Superintendent Acris that the RGP was never instructed by anyone not to investigate cases of abuse, or indeed any other type of case.

Lastly, I consider the decision of the Attorney General not to institute criminal proceedings against the three carers to have been fully justified – if not inevitable, given the quality of the available evidence.'

2300 There can be absolutely no doubt at all, Mr Speaker, that Sir Jonathan's findings are a complete vindication of the staff of the Dr Giraldi Home, which were vilified in those years of intense political campaign aided and abetted, Mr Speaker, both here in Gibraltar and in Spain by Members opposite; and indeed, I have to say, proudly, Mr Speaker, of my Government, the GSD Government at the time. (*Banging on desks*)

2305 Mr Speaker, I want to place on record my admiration for the dignified way in which my colleagues at the time, Yvette Del Agua in particular, but also including Jaime Netto, acted in the face of dreadful allegations of cover-ups of abuse, aided again and abetted by Members opposite.

2310 As parents of children, Mr Speaker, if nothing else – and indeed people who take their jobs very seriously as I know that my friend, Mr Netto and Yvette del Agua have always done – it could not have been easy for them to have served in a Government with that type of intense political campaign week in, week out, by the *VOX* newspaper by one of their activists, Mrs Joanna Hernandez, and by the parties opposite.

2315 There is nothing, Mr Speaker, in this motion that is untrue or unsupported by the conclusions of Sir Jonathan Parker and Mr Speaker, for all those reasons, I commend the motion to the House. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. D A Feetham. The Hon. Mr Bossano.

2320 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** For the avoidance of doubt I am not about to either apologise or resign (*Laughter*) for the benefit of the Leader of the Opposition.

2325 Mr Speaker, what is taking place today here is indeed what the hon. Member is accusing us of having done. The Report, let me point out, states that no recommendations are required as to what should happen next from the Inquiry and that it is for the Government to take any action that it deems appropriate. In effect, there are two options open: one is to consider the issue of the allegations dealt with and leave matters there; or what the motion before the House in effect is asking, which is that that should not be so.

2330 What it is trying to do is to say that the Inquiry has concluded, that everything was almost perfect, that no-one did anything ever that should not have been done and that the previous GSD Government acted correctly at the time and were always right. And if the motion was not intended to do that, the speech in support of the motion has. I, for one, reject outright that this is the truth, but I agree with the view that

perhaps things should not be left as they stand because I do not accept that following the evidence that has been uncovered in Government documents, on discovery of those documents by the Inquiry, such evidence inevitably gives rise to only one possible interpretation, namely the self-serving interpretation of the text brought to the House by the Member opposite. (A Member: Hear, hear)

2335 To use their terminology, the Opposition is now trying to milk this issue to gain political benefit from it. This has nothing to do with the carers, and even less does it have anything to do with the victims of the alleged abuse. The papers that have been produced for the Inquiry reveal that contrary to the public statements from the Government of how well everything was in the Home, when asked in parliament privately the reality was very different.

2340 If we start, Mr Speaker, by looking at what the hon. Member is so concerned about with *Espejo Publico*. He has today repeated what he has said before when I have told him it is not true. Nobody went to any programme in Spain. A Spanish journalist came to my office and asked me what did I think of the allegations that had been made, and this is what I answered – three lines – and this is what came out in the programme, “*Yo le pregunto en parlamento, ‘Bueno, si todo es un montaje,’ as he claims, ‘Y todo es mentira, entonces por que no se permitio que se escuchara el caso el primer dia en el 2006? No lo han hecho y no lo aclaran.*” And that is still the accusation against the hon. Members. If it was all false, if they had no problem with the witness statements, then why did they go to all the lengths that they did to prevent the hearing from taking place? Whatever the Chairman of the Inquiry may think or not think, that situation was created by them by not doing the correct thing, were not just us, but many other people were saying have an independent, open investigation and clear the issues. They refused to do it – (Interjection)

2350 And if he is worried about. *Espejo Publico* let me tell him that one of the carers – I do not know who it was – calling himself Mikey, wrote extensively on the area of that programme on the internet and called everybody else everything under the sun. Presumably he is exempt from any question of putting things in the Spanish media, although I am no longer permitted by the criteria of the Opposition to give an interview to a visiting Spanish journalist and tell him, not that there are allegations, not that there is evidence, but I keep on asking, ‘If you say that it is not true and if you say it is all a made-up job then why don’t you put your money where your mouth is and allow an open-ended Inquiry without having to wait for the tribunal to take place?’ Indeed, everything that they did was in the opposite direction.

2360 The Social Services Act requires the immediate investigation of allegations without delay. There is no evidence that the Board of the Social Services has ever had a report, a record of anything having been investigated ever. There was nothing there when we got in. The ministerial response to the issues that I have brought in the House in the past have been for the Member opposite, so highly praised by the Leader of the Opposition, to tell me that he had never heard of the issues that I was raising. Indeed, I remind the hon. Member of Question 857/2008. It was not about the Giraldi Home, but it is relevant to show the degree of involvement and knowledge of Ministers.

2365 When I pointed out to the hon. Member that there was an 11-year old child in the KGV, the reaction of the hon. Member was... it was after lunch, and I said to him, ‘So is it then that the concern that had been expressed while the child was in KGV to approaches being made to him by people who were really mentally ill’, which the child was not, ‘when he was having his eleventh birthday? Is that something that he does not know anything about?’ And what did the hon. Member say – this very concerned Minister who is on the top of the job? ‘I do not know what on earth the Leader of the Opposition is talking about, but look, it is not for me as Minister for Social Services to go every single day to see how the management of the KGV deal with it. I think it is absurd what the Leader of the Opposition has said.’

2375 Yvette del Agua then stepped in and said, ‘Can I just add something to that?’ I think she was asking my permission and so I said yes. ‘What the hon. Member is insinuating,’ she says, ‘is to my mind quite serious. He is only insinuating it, but it could lead to whoever is listening to believe that terrible things have happened to this child on his eleventh birthday while he was in the care of KGV. I suggest that the person who passed the information onto him write to the Chief Executive.’ And I told her, ‘Well, look, it is not my job to go telling people to write, and in any case when they do you bin the stuff that they send you’, which she said was not correct.

2380 I pointed out that every time somebody made an allegation, a complaint or an accusation, the result was that they were a disgruntled employee, a disaffected person, somebody that had lost their jobs or somebody that had a grudge. Everybody was wrong. But there was never anything that was going wrong in the wonderful service that put a 10-year-old child in a mental home with adults when there was written advice that the place was not suitable. When I said that, the hon. Member opposite, who is so caring – I am not sure whether he was already a philosopher by then, he might not have been... (Laughter) – he said, ‘I do not know what on earth the Leader of the Opposition must have had at lunchtime, but he seems to have gone absolutely bonkers in terms of the allegation’. Bonkers.

2390 All I will say is what on earth has happened to the Leader of the Opposition when he went for lunch today? Well, Mr Speaker, I told him that he could call me bonkers as many times as he wanted. He said that I was making all sorts of wild allegations, totally groundless, baseless, and he did not know for what

particular reason. This is the kind of language we have heard from the Leader of the Opposition today. It did not require Parker to spark it, it was already there in 2008.

2395 I told him that he knew or should know what was going on, which he denied. Well, Mr Speaker, let me just refer to the exchanges that went on between Chris Wilson and McCutcheon about the child in the KG5, exchanges which Chris Wilson was saying he was briefing –

2400 **Mr Speaker:** May I ask the Hon. Minister to link up somehow the question of the KGV with the Dr Giraldi Home. I am sure he must be (*Interjection*) developing an argument... I hope he is developing an argument which will indicate the relevance of that to the Dr Giraldi Home.

Hon. J J Bossano: The report in the Spanish media to which the hon. Member refers in the motion talks about this particular case.

2405 Mr Speaker, the exchanges that took place, which were copied to the Minister, Yvette del Agua, and which were also brought to the attention of the Member opposite when he was telling me I was bonkers, told him exactly what I was making him aware of, that this child should not have been there, that this child had been put in a situation where he was at risk, that this child had been molested – and this was not allegations made by disgruntled employees. These were allegations made by the professionals in their employment. And when I brought it to the Member's attention, what did he do about it? Instead of saying, 2410 'Well, look if that is the information that you have got', which he had as well but seems to have forgotten about, 'then I will look into it'. No, what he did was... you know, if you do not like what you hear, you shoot the messenger; but, of course, what I had then and what I have now before me is what he knows is the truth.

August 2007:

2415 'There needs to be an immediate Government response to the situation. I appreciate your commitment to this matter with your Minister, but I fear a protracted period before appropriate decisions are taken.'

2420 I told him that the professionals in the Health Service had a problem that this child was sectioned when he was not mentally ill, that the assessment that had been made with him was one that he had a conduct disorder, which the psychologist said in lay member's terms meant that the child was naughty, and because he was naughty they stuck him in KGV for a month and the Agency was resisting him being released. The child was sending people messages saying, 'Help! Get me out of here!' and that, which was happening then, was the fault of the Agency, or the fault of the Hospital, or the fault of somebody, but nobody was prepared to take and assume political responsibility. 'Anywhere else in the world', the hon. Member says 2425 about people having to resign. Anywhere else in the world if you put an 11-year-old child and they find him naked with a mentally ill patient in the shower they are asked to resign.

In the United Kingdom, Mr Speaker, they are going back 40 years and 50 years and re-opening cases; but here, no. If you complain about something, if you say, 'I believe that this should be investigated', which 2430 is what happened, what happened was that some people were making allegations and other people were saying that the allegations should be investigated and be seen to be investigated and it should be open, transparent and independent. The issues that were there were allowed to grow and fester because the position of the Government was a position which can only be described as the Ministers responsible portraying the proverbial wisdom of the three apes that see no evil, hear no evil and speak no evil. But there 2435 was no wisdom in their case.

And that is not the only issue on which we see reflected the reality being one thing and what has been portrayed here today and throughout this period of time by the Government of saying, 'Sweep it under the carpet. There is nothing wrong. You are just making this for political advantage'. What political advantage 2440 can there be in wanting to get to the truth? What political advantage is there if instead of accusing you, Mr Speaker, I ask that the accusation should be investigated and demonstrated to be true or not? And it would have been possible to do it very simply, very cheaply and immediately had the tribunal been allowed to proceed, because then the persons making statements would have been in the tribunal subject to cross-examination and the truth, or otherwise, would have been cleared up.

2445 The people denying the allegations would have been subjected to cross-examination and then we would have known what was true, but that opportunity did not happen. It did not happen because the Government did not want it to happen and therefore the reality of it is that we have today a situation where the Members opposite feel that they can cry 'Victory!' because (a) of the time that has passed when nothing was investigated; and (b) because at the end of the day what we have is a Report that does not say what the hon. Member claims it says. The hon. Member has chosen to selectively present that Report in the way that suits 2450 his own political ends.

In dealing with the issues the tribunal has looked at a number of cases and when we look at those cases, the Inquiry may feel that the evidence that is available to them is not sufficient to persuade the Chairman

2455 who decides whose evidence he believes and who he does not believe. But what we have is a situation where this was not Joanna Hernandez being on a campaign and making allegations left, right and centre on her own. Or is it that the hon. Member opposite has forgotten that there was a letter before the period, which stated:

‘I was the former team leader in the Dr Giraldi Home until I resigned from the post in 2004.’

2460 This letter – I suppose it must be a disgruntled employee, because that is the definition of everybody that claims there is something wrong – was by Duncan Jones, BA Hons, MSC, Diploma in Law and Certificate in Management. This is not somebody who does not know what he is talking about. He was there in the Home and he says:

2465 ‘The Government is lying when they say that things were being investigated, because I left in disgust because I did not enter a care profession to set aside the rights and wellbeing of service users and others working in the care sector. My position was untenable and I resigned because full and proper investigation of serious allegations were prevented, thus placing both the staff and the service user at potential risk, that were being disregarded.’

2470 Was this drafted in the GSLP headquarters in 2004? There was no issue in 2004. This was the position that was inherited when there was a change that took place; and when that change took place, is it not the case that there was a letter from the Minister to the Chief Minister saying that after the resignation of some people the management in the Home was completely out of control and she was having to micro-manage all the time and run it in 2004 and 2005? And after Douglas Rodriguez, and she was saying, ‘We need to put somebody here’ and it was following that in 2005 there was an appointment of Joanna Hernandez that applied from within the Civil Service where she was working in the Education Department.

2475 So the position in 2004, according to the manager that was in 2004, was not what is being claimed today in this House, and the position by Yvette Del Agua in 2005 was that the position she had there was one that was out of control and she had to micro-manage, and the letter to do that is in the evidence before the tribunal. That is how we found out, because we do not have access to the letters that were going on before. So the tribunal evidence is not just producing things that suit them, it is also producing things that we would never have known *but* for the Inquiry. And now that we know them, we have to take stock of them, given that we have decided that this is not going to be something that is going to end with a tribunal because that is not what the hon. Members opposite are seeking. They are not asking us to say, ‘Well, look, let’s put this matter to bed.’ So they do not want to put it to bed. Well, look, I am game to carry on with this one – (Interjection). yes – and we will see where it ends.

2480 And of course the hon. Member knows that that was not the only individual working in the Home that expressed concerns because there was a Mr Harris who produced a witness statement for the tribunal – a witness statement which of course was not fabricated by anybody because it is in his own handwriting – and the witness statements of the other people willing to say things under oath. Because what the hon. Member is saying is that a number of people for no apparent reason wanted to go into a tribunal and commit perjury – that is what they wanted. Here we have got a situation where all these people, for no gain and no benefit, express concerns when there is nothing in it for them. Well, I do not know how you judge the credibility of one person or another, but I would say that the balance of probability would be a good yardstick. I would say that if someone has nothing to gain by saying that something is black and somebody has got a lot to lose, then you would expect the guy that has got a lot to lose to say that it is not black, that it is white.

2490 The people who put the statements put the statements in good faith. The concept of protecting people who whistleblow... in case the hon. Member is not familiar with the legislation that has been there in the UK since 1998 – is that whistleblowers are entitled to be protected even if they are mistaken, as long as they are doing it because they believe it to be true and it is reasonable to see from the circumstances that that belief is tenable. You do not punish a whistleblower because it happens to be the case that he thought there was something going wrong and asked for it to be investigated and then it turns out that it was not going wrong. That he was mistaken in a genuine belief. What a whistleblower has got no protection for is when it can be demonstrated that it is a deliberate misrepresentation because the person doing the whistleblowing has something to gain.

2500 The people who made the witness statements – all of which the hon. Member is saying are fabrications – were people who stood to gain *nothing* at all. Of course, the Harris letter actually makes an allegation, which refers to one of the cases before the tribunal and mentions that that person he witnessed – he does not say this is not third party. This is not hearsay. This man is saying, ‘I witnessed this particular child being treated in a way which was completely unacceptable.’ This is before the Agency. This is in the time of Milbury. This was in 1997 and so why should somebody come out and say this years after he has left if he was not telling the truth? What was in it for him? Why should he want to do this?

2515 Well, of course, the hon. Member is familiar with this case because that is the case which helped him
and his brother close down the *VOX*, which they must have been wanting to do for a very long time given
everything that he has read about the *VOX*. They must have been gunning for it and this gave them an
opportunity. Of course, the *VOX* has supported every political party in Gibraltar, let us be clear. It has
supported the Gibraltar Labour Party. He used to write anonymous articles in it when he was in my
Executive – (*Interjection*) Well, let us put it this way, the circumstantial evidence is (*Interjections*) that
2520 there were articles that reflected debates in the Executive that appeared in the *VOX* under an anonymous
name. They appeared when *he* joined the Executive and stopped appearing when he left. Now, I am not
saying he was the one who did it. (*Laughter*) All I am saying is that the two periods coincided – just in case
I get accused of making false accusations. (*Interjections*)

2525 So at that time the *VOX* was not such a bad vehicle and of course for very many years – and I am sure
the backbencher must remember that before he fell out with the late Mr Campello – I was the target of
VOX's campaign for many, many years. (**Chief Minister:** Yes. Shame!) That is when they were getting
adverts (*Interjections*) The reason, of course, why the hon. Member took action against the *VOX* was
because of what Harris claimed and the *VOX* apparently published.

2530 **Hon. D A Feetham:** I did not take any action.

Hon. J J Bossano: No? Well, you were the Minister for Justice. (*Interjections*) Yes, of course, you were
the Minister for Justice and I think there might have been a possibility that the hon. Member's brother, who
dealt with the case, talked about it with his brother but not with the Minister for Justice. Okay. (*Interjection*)
2535 The statement says:

'I told MF that he should not treat Reuben like that...'

Because the *VOX* said MF is related to a Minister in the Government, the position was taken that it
could only have been one person and that is what eventually the hon. Member opposite got, took...or rather
the person that was named as MF, who might as well also have been Mikey in the '*Espejo*' possibly – took
action on the basis of this and Mr Harris was nearly polished off as a consequence of the papers that were
2540 served on him and he finished up in hospital. The *VOX* collapsed and the legal action that they threatened to
take was sufficient to put them out of action and one of our institutions, which has been on many occasions
in its long history either friend or foe of almost everybody that has been in this Parliament, ceased to exist.
That is also part of the history of what has been going on. So you see that the animosity towards the *VOX* is
not driven by being on this pillar of height of purity and altruism, there are other factors involved. There are
2545 other interests and other connections.

There is another case which happened, Mr Speaker, in 2005 where the families of one inmate of the
Home, a resident of the Home complained, but not to Joanna Hernandez because she was not there yet.
They complained to another one of the people there who put the complaint in writing and this complaint
was the case of this child being made to stand up, holding books in his hands and being forced to have cold
2550 showers, and that complaint was not a fabricated complaint in the GSLP for the papers – no, none of that.
This complaint was put to the management of the Agency. It is on record and we have only found that out
because there has been discovery in the Inquiry. So now we have got the papers that show that contrary to
the picture that has been painted today there were things going on *before* anybody arrived there, and when
the person who was recruited arrived there, the first case that came up was a case in December 2004 which
2555 is the case that the Police said they investigated in January 2005.

And when, in the course of the Inquiry when Commissioner Wink is asked about the investigation on
one of the occasions he accepts that when he said publicly that the allegations had been fully investigated in
2005, what he was referring to was the allegation investigated in January 2005 of what had happened in
2004. But this was before the position arose in June 2005 when there were a number of allegations given to
2560 the manager, and what the manager did, which was so wrong, was that the Manager took it to the CEO and
said, 'Look, I have got these allegations and my advice to you is that you should suspend the people and
have it investigated.' That was not accusing anybody of being guilty of anything.

The Inquiry has been told, falsely, that she asked for them to be resigned. There is no evidence that she
asked for anybody to be sacked. The Inquiry was told something that was not true – that she said they
2565 should be sacked, which was not true – and the evidence is in writing that that is not what was asked for.
What was asked for, and the position taken by Isabella Tosso on receiving that, was that the procedure that
had been followed to obtain those statements was one that was incorrect and not in accordance with the
rules of the Agency and that therefore she was not prepared to investigate it. She says in the letter that she
sent that for this reason she was addressing the process and not the content.

2570 Well, maybe that is how they did things in the Agency, I do not know. I would have thought if
somebody says, 'There is an allegation by a carer that another carer has treated a person in our Home

badly’, and the manager says, ‘Ah yes, but I am not prepared to investigate this because the statement that you have brought me was not brought according to the procedure laid down and the person that you are complaining of was not told that there was going to be a complaint being made’.

2575 I do not know whether these procedures are the best way to go about it, but I would have thought that if somebody were to bring *me* a statement in which somebody is putting their name down and saying that somebody has done something at work that they should not be doing – in effect, whistleblowing – I would have said, ‘Well, look, you should not have allowed this to be done in this way, because that is not the correct procedure, but whether the procedure is right or wrong, now that the statement has been made we have to deal with it.’ That would seem to me a more rational way in which to... You do not say, ‘Well, look, somebody has been murdered in the room next door, but I did not do the right procedure when I opened the door as I did not knock’. So I have gone in and found the body and they say, ‘The body is there, but the procedure has not been followed and so we will leave the body there’. No, you deal with the situation that you find, even if the procedure is not the ideal procedure or the wrong procedure.

2585 Unless, of course, what you are saying, as has been said here and has been said previously, is that people were actually *threatened* to make statements. Well, look, this is in my judgement a nonsense. This is a complete nonsense. How can there be any credibility in the idea that you threaten somebody to make a statement and that what that statement is going to do is be put in the hands of the management, who are going to call in the threatened person and question them? What is to stop that threatened person saying, 2590 ‘No, what I have said is not true and somebody has forced me to do it’? What power can somebody have, the people that can threaten are right up at the very top – not somebody that is in middle management earning £20,000 a year. If it was a person at the top then you would be scared.

Look, I do not know whether the Ministers were fully aware of this or not, but I was told that this collection of statements was in fact copied to the Minister and was copied to the then Chief Minister, 2595 because when they were taken to the Union by the person who collected them, the Union advised that copies should be sent to the relevant Ministers so that they would know that this was happening. I do not know and I have not seen anything that shows that they were or they were not. I do not know whether that has been admitted or denied, but I would have thought that when the hon. Member talks about heads rolling and people standing, that the normal thing for a Minister to do is that if somebody tells you in your 2600 Department that something is going wrong, you check just in case it is true. I know that perhaps it is too much to ask because if a Member of the Opposition tells you across the floor of the Parliament that things are going wrong, you tell him that he must have got indigestion with what he had for lunch and that he is bonkers. If that is what they tell the Opposition then I do not know what they tell their employees.

So, of course, if the people who are politically answerable do not want to hear this or do not want other 2605 people to hear it, then there is some rationale in what otherwise appears to be an unexplainable resistance to looking into these things. It was only a long time after, in the many sessions we had in this House, when having first said – when the hon. Member opposite was Minister – having first said that it was not investigated because the procedure was wrong, having first said that and maintained that for a number of meetings they then changed. They said, ‘Notwithstanding that the procedure was wrong, it *was* 2610 investigated’. But was it investigated? What was investigated?

The statements in the Inquiry do not talk about anything being investigated. They talk about a team of social workers being sent to different flats to see what could be done to improve the management. They did not say that somebody came along and looked at each statement and checked whether there was any 2615 evidence to substantiate those allegations – that was not done and that is what an investigation means. That was not done because the evidence before the Inquiry produced by the people that were in the Department at the time, Isabella Tosso, told social workers, ‘Go to those flats and see what can be done to improve the way they are managing things in there’, which is fine. But, of course, there was not even a need to do that because if that was saying, ‘Go in there and see what needs to be proved as a result of the allegations’, then that is giving credence to the allegation. If the allegation was a complete fabrication, you do not need to 2620 send anybody in there to put things right.

So either there was no investigation because they looked at the allegations and they said, ‘Yes, this seems to me to be true. Something is wrong and I want to send the social workers there to put it right and forget doing anything else’ or in fact the exercise of going into those flats had nothing at all to do with the allegations that were made and the statements that were produced. It was something that was being done for 2625 management reasons, independent of those, and therefore when Parliament was told by the Member opposite that the investigation had taken place subsequently by the social workers, he was *misleading* the Parliament because it was not an investigation that took place, because an investigation means getting a piece of paper, looking at the allegations, calling people in and trying to get to the truth. Nobody was called in – neither the people who made the allegations nor the people against whom they were made.

2630 The June statements were provided to Isabella Tosso, as I have said, but of course Isabella Tosso herself, in the context of another case, has made very clear that she did not support a decision that was taken not to proceed with the disciplinary hearing. How is it that when it suits the Government the decision

is taken at that level and when it does not suit the Government the management is then told what they need to do? Well, look, if the Government felt that they could go and tell Isabella Tosso what was best by telling her when not to proceed with disciplining people, then clearly they had the power to do something about it when initially this situation arose and deal with it. If in fact it is so simple and so straightforward that everything that was being said was being made up by the people who were working there... which I do not believe for the very simple reason, Mr Speaker, that they made the same accusation and the same claim about the subsequent statements made, which I know not to be true, because I happened to be the person that was involved in those witness statements and not, as the Leader of the Opposition has said, my friend and colleague, Fabian Picardo.

The statements in the GSLP, which he thinks is terrible in the office of a political party, that there were witness statements being taken... if it is a lawyer's office, it is alright, of course. How can we dare to go, us mere mortals who are no lawyers that we can actually take statements from people. Of course, the only difference is we do not pay. We do not get paid for the statements. We do these things free of charge and so there must be something wrong with us. But we can go to a lawyer's office and the guy there sits down and writes what you tell him and charges you £200 for an hour's work. That is perfectly alright and the legal system is very happy with that. Of course it is a closed shop. (*Interjections and laughter*) Of course you are happy. But what happens is that when people do not pay, then their clients are sent to people like me who do it for nothing because the reality of it is that the only reason why it finished in my hands was because the Union decided to stop paying, otherwise I would not have been involved at all.

So let us be clear that this was not an agenda driven by the GSLP in order to find something to attack the Government – as if there were not a thousand other things that we could attack the Government on. We did not *pick* this battleground. The battleground arose because the Government failed to do what they should have done and behaved as they should have done.

In the statements that have been made by the Report on the Inquiry, it is not the case, Mr Speaker, that it is as clear cut as the hon. Member would have us believe. It is clear cut about me, but I do not expect Chairman Parker, who is not Chairman Mao (*Interjection*) to say anything good about me, given that the last time we met was when the hon. Member, the backbencher, was trying to get rid of Schofield. He came to do a hatchet job and I was there on Schofield's side. (*Laughter*) I went to speak on behalf of – (*Interjection*) and the fact that Chief Justice Schofield on top of it, I suppose, to make matters even worse, on top of it actually said, 'We were right when the appeal of the tribunal was said... must have also helped Chairman Parker to see things in a particular light.' But we will see. This is not yet over.

One of the things that is almost incomprehensible is that we have got one particular case, which I am going to mention as an example, and I think it is 'T'. This is a lady in the Home who makes allegations of sexual abuse. This is a lady that Dr Galloway says is quite capable of being cogent and there is a letter saying that what she is capable of saying is something that you cannot say this person is suffering from a disability that makes it impossible for this person to express themselves. The psychologists employed by the hon. Member opposite produced reports of this lady. I brought that to his attention in one of my questions many years ago and he said he did not know anything about it. This was done in March 2005. This lady writes a witness statement to the Inquiry which almost repeats exactly what she said 10 years ago. The people mentioned in her statement are the same people that were mentioned 10 years ago. The Chairman concludes that he believes the denial of the people involved.

I am not in a position to say what happened or what did not happen because I do not know, but I am in a position, as much as anybody else, of reading what has been said and making my judgement of the judgement of the person that said it. And what the person who looked at this case said, 'Well, the psychological report supports the allegation.' That is true. The Attorney General said that he tended to believe that it was true, but that regrettably he had decided that he did not think it was possible to get a conviction and therefore there was no point in starting a case.

Dr Galloway says that this person knows what she is talking about. Anybody, even a layman, would think that for somebody to be saying that this happened to her 10 years later is because the trauma that happened to her is there and it is still, even though that person... and we all know that regrettably people with disabilities tend to age quicker than those who have not got them, and this lady is now 10 years older and therefore –but the evidence of the professionals is in support of what she says. But the conclusion is that...it is not even a question. He says he agrees with the decision of the Attorney General that they should not prosecute because the level of evidence is not sufficient to get a prosecution. But it goes further. He says he does not believe it happened.

He concludes that she may believe it happened, because she lives in a world which is unreal for the rest of us; but it is her real world. And the reason why he believes that is because having heard the evidence of the three persons who are alleged to have done this by this lady... we are not talking about hearsay. We are not talking about somebody saying, 'I was told so.' This is the victim saying, 'This is what happened to me.' It is the only victim who has actually put something in front of the tribunal inquiry – the only one. And then when the Chairman writes the Report, he says:

‘Having listened to the denial of the alleged perpetrators of this offence, I am convinced that it would not be in character for them to have done it.’

2695 I do not know what they teach lawyers nowadays or what they teach judges, but I would say that if you
can listen to three total strangers for half an hour each and conclude that you know them so well that you
can say it is impossible because of their character for them to have done this 10 years ago... well, look, you
are in the wrong profession. You should be a psychiatrist if just by looking at somebody you can say what
their character is and what they can do or what they are not likely to be doing. And that is the evidence
2700 upon which there is a conclusion that the three people who are alleged to have committed an offence did not
commit it: that the psychologists have got it wrong, that the lady who claims she remembers it happening
has got it wrong and that the Attorney General who said, ‘I believe her, I believe her, but I have not
proceeded because I could not get a conviction’. Well, look, if you cannot get a conviction then there is no
point in going to court if you are going to lose it, I understand that, but I do not think that it is enough to
persuade me that because you have listened to somebody for half an hour and he has made a good
2705 impression on you, you think it is impossible for this guy to have a character that would do this.

Mr Speaker, the world is full of serial killers whose character would appear to be impeccable if you met
them for half an hour. If it was possible to spot killers or conmen on sight, they would all be in jail, they
would not be roaming. And that is the quality of the judgment that we have reflected.

2710 Well, okay, if we are going to go into a debate about this, if what you want is apologies, if what you
want is... no, what you want then must be the truth. (*Interjection*) And this is, (*Interjection*) No, the truth
according to you, that suits you? No: the truth, the whole truth, and nothing but the truth, whoever it suits.
Because nothing...

2715 Mr Speaker, we have nothing to gain or lose. We have stood by a principle that there are people saying
things are wrong, and that those people have got a *right* – a right which no government should deny them –
for them to be told, ‘Okay, I will give you the benefit of the doubt.’ You are saying it is wrong? Let us look
into this and let us do it openly and let us do it transparently. If you do not do it, then you can only blame
yourself if people think that you are not doing it because you have got something to hide.

2720 So, I am afraid that the hon. Member has made a serious mistake in bringing this here and in thinking
that this is something where we are going to let him walk out of this Chamber, saying ‘We were right all the
time and the other side have been wrong all the time.’

2725 Mr Speaker, if I gave you one final example of the quality of the assessments that have been made, one
of the things that happened when Isabella Tosso disappeared was that they had somebody else coming in as
manager, Iain McNeil, and in the stages of when the tribunal appeared to be finally going to happen, which
it didn’t, given that there was supposed to be evidence – which of course did not exist – that the problem
was lack of management skills and that was what created the dismissal, they produced a new witness
statement made by Iain McNeil. They presented as evidence in the Industrial Tribunal the business plan for
Dr Giraldi Residential Services, prepared by Iain McNeil and Sharon Berini in 2006, when it looked as if
the tribunal was finally going to meet.

2730 This has also been given to Chairman Parker, and he is very impressed with it. He is so impressed that
he says that it is the most wonderful piece – it is in the Report, the Members can read it – the most wonderful
piece of... plan that he has ever seen; that it guarantees the future running of the home problem free, that he
has never seen such expertise displayed.

2735 Well, when this was produced, I first noticed that the font of Dr Giraldi was different to the font of the
rest of the document. Then when I looked at the back I read that this is crown copyrighted in the United
Kingdom, and then I realised that this wonderful job is a download, copy/paste from the Department of
Health, and that they have not even bothered to remove the references to all the things that exist in the UK
which do not exist in Gibraltar.

2740 The quality or the ability to make judgements is reflected in that this is perceived by the Inquiry’s
Report to be the most fantastic job produced by Iain McNeil and Sharon Berini. Sharon Berini, after this
fantastic job, left one month later and Iain McNeil left two years later and nothing was done about the
famous business plan.

2745 So the inquiry has not even bothered to do its homework in finding that this was produced for the
tribunal and no further use was made of it. Therefore, if we are going to be looking in detail at this Report,
then we are going to look at every full stop, comma, and paragraph.

Thank you, Mr Speaker.

Mr Speaker: Does anybody else wish to contribute to the debate?

2750 **Chief Minister (Hon. F R Picardo):** Usually the sides alternate, but if nobody else is going to speak on
that side, then I am ready to speak.

In that case, I am quite happy to alternate with the hon. Member.

Mr Speaker: The Hon. Mr Netto.

Hon. J J Netto: Thanks, Mr Speaker.

2755 In my Budget address of 2008, I said that the last six months in particular – that is before the Budget – that the GSLP and the GLSP-friendly media outlet have conducted a relentless and scurrilous campaign primarily against my hon. friend, Mrs Yvette del Agua and by extension, to the GSD Government, by using the Dr Giraldi Home as a political tool.

2760 In that speech, I went on to state that such an orchestrated campaign by the then Opposition was nothing more than a political circus, which not only manipulated the facts, but also had the effects of tarnishing the reputation and good work of the staff at the home, and causing unnecessary anxiety to both the staff and the relatives of the residents of the home.

2765 Once again then, as I have done previously, and as I was to do again after that Budget session, I said categorically that the allegations made by the then Opposition had all been investigated by the then Social Services Agency, and that according to the circumstances of each case, members of the staff had either been dismissed, reprimanded within the disciplinary code of the then Social Services Agency, or such allegations dismissed because they were found to be untrue or unsupported by evidence.

2770 It is comforting to note the statement made by the Rt. Hon. Sir Jonathan Parker QC, where he did acknowledge that all allegations were investigated and action taken in one form or another, taking account of specific circumstances of each case. It is also comforting to note that Sir Jonathan accepted the evidence to the inquiry by Sir Peter Caruana QC. This is important because of the campaign by the GSLP and their friendly media outlets to portray the idea that he had used his political position as Chief Minister to suppress the allegations, or in giving instructions to the RGP or the Attorney General, as to how such institutions should deal with such allegations.

2775 The facts remain that Sir Jonathan did not find any shred of evidence to suggest that such interference by the then GSD Government had taken place. It is also comforting to hear that the right honourable judge said that he accepted, without qualification, the evidence of Yvette del Agua, Sir Peter Caruana and myself, something that contrasts vividly with his opinion of the credibility of the Hon. the Father of the House, the Hon. Joe Bossano, when he says that Mr Bossano's suspicions were 'unfounded in every respect'.

2780 The fact is that I was very clear back in 2008, and subsequently, that the whole campaign of untruth, distortions, and character assassinations by the GSLP and their friendly media outlets was designed as a political instrument to tarnish and smear the reputation of the staff of the Dr Giraldi Home, in the hope that this would serve them well at the 2011 general elections. It was a means towards an end, without any consideration for the staff and the reputation of the many hard-working employees. I clearly remember members of staff telling me as Minister that as a result of the incessant imputations by the GSLP friendly media outlets, they felt that they were being personally identified in their private time outside the homes. They felt badly let down by the comments of the Members of this House in the TV programme of '*Espejo Publico*', which led the producer to describe the Dr Giraldi Home as 'the house of horrors'. This was a shameful and disgraceful episode by Members Opposite for which they have never apologised, despite the harm done to these employees, the residents of the home or their families.

2790 Today the Chief Minister is given the opportunity to apologise for the participation of his party in that programme. If he does not want to write to the producers of the programme, as the motion suggests, the least he could do is to apologise.

2795 In relation to Ms Hernandez, I will repeat what I have said on a number of occasions, and that is that I feel sorry for this lady. Any objective analysis of the Inquiry Report will demonstrate that this lady was not fit to be the manager of the home, and I will not go any further than that. I will say, nevertheless, that those who advised her from the GSLP/Liberal Party did not have her best interests at heart. Instead of providing the best possible counselling, she was used as a political pawn for partisan interests.

2800 Mr Speaker, given the outcome of the inquiry, which is a complete political fiasco for the GSLP/Liberal Party, some kind of pseudo defence will need to be invented in order to justify the unjustifiable new fact that the Leader of the House we have just seen trying to rewrite the inquiry itself. But in reference to the statement made by the Father of the House, what he has omitted to say, what the honourable judge did say, in volume 4, page 668, which says:

'However the Home has gradually improved during the period under review'

– that is between the year 2000 and 2005 –

'and especially after 2005/6 in terms of staffing, procedures, working practices and impact on care.'

2805 One valid comment that can be said about Social Services in general is that while increasing his budget well over the rate of inflation in real terms is important, something that is the track record of the GSD

Government, there is always room for improvement. I always accepted that, as Minister with responsibility for Social Services, but the fact remains that we invested heavily in this area.

2810 As far as expenditure is concerned for Social Services, the GSLP Government inherited the budget from the AACR Government in 1988 of £412,000. By the time they left office in 1996, the budget for Social Services stood at £1 million. This represents an increase in real terms, after adjusting for inflation, of 71.6%. As far as the GSD Government's track record shows, we inherited a budget of £1 million in 1996, and by the time we left office in 2011, it stood at £5,814,309. This represents an increase in real terms, after adjusting for inflation, of 321%.

2815 One of the ironies for me about the criticism by the Father of the House in our handling of Social Services was his own track record. After construction of the Dr Giraldi Home, under the auspices of the then GSLP Government, the building remained closed for two years because, in the words of the then Chief Minister, 'the Government could not afford to employ professionals' – and it is in *Hansard*.

2820 After two years in which the home was closed to vulnerable service users, it was then decided to open the home run by a Catholic charity on a shoestring budget. That only happened after much pressure from the families of the potential service users and their association – in other words, under the GSLP Government, run by the man who orchestrated the Dr Giraldi Home campaign – when we were in Government, the Dr Giraldi Home was not even run directly by Social Services, but rather by a church charity.

2825 This contrasts sharply with the decision we took when we were elected in 1996, when we took over responsibility directly for the home and kept it growing in staff and resources throughout the years we were in Government. It grew from a handful of staff under the GSLP Government to well over 50 by the time we left office. Included were six qualified nurses specialising in mental health and learning disabilities among other areas.

2830 I also take note of the comments by Sir Jonathan in relation to the secondment of Mr Carlos Banderas under my term of office, in which he is credited with further advancing the Home policies and procedures, and improving further the relationship between service users, staff and the family.

2835 Mr Speaker, using people as a means towards an end, regardless of the harm done to people, is not new. It has unfortunately a very long history in the annals of political life and history. Perhaps the first person to describe its usage in political philosophy was Niccolo Machiavelli in his famous book *The Prince*, written in the 16th century. Ever since then, we have come to apply the term 'dirty hand' to describe the use of campaigns designed to denigrate, mislead, distort, manipulate, torment, and to generally formulate smear campaigns on political opponents.

2840 With the passage of time, history will tell us that the Dr Giraldi Home Inquiry and the years of underhand tactics used by the then GSLP/Liberal Opposition, was indeed part of the dirty hand orchestrated campaign to undermine the GSD Government, even if it had the effect of tarnishing the morale and the staff of the Dr Giraldi Home, and causing untold cruelty to the staff in their professional and private lives. This type of politics which uses people as a means towards an end in general is wrong, but in a small community as Gibraltar it is even worse, (**A Member:** Hear, hear.) as the effects are more pernicious given our size and the fact that there is no hiding place for anyone. (*Banging on desks*)

2845 We cannot have a situation in which a political party devises a strategy to get into Government by using vulnerable people, by denigrating workers in the institutions that they are employed to serve, and not having regard for the misery and anguish done to such staff, service-users and their families.

2850 As a community, we need to move away from having another repetition of using workers for party political ends, as we saw the political and industrial unrest artificially provoked by the GSLP party in the then Kvaerner Shipyard, placing hundreds of workers in the unemployment lists in order to create financial problems for the GSD Government.

2855 Whilst I do not expect that the party in Government today, which is the party that caused so much damage to the morale of workers of the Dr Giraldi Home, the residents and the families, to apologise for the actions when in Opposition, I do believe that the motion in front of us does provide an opportunity to undo some of the damage done. We should all vote in favour and raise the standard of political behaviour for the future.

Thank you, Mr Speaker.

2860 **Several Members:** Hear, hear. (*Banging on desks*)

Mr Speaker: The Hon. the Chief Minister.

2865 **Hon. Chief Minister:** Mr Speaker, can I start first of all by congratulating the Hon. the Father of the House for what has been, in my view, one of the most passionate and masterful interventions I have seen him make since I was elected alongside him in 2003.

I have told him, although he does not take it as a compliment, for reasons I find a difficulty in fathoming, that his forensic analysis is worthy of one of the best lawyers at the bar. But he does not quite like those analogies.

2870 I am not the only one who makes such an analogy, as we will see in a few moments, Mr Speaker, and all of us who make it mean it in the positive. In fact, Mr Speaker, those who have seen me give an interview in relation to this matter of the Dr Giraldi Home will have seen that the Government was in fact ready to let matters lie and move on, but in fact hon. Members, it appears, want to simply use this matter to continue to stir and actually do exactly what Mr Netto has said should not done, in other words, use the allegations that
2875 have been made against vulnerable people in a way that is designed simply to gain them some political advantage.

So Mr Speaker, it may be that there is a lot more to be said about the allegations that were made, not by Joanna Hernandez or by Joe Bossano, but by the relatives, and indeed on one occasion one of the alleged victims themselves, of what might have been happening at the Dr Giraldi Home.

2880 Mr Speaker, the Hon. the Leader of the Opposition started the afternoon by talking about the Government wanting to bury a debate on the motion because we are having the sitting late in the month and because it may be late in the afternoon. In fact, what happens is that the Government has a very busy agenda. The Government has an extraordinarily ambitious manifesto, one that we are fulfilling. But of course civil servants are available until 3.30 and we need to be in the office working with those civil
2885 servants on matters which really advance our economy and the needs of our community. Coming here to debate motions, even our own, is not something that should take priority over the delivery of the manifesto that is in the interests of our community.

So we come here, Mr Speaker, once the civil servants who work during the day are finished for the day, and we can continue, because we want to, in this Parliament, to deal with these issues.

2890 But Mr Speaker, when he talks about, because we are coming late, wanting to bury the motion. He needs to be reminded that this is the latest the Parliament has ever sat while I have been Leader of the House, but it frequently sat until this time and later when the Hon. the now backbencher used to be Leader of the House. It only used to meet twice a year or three times – twice when there was an election; three when there was not – and it frequently sat very late indeed. I often hear –Hon. Members who have been
2895 here longer than most remind me – of the fact that Parliament used to sit so late.

So either sitting late is just an incidental matter which relates to the important timetable of Ministers or it is an attempt to bury debate, in which case he is now the leader of a party that has form on this matter, having sat later more often than any other previous Government.

2900 So it may be that what he is doing, in now decrying that, is simply once again demonstrating his duplicity and duality politically by saying one thing although he is leading the party that did the other – typical, Mr Speaker – or he is just repositioning his party, in other words converting the GSD into the GSLP, as he appears to be trying to do in so many other areas.

The fact is that we have no desire to bury this motion. We want everyone to hear what we have to say in respect of it. I want everyone to know what the Hon. the Father of the House has said. His forensic analysis
2905 has been absolutely superb. It has set out all of the reasons why there should be serious concern in this community about what happened at Giraldi.

In particular, I would like the community to know about the copy/paste job that was done on the business plan, and which he has demonstrated to us today was in fact therefore not a document worthy of being praised by anyone, unless of course you are of the school of those who copy the prefaces to manifestos word for word and simply change the name at the bottom. I cannot imagine who in the recesses of my memory I might recollect ever did that – ah yes, the now backbencher who did it at the time with a Liberal manifesto issued by Mr Paddy Ashdown in the campaign in the 1980s, which became his foreword in the early 1990s. A copy/paste job it was, Mr Speaker, so I want to thank the hon. gentleman for reminding us of that and giving us an opportunity to reflect on that.

2915 I want to declare, before I get into the meat of what I am going to say, that I was involved in these matters when I was a lawyer. I was involved in representing Joanna Hernandez on the instructions of Unite the Union. I also represented before then, also on the instructions of Unite the Union, those referred to in paragraph 4e of the executive summary, in part 4 of the Report. And in fact I was provided with a letter – which hon. Members will not have seen because the matter I am going to come onto was never dealt with –
2920 but a letter by Unite confirming that I could deal with the Joanna Hernandez matter, although I had dealt with the matter of the individuals referred to in paragraph 4e because they waived their conflict in this matter.

But I was also the subject of a complaint to the Admissions and Disciplinary Tribunal of the bar, brought on behalf of Michael Feetham, who I understand is related by blood to the Hon. the Leader of the Opposition, and Unite, represented by Mr Rafael Benzaquen, who was shortly with us in the Gallery but appears to have left, and an erstwhile member or current member of the Executive Committee of Members
2925 Opposite, in an attempt to seek that I should be disbarred.

It is important that I make those declarations because I am going to come onto matters which relate to that. The fact is that on 9th December 2011, people voted for a change of Government, and in doing those of us who were elected believe that we have an obligation to comply with the commitments that we gave the public in the General Election. Those commitments include, and if hon. Members read the inside page of our manifesto, not just the things contained in our manifesto, but also the things which were said in press releases during the course of the previous year.

In a press release – and this is just one of them – in a Press Release dated 11th February 2009, the policy of the Opposition – the GSLP/Liberal Opposition as it then was – was that we reiterated that a full independent inquiry into the allegations should take place. Our manifesto says that all our commitments are in this manifesto, or in some of the press releases that we have issued. It was therefore included, Mr Speaker, in the case we had laid before the public in the four years leading up to the general election, that there should an inquiry into the allegations made in respect of the Giraldi Home. We urged that they should have done it whilst they were in Government. Therefore in convening the inquiry I was giving effect to the will of the people who had chosen this particular party that had made those representations during the course of the lifetime of the previous Parliament.

Why did we do that? Let me just quickly in general terms try and summarise that.

These were not the sorts of allegations that hon. Members sometimes face us with. Hon. Members get up and say, ‘Well, I have been stopped in the street by a person who has told me...’ or ‘we have heard rumours that...’ If we were basing ourselves on that, hon. Members might have an argument for saying, ‘You are really blowing this out of all proportion.’ I mean, people can stop you in the street in Gibraltar, especially if you are politically responsible for something, and tell you just about anything that you would like to hear.

Certainly I have heard things about hon. Members Opposite that I have said to myself, even in my wildest imagination, of how dreadful Members Opposite can be to me across the floor of the House, I know that they would never venture not to care about children etc, because people just say things. But this is not people just saying things, Mr Speaker.

The situation in which the Hon. the Father of the House found himself was an invidious situation indeed. He found himself in possession not of notes, not of rumours, but of *sworn witness statements*, which, sworn witness statements, made allegations that abuse and misconduct etc had taken place.

In the United Kingdom now we are seeing a flurry of activity convening an inquiry into alleged child abuse based on things that have been said and documents that might have existed. There was going to be an inquiry into whether there was a dossier that alleged that there might have been child abuse by certain individuals in the past. Not that there is a dossier with sworn statements in it that makes the allegations, but that there is a rumour, there is a belief, there are allegations, that there were allegations in writing at some stage.

The Hon. the Father of the House finds himself actually *with* sworn statements making these allegations, and in that context he acts entirely properly in the way that he deals with this.

Mr Speaker, the hon. gentleman has said that we should apologise or we should seek to clarify to ‘*Espejo Publico*’ what has happened, and correct the defamation that he has said that they did on Gibraltar. We will come to what was said in ‘*Espejo Publico*’, and what defamations there were or were not.

But I am left with just one feeling in all of this, and that is that the way that hon. Members have phrased everything that they have said about the Dr Giraldi Home, they would *only* consider that the money in the Dr Giraldi Inquiry was well spent if there had been explicit findings of massive abuse, because the findings are not that there was nothing, as we will come to now, although the ones that we have been read by hon. Members are very selective, so I am going to read him some more.

But is it only that if the real abuse of the sort that one cannot even imagine or think about was found, then this would have been money well spent, otherwise its wasted money? Well, let us look in detail at what it is that the inquiry has found, and what it has found *did* happen.

Mr Speaker, what has not yet emerged, and given the speech that we heard from the Hon. the Leader of the Opposition, is that he is not just a mere bystander here. He is not just somebody who comes to this politically after the findings. It is not just that he was Minister for Justice whilst litigation was going on, dare I say it, in the courts for which he was tangentially responsible by his brother. But look, he can find himself in that situation, that is quite normal. There is nothing wrong with that, as long as he did not involve himself with it. If he did, then something else would have to be said, and perhaps we will come to that during the course of my intervention.

The speech that you have heard from the Leader of the Opposition today, critical as it is of Joanna Hernandez – probably in the most aggressive terms I have heard of a person who is not here to defend themselves being spoken of in this House – was uttered by her first lawyer. The person who was first instructed by Joanna Hernandez was not Fabian Picardo. It was Daniel Feetham.

And my instructions at the time were that he was very concerned to hear what had been put to him. He was going to take the case as far as he could, as usual with the hon. Member – the enthusiasm when one

2990 first meets him, 'We must go as far as we can to uncover all of this.' But then there was what lawyers call in Latin a *novus actus interveniens*. Something happened between him meeting Joanna Hernandez and being ready to take the case, and my becoming involved. Black turned to white. Night turned to day. The socialist turned to the Social Democrat, and the Labour Party was swallowed up whole.

2995 And the hon. Member, who had come to remove Peter Caruana from the post of Chief Minister of Gibraltar, forgot that he had come to bury Peter, not to praise him and ended up sitting alongside him in the executive of the GSD. And so he said to Joanna Hernandez, 'I may not be able to continue with this, because these now contain allegations against the Government, and I am now in the executive committee.' Well, Mr Speaker, if he had left it at that perhaps...

3000 But when Joanna Hernandez instructed somebody else, namely me, through Unite, who were prepared to fund him or me doing the case, because we were both at – dare we say it? – Hassans, Mr Speaker. The hon. Member refused to release the file. For quite a while he had to be cajoled and even written to, to release the file, not to another firm, but to another lawyer within the same firm!

Incredible, Mr Speaker – incredible *then*, but to have heard him speak the words he has spoken today, for Joanna Hernandez's first lawyer and confidant on these matters, to have got up and said the things he has said today, demonstrates once again the duplicity and the duality of the hon. Gentleman opposite.

3005 Mr Speaker, her knight in shining armour, as he then was, turned to rust. Her white knight turned to darkness, as we all know, and her faith in him, like the faith that so many others might have had in him, entirely dissipated.

He started by saying that members of staff at Dr Giraldi have stood steadfast over the years whilst the GSLP did this and that, and all the rest of it. He wanted to congratulate them all for having stood so steadfast. Does he know that there are only five members of the Dr Giraldi Home employed today who were employed at the time of the allegations? So, I do not know who it is that, as a cadre of staff, all stood steadfast – but I suppose when he then says how can we accuse them, from the Government to the Opposition, of doing Gibraltar down when they say the things that they do – that we should look at what we did in '*Espejo Publico*', we should judge him by the same standard. I want to congratulate all the staff – probably 30, 40 or 50 of them, now just five – all the staff who have stood so steadfast.

3015 He calls Joanna Hernandez our 'political activist'. He talks about my having represented Joanna Hernandez at the directions hearing. Yes, for all the reasons that I told him. But listen to this: he calls her our political activist. She was *his* client before she was my client or saw Joe Bossano looking after her. He had the chance of having dealt with this matter.

3020 He says that I represented Joanna Hernandez at the directions hearing, but he did not bother to say to you: 'because I had been her lawyer first. I had given up the case and they had to prise the file from my fingers.' He says that her accusations were *vile*. But he does not say that the accusations were all of them related to him, and that he was ready to take the case, except that he made a political pirouette of the sort that Gibraltar does not often see. It was only that that determined that he would not.

3025 So much for things being *vile*. But maybe, Mr Speaker, it is because he forgot, and last time when we were having a debate which led to the motions, I invited him to say that he simply forgot. This time I do not think that he would want to accept that he forgot that he had represented Joanna Hernandez and that he was her first lawyer. But he has said so many things that he is capable of forgetting a lot of what he says, because he just says a lot – because of course, he says a lot, but it does not mean anything, Mr Speaker.

3030 In fact, one of the things that we are going to come to, especially when we look at what was said in Spain and what he would like to think was said in Spain, is that he is obviously forgetting things. This is about his selective amnesia.

3035 In fact, they do not like it when we remind them of the *enchufes*, of the £8 million that they buried in the hole that was the Theatre Royal, the £90 million airport, the Rosia Tanks, the defective works at Cumberland. They do not like to be reminded of that, but they like to remind us about the Dr Giraldi Home Inquiry. Well, we are delighted to be reminded about it, Mr Speaker.

3040 But maybe he is just suffering again from the same amnesia that made him forget that he was the lawyer for the Sunborn – the same amnesia that made him forget why he had originally come to Gibraltar, or the same amnesia that led him to say that the man he had come to remove was actually the greatest Gibraltarian of all time. There is so much amnesia in the gentleman opposite that I sometimes think I should serenade him with a verse of that great song from Andrew Lloyd Webber, 'Memory'.

3045 But the more that he goes on and the more he says, I actually think I should go onto another song in that musical, which is 'Bring In The Clowns'. Because what he has done today is not deal with the Dr Giraldi Home Inquiry and its findings. He has wanted to read an indictment of the *VOX* newspaper. He has wanted to talk about how the *VOX* newspaper said this or said that. Well, the *VOX* newspaper is no longer printed. They managed to do that by a combination of aggressive litigation in which his brothers and he were involved, and by withdrawing advertising. They brought the title, which had been until then the longest surviving title in Gibraltar's media history, to its knees, destroyed it, and now it is only a web publication.

3050 They say that we spread unfounded allegations in Spain in ‘*Espejo Publico*’; that Gibraltarian politicians, namely the Father of the House, became participants in Spain on TV programmes denigrating our institutions. I cannot actually think that the hon. gentleman has bothered to do his homework if he said that. He cannot have bothered to watch the YouTube video of ‘*Espejo Publico*’. You cannot ever accuse us of doing Gibraltar down, given what you did on ‘*Espejo Publico*’. We have not even had an apology for your shameful intervention.

3055 Mr Speaker, the Hon. the Father of the House took him to it. I am going to take him to a different part, which includes the part that the Hon. the Father of the House read. He either has not done his homework, or he realised after he put the motion that he just remembered that there was a programme called ‘*Espejo Publico*’, but had not checked what had been said on it before putting pen to paper. Maybe that is a case of pen engaging before brain.

3060 The interviewer from ‘*Espejo Publico*’ says something in the clip which the Hon. the Father of the House is going to be very angry at indeed, because he starts – and I am going to have to read in Spanish, Mr Speaker, but I will do a little bit of translating – he starts by saying this:

‘*El abogado Joe Bossano*’

– (*Laughter*) Spanish TV programmes *never* do their research on Gibraltar –

‘ex-Presidente de Gibraltar’ –

– (*Laughter*) do they not realise he is just president for life of the youth section of the GSLP? –

‘... ha tardado tres años en demostrar que Joanna Hernandez no fue despedida procedentemente. Como lider del partido laborista tambien ha intendado que se aclare lo que ocurre en este centro.’

3065 So they are talking about Dr Giraldi. They say it has taken him three years to demonstrate that she has been unfairly dismissed, and as the leader of the Socialist Party he is trying to show what happened in this place, the Dr Giraldi Home.

And then Joe Bassano says these dreadful words, which are the most disgraceful and vile defamation of an institution in Gibraltar that I have ever read, if I were to believe the hon. Gentleman’s description of them, and this Mr Speaker is what this House is being asked to resolve, to right and correct as a result of this disgraceful man’s disgraceful statements:

‘Yo le pregunto en el parlamento, bueno, si todo esto es un montaje y todo es mentira, entonces porque no se permitio que se escuchara el caso el primer dia, en el 2006? No lo ha hecho, no lo aclaran.’

3070 Mr Speaker, what Joe Bossano said is this:

‘I ask in the Parliament, well, if this is all a stitch up, a set up, and everything is a lie, then why did you not just allow the case to be heard on the first day in 2006? They have not done so, they do not clear it up.’

3075 That is the sum total of the vile and disgraceful defamation of a Gibraltar institution uttered by Joe Bossano, which the hon. Member has said we must now write to ‘*Espejo Publico*’ to correct (**Hon. J J Bossano:** In my office.) – and not in Spain, by the way, but in his office.

He then goes on, because the clip goes on:

‘El resto de la oposicion, el partido progresista democrata y los liberales también demandan esta investigación.’

‘The rest of the opposition, the PDP and the Liberals, also demand such an investigation.’

‘Nadie se atreve a asegurar en Gibraltar que las acusaciones sean ciertas, pero mientras no se aclaren los hechos siempre quedará sombra de la duda.’

‘Nobody in Gibraltar dares say that the allegations are true’

– neither was Joe Bossano saying that they were true, incidentally –

‘but until the facts are clarified, there will always be a shadow of a doubt.’

3080 Well, Mr Speaker, that was the policy of the GSLP in Gibraltar that there should be an investigation, and that until there was an investigation the allegations were being made and they could not simply be discarded.

There is an incredibly instructive set of paragraphs or exchanges where hon. Members might like to know that the interviewer is saying, ‘Actually we have had great difficulty getting people to speak on

3085 camera, because although they tell us on camera that these things might be happening and they have to be investigated, they will not come on camera because there is great fear.’ ‘Fear of what?’ says the lady in Madrid to the guy in Gibraltar. ‘Fear of the administration and taking on the administration.’

Well, Mr Speaker, if there is one thing people have been cured of on 9th December 2011, it is having fear of the administration because people now talk freely.

But the ‘*Espejo Publico*’ report went on, and it dealt with this issue:

‘Pero es tan grave el asunto, es decir que hay tanto miedo y tanto temor en Gibraltar que en principio hay que denunciar que un niño de diez años que entra allí por motivos emocionales le metan directamente en un centro psiquiatrico con diez años y que no los separen a los niños y los adultos allí.’

3090 Mr Speaker, essentially these people are saying that it is a very grave matter, to such an extent there is great fear in Gibraltar; people do not want to talk, but we have to say that one of the issues to look at is that a 10-year-old boy has been put in a mental home with older people.

Another defamation apparently, but not one uttered by Joe Bossano. As it turns out, entirely true.

3095 Now the hon. Gentleman and I do not rate each other as lawyers. That is fine. It is up to other people to rate us as lawyers, but he should know that a defamation is something which is uttered which is untrue – not something which is uttered and then found to be true. And so what we should not do is fall into the trap of putting pen to paper as quickly as the hon. Gentleman did in drafting the motion, to write to ‘*Espejo Publico*’, because we might find ourselves writing a letter that says, ‘Your report was true in respect of the 10-year-old boy.’ ‘Your report was true in respect of the 10-year-old-boy.’

3100 And if I were writing the letter, Mr Speaker, I would also say, ‘Your report was true about the fear that people felt in speaking out against the Government at the time.’

So the hon. Gentleman has to be a bit more careful with what he wishes for, otherwise he might just get that letter.

3105 Mr Speaker, nobody went on Spanish TV therefore. Spanish TV came to us. And what was said by the Hon. the Father of the House is actually entirely defensible, in the sense that it made no allegations against anybody, other than to ask why things were not being investigated.

But he says, you are now suing ABC, which we support. If you are suing ABC to put the record right, why don’t you get this letter out to ‘*Espejo Publico*’?

3110 What we have done is exactly what we promised to do, and exactly what Joe Bossano was talking about in ‘*Espejo Publico*’, which is to say that the allegations should be investigated, and being elected, we gave the opportunity to those making the allegations in the setting up of the inquiry, to come forward and say what they had to say. We never said that the allegations were true. We never said that these were our allegations. In fact, all we said is that the allegations are made and they must be properly and entirely investigated. And having done so, we can happily say that the silence has been broken and the Inquiry has been held.

3115 The allegations which were made, the hon. Gentleman said, were found to be totally unfounded. Well, they were only investigated as a result of the inquiry being called, so I assume if his case *is* that the allegations were unfounded, if that is what he is trying to persuade public opinion on, then he should be grateful for the Inquiry, because it is the only place in which the allegations have been properly ventilated, and what he says was his theory all along proved right according to his reading of the Inquiry findings.

3120 But Mr Speaker, let us look at the findings, because the hon. Gentleman has offended against the rule there would be if this were a tribunal of only reading selectively the bits that he thinks are convenient to his case. But what about all the other bits, Mr Speaker, that Chairman Parker determined in his conclusions.

Let me read to you from page 636:

‘The shortage of staff was serious and chronic problems, which added to the pressure on management and staff (including support workers).’

– this is his first finding.

Second finding:

‘Greater training of staff would have been beneficial.

During this period no “care plans” (in the sense of formal and comprehensive care plans which included input from social workers) were in place for service users.

Record-keeping and control of paperwork was not as efficiently carried out as it should have been. Missing paperwork was a real and continuing problem.’

3125 This is not in an office, Mr Speaker; this is in a place where children are in care – where adults are in care alongside some children.

‘The frequent changes in management personnel contributed to this problem, not only because such changes involved a degree of disruption to the smooth running of the Home but also because handovers between one Manager and the next were carried out in a relatively perfunctory manner, to the extent that they were carried out at all.’

‘What if one of your relatives were being looked after with this system in place?’

‘There were also continuing problems throughout this period in relation to the management of petty cash.’

– one of the allegations relates to petty cash.

‘Lack of control of medication was also a continuing problem during this period.’

Not in one’s home, but in a home run by the Government – lack of control of medication.

‘On one occasion, a resident was given a repeat dose by a carer coming on shift who did not know (and had not checked) whether the dose had already been given.’

And these people are in the *care* of the Government, Mr Speaker.

‘On other occasions, a resident was either under- or over-medicated. These incidents demonstrate that procedures in relation to the control of medication during this period could and should have been improved.’

3130 Some of the allegations related exactly to that:

‘The physical facilities at Bishop Healy (which was used by the Home as a temporary measure following flooding at the premises at Smith Dorrien Avenue) were inadequate.’

I did not hear him read those findings, Mr Speaker.

Joanna Hernandez’ efforts in this respect were supported by Sean Matto – Mr Speaker, they are talking there about the shortage of staff issue:

‘... in a contemporary report in which he described the effects of the shortage of staff’

– under them, the ‘great investors’, as Mr Netto described them –

‘as “at best unfair, and at worst abusive”.

with greater numbers of staff a higher standard of care could have been provided.

Shortage of staff also resulted in members of staff becoming seriously overstretched...

Throughout this period there were continuing problems in relation to the control of medication, and in relation to lack of security.

I accept Joanna Hernandez’ evidence that she attempted to improve the physical activities at the Home, and that she introduced a number of improvements to the running of the Home (including arranging for regular group meetings with relatives of service users)’

3135 Her first lawyer did not refer you to that, Mr Speaker. Let him leave it to me and I will.

On one occasion, says the Report:

‘Another resident was locked in his room in the dark. That was inexcusable conduct by the carer responsible, but the evidence is that such conduct was “stopped”.’

But it happened and that is what the allegations related to, Mr Speaker.

I did not hear Joanna Hernandez’s first lawyer read you that bit – or this bit, Mr Speaker:

‘In her evidence to the Inquiry, Simy Herbert alleged that members of staff used to speak disrespectfully to residents. I do not doubt that that may have happened on occasion, and clearly it should not have happened.’

All of the allegations in fact are slowly being made out; it is just a question of degree.

3140 And a lengthy section here, which is important because it goes to the crux of what happened:

‘Chris Wilson’s evidence in relation to the availability of Isabella Tosso was singularly unhelpful. He wholly failed to give that matter the importance it deserved, or to treat it with an appropriate degree of urgency.’

This relates to the Industrial Tribunal, Mr Speaker.

‘The fact that he made no effort himself to discover how to contact Isabella Tosso beyond making inquiries of some of his colleagues demonstrated a quite remarkable degree of passivity on his part...’

Marie Gomez told the Inquiry that she had not “seen or heard of Ms Tosso since 2007”. That is inconsistent with the fact that the latest in the series of emails referred to earlier was an email from Isabella Tosso to her dated 12 August 2008 in which Isabella Tosso described her as “my friend”, and signed off with kisses.’

– a curse of modern e-mail, Mr Speaker –

‘Asked whether she was aware at the time of the substantive hearing that the fact that Isabella Tosso would not be available to give evidence meant that the SSA would not be in a position to defend Joanna Hernandez’ claim, Marie Gomez said (in effect) that she was too busy with her work to think about anything else. (A Member: Shame.) I do not believe that answer.’

– that is what the Report says –

‘In the course of their email correspondence, Isabella Tosso gave Marie Gomez her office telephone number in the UK. Asked why she had not tried to contact Isabella Tosso on that number, Marie Gomez replied:
“To tell you the truth I did not even realise I had the office number. I probably scanned the email and just, you know, went on working. I was too busy.”
I do not believe that answer.’

– says Chairman Parker.

And goes on:

‘Marie Gomez went on to give a number of equally evasive answers to questions from counsel. They demonstrate beyond any doubt that during the period leading up to the substantive hearing on 9 April 2008 Marie Gomez not only knew how to contact Isabella Tosso but was in regular contact with her; and that they remained in contact thereafter. Her repeated attempts to disguise this obvious fact in her oral evidence cannot be attributed to a faulty recollection: her evidence on this aspect represented, for whatever reason, a deliberate attempt to mislead the Inquiry.’

3145 Joanna Hernandez’ first lawyer did not think he should read you that, Mr Speaker; he was only interested in laying into her, not reflecting what the reality of the Inquiry Report sets out.

And it goes on:

‘As to the unavailability of Isabella Tosso, there is no evidence that Chris Wilson’s passive attitude in relation to her unavailability represented a deliberate attempt on his part to prevent or delay discovery of her whereabouts. But I am satisfied that it was simple a case of slackness and inefficiency on his part.’

– the human resources manager of the place where some of us are putting our relatives to be looked after.

And, Mr Speaker, slightly better things:

‘Overall, the evidence presented to the Inquiry paints a healthy picture of the current state of affairs of the Home.

[...]

According to the evidence of Gina Llanelo, the perennial problem of staff shortages continued during that period.’

3150 When the hon. ‘Great Investor’, Mr Netto, was at the Social Services Agency investing more money than anybody had ever invested.

‘However, the problem has been addressed to the point where it is no longer so pressing.’

– not under him –

‘In consequence, the standard of care which the staff are able to offer service users is higher.’

Finally Mr Speaker, in Chairman Parker’s general conclusions, I do not know why the hon. Gentleman did not read you this first one:

‘There were some instances of mismanagement, misconduct and malpractice (including abuse) at the Home, but they were infrequent and at the lower end of the scale of seriousness.’

3155 But he says there were some instances of mismanagement, misconduct and malpractice including abuse. Can somebody explain to me if I was a relative of one of the people who was subject to mismanagement, subject to misconduct, subject to malpractice, or indeed subject to abuse, how anybody is going to persuade me that something is at the top or bottom of a scale of seriousness when I have entrusted one of my relatives to the care of the administration?

The second conclusion:

‘Many of the allegations in the witness statements filed on behalf of Joanna Hernandez in the Industrial Tribunal in 2006 ... were untrue, grossly exaggerated or unsubstantiated by credible evidence.’

3160 Well, that sounds a bit negative of Ms Hernandez, doesn't it? I think the hon. Gentleman did read that one. Her first lawyer did read that conclusion.

But read this forensically, Mr Speaker:

'Many of the allegations in the witness statements...'

Any lawyer who reads that realises that it does not say *all*. It does not say all, Mr Speaker.

3165 Mr Speaker, the third conclusion is in relation to that, as follows:

'To the extent that such allegations were established on evidence, the incidents in question were largely historic and infrequent.'

In other words, Joanna Hernandez' witness statement contains truths which are proved, but they happened some time ago and they did not happen too often.

Well, Mr Speaker, if it was one of my relatives, I do not care if he has been abused once or twice, 10 years ago or 20 years ago. He has been abused and I would not want to watch any of my relatives abused when he is in the care of the administration.

3170

But let us end on a positive note, Mr Speaker. Sir Jonathan Parker says this:

'On a positive note, however, I can report that the home is now in much better order and is better run than it has been at any time during the period which the Inquiry has had to investigate.'

Well, Mr Speaker, so much for there being nothing in the findings that support the decision that we should have carried out this Inquiry or that we were wrong once we were in Opposition to be pursuing it, because frankly, Mr Speaker, I think for all of the relatives of the people who made allegations, there is a lot in there to feel uneasy about – in other words, there is a lot in there which they have found to have rightly raised issues about.

3175

But, the Hon. Gentleman in his hyperbole went on and said in no Western democracy could somebody get away with having said the things the Hon. the Father of the House said and still be a Minister. Well, Mr Speaker, in fact the hon. Gentleman was speaking on the basis of having sworn witness statements in his hand, he was acting entirely properly. But I have heard before in this House, this business of 'in no Western democracy'. As *Hansard* will show, it was said once before in a Budget, and I forget the exact year, but I think it was after 2007, when the hon. Gentleman, the now backbencher – in other words, the one who is now out of Government – said to the Hon. the Father of the House, 'In any other western democracy anybody who had lost four elections in a row would have to resign and leave the Parliament'.

3180

Mr Speaker, they used to call Bill Clinton the come-back kid and he has got nothing on the Hon. the Father of the House. Western democracy should take lessons from the way that Joe Bossano discharges his obligations to the people that he serves, namely the people of Gibraltar, whether as a Minister or as a Member of Opposition, pursuing doggedly many of the things which the Chairman of the Inquiry has actually found he was right to pursue, 'aided and abetted by Members opposite', said the hon. Gentleman trying to convert his diatribe into an indictment, because the language of aiding and abetting is the language of the criminal law used in indictments.

3185

Aided and abetted, Mr Speaker. Well, supported by his Party who adopted as a policy position that we should pursue this Inquiry. But does he include Unite, that for a period were actually involved in funding Joanna Hernandez' case? Does he include himself, her first lawyer, or are only those of us who remain – not have been in the past – those of us who remain Members of the GSLP Liberal Coalition to be tarnished as aiding and abetting when what we were in fact doing is supporting and ensuring that the light of day shone on those serious allegations, many of which have been found to be true?

3190

Mr Speaker, I think he gave a backhanded compliment to the 'GSLP political machinery', as he called it, talking about the intensity with which we pursue things and went on to say that as fathers of children we should not have wanted to be associated with the way that the GSLP pursued this matter, never mind the fact that the Inquiry, which he quotes actually finds that we were right about many of the things that we were pursuing – certainly that they should be investigated.

3200

But, Mr Speaker, let us look at the opposite of what he said and the hon. Gentleman does not do logic very well and that is why he sometimes does things which when they are exposed to logic can be demonstrated not to be exactly I think what he might have wanted to say. As fathers of children we should not have allowed this to happen. Well, actually, Mr Speaker, as fathers of children what all of us should want always done is that if there is the slightest shred of credible evidence, in particular sworn witness statements... not one, but many – we should all want them investigated quickly. We should not prevent investigations from being carried out.

3205

As fathers of children we should ensure that nobody again has to go through the political persecution that Joanna Hernandez has had to go through to have her allegations or rather the allegations made by others in support of her in the Industrial Tribunal properly investigated. As fathers of children, we are

3210

3215 receiving an example in the way that in another Western democracy in the United Kingdom... rumours of *potential* child abuse are being dealt with, let alone witness statements that dealt with child abuse.

3220 But, Mr Speaker, did it all end there or was there much more to this? Was there an attempt not to have this case heard, despite the witness statements? Was there an attempt to at the last minute say that the case was collapsing because Isabella Tosso could not come and that might not have been the reality? Was there in fact, Mr Speaker, actually much more going on here? Well, Mr Speaker, this did not just affect Joanna Hernandez. The *VOX* is no longer published today, as I told Members before. The *VOX* was the subject of a libel action by members of the hon. Member's family. I believe he was involved in that, despite being the Minister for Justice.

3225 Mr Speaker, I was the subject of a complaint to the Industrial Tribunal by members of the hon. Members family and I will tell him, Mr Speaker, because he likes to use the hyperbole: shameful and disgraceful. I have told him before, Mr Speaker, what was shameful and disgraceful is not that somebody asks him when he is talking about something that involves Hassans to simply declare his interest. What is shameful and disgraceful and what is pressure is to try and have somebody not declare an interest, but disbarred. To try and snooker them politically, to somehow try and avoid them becoming a political
3230 challenger, to somehow in that way make your way up the greasy pole that the hon. Gentleman makes politics in Gibraltar. To almost think of it as snakes and ladders and try and push your opponent over a precipice, Mr Speaker, which is exactly what the hon. Gentleman was doing when he was behind the attempt to have me disbarred in that way. And all of that, Mr Speaker, I might *even* forgive – I will certainly not forget, but I might even forgive.

3235 But what I will never forgive and I will not tire of reminding him of is that that complaint was not just a matter being dealt with, but it was a matter which *they* insisted should go to a case management hearing the day after my father died. Knowing that my Father had died, having been asked for an adjournment, they insisted with all of the venom with which they pursued Joanna Hernandez and me and *VOX*, that I should be there listening to the total poppycock that was coming out of their lawyer's mouth – namely Mr Rafael Benzaquen, now a member of their Executive, then receiving approximately a £250,000 a year for the work for which he had been paid £60,000 a year as a civil servant – instead of being with my family and my mother on such an important day. For that, Mr Speaker, I will never forgive them, Mr Speaker. That is disgraceful and that is shameful. And in Spanish, in the '*Espejo Publico*' language, *se le debía de caer la cara de verguenza, pero no la tiene Mr Speaker*.

3245 *But, Mr Speaker, let us look at* what it is that we can conclude from what has been said today. What we conclude from what has been said today is that we should have actually together as a Parliament convened an Inquiry when the allegations first came to light, which was what the Opposition was asking that we should do in the questions put at the time and the debates that we had at the time. We should have allowed the Industrial Tribunal to go ahead and not wanting to do that or as an alternative, convened an inquiry.
3250 That is exactly what we did when we were elected.

Mr Speaker, we did not pick this battle, but we would never turn our backs on people who are making *serious* allegations of the sort that we were confronted with in sworn witness statements. So, Mr Speaker, there were no defamations to speak of. I have demonstrated to him that in the '*Espejo Publico*' documentary, the words actually reflect some of the things that did happen, or simply what *was* happening
3255 – namely that we were not getting answers. There is no apology to be made, certainly not in the terms that the hon. Gentleman has suggested. But an apology *should* be made, Mr Speaker. He is right to suggest it and I am going to make it. I apologise, on behalf of Her Majesty's Government of Gibraltar and on behalf of the people of Gibraltar, to all of the people who had the guts to make statements, in witness statements, *sworn* witness statements making allegations, which have subsequently been found to be true by the
3260 Inquiry, that those matters were not dealt with more expeditiously at the time, although we were not in Administration.

And given that, Mr Speaker, the hon. Gentleman's motion suggests a different sort of apology and suggests that there has been a defamation which has not happened, I am going to move an amendment to the motion, but before so doing I am just going to tell the House, Mr Speaker, that frankly I do not think
3265 anything Mr Netto said merits a reply or is worthy of a response because his philosophy has failed him again today as it always does. Mr Speaker, although I am not required to give notice in writing of an amendment to a motion, I am going to do so, because it is lengthy and I ask the hon. Clerk whether he wishes to distribute it to hon. Members opposite and to yourself.

Mr Speaker, I move that the motion be amended as follows –

3270 **Hon. D A Feetham:** Mr Speaker, I envisage that I will be making a point of order in relation to the amendment, because if the Hon. the Chief Minister is going to do with this motion what he did with the last one, I have gone back to Erskine May and it is not allowable in the rules, because in fact he does have to give notice and I am just foreshadowing that I may be making this particular point once I read his
3275 amendments, which he says are lengthy.

Hon. Chief Minister: Mr Speaker, the practice of this House continuously has been – are therefore that overrides Erskine May – that any individual can make an amendment to the motion or can move an amendment to the motion and that they do so not even having to do it writing. I am doing it in writing today, Mr Speaker, and my amendment is as follows:

‘To delete every word after the words “This House:” and add the following text: ...’

3280 as has been the case on numerous occasions, in particular under the former Leader of the GSD and myself, and under the Father of the House.’

Hon. D A Feetham: I make a point of order now and refer the House to Erskine May because I had anticipated that this is a point... Well, Mr Speaker, I am making a point of order. I can make it after he reads it or before.

Mr Speaker: Let him read it and let him look at the Rules of the House in the meantime. The Rules of *this* House.

3290 It is Part 6, Motions, right? I can tell the Hon. the Leader of the Opposition why I am doing this. I think that there are people here who have been Members of this House for many years – the longest being Mr Bossano and myself and next, Sir Peter Caruana – and on *many* occasions – (*Interjection*) I want to check the Rules, but on many occasions a Member who has made a speech on a motion has stood up and at the end of his contribution given notice of his intention to amend the motion and the amendment has been circulated and considered. (*Interjection by Hon. D A Feetham*) And that has happened since I have been Speaker. It has happened during one debate since I have been Speaker and there was no problem.

A Member: And the rules make it clear, Mr Speaker.

Hon. Chief Minister: In fact it has happened since the Parliament was the Parliament.
3300 Mr Speaker, what the hon. Gentleman has to remember is that Erskine May is there to give us guidance where our Standing Orders do not otherwise provide and Standing Order 20 says the following, Mr Speaker, explicitly:

3305 ‘Motions not’ –

Mr Speaker: Will you allow me to read it?

Hon. Chief Minister: Motions not requiring notice –

3310 **Mr Speaker:** Allow me to read it. The motions which do not require notice:

‘A motion...’

3315 Amendments thereto... I think Hon. Members should look at Rule 21, subparagraph (3):

‘Any amendment to the motion which a Member wishes to propose in accordance with the provisions of Standing Orders 23 and 24 may be moved at any time after the question upon the motion has been proposed by the Speaker and before it has been put by the Speaker at the conclusion of the debate...’

3320 That I am sure, Rule 21(3) is the Rule by which the proceedings of this House have been conducted, certainly since 1972 by various Speakers on numerous occasions when there have been not just amendments, but amendments to amendments to amendments.

3325 As I say, I have been a Member here for 20 years, Mr Bossano has been longer and Mr Caruana has been here since 1991. Maybe at a certain time when it was not that common or it was less usual to have debates of the natures that we have had today, maybe that almost fell into desuetude, but I have no doubt in my mind that it is perfectly proper for a Member speaking on a motion at the end... *at any time* during his intervention, certainly before he sits down, to give notice of the motion and having circulated it, and then that motion is to be debated.

3330 And insofar as Erskine May is concerned, Erskine May does not constitute the House of the Gibraltar Parliament. Erskine May is the bible of parliamentary procedure by which parliaments that base themselves on the Westminster pattern, guide themselves by.

Having said that, I will allow the Leader of the Opposition to say whatever he wants to.

3335 **Hon. D A Feetham:** Well, Mr Speaker, thank you very much. Normally one hears the submission or the views of those making the point of order before making a decision on the point, although, Mr Speaker appears –

Mr Speaker: I am not giving you a decision. I am giving you guidance. I do not have to...

3340 The Hon. the Leader of the Opposition, by objecting to the amendment moved by the Chief Minister... whether it was possible. I understood perfectly well what he was getting at, and as I said, because the practice and the Rules are clear, I think I have given guidance.

Now, notwithstanding that, if he wishes to challenge or if he disagrees with what I am saying, I will allow him to do so by all means.

3345 **Hon. D A Feetham:** Mr Speaker, yes, the difference is between an amendment to a motion, which is perfectly possible without notice – in other words one amends a motion, but the motion in essence remains substantively the same – and what he is doing, which is effectively substituting my motion for another motion, that is what – (*Interjection*) No, Mr Speaker.

3350 If what happens here is that there is another motion altogether, completely different to the one before the House now, he has to give notice, Mr Speaker, because what we are dealing with is a completely different motion – that is what we are dealing with. If we were dealing with an amendment of one paragraph then perhaps it would be different, but, Mr Speaker –

3355 **Mr Speaker:** That is not what has happened in this Parliament or in the House of Assembly. I regard Mr Bossano as an honourable person and he will corroborate. I am sure that it has happened to motions when he was Leader of the Opposition. He brought motions to the House, and either Sir Joshua Hassan, or I myself even or anybody would delete the *whole* of the motion, delete all the words after ‘this House’ and substitute by the following, without any prior notice being given – that happened during the course of the debate.

3360 I know what I am talking about. I know that I am supported by *Hansards* over all these years. I have a very, very good memory and in the 20 years that I was a Member, I have lived that situation on countless occasions.

Now, I would invite the hon. Member to continue but honestly –

3365 **Hon. D A Feetham:** Mr Speaker, I am not going to... It is not my practice –

3370 **Mr Speaker:** You are mistaken, honestly you are mistaken. Check with your father who has been a Member of this House and has seen that happen. Check with your father. He will tell you that you are mistaken, check with other people, check with other previous Members who were here during the days of the House of Assembly, and they will tell you. Contemporaries of Mr Bossano and myself, you can meet them in the street, you can telephone them and they will tell you. The only pity is that we do not have alive at the moment, any of the Speakers like Major Robert Peliza and Alfredo Vasquez, who were involved when that happened. But I tell you, I know what I am talking about.

3375 **Hon. D A Feetham:** Well, Mr Speaker, during the course of this evening I have had my two brothers mentioned, my father and now the Speaker also mentions my father.

Mr Speaker: No, no, just a moment, please –

3380 **Hon. D A Feetham:** Mr Speaker, may I be allowed to continue?

3385 **Mr Speaker:** I will allow you, but look I have not mentioned your father in a derogatory sense. I have mentioned him as someone with whom I shared many meetings here in the House whom I hold in very high regard and whom I consider an honourable person and a great friend of mine. So I am not saying anything derogatory about him. I think that you are going a little bit too far in misinterpreting what I am saying.

3390 We have been here since five o’clock. We have had three excellent debates. I am not being patronising – until now, until what has happened in the last 10 minutes, I want to commend all hon. Members who have taken part in three excellent debates with a lot of passion, with a lot of controversy but nothing unparliamentary has been said, and for that Members should be commended, (*Interjection*) because it is very easy... No, now we are having more controversy because it is not that I am making a ruling it is that I am telling you that you have misunderstood the Rules of this House and you do not seem to accept it. That is all.

3395 **Hon. D A Feetham:** Mr Speaker, it is not that I do not seem to accept it; I have not been allowed to get in a word in edgeways, Mr Speaker.

Mr Speaker: Well, I will allow you now as much time as you want.

3400 **Hon. D A Feetham:** Does Mr Speaker...Mr Speaker..., Mr Speaker look, Mr Speaker, I have looked at the rules indeed I am not going to mention who told me and alerted me to this, but Mr Speaker would be surprised if he is talking about authoritative people and people who have been Speakers, of the person who actually alerted me to this point. Mr Speaker, it is not something that I have invented and I have come here off my own back. I have actually been alerted to this particular point by somebody with experience of his job, Mr Speaker. I went back to Erskine May and I looked at the point and indeed, that is the procedure as I understand it.

3405 If what you are doing is effectively superseding one motion with another, fairness requires that there be notice of the motion. But look, Mr Speaker, to the extent that Mr Speaker is not with me, I have never, my practice has never been to push in court or otherwise, to push at closed doors. So what I am not going to do is push at a door that is clearly closed in my face, in terms of this particular point. And I do not want to delay the proceedings any more.

3410 If Mr Speaker thinks that the Hon. the Chief Minister can proceed with the amendment which is effectively without notice and doing away with my motion and introducing a completely new motion, at 5 to 12 – well, it was 10 minutes ago, so 20 to 12 in the evening – without any notice and that is fair and that is... Well that is fine, Mr Speaker. If Mr Speaker takes that view; I sit down and let him go ahead with the amendment to his motion.

3420 **Mr Speaker:** I am not discussing the fairness of the procedure or otherwise. What I am saying is that certainly in all the years that I have been a Member, in all the years that I have followed the proceedings of Parliament, when that has happened – and it has happened on numerous occasions – no-one has ever stood up in this House and questioned that procedure. No-one has stood up and questioned that the Speaker allowed that to happen.

Now the Hon. the Leader of the Opposition says that he has taken advice. Well look, I do not know who the advice comes from, possibly from a previous Speaker, but I am not going to make a judgement in disagreement of any previous Speaker. I am not going to do that because that I think would be wrong.

3425 I have the right as Speaker to make rulings and when rulings are made, when rulings are made, they become... that is the valid ruling, even if it were to go against what a previous Speaker may have ruled. That is the position. It happens in all Parliaments and it will continue to happen.

3430 Look, I do not particularly enjoy being... My personal preference would have been for the debate to be concluded because if an amendment is made to the motion, anybody else can now speak on the amendment and we might be here till midday. And as hon. Members will know, I do not particularly want to be here until midday on 2nd April. It is bad enough on April Fool's Day to have to be here until the present time. *(Banging on desks)*

3435 **Hon. D A Feetham:** Mr Speaker, perhaps we can get on with it, Mr Speaker and allow the Hon. the Chief Minister to go ahead with his amendments.

3440 I can only do, Mr Speaker... and in my career as a lawyer in the 22 years that I have been in practice, I have always pursued an argument and a course of action that I believe to be the correct one. I believe that the correct course of action is not to allow an amendment that effectively substitutes one motion with another, because the Rules on Notice, Mr Speaker, are there precisely to allow for fairness, because what you are doing effectively is giving notice to the other side that you intend to bring a motion. I understand when there is an amendment to one paragraph, but substituting one motion with another without notice does not appear to me to be the right course of action.

3445 But I accept Mr Speaker's ruling and all we want to do now is to get on with the Hon. the Chief Minister's amendment and then with my reply to both the Father of the House and the Leader of the House.

3450 **Mr Speaker:** Let me say for the record, that my ruling is based on the practice of previous Speaker of this House of Assembly and of this Parliament. I am not departing from any... It is what I have seen done and that is what I have guided myself by. In my view, the greatest Speaker that this Parliament had was the Hon. Alfred Vasquez and during the 18 years that he was Speaker, that must have happened on umpteen occasions.

Hon. Chief Minister: Mr Speaker, just speaking on the Point of Order, it is very clear that Standing Order 20 envisages exactly this sort of thing happening, as every Chief Minister, as every Member who has wanted to move substantive amendments which have removed all of the text of a previous motion have done in the past. The Hon. the now backbencher has done it, the Hon. the Father of the House has done it, I

3455 dare say in your time you will have done it, as you have confirmed. The position is very clear. Standing Order 20 says that motions not requiring notice include the motion by way of amendments to another motion being debated in the Parliament.

3460 And, Mr Speaker, the reference further in clause 21 is of *any* amendment. So if the rules in the United Kingdom are different, then they are different, Mr Speaker. I do not know who to thank for allowing me to get on, because the hon. Gentleman seems to have forgiven me my life by saying let us allow the Chief Minister to get on. It seems that he has given up very quickly. He does not have the tenacity that he says he has, Mr Speaker, in my view but anyway I thank you or him or whoever it is that I should, for allowing me to continue with the procedure that has been pursued in this House since the first day it met as a City Council.

3465 Mr Speaker, this is fast becoming from "*aqui no se cena*" to "*aqui se va a desayuna y nos vamos a comer los caracoles*", if we carry on like this. (*Laughter*) But the hon. Gentleman has obviously become in fact very, very nervous indeed about the amendment I am about to move. And I can understand that because he does not like to be treated like everybody else has always been treated, he believes there should be a Feetham rule for everything. Well there is not, Mr Speaker, and I therefore move that we should delete every word after the words 'This House:' and add the following new text:

3470

'This House:

WELCOMES that the Government has fulfilled its commitment to review and investigate allegations of abuse at the Dr Giraldi Home;

RECALLS that the terms of reference of the report, established under the Commissions of Inquiry Act by the Chief Minister were as follows:

1. To inquire into:

(a) allegations of mismanagement, misconduct and malpractice (including abuse) at the Dr Giraldi Home contained in witness statements intended to be relied on by Ms Joanna Hernandez in connection with her claim of unfair dismissal by the Social Services Agency; and

(b) the conduct of the relevant authorities and agencies in response to, or otherwise in relation to, such allegations.

2. To inquire into such other matters relating to the Dr Giraldi Home as the Chairman of the Inquiry shall, in his absolute discretion, consider appropriate.

3. To find the relevant facts.

4. To report on the above.

NOTES that the report has confirmed that there were instances of mismanagement, misconduct and malpractice (including abuse) at the Dr Giraldi Home, although in the judgement of the Chairman these were at a "lower level";

REGRETS the failure of the GSD administration to conduct an independent public inquiry into the allegations of deficiencies in the treatment of persons in the Dr Giraldi Home at a time when numerous individuals and organisations in Gibraltar including the then Opposition were asking for it;

CONSIDERS that the position of the present Government in having proceeded with the Inquiry was in the public interest and fully vindicated;

NOTES that the reasoning advanced by the previous GSD administration for their withdrawal of their defence of the case, namely that they were allegedly unable to locate their allegedly "star witness", Ms Isabella Tosso, previously the Chief Executive Officer of the then Social Services Agency (without whose evidence they said they could not proceed), have been demonstrated by the Inquiry to be entirely false, and which excuses THE HOUSE RESOLVES were blatantly hollow and designed to avoid a full hearing of the Industrial Tribunal case to ensure that the allegations made in the Witness Statements referred to in the terms of reference never saw the light of day;

NOTES that had the spurious and purely technical defence succeeded, the consequence would have been to greatly reduce the level of protection against unfair dismissal afforded to workers in Gibraltar since 1974;

CONDEMNS the previous GSD administration for their attempt to re-interpret employment legislation with spurious and technical arguments, notwithstanding the advice that there was virtually no prospect of success;

COMMENDS the Government for having commissioned the inquiry and publishing the report in full

AND NOW CALLS UPON the Government to go further and publish the transcripts of the hearing also in full on the Government's website.'

And I think, Mr Speaker there is a typographical error in the motion which should read, in the first 'NOTES' paragraph, just under paragraph 4:

3475 'NOTES that the report has confirmed that there were instances of mismanagement, misconduct and malpractice...'

and it should say there in brackets ‘(including abuse)’ which is what the Report says, including abuse, at the Dr Giraldi Home, which is exactly Mr Speaker, as you will note – and I am now speaking on the amendment – was the first conclusion of Chairman Parker, Mr Speaker, which I referred you to a few moments ago, but to which surprisingly Joanna Hernandez’ first lawyer had not referred you to which was this, where he said, Mr Speaker:

My general conclusions are as follows:

1. There were some instances of mismanagement, misconduct and malpractice (including abuse) at the Home...’

That is page 667 of the Inquiry Report, Mr Speaker, so we have been very faithful to the findings of the Rt. Hon. Sir Jonathan Parker QC, the Chairman of the Inquiry in drafting this motion. And we are therefore proposing to the House that it should adopt a motion, not in the shorthand terms that the Hon. the Leader of the Opposition obviously wrote his, when he thought he remembered what the *Espejo Publico* report had contained, when he might have thought that it contained defamations when in fact it contained things which the Inquiry has demonstrated were true; when he might have thought of that Gibraltarian politicians went to Spain when in fact they did not go to Spain, they were interviewed here; when he might have thought that they said things which were defamatory, when all they said was exactly what they were saying here, namely that they had been seeking that the matters be dealt with and they could not understand why.

All of that, Mr Speaker, means that this motion actually properly and accurately reflects the position, and the self-serving motion which the hon. Member brought and has been pursuing for some time now, is simply designed to try and garner some public support for him and his party which is not otherwise really rallying in any way.

And so, Mr Speaker, speaking now on the amendment, I would commend the Bill as amended, to the House – (*Interjections*) sorry, I would commend the motion as amended to the House and will now allow others to speak on the amendment at your discretion.

Mr Speaker: The question which I am now required to propose is that the amendment be made – that this very lengthy amendment be made – and hon. Members may speak on the amendment.

Hon. Sir P R Caruana: I have been provoked to rise to my feet again –

Hon. Chief Minister: You are so easily provoked.

Hon. Sir P R Caruana: Well...only by the truth and falsehoods.

Mr Speaker, look, it is not just because it is an ungodly hour of the day for the House, for you know 19 grown up men and women to be conducting proceedings of this sort, not just for that reason am I actually quite indifferent about the content of this particular amended motion.

I am also indifferent to it because the Government is going to use political majority to secure the passage of whatever it wants for political effect, they will all vote for it, and one thing is clear and everyone listening to this debate will know, is that the Government’s political majority does not define truth.

And because the Government’s political majority does not define truth, they have a pen, they have a piece of paper in blank, they have the majority of votes in this House and therefore they can write on the piece of paper entirely what they please and that is what reflects my level of interest in what is said on this piece of paper.

But having said that and recognising that in a sense that which I have described has always been so in the case of political majorities and political minorities, and recognising that in the past I have used political majorities to pass motions that I wanted passed and to defeat motions that I wanted defeated, I like to think that at least when I was amending motions, I may have been expressing value judgements and opinions and assessments with which my political opponents disagreed, but I have never consciously written on a piece of paper, to have it delivered by my political majority, a statement of fact which is self-evidently *false*.

Mr Speaker, the paragraph at the bottom of the first page, which the Hon. the Chief Minister describes as properly and accurately reflecting the position, is self-evidently *false*. It is as true as saying that the planet is a cube and not a sphere. But of course, they have the political majority to pass in this House a piece of paper that says that the planet is a cube if that is what they want to do, but no-one is going to believe that the planet is a cube, simply because they use their political majority to pass it.

Look, Mr Speaker, this House notes that the reasoning advanced by the previous GSD Administration for their withdrawal of their defence of the case, namely that they were allegedly unable to locate their allegedly star witness Ms Isabella Tosso, previously the Chief Executive Officer of the then Social Services Agency without whose evidence they said they could not proceed – and the next words of key – *have been demonstrated by the Inquiry to be entirely false*.

Mr Speaker, Mr Justice Parker has found, declared and stated, precisely the opposite of that on that very question. So far from the Inquiry having demonstrated that the reasoning advanced by the GSD

Administration and its justification for the delays were false, he has found that they were true, that they accepted the reasons for it and they had nothing to do with delay. Now of course, the hon. Member can invent and fabricate this statement of fact and get his allegedly independent thinkers, who are not subject to any whipping, all coincidentally to come to the same conclusion that Lord Justice Parker said the opposite of what he said.

He can do that, but he should not delude himself into thinking that he can re-write the findings of Lord Justice Parker on this point. Look, Mr Speaker, the hon. Member, I am sure, when he wrote this paragraph, he may have had in mind the finding of Lord Justice Parker about the lady whose name I now forget about having the e-mails with the loves and kisses at the bottom, and he may have in mind when he wrote this paragraph, the fact that there was an employee in the authority who, contrary to what the Government knew or thought, was actually incapable of being in contact with her.

But the hon. Member is not entitled to attribute that knowledge of that e-mail address and that contactability to the GSD previous administration. Still less to use that misattribution of whatever may or may not have been known to Ms Gomez to me, to then reverse what Lord Justice Parker has in black and white said on this very issue.

Now, Mr Speaker, I am now going to sit down and I will wait here politely until this House votes on this motion – but with the statement that if this House passes this amended motion in these terms, it will be noting something which hon. Members know is not true. It is not true that Lord Justice Parker found this.

Mr Speaker: Does any other hon. Member wish to speak on the amendment?

The Hon. Mr Bossano.

Hon. J J Bossano: I will address the point that has been made by the hon. the backbencher in due course in what I am going to be saying.

Can I just say, before I start on what I had planned to say, Mr Speaker, that when he started philosophy, the hon. Member opposite clearly did not study Machiavelli because I assumed if he had read anything, he read *The Prince* because it is the only one that is translated into English really, and not the whole of the works, which I did. And I can tell him that nothing that he attributes to Machiavelli was ever said by Machiavelli in *Il Principe* or in any other of his writings.

The essence of the concept of being Machiavellian which has entered into the English language, was because Machiavelli advised the employer that he had who was the Prince of the particular independent republic where he lived, that as an approach to dealing with people who had been his enemies, that if you have a wounded enemy you either convert him into a friend or you finish him off.

Now that might appeal to some people or it might not! I can think of at least one person in this room that I think it would appeal to, and it is on me (*Laughter*) who used to polish off enemies and never leave them alive to come back another day! (*Laughter*) But I am not going to amend the motion to include that. (*Laughter and interjections*)

So to get back to the amendment, I am speaking in fact on the part of the amendment that deals with the condemnation of the administration for their attempts to reinterpret employment legislation, which of course is not factually in doubt. I mean they did attempt to reinterpret it and whether one should congratulate them or condemn them is what I am going to see if I can persuade Members opposite of.

First I think I owe to the Leader of the Opposition, Mr Speaker, a need to express my gratitude to him because he has given me, by bringing the motion in the first place, the opportunity to put in the public domain and on the record of the Parliament, the issues that I would have been able to air had the hearing of the Industrial Tribunal had proceeded or if I had had the opportunity of addressing this issue in full before the Inquiry.

As has been mentioned, the original termination of employment or the indication of the termination of employment of the manager of the home was contested by the Leader of the Opposition. Yes, the Leader of the Opposition challenged that decision as the lawyer of Joanna Hernandez and the letter –

Hon. D A Feetham: Mr Speaker, is he now speaking on the amendment or is he now responding to me on my – ?

Hon. J J Bossano: No, no, I am speaking on the condemnation of the decision to attempt to reinterpret employment legislation and in order to go through the wrongful actions of the previous administration, I have to start by explaining the sequence of events which start with him. That is to say when he started off in October 2005 he was opposing the dismissal and saying it was unfair, even independent of any consideration of this esoteric invention that came along later of the 53-week year, to which I will address myself later on.

Originally what the hon. Member opposite, the Leader of the Opposition was arguing was that in fact the termination was procedurally wrong and unfair, irrespective of anything else and he argued, in fact

3600 something that Mark Isola was also arguing when he took over the case in the advice he was giving the Government.

We start off with a situation where the hon. Member was involved initially in October and the position that he took up to the point when the Chief Executive Officer, on 24th October, wrote a letter saying:

3605 ‘Probation and confirmation of appointment.
I am writing to inform you that your performance in your position as a manager of the Dr Giraldi Home has been reviewed and it is the conclusion of the Social Services Agency’

– not my conclusion; the *Agency’s* conclusion –

3610 ‘that you have failed to meet the required standard.’

3615 Not true! Not true because in fact what the Government said subsequently was that she was a star witness because she took the decision on her own and without consulting anybody else. Now I do not know whether that was legitimate for her to do but she claimed that it was not her decision. She claimed in writing to the person concerned, ‘it is the conclusion of the Social Services Agency’ and that suggests it is the conclusion of more than one. Indeed it suggests that it would have been something that had gone up to the Minister and up to the board level of the Agency. Because we are being told that we cannot hold the Government responsible for what Marie Gomez does. Well look, Isabella Tosso holds the Social Services Agency responsible for what she did.

3620 But of course, at the time, the position of the hon. Member was to reject this. He said:

3625 ‘It is clear that Ms Hernandez has been treated unfairly in the procedure followed for her dismissal given the timing of the letters and the lack of reasons supplied.
Given the circumstances, we have come to form the view that this unfair treatment towards Ms Hernandez has come about because of the investigations that Ms Hernandez has been carrying out into aspects of running the Dr Giraldi Home and the complaints made against senior members of the staff. It appears that the Agency has chosen, instead of dealing with the problems voiced by Ms Hernandez, to avoid matters and turn them against her. This victimisation is clearly unwarranted, given that Ms Hernandez was merely dealing with numerous complaints raised by staff under her management.’

3630 Excuse me, Mr Speaker, is this signed Joe Bossano? No, it is signed Danny Feetham. (*Laughter*) I cannot believe this. Should I condemn the Member opposite?

Hon. Chief Minister: No, publish it, publish it!

3635 **Hon. J J Bossano:** Do I say this is hypocrisy and double standards? Is he guilty when he does it or innocent; and I am guilty when I do it three years after him? (**A Member:** Shame!) This is the letter signed by the hon. Member on 14th November 2005, and he says that he has come to the conclusion that the reason why Ms Hernandez is being victimised is for *whistle blowing* on the complaints of all the members of the staff! (*Banging on desks*) But wait a minute, did she not fabricate these things? (*Interjection*)

3640 Well I agree with him, he is right. He was right then but he is wrong now, because I was saying that then and I am saying it today, and that is the difference. He is no longer GSLP so he does not say the same things two years later.

3645 When he said that, he was defending exactly the same thing that we have been defending all the time. And if indeed he believed what he was saying when he signed it and he believed that the Agency had chosen instead of dealing with the problems voiced by Ms Hernandez to avoid matters and turn them against her, then in fact he must believe as we do, that this was a case of victimisation for whistle blowing.

3650 Unfortunately, at the time, the victimisation of an individual for whistle blowing was not included in Gibraltar, although it had been in the United Kingdom since 1998, as an area which required no minimum level of service. If this had happened in the United Kingdom, the case would have been heard immediately, because under the United Kingdom, if you are exercising what is a duty which is to report what you genuinely believe to be wrongdoing, you cannot get sacked because it is less than 52 weeks or 53 weeks or any other number of weeks. You can have been working one hour and you are protected against unfair dismissal.

3655 But unfortunately the GSD in 2005 had not attempted to bring the laws of Gibraltar up to the standard of the United Kingdom of 1998, which they should have done when they came in after 1996. So instead of being a progressive administration that protected workers that were whistle blowing, they took advantage of the fact that they were a regressive administration and, as he clearly pointed out to them, they went on to victimise Ms Hernandez and to compound the felony – (*Interjection*) Mr Speaker, to compound the felony by first of all, the first argument as I tried to explain to Chairman – not now – Parker, I tried to explain this to the Chairman but you will not find it there.

3660 The first argument which was put, which was at the time when the case was transferred from my colleague to me, which was the first time by the way, that I met this lady and he had known her for any

more years than I had, and held her in high regard. I was only given the responsibility for handling this for a very simple reason, which was the reason that I explained to the Tribunal when I said I had reason to believe that pressure had been put on the Union.

Mr Speaker, following this exchange, there was a letter signed by my colleague informing the Union that he had now received the files from the hon. Member opposite, and that was four days after this on 29th November. And the Union had a policy in place where before they gave legal support they had to have an evaluation which required that the lawyer was able to recommend that the case should proceed on the basis that he considered that there was more than a 50/50 chance of winning it.

The evaluation done by Hassans came back saying the chance of winning it is over 70% and the Union, having first said you have to do the evaluation, then said we cannot finance it because the evaluation has been too expensive. Well look, it is totally insane if the policy were that first of all you require that somebody does an evaluation, if the evaluation comes out under 50% you do not get the support of the Union, and if it comes out over 50% you do not get the support of the Union because the evaluation has been too expensive. Well then, you would not get the support of the Union ever.

But of course you get it all the time, because this is the one and only case when it has happened, never before and never since. So we start from the very beginning with singularities as if we were in outer space. (*Laughter*) A singular attempt to silence somebody, a singular interpretation of the support from the Union and the indications from the Union were that continuing to provide finance to defend this case would mean that it would be seen as a hostile act by the administration. So in fact the regime at the time was similar to the one of our neighbour, where if you are nice to the Gibraltarians, then that is seen as a hostile act by the Junta in Madrid. Therefore the Junta in No. 6 Convent Place behaved in the same way and they said, 'If you support somebody that is going to go against me, then we will bear that in mind.'

Of course, I could not produce the evidence because if the evidence that is required to convince the inquiry is that somebody has got to admit to that, then it will never be possible to produce the evidence. But I can tell the House what kind of evidence there is, and the kind of evidence there is, is that having said they could not continue to support her, they called me up and asked me to take on the case for free. I took on the case at the request of the Union, not at the request of Joanna Hernandez who did not know me and I did not know her. It was the Union that sent her to me and said, 'Look, we cannot do it because this is going to affect us in our relationship with the Government, if we are financing a case against the Government which is controversial. Therefore, can you take it on?'

In the past, I have normally taken on cases given to me by the Union, not because the Union said they would not finance it, but because the lawyer had said to the Union, it did not stand more than a 50/50% chance of winning – and I won them all, even though it was less than 50%. So when the Union said if it is a lost case, send it to Joe Bossano and if it is not a lost case, will let some lawyer make money. That was really what it amounted to – ok. (**A Member:** *Esta bien eso.*) Yes, well... I suppose (*Laughter*)

So from that time on, Mr Speaker, I want to take the House through the sequence of events which justifies the condemnation in the amendment of the way this was handled by the Government. Having started with the Tribunal, the first thing that happened was that the Attorney General's Chambers contested the case on the grounds of jurisdiction. That is to say they sent a letter back to the Tribunal saying there is no jurisdiction to hear this case because it does not meet the requirement. And they argued initially – I cannot understand how they did but they did argue initially – the absurd proposition that the requirements of the law were not being met because notice had been given in October and therefore the termination of the contract was on the day that the notice was given and not on the day the notice expired. So they argued initially that the employment had lasted 11 months.

The law is absolutely clear. The law says in the Employment Act of Gibraltar, that the termination of employment happens on the date the notice expires, not on the date the notice is given. And on that basis, that argument was shot down at the first hurdle.

The next step therefore was, that the Attorney General's Chambers were told to hand over the case to a private lawyer and it was initially – I have just found out as a result of the Inquiry – being offered to Mr Dumas and then because he was not available, it was offered to Mark Isola. And Mark Isola was asked to find another reason for challenging the jurisdiction because the original reason did not work. And he came up with this concept that there was case law in the United Kingdom to justify what was being done. Well this is a disgraceful attempt by the GSD Government which no trade unionist sitting in their ranks should be able to defend or live with.

Here we have a situation where the Government of Gibraltar that has been in power since 1996 turns round and says to its lawyer, 'Find me a reason for stopping the hearing', and the lawyer has got a job to do which is a tough job. He said, 'Look, this is going to be very difficult, the chances of getting away with this are minimal,' That is in the correspondence and this goes all the way to the Chief Minister who was the one insisting on it.

He came up with some ridiculous argument that it was something to do with a Gregorian calendar and that there used to be lunar calendars before and not afterwards. All this was done in public because the

3725 arguments were so ridiculous that I made the point of ringing everybody up in the press to come and listen to this. This was a real circus. (*Laughter*) Then he produces one case, Pearson in Scotland and Pearson in Scotland had ruled by a majority of two to one, that somebody was not able to meet the test of jurisdiction at the time when Scotland had a requirement for 26 weeks.

3730 The argument of Mr Isola was because of this case in Scotland that did not meet the 26 weeks, we should apply that to the 52 weeks. But the case in Scotland was that they were trying to argue that the week should count whether it was seven days or just one day. In fact, in the Pearson case, which was from the 1970s, the argument of the claimant was that although he had worked 25 weeks and two days, the two days which were a part week, should count as a full week and that was lost because it did not meet the six weeks. It had nothing to do with starting on Sunday or finishing on Saturday. It was about whether on a consecutive basis, there were enough days to say it was 26 multiplied by 7 and the answer was, it was not.

3735 This is then converted into an argument that in the United Kingdom there is a definition of ‘week’ and a definition of ‘year’ and a definition of ‘month’ but in Gibraltar there is not. So the Government of Gibraltar comes along and says, ‘We have got a problem because the law was changed in 1974 in the UK’ and I say, ‘What law?’ Well they cannot produce what law. They say, ‘Well look, there are plenty of examples in the UK’. I said, ‘Cite them.’ They can only cite Pearson in Scotland.

3740 I said, ‘Well look, in Gibraltar we have had this law since 1974. (*Interjection by Hon. D A Feetham*) Mr Speaker, it was your law.

Hon. Chief Minister: I am not surprised – you have realised what you have let yourself in for.

3745 **Hon. J J Bossano:** It was your law and when you brought it to the House following a question that I put to you, you said in the House in 1974, that you were going to protect people against unfair dismissal if they worked two years, which was what had been done initially in the United Kingdom and you argued with me, that – I do not know whether you remember it, but I do? (*Interjection*) You do, good! Then you told me that although you were doing it for two years, when I tried to persuade you not to do it for two years and to do it for one, you said, okay look, what we will do is, we will put in two years and if in 12 months’ time you come back and you demonstrate that there has not been an avalanche of complaints which has choked the system, then I agree that we will amend the law and reduce it to one year. That is precisely what happened and in 1975 you reduced it to one year.

3750 That is to say you said in Parliament, ‘I am going to make it one year’ but the regulation that came out published by the draftsman, did not say one year; it said 52 weeks. And the regulation in 1974 did not say two years; it said 104 weeks. And now we have somebody coming along 13 years later, saying that the law was unclear. Well wait a minute, the law that everybody has been abiding by for 30 years, unclear? So I said let us go back to the *Hansard*, let us find what was the intention of Parliament.

3760 Was it the intention of Parliament that you were protected if you worked one year and the year happened to be 53 weeks long? Well then, that would never happen. There are no years. There are leap years which have got one more day, but there is never a year that has got 53 weeks.

3765 However, if 1st January is a Sunday and 31st December is a Saturday, then that year counts because that is a year of 52 weeks beginning on Sunday and ending on Saturday. It is that level of absurdity that was used which the Chairman of the Tribunal said, ‘Well look, I have never had this before, there is no evidence that anybody has argued this before, but fine, I do not think this is fair and I am ruling that it should not be used.’

3770 And what does the Government do? The Government says ‘We are going to appeal to the Supreme Court.’ Now the Supreme Court at the time still had Chief Justice Schofield. They had not bundled him off yet, so I suppose that helped to introduce some common sense into the appeal. I was not able to go to the appeal because you have to be a lawyer to be able to do that. (*Laughter*) Yes. My colleague Gilbert was the one that took the case to the appeal and although he went very well prepared, in fact the Chief Justice said to him, ‘You do not even need to say anything to convince me. This is so ridiculous an argument that I am telling you now I am throwing it out.’ (**A Member:** Hear, hear.) (*Banging on desks*)

3775 And all that we need to say, how could *anybody* with any background of defending workers argue that there could be a system where you get a letter that says, ‘You are here for one year’s probation’, you start on Monday, I then sack you in the 52nd week and I am telling you that although it is a year, it is not 52 weeks because I commenced your contract on the Monday and in order for you to have 52 weeks, I should have commenced your contract on a Sunday?

3780 And they do this to an employee that was already in the public sector in the Education Department on the Friday! So she finishes on the Friday and she is sacked on the Monday and she started work on the Sunday and that is the basis of the Government’s argument for saying there is no jurisdiction and they filed this case in the Tribunal, in the Supreme Court and in the Appeal Court. And this is not a plot to stop the Tribunal hearing. No, this is – they tell the Tribunal, the Inquiry – to clear up the confusion that there might be about what the law says.

3785 So the Chairman says to me, ‘Well would you agree that it is necessary to clear up the uncertainty about what the law means?’ Well there is no uncertainty. I mean the law is clear, it has been clear for years. They then produced as an argument, that they have consulted a QC in the United Kingdom and the QC in the United Kingdom has told them it is not impossible to win. Well of course it is not impossible to win. It would be a miracle if you won, and miracles presumably sometimes happen, or the guy has fallen asleep and has not heard the arguments and gives the wrong decision. So it is not *impossible* to win but it is *highly unlikely*. But if there is doubt that needs to be cleared up, then the Government may want to test it so that the law is clear for the future.

3790 Well of course, the guy that is giving the advice, the QC in the United Kingdom, a Mr Barr. (Interjection) Yes, Mr Barr – I do not know who he is – says, ‘If the Government feels there is a need not to win the case, not to stop the allegations, not to stop... if the reason for wanting to do it is that there is uncertainty about the meaning of the law, then although in all probability what the result will be is that it is 52 weeks made up of seven consecutive days, which is how everybody has been doing it since the year dot, if you think there is uncertainty and you want to be clear of the uncertainty, then by all means.’

3795 The only justification that the QC gave, according to the evidence in the Inquiry – which I did not know before – was that he justified it as a very long shot, but justified by the need to clear uncertainty. And then, when Chairman Parker said to me, ‘After hearing this, do you change your mind?’ I said, ‘No, I do not change my mind. I am more convinced now than before I heard it.’ Because if the QC has been told the reason we want to go ahead is to clear uncertainty, then the QC has been misled in the brief that he has had from the Government, because no uncertainty has ever existed and because the lawyer they contracted, Mark Isola, was constantly telling them, ‘You are going to lose this. You are going to lose this, stop wasting money. Either let’s reach an agreement and settle, let’s offer a settlement, or let us have the hearing.’

3800 Now having delayed the system by doing this, allegedly not for any deliberate motive, just I suppose because the former Chief Minister told the court ‘Why did you do it? – ‘Oh well, because I just felt like having another shot, you know what I mean? Just for kicks with the Taxpayer’s money.’ (Laughter) Well I can tell the hon. Member that when he had the first kick, which was going to the Appeal Court here, I took the matter to the Union and here I have got, in February 2007, the letter written by the District Officer, Charlie Sisarello, to Fergus Whitty, the Head of the Legal Services in the UK:

3815 ‘Thank you for your letter and helpful advice. We have no doubt,’ says the Union, ‘that the Government’s lawyers are wrong and that they know it.’

This is not the *Tupamaros* in the GSLP. This is Charlie Sisarello, highly regarded by the Government at least at some point. He was sent to Coventry for a number of years and then they brought him back into the fold.

3820 So the Union says we have no doubt that the Government’s lawyers are wrong and they know it. So it is not that they had doubts, they know they are wrong and they are deliberately stopping the Tribunal from taking place.

3825 The legal firm, the Union says, is the legal practice of the father-in-law of the Chief Minister, Mr Caruana. Horrendous language mentioning the father-in-law. I mean do not mention fathers or cousins or brothers. (Laughter)

‘They have been instructed by the Government to appeal. The case was originally in the hands of the Attorney General and was briefed out to Triay & Triay, and we believe this to have been a political decision.

3830 The law in Gibraltar does not require one year’s continuous employment but 52 weeks. The argument used by Triay in the Tribunal was that whereas the law in Gibraltar gives the definition of a year and a month which is the same as in the UK, it does not define a week.

3835 He argued that in 1974 UK employment law defined a week – not true – as a seven day period from Sunday until Saturday – not true. And that by virtue of this definition the 52 weeks of continuous employment had to be counted commencing on Sundays and ending on Saturdays. This means that someone whose contract of employment started on a Monday would not count the first week and if the employment terminated on Friday would not count the last week, so the guy has got to do 54 weeks in order to have 52.

3840 ‘Joe Bossano won the argument in the tribunal for one of our members but cannot appear before the Supreme Court.’

– it is not because I am *persona non grata*; it is because I have to have a legal qualification –
‘and if we do not contest the appeal it could be lost.’

3845 The fear was that the appeal uncontested might be lost and there would be serious consequences, not just for this individual but for the entire workforce and that is why the amendment condemns the Government, and that is why all the nasty things that the mover of the motion said he should now be saying about the decision to delay and the decision to attempt to re-interpret the law of Gibraltar from the way you

3850 introduced it, Mr Speaker, from the way that every single lawyer has operated it for 35 years and from the way that the hon. Member opposite was advising Joanna Hernandez of her rights when he was her lawyer. So how can he defend the opposite of the advice he gave her when he ceased to be her lawyer?

The Union told the Head Office:

3855 'We believe the whole strategy is to try to delay the case being heard until after the General Elections.'

3860 Is there political motivation here? Is this a conspiracy? The Chairman of the Tribunal says there is no evidence. Would this constitute evidence? Well no, if he does not believe me, why should he believe Charlie Sisarello? If they called Charlie Sisarello back from retirement would he still say what he said when he signed this? I do not know, but I can tell the hon. Member one thing: I did not make this up. The Union says:

'Our member was employed in the Civil Service for over five years, finished work on Saturday and started to work on Monday in the Giraldi Home. The appointment was subject to one year probation',

3865 and the Union had a pending claim for continuity of employment, given that the Social Services Agency is part of the Government public service and half of the staff are civil servants. The Union had a claim for continuity, even on that ground alone. What are you talking about, one year and 52 weeks? This is *year six*.

3870 'Our member received reports of cases of abuse of the persons in care and reported this to the Chief Executive and copies of the reports were sent to the Minister.'

The Union is saying all this.

3875 'The act of whistle blowing we believe was the real reason why it was claimed that she had failed to meet the standard required in the probation year.'

3880 So now the Union agrees with the Leader of the Opposition and with me, because that is what I was saying then and this is what I am saying now, and I am being castigated for saying what he subscribed to and the Union subscribed to.

'Well over a year ago her employment was terminated from November 2005 and we are still fighting to have the case heard',

says the Union.

3885 'We have a long list of witnesses with sworn statements...'

Were those the ones you fabricated, or did I fabricate them, or did the Union not know they were fabricated?

3890 '... long list of witnesses with sworn statements both as to the high standard of our member's performance and as to the complaints of abuse of disabled children and others within the service.'

3895 The approach to the Government or the lawyers that you suggest... because the Head Office said 'Why don't you try and talk to the employer to see if we can find a settlement rather than fight it in court and having to go to an appeal and spend a lot of money?'

3900 'The approach to the Government or the lawyers that you suggest is pointless, since the Government is willing to spend whatever it takes to prevent the facts coming out. I will send you the transcripts of the argument used in the Tribunal as soon as they are available',

so that they would frame it as a unique event in legal history, dealing with the Gregorian calendar and the 54-week year.

3905 'I enclose the ruling made by the Chairman and the notes taken by Joe Bossano of the statements made by the lawyers. Local lawyers are confident that the application can be won and presumably should be able to get costs awarded but we need the appeal.'

3910 The Union needed the appeal not just because it was grossly unfair, what they were doing to the member, but because it meant that what the Government was prepared to do, as their lawyer Mark Isola told them in the documents that are now public, was take the risk that if they won, which was considered to be *highly unlikely*, if they won, immediately after winning they would then have to come back and legislate to make sure that they did not deprive everybody else coming after this particular case from their rights to unfair dismissal.

3915 So here we have got evidence that there is no fabrication, evidence that there are real statements, evidence that it is not a GSLP... or is it that we had the T&G in our pocket in 2007? The year 2007 was driven by the 2007 election date, that is why there was this importance.

The Supreme Court ruled in favour and we were awarded costs and therefore as far as the Union was concerned that is what happened.

3920 When the Government said that they were now going to go one step further and take it to the Court of Appeal, the Union at that stage said, ‘Look, Head Office thinks that...’, given that their own analysis was that the Government is willing to go to the House of Lords if need be and spend whatever it takes to stop it happening, the Union was told they would call it a day.

3925 Well, Mr Speaker, even at the start on 25th October when the Leader of the Opposition was representing the manager that had been told she would be terminated in a month’s time, the Minister Yvette del Agua was given a letter by the parents of the users saying the following:

3930 ‘It is with much regret that we have learned that the Social Services Agency will not be renewing the contract of Joanna Hernandez as current manager of the Giraldi Home. The families of the users of the home have therefore decided to show their support and condemn the decision not to renew her contract. We find her a very dedicated professional and qualified person and are very concerned that this is the fourth manager in a row of the Dr Giraldi Home that has been replaced in as many years.’

3935 This wonderful house that the hon. Member opposite, Mr Netto, has told us of the quality of the place – well look, they sacked managers every year. They brought one manager in and he lasted one year and then he went. Four years, four managers and it was always the fault of the manager; never the fault of the Minister.

‘We believe that they had inherent problems within the service and these problems have caused the loss of several professional dedicated members of staff over the last few years. With this in mind we wish to publicly voice a call for an independent inspection into the local residential services by the Care Standards Commission from the UK.’

3940 This is at the beginning, when the hon. Member opposite was representing her, before anybody in the GSLP had called for anything. Before the termination had taken place, the Government – because this is the Government... This letter is to the Government. Did the Government say, ‘Well look, let us take a step back.’ After all, these are the parents asking us now. This is not the Opposition, the Opposition was not involved. Why not go to the Care Standards Commission in the UK or is it that you only go to UK to download their stuff, copy/paste it and claim it is yours? That is the degree to which you are interested in the UK.

3950 Well, I can tell you, Mr Speaker that in terms of what has been done, the evidence before us is that there is justification for what the amendment says. Because the other element that has been mentioned which is the element of the access of the Government to Isabella Tosso is something that I can also demolish. Not only is there a situation where in October 2007, the letter from Isabella Tosso to Marie Gomez was ‘my dear, dear friend, I am writing this – no wonder you have been feeling as you have.’ This was because Marie Gomez here was saying what a rough time she was having with Wilson who had been put in charge.

3955 And, she says, ‘I cannot wait to see you on Saturday, when I can give you the hug that I am sending you now.’ On Saturday in *Cadiz*. She was supposed to be in New Zealand! That is what they told me in the Tribunal, ‘We cannot get hold of Isabella Tosso because she has told her she may not be in Europe at all, she may be in New Zealand and we think she is in New Zealand.’

3960 But look, wait a minute, your manager – the one that replaced her in the Tribunal, the person that was going to be giving the evidence, their second star witness... They decided the star witness could not be found because she was supposed to be in New Zealand, but she was in fact in Cadiz, was going to be replaced by Marie Gomez and Marie Gomez was going to be delivering the devastating blow that would prove that all the witness statements were all false, that here we had a lot of people who were all going to be committing perjury and that the manager was useless.

3965 And Marie Gomez forgot to tell anybody until these e-mails appeared in the Tribunal, forgot to tell anybody that she was going to go to Cadiz to meet Isabella Tosso, and Mark Isola was telling me in the Tribunal that she was in New Zealand.

3970 Well, there was a postponement while we waited for her to come back from New Zealand and eventually, after the postponement, the next step was to argue that she could not be contacted and when they said that she could not be contacted, they said it would carry on first with the new manager and then they changed their mind and they said Marie Gomez would be delivering the case for the Government.

3975 The day we sat down – because we actually sat down to start – and the day Marie Gomez was supposed to make the opening speech to meet the burden of proof, Mr Isola told the Chairman that the Government had decided that the burden of proof could not be met by the contribution of Marie Gomez and that instead what they were doing was saying they could not produce the evidence that would show that the dismissal had been fair. I said I wanted to carry on and the Chairman said I could not. I said, ‘But I know where she is, I can tell you where she is, all you need to do is Google Isabella Tosso, and since there is a register of workers in the United Kingdom – because I have done it – they will tell you her telephone number and her number.’

3980 Now look, I may not have, Mr Speaker, evidence that could win a conviction in a court of law. Courts of laws are mysterious places that I do not understand, and the guys that wear wigs and sit in them I understand even less. But I can tell the Members Opposite that if they genuinely believed what they said at the beginning, I hope that they have stopped believing it by now.

3985 And let me tell the hon. Member one final thing. At the beginning of the saga, when the letter was sent telling her ‘your contract may not be renewed’ in September, the letter from Isabella Tosso said, ‘Your contract may not be renewed.’ The Tribunal was told that the letter had said, ‘Your contract *will not* be renewed.’ That was a lie. It said *may* and *may* means if you improve the performance, it may not happen.

But it was worse than that. It was worse than that because the letter said, ‘I have consulted the Labour Inspectors and they have told me I can go ahead and not renew your contract.’

3990 And when I got this, because I asked for discovery, and the evidence from the correspondence between the lawyer and the agency shows – and the hon. Member opposite, Mr Netto was the recipient of some of this correspondence – shows that the advice that he was getting was, that you are going to lose this because on procedural grounds you have lost it, as indeed the Leader of the Opposition had identified on day one, and even if it is not on procedural grounds, you are on very sticky ground, you had better find a way of solving this.

3995 Well look, there are two options that they chose not to do for which there is no explanation. They chose not to attempt to reach an agreed reconciliation, no attempt was made to do that and secondly no attempt was made to say, ‘Well look, if you are genuine in your concern, let’s have the investigation in a way that is transparent and the people can be satisfied. But what happened, from the beginning, from the beginning, there are lies because when I get into the picture and I get that letter saying the Labour Inspector had been consulted, I knew they were lying. I knew they were lying because I had been dealing with these things all my life.

4000 Labour Inspectors do not give advice to employers on how to sack people. Labour Inspectors listen to the people who are sacked and advise them.

4005 So I insisted on the evidence and eventually when all the appeals had been exhausted, which was three years after the termination of employment, Mark Isola accepted that I had a right to discovery and sent a letter to the Director, Ernesto Gracia and he said:

4010 ‘We have been instructed by the Agency to write to you inquiring as to whether any of the Labour Inspectors at the Employment Service has any recollection of Isabella Tosso, the Chief Executive, making an inquiry or otherwise in September 2005 concerning a member of our staff, one Joanna Hernandez and in particular, whether you have any record of it.’

The answer is no. The Labour Department writes back and says no:

4015 ‘I can confirm that none of the Labour Inspectors has any recollection of ever having spoken to Isabella Tosso, the Chief Executive.’

From the beginning they were lying and they have been lying throughout – and it is not just me that says it, it is the Union that says it and it is the parents of the users that say it.

4020 Therefore, Mr Speaker, I commend the amendment to the House because what it says is accurate. (**A Member:** Hear, hear.) and if Chairman Parker says there is no foundation in my thinking, there is a conspiracy to prevent the truth coming out or to prevent the proper protection being given to workers, and if any Government goes to the lengths of putting at risk the protection that has been there for 30 years for 20,000 people for the sake of one case, look there is something there that does not make sense.

4025 There is an absence of logic in this that does not make sense and I have to say well, if somebody is saying that there is no foundation in anything that I am saying, here is the foundation and I will be judged by the electorate, by the people who put me in this House and not by the Chairman of an Inquiry.

A Member: Hear, hear. (*Banging on desks*)

Mr Speaker: Order!

4030 Does any other hon. Member wish to speak on the amendment?

Then I will call upon the Chief Minister to reply, if he wishes to do so.

Hon. Chief Minister: Mr Speaker, thank you very much.

4035 I do have to deal, I think – despite the late hour – with the issue that the hon. the backbencher raised. He is not here to hear me respond, but he raised an issue before he left.

Mr Speaker, the hon. the backbencher talked about us simply using our political majority to pass a motion that did not reflect reality. Mr Speaker, for all the reasons that the Hon. the Father of the House has demonstrated that is not what the amendment reflects. But there is one particular aspect of that which I want to deal with specifically because the Hon. Mr Caruana has referred us to the words ‘have been

4040 demonstrated by the inquiry to be entirely false’, and followed up with saying, ‘but Sir Jonathan Parker did not find that, Sir Jonathan Parker did not say that, so you are going to make the motion say something that you are saying the Inquiry found, which Sir Jonathan Parker did not say.’

4045 Of course, Mr Speaker, that is why the motion does not say ‘as demonstrated by the finding of Sir Jonathan Parker’. It says ‘as demonstrated by the Inquiry.’ Because, Mr Speaker, and he was absolutely right when he said that this is what I would refer him to, the evidence of Marie Gomez as it is headed – part of the evidence of Marie Gomez on pages 656 to 657 – deals with this issue and the Inquiry makes a finding that Ms Gomez was misleading in the answers that she gave about that subject and she was in fact in touch with Isabella Tosso. The Hon. the Father of the House has gone through that in greater detail than I need to go through the rest of the House with that, because he showed us the business of her being said to be in
4050 New Zealand, but actually being in Cadiz etc, which demonstrates just how lacking in candour the Government was in the way that it was dealing with this matter.

But the important thing is that the motion specifically does not say ‘the finding of Chairman Parker’, but it actually says, ‘been demonstrated by the Inquiry to be entirely false’. And there was a reason for that because in that way the motion is absolutely right. Not because we are going to say that the planet is a cube, when it is a circle or a sphere, but because, Mr Speaker, this is a Rubik’s Cube that the hon. the
4055 backbencher is responsible for having muddled up and we are ensuring that each of the colours will show only on one face.

Mr Speaker, the only other person to speak on the amendment was the Father of the House. I have to tell him, although he does not like to hear positive things about him, he would rather hear something negative so he can come back and attack, that is him all over, but he has demonstrated tonight in the speech that he has given now why it is such an honour and a privilege to serve with him, Mr Speaker. He has been able not to just extract from the findings of the Inquiry and the documents before the Inquiry, the facts which are salient and which are important that the public should understand, but even more important than that, in a way that even the most uninitiated will understand, he has demonstrated the duality and the duplicity for which the Hon. the Leader of the Opposition is becoming known. And he has demolished, at the same time as he has completely dismantled, all the reasoning behind the original motion and in that way, lent credence to the need to move the amendment in the way that it is drafted, because he has shown, what I sometimes say, in a way that is going to be instructive to whoever wants to understand how to demolish a political
4060 opponent.

4070 He has demonstrated that the hon. Gentleman opposite flip-flops from one position to another, but he made the cardinal mistake, Mr Speaker, of putting a motion dealing with a matter that Joe Bossano was dealing with, which is totally contrary to a letter that he signed 10 years ago. And, Mr Speaker, I dare say it is that amnesia again. He wrote the motion Mr Speaker, forgetting that actually he had written the letter. And Joe Bossano, Mr Speaker, was more than just masterful. I think he has demonstrated that whether he likes it or not, he has more than just the qualities to be admitted as a member of the Bar in Gibraltar, (**Several Members:** Hear, hear!) (*Banging on desks*) not as a junior, (*Interjection and laughter*) (**A Member:** Hear hear.) not as a junior counsellor, Mr Speaker, not even as a QC, but as the Hon. Mr Netto said of Mr Caruana a few moments ago, as a QC QC. (*Laughter and banging on desks*) Because his speech this afternoon, this evening, tonight, Mr Speaker, has been a veritable *tour de force*, Mr Speaker – a veritable *tour de force* that will be read by future generations of Gibraltarians as an example of logic and how to pursue a duplicitous opponent and demonstrate just how his duplicity has affected the attempt to mislead the House that we have seen with this motion.

Mr Speaker, there is one point that I think the hon. Gentleman has not mentioned which came to me as he said that in fact the hon. Gentleman Opposite, the Leader of the Opposition, had known Joanna Hernandez for much longer than the Father of the House, when she is now described as a GSLP activist, that our machinery would have done anything to protect. Well, Mr Speaker, I remembered that it is not just that the hon. Member was her first lawyer, something which he did not want to remind us of, but he had signed that letter which in fact accorded with the theory of the case that was subsequently advanced by all, which he did not want to remind us of, but that he says she is a GSLP activist. Joanna Hernandez, the GSLP
4085 activist.

But I think it is also important to remind the House, Mr Speaker, because the hon. Gentleman has not done so, that in the 2003 General Election campaign, the hon. Member’s Labour banner did not hang from Water Gardens, Mr Speaker; it hung from the Bahia Bar that belongs to the Joanna Hernandez family and she was then a Daniel Feetham activist, a Labour Party activist – the one he could not take with him when he did the deal with the GSD, Mr Speaker! So much for being honest about the statements that one makes!
4095

And, Mr Speaker, therefore his credibility is in tatters and metaphorically, politically naked before us, having cut of all his robes with his own pen with which he signed the letter in 2005, Mr Speaker, it is absolutely right that the House should – not because we have a Government majority, but because having heard the arguments so eloquently put by the Father of the House – should support the amendment to the
4100 motion.

4105 But, Mr Speaker, if he thought that we wanted to bury the debate on this motion, as he has said before, the fact is that having heard what he has heard from the Father of the House, he must be hoping that we were able to bury the debate on the motion and not see how he has been buried by the logic of the Father of the House because we would have wanted everybody in Gibraltar who is going to make up their minds about how they are going to vote, to hear the demolition that has occurred tonight, and from what I am seeing on social media, Mr Speaker, they have.

4110 So we were right to adjourn until now, because people have been able to tune in, they have been able to watch and they have been able to understand the difficult issues, clearly and simply explained by the Father of the House, and I am minded, Mr Speaker, once the House approves this motion – and I do commend it for approval in the amended terms – although I will not move an amendment to the amendment now, because of the late hour, the Government, Mr Speaker, I commit will not just publish and ensure that it is published widely the text of the amendment motion, we will also publish Mr Feetham’s original letter of advice with it, together with the transcripts of the hearing so that people can see evidence demonstrated – that word he likes so much – of his duplicity simply by comparing his first letter on the subject to Joanna Hernandez with the motion that he moved today.

4115 I commend the motion in the amended terms to the House. *(Banging on desks)*

Mr Speaker: I now put the amendment. Those in favour?

4120 **Hon. Chief Minister:** May I call a division, Mr Speaker, of the amendment?

Hon. D A Feetham: Mr Speaker, I have to respond to the original –

4125 **Mr Speaker:** I will explain, we are going to vote on the amendment and then I will explain clearly what the position is. Is a division required?

Hon. Chief Minister: Yes, Mr Speaker, in particular because a person has spoken on this amendment and then left, and I want that referred to in the Minutes.

4130 **Mr Speaker:** Very well.

A division was called for and voting resulted as follows:

FOR

The Hon. P J Balban
The Hon. J J Bossano
The Hon. Dr J E Cortes
The Hon. N F Costa
The Hon. A J Isola
The Hon. G H Licudi
The Hon. S E Linares
The Hon. F R Picardo
The Hon. Miss S J Sacramento

AGAINST

The Hon. D J Bossino
The Hon. D A Feetham
The Hon. S M Figueras
The Hon. J J Netto
The Hon. E J Reyes

ABSENT

The Hon. Dr J J Garcia
The Hon. Sir P R Caruana KCMG QC
The Hon. Mrs I M Ellul-Hammond

Mr Speaker: There are three Members absent. The amendment is carried by 9 votes to 5.

I will explain what the position is now. This is now the amended motion before the House. On the Government side, the Hon. Mr Bossano cannot speak on it, neither can the Hon. the Chief Minister. All the other Ministers can speak on this amended motion if they so wish.

4135 On the Opposition side, the Hon. Sir Peter Caruana, who is not here at the moment, he cannot speak on it. Neither can the Hon. Mr Netto speak on it because he has spoken on the motion and this is now the motion before the House.

In any case, at the end of it all, whether any other Members take part in the debate or not, the Hon. the Leader of the Opposition is able to exercise his right to reply.

4140 So do any other Members wish to speak on this, which is now the amended motion before the House? If not, I will call upon the original mover of the motion, the Hon. the Leader of the Opposition to reply.

The Hon. the Leader of the Opposition.

4145 **Hon. D A Feetham:** Mr Speaker, talk about smokescreens, contradictions and duality when we have just been treated, Mr Speaker, over the course of, I make it four hours **(Mr Speaker: Correct.) (Laughter)** Yes, thank you, Mr Speaker thank you.

Mr Speaker: Four hours and ten minutes.

4150 **Hon. D A Feetham:** Four hours and ten minutes of the largest smokescreen, contradiction and duality that this Parliament has ever witnessed in the two speeches by the Hon. the Leader of the House and the Father of the House.

Mr Speaker, before I look at those smokescreens, those contradictions and that duality, multiple duality in the speeches delivered by the Hon. the Chief Minister and the Father of the House, let me deal with what are very substantial inaccuracies, Mr Speaker, and misrepresentations, made to this House. In particular by the Hon. the Leader of the House and the Chief Minister Mr Picardo, about my role in the Hernandez case and indeed why it was that I stopped acting for Ms Hernandez.

4160 He made a number of comments and the first one was 'he stopped acting for Ms Hernandez because he did the merger with the GSD and that was the reason and what he did was left, right, left, right and effectively flip flopped and ditched Ms Hernandez because of the merger.' Well, Mr Speaker let me read from an interview that Ms Hernandez gave to the *Panorama Newspaper* on 13th February 2009 – not my words, Ms Hernandez' words.

She said this:

4165 'At the end of a year and two days, I was dismissed and Mr Feetham offered to take the case to the Industrial Tribunal'.

That is what she says.

4170 'But I felt it would be problematical for him since he was the chairman of the executive committee of the party in Government.'

So it was Ms Hernandez, not me – not me, Mr Speaker; Ms Hernandez – who had turned round to me and said, 'I do not feel comfortable with you taking the case because you are the chairman of the party in Government.'

4175 Mr Speaker, my professional duties, which I take extremely seriously, to my clients oblige me to put the interest of my clients before any political interest, Mr Speaker and there is absolutely no question, had I been continuing to act for Ms Hernandez that I would have continued to act for her, Mr Speaker.

4180 Now, Mr Speaker, just turning at this stage – and I will come back to other misrepresentations made by the hon. Gentleman – but the hon. the Chief Minister has to accept responsibility for the accuracy of the statements that he makes before this House. What he cannot say is he ditched Ms Hernandez because he did the merger, when Ms Hernandez herself, in an interview says quite the opposite. I did not; I wanted to take the case forward.

4185 But, Mr Speaker, the Hon. Mr Bossano, just tying it in with this before I go on to consider other misrepresentations made by the Leader of the House, he said that I had been right from day one. Well actually I was right from day one in relation to Ms Hernandez' case. Because the position that I took from day one was that the right procedure had not been taken in relation to her dismissal and that was... Well, he is divulging the advice that I provided and no doubt he has consent from Ms Hernandez for disclosing privilege in that regard, that is what he has done, so I accept that is the position. That is absolutely right. That was my position from the very beginning and indeed that proved to be the correct position right at the very end, Mr Speaker.

4190 And indeed, the hon. Gentleman may not know this, but probably Mr Bossano does know this, that the reason why Ms Hernandez was ultimately successful was actually because of the tactics that I deployed in this particular case in the beginning. (*Interjection*) Absolutely, absolutely and let me explain why! (*Interjections*) Let me explain why –

4195 **Mr Speaker:** Order!

4200 **Hon. D A Feetham:** Let me explain why, Mr Speaker, let me explain why. Because in fact the tactics deployed from the very beginning were to delay, delay until after she had served 12 months in the employment of the agency which is precisely what happened, Mr Speaker. So actually, it was because of the tactics that I deployed in the case that Ms Hernandez ultimately won.

Now, Mr Speaker, there is a *huge distinction*, a huge distinction, between a lawyer that is defending her client and effectively defends her client to the best of their ability and on instructions, does x, y and z, and a political campaign that was mounted by the hon. Gentleman opposite Mr Speaker, that is the difference.

4205 I do not condemn either Mr Picardo, the Hon. the Chief Minister. I do not condemn the Father of the House for representing Ms Hernandez. What I condemn them for, Mr Speaker, is for actually using this particular case as a crusade for political purposes in order to undermine the Social Services Agency, in order to undermine the Dr Giraldi Home and in order to undermine the Government of the day. That is something that I would never have done because I refuse to cross that line between acting for somebody and giving legal advice and legal representation, and effectively using that individual as a political pawn which is what has happened in this particular case, Mr Speaker.

And that is the point that I made and therefore to the extent that he thinks in his own mind, in his own Walter Mitty mind, Mr Speaker, that some letter that I wrote in October of 2005 is some knockout blow, he is completely and utterly mistaken, because I was acting as a lawyer, Mr Speaker. The problem here is that they have transgressed the boundaries between legal representation and making a political pawn and a political tool out of this particular case and indeed out of Ms Hernandez.

But returning to the misrepresentations made by the Hon. the Chief Minister during the course of his own intervention. Mr Speaker, he said that I had made a complaint to the Bar Council in order to get him disbarred. Mr Speaker, what world does he live in? Where is the evidence of any complaint that I have made against the hon. Gentleman to the Bar Council or the Admissions and Disciplinary Committee to get him disbarred? Neither have I made a complaint against him, either the day before his father died and I am really sorry about that, or indeed have I represented anybody in the making of that complaint, Mr Speaker.

But look, yes, my brother made a complaint against the hon. Gentleman. He made a complaint against the hon. Gentleman because at a time when Hassans was acting against the *VOX* newspaper, the editor of the *VOX* at the time came out during the course of those defamation proceedings saying that the hon. Gentleman had provided advice to the *VOX* newspaper, and he was a partner of Hassans.

In other words, Mr Speaker, my brother was being represented in defamation proceedings against the *VOX* by Hassans and the hon. Gentleman who was a partner in Hassans was advising the *VOX* newspaper, the defendants in that same case. So talk about conflicts of interest and talk about acting against the interest of your client, Mr Speaker! (*Interjections*)

Mr Speaker, and he has the audacity to refer to a letter that I wrote acting in my capacity as a lawyer, Mr Speaker, when he was providing advice to the defendants, to the opponents –

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

Mr Speaker, the Point of Order is very simple. He has said I was providing advice. Mr Speaker, that is not the case, the complaint was made –

Hon. D A Feetham: That is not a Point of Order.

Hon. Chief Minister: Yes it is, Mr Speaker, because it relates to facts which the hon. Gentleman is asserting. I did not provide the advice. The Admissions and Disciplinary Committee dismissed the complaint – (*Interjection by the Hon. D A Feetham*) Yes it did, you had better check your records – dismissed the complaint, Mr Speaker, and he therefore needs to make himself responsible for what he is saying in this House.

The way that he is describing everything is entirely untrue, Mr Speaker, and if necessary I will move a motion to the effect that he has misled the House *again*. He has to make himself responsible for what he is saying in this House. He has to look at what I said and defend what I said and not what he says I said, and go back and look up those files, because *I have today*, Mr Speaker, and what he is saying is untrue.

Mr Speaker: I am sorry, but that is not a Point of Order.

Hon. Chief Minister: I have gone on, but the original Point of Order, Mr Speaker, is that it is wrong for him to say that I was representing those people contrary to my obligations, and in fact the complaint that was made was dismissed. I have then gone on, but that is the Point of Order.

Hon. D A Feetham: Mr Speaker, the reality of the situation was that my brother took proceedings against... and he has brought my brother into this session today, not me. He is the one who has mentioned my brother and he has brought him in. He is not here to defend himself so I have to correct – (*Interjections*) I have to, Mr Speaker, I have to correct, I have to correct, I have to correct the record which he wrongly set.

Mr Speaker, my brother took proceedings in defamation against the *VOX* newspaper and the Editor of the *VOX* newspaper in writing said, that the hon. Member opposite, the Chief Minister had advised him as Editor of the *VOX*. That was the evidence that was provided in the content of the defamation action, Mr Speaker. He can bring whatever motion he wants to bring, Mr Speaker – that is what happened, Mr Speaker.

And let me tell him another thing, that the reason why that complaint by my brother to the Admissions and Disciplinary Committee was dismissed – I think it was withdrawn – is because my brother actually extended the hand of friendship, the hand of friendship that he has spat on today, Mr Speaker, during the course of his intervention and *withdrew it*, Mr Speaker. He withdrew the complaint against the hon. Gentleman because quite frankly he was a partner of Hassans, my brother Nigel was a partner of Hassans and everybody wanted to move on. He extended the hand of friendship and Mr Speaker, he has spat upon it today, Mr Speaker.

But what I will not allow, Mr Speaker, is for him to misrepresent the record.

But, Mr Speaker, let me return to the smokescreens, contradictions and duality. And look, I have also received a text from my brother Nigel, relating to interceptions of communications, but I am not going to go there. (*Interjection*) I really don't. No, because I do not. I don't. I don't want to go there but I am going to proceed to talk about smokescreens, contradictions and dualities, Mr Speaker.

4275

Mr Speaker, the Hon. the Father of the House said what political advantage could there be in wanting to get to the truth by conducting an Inquiry? That is what he said. And then, Mr Speaker, in the same speech, he took almost an hour, Mr Speaker, mocking and making a mockery of the very Inquiry he sought and indeed orchestrated! He says we wanted to get to the truth, Mr Speaker, that is why we conducted the inquiry and then when the Inquiry produces results that they are not happy with, he then spends an hour making an absolute mockery of the Inquiry that they themselves instigated.

4280

Mr Speaker, and making too a mockery of Sir Jonathan Parker, who they have during the course of tonight, both the Father of the House and indeed the Hon. the Chief Minister who has followed the lead of the Father of the House, referred to him really disrespectfully, as Chairman Mao and Chairman Parker. Mr Speaker, *they appointed* Jonathan Parker, one of the most eminent lawyers of his time, and I have to say that I was thoroughly disgusted with the way that they have sought to denigrate an eminent judge, Mr Speaker, and also an eminent judge in the conduct of an Inquiry that they themselves instigated.

4285

And Mr Speaker, when the Hon. the Father of the House was speaking in response to my motion, I had made a note to ask the Chief Minister to apologise on behalf of the Father of the House, for the comments that he had made about Sir Jonathan Parker and indeed about the Inquiry itself. Because really what he was saying is yes, there was this Inquiry but really it was either a biased inquiry or it did not do its job properly, it has come to a wrong conclusion, it did not listen to me and it should have listened to me and it should have concluded that it was all a big conspiracy on the part of the GSD Government.

4290

Mr Speaker, I was going to ask him to apologise on behalf of the Father of the House, but the Hon. the Chief Minister started his intervention by saying, 'I want to congratulate the Father of the House, on his passionate and masterful intervention. His forensic analysis was superb.' So, Mr Speaker, here we have the Chief Minister of Gibraltar, who calls an Inquiry, who asks Sir Jonathan Parker to head that Inquiry and then, during the course of this Parliamentary debate, proceeds to absolutely trash Sir Jonathan Parker's conclusions and Sir Jonathan's conduct of the Inquiry.

4295

Well, Mr Speaker, I have to say that if there is any contradiction and duality, it is in the conduct of the hon. Gentlemen and the way that they have sought to proceed today. And let me remind, Mr Speaker, and the Hon. the Leader of the House, what he actually said when the Report was first published – and we will then see, Mr Speaker, who is contradicting himself and where the duality lies, Mr Speaker.

4300

When the Report was received he said this:

4305

'I am very grateful to the Rt. Hon. Sir Jonathan Parker for this exhaustive and comprehensive report into the various allegations of malpractice at the Dr Giraldi Home which concerned the Government greatly and which led to the establishment by me of this Inquiry.'

4310

So he is congratulating Sir Jonathan Parker for the exhaustive and comprehensive report. He then says:

4315

'In the very short time available to me since I received the Report, I have noted *with satisfaction* that the Report concludes that any instances of mismanagement, misconduct and malpractice at the home were infrequent and at the lower end of the scale of what this type of behaviour. That was the issue that most concerned my Government.'

So going from appointing Sir Jonathan Parker, from congratulating Sir Jonathan Parker for his very exhaustive and comprehensive report and from saying he is really glad that all those nasty allegations of misconduct, all the ones that I outlined in my intervention of sexual abuse and all the rest of it, the torture etc, so glad that none of that, that none of that was proved, unfounded and he was also glad that really what was found was true, or found by the Tribunal, was malpractice at the lower end of the scale.

4320

Well, Mr Speaker, that certainly does not justify the systematic trashing of this Report that has taken place over three or four hours by the Members opposite. In particular, the Father of the House, but of course now, aided and abetted – a phrase that he does not like me to use but that is precisely what has happened – by the Hon. the Leader of the House and Chief Minister.

4325

Mr Speaker, talking about dualities, the Hon. the Father of the House said that 'If a Spanish journalist comes here, I do not have to go there', he says. 'I did not go; I did not go to Spain to give an interview on a Spanish TV programme. The Spanish producers of the programme came to me.'

4330

Mr Speaker, I do not know what kind of a defence he was setting up but even he in his warped reality of what is damaging to Gibraltar or is not damaging to Gibraltar would have realised, Mr Speaker, that any interview that he gave here in Gibraltar was going to be shown in a programme in Spain. Or did he really think, Mr Speaker, that the producers of the *Espejo Publico* were going to come to Gibraltar to interview the hon. Gentleman but then not air his comments in a programme in Spain, Mr Speaker? What a poor excuse! What a poor excuse!

4335 But, Mr Speaker, he then in defence of the comments that he made in the *Espejo Publico*, he said, ‘Well actually what the *Espejo Publico* was saying was absolutely true.’ That is what he said, repeated by the Hon. the Chief Minister. The *Espejo Publico* said that there was fear of the administration, that there was fear of the GSD and therefore that is why these allegations were not... people were not coming out with these allegations publicly.

4340 And he also said that the allegations... certainly one of the allegations was true, but indeed in his comment that there was a cover up here in Gibraltar, Mr Speaker, what he is doing or does he not realise that what he is doing, is giving vent to the allegations? He is giving credibility to the allegations, Mr Speaker.

4345 So what has happened is that instead of apologising for comments that he has made to the *Espejo Publico* which were not true, Mr Speaker, because the Inquiry has found that the allegations were unfounded, what he has done, yet again, Mr Speaker, is give vent to those allegations, give credibility to those allegations, by actually saying, well, the allegations were true and there was a climate of fear in Gibraltar and that is why people did not want to come out publicly and say so, but he was brave enough to say so.

4350 Well, Mr Speaker, it is a shameful episode. It is a shameful episode for him, Mr Speaker – he who fancies himself, Mr Speaker, as a defender of Gibraltar and a defender of Gibraltar against anything that is Spanish. For him in particular to have given an interview on Spanish television – because that is what it was, an interview on Spanish television – effectively denigrating staff and the institution that is the Dr Giraldi Home was shameful to say the least, Mr Speaker.

4355 But, Mr Speaker, –

Hon. J J Bossano: Mr Speaker, I want to raise a Point of Order.

4360 **Hon. D A Feetham:** Mr Speaker, I hope that Mr Speaker is alert that these Points of Order do not turn into replies.

Hon. J J Bossano: Mr Speaker, the hon. Member opposite has accused me of saying something to the guy that came to interview me which is not what I said. I have read the sentence and the sentence says ‘If the Government says that these are all made up, why doesn’t he go ahead and do the investigation?’

4365 The only thing I said to the Spanish interviewer is, this is what I have asked them in Parliament. That is all I have said. I have not said the allegations are true and I have not accused anybody of anything, and I have read it to him.

4370 **Mr Speaker:** Let me make one thing clear to hon. Members. To rise on a Point of Order, to correct, to answer something that has been said, that is not a Point of Order. (*Interjection by Hon. J J Bossano*) That is not a Point of Order.

There is a rule about clarification which hon. Members should look at, but that is not a Point of Order. There has been no transgression of the Standing Orders by anything that the Leader of the Opposition has said.

4375 Now, what the Hon. Mr Bossano is trying to do is to reply to what... Well look, (*Interjection*) he can ask, the Leader of the Opposition would he give way, and that is the correct procedure.

4380 **Hon. J J Bossano:** No, no, no. No, I am rising on a Point of Order because the hon. Member opposite has attributed words to me which I have not uttered, in the knowledge that I have already given him the text, the transcript. I have read out to him what I have said and he is quoting me as saying something that is not true. That is a Point of Order because Members are supposed to be able to prove that what they are saying is true and he cannot, because I have got the transcript and he has not.

4385 **Hon. D A Feetham:** Well, Mr Speaker, I have sat here very patiently listening to a lot of allegations being thrown my way, a lot of points being thrown my way, and I have sat here very patiently –

Mr Speaker: May I quote the Rule. I direct the attention of hon. Members to Rule 45(8):

4390 ‘A member who has spoken to a question proposed to the Parliament may again be heard, if the Speaker so permits, to explain some part of his speech which has been misunderstood; but when so speaking he shall not introduce any new matter.’

Some part which has been misunderstood.

Other than that, the correct procedure is to ask the person holding the floor to give way.

4395 **Hon. D A Feetham:** Mr Speaker, I have not misunderstood what he has said. I have not misunderstood what he has said at all. Mr Speaker, he tries to re-characterise and to re-describe to his own benefit, what he

said in that programme. But, Mr Speaker, he has just now proved it. He has said that what he said was if the allegation is not true, why doesn't the Government investigate it?

4400 Mr Speaker, but does he not realise that by saying 'If the allegation is not true why doesn't the Government investigate it?', then he is actually giving vent to the allegations, he is adding credibility to the allegations, Mr Speaker? (*Interjection*) Of course you are, Mr Speaker. If the hon. Gentleman says... and look, you know I have to say that one of the biggest respects that I have always held him in high esteem on this if nothing else, that he has always stood up and said, 'This is what I said, this is what I meant', and he has not cared.

4405 But Mr Speaker, now what he is doing is he is ducking and diving, ducking and diving Mr Speaker, with the best of lawyers! Ducking and diving with the best of us, Mr Speaker, because really what he is reminding me of is a young lawyer in front of a tribunal where the judge says, 'Well hang on a minute, but you have not said, you have said this,' and he says, 'Well no, because of this and that and the other.'

4410 Mr Speaker, he says if the allegation is not true, why doesn't the Government investigate it? Well look, what he is really saying to everybody that cares to listen to the programme is: 'I think that the allegations are true and that is why the Government is not investigating it.'

Mr Speaker, that is the reality, and that is the point that I make and it is a perfectly legitimate point for me to make, Mr Speaker. That is my interpretation of what he has said.

Now, Mr Speaker –

4415 **Mr Speaker:** No, the actual text goes much further, of course, than what the Leader of the Opposition has said.

Hon. D A Feetham: Yes.

4420 **Mr Speaker:** The actual text in Spanish – shall I read it out? Would he like me to read it out in English, I will translate?

Hon. D A Feetham: No, I do not.

4425 **Mr Speaker:** Well it goes further than what the Leader of the Opposition has said just now. The point that Mr Bossano read out goes further than what he... you are paraphrasing it. You are paraphrasing it.

4430 **Hon. D A Feetham:** No, Mr Speaker. I have just repeated back his paraphrasing of that. He has stood up, in fact he has agreed with me across the floor of the House. His paraphrasing, he said yes that is what I said. What he has said is in paraphrase – this is what he said – if the allegation is not true, why doesn't the Government investigate it? That is what he has said, Mr Speaker.

4435 And what I am saying is, absolutely, that is exactly how I understood it! That is giving vent to the allegations. Why, because really what he is saying is, 'I believe those allegations are true. What is happening here is that the Government is seeking to hide, to suppress truthful allegations.' That is a reasonable interpretation to his words, Mr Speaker. And what I am saying is that he is ducking and diving with the best of lawyers, Mr Speaker – the breed that he holds in such low esteem.

4440 But, Mr Speaker, he then also said, 'Well, have an independent investigation, put your money where your mouth is and investigate.' But does he understand, Mr Speaker, and have I not been able to take him to the relevant passages from the report of Sir Jonathan Parker, that says precisely that? He accepts that we did, or the GSD Government and the Social Services Agency did actually investigate these allegations. The ones that were serious were investigated. The RGP investigated the allegations and the Attorney General also, Mr Speaker, concluded at least on some of the more serious allegations that there was no case to answer, Mr Speaker.

4445 Now, the problem here, the problem here is not that we refused to go to an independent or launch into an independent inquiry. The problem here is that the Gentlemen opposite were not prepared to accept the word of the Social Services Agency that said that they had investigated the allegations, the words of the Royal Gibraltar Police that said that they had investigated the allegations and the word of the Attorney General, not to speak of the backbencher when he was Chief Minister of Gibraltar, Mr Speaker. Of course there was an investigation and Sir Jonathan Parker, Mr Speaker, accepts that there was an investigation.

Mr Speaker, the Hon. the Father of the House also said that this was Joanna Hernandez on her own. This was Joanna Hernandez on her own against everybody else. Well actually no, it was not Joanna Hernandez on her own; it was Joanna Hernandez with Members Opposite, Mr Speaker, in the political campaign and the intense political campaign that I described during the course of my intervention.

4455 Mr Speaker, then he spoke about whistle blowers, Mr Speaker, and whistle blowers' legislation. Well, Mr Speaker, talking about whistle blowers and heeding the calls of whistle blowers, where is the investigation about the 35 trainees against Joanna Hernandez, which was an investigation – ?

Mr Speaker: That is new material. You are introducing new material now you are not allowed to do so when you exercise your right to reply.

4460

Hon. D A Feetham: Mr Speaker, he then also said that Joanna Hernandez was not here to defend herself. Well, Mr Speaker, neither have been the individuals that he has spoken about, including members of my family today, two members of my family – in fact three members of my family. Two brothers and a father that have been mentioned here today and –

4465

Mr Speaker: May I ask the Hon. the Leader of the Opposition from a personal point of view, is he still sore about what I said about his father?

Hon. D A Feetham: Mr Speaker, I am not responding to the Hon. Speaker.

4470

Mr Speaker: You are responding to me because I was the one –

Hon. D A Feetham: No, no, I am responding to them.

4475

Mr Speaker: No, no they did not.

Hon. D A Feetham: Yes, they did! They did, Mr Speaker, they mentioned my father.

Mr Speaker: Well, okay fine.

4480

Hon. D A Feetham: Mr Speaker, I am not sore! Mr Speaker, believe me that I have, after many years of being in politics, the hide the thickness of a rhinoceros, Mr Speaker. (*Laughter*) I have to say that, I have to say that. Partly – it has to be said, Mr Speaker, during my early years – not now that I can defend myself in this House – partly the political beatings that the Hon. the Father of the House gave me all those years ago that has made me develop a very thick skin – nothing to do with Mr Speaker.

4485

What we have is a situation where they – and this is the hypocrisy, the contradictions and duality, Mr Speaker – on the one hand, they say that Joanna Hernandez is not here to defend herself but of course my father, whom they mentioned, the Hon. the Chief Minister mentioned him from a sedentary position, well he is here to defend himself. My brother Nigel, oh he is here to defend himself. My brother Michael, oh he is here to defend himself. Well, Mr Speaker, let us have an element of consistency Mr Speaker. Of consistency.

4490

There is another point that I was very surprised that the hon. Gentleman made, Mr Speaker, because he even went as far as mentioning one of the service users by name – (**A Member:** Yes.) *by name*, Mr Speaker, in this House. My understanding of the Rules of the House, Mr Speaker, is that one should not mention people by name who are not here in this House. (**A Member:** Yes.) Well he has not only mentioned – (*Interjection*) Well, Mr Speaker, Joanna Hernandez is part of the motion. What does a service user – (*Laughter*) What does a service user, Mr Speaker, have to do with this? How on earth does he justify, Mr Speaker, a resident of the Dr Giraldi Home being mentioned by name during the course of his own intervention?

4495

I did not stand up and raise a Point of Order, nobody cut the Hon. the Father of the House short, but I thought it was absolutely scandalous that he should do so.

4500

Mr Speaker, the Hon. the Father of the House also mentions that my brother Nigel and my brother Michael that they closed down the *VOX*. Oh my God, that is so terrible – terrible, that beacon of democracy! The *VOX* being closed down by the two Feetham brothers. Well, Mr Speaker, what he does not tell this House is that my brother Michael had to sue the *VOX* for defamation and that there is an order of the court, an order of the Supreme Court – and I hope that he accepts that and that we do not have criticisms of the Supreme Court in exactly the same way as we have had criticisms of Sir Jonathan Parker and his report – there is an order of the court actually holding the *VOX* and certain individuals guilty of defamation, Mr Speaker.

4505

Well look, if they have been guilty of defamation, is the hon. Gentleman entitled, Mr Speaker, after there has been a case in the Supreme Court of which an individual, who is not here to defend himself, has been found to be defamed, is he entitled, Mr Speaker, to then go behind the order of defamation and say ‘Oh, because this is a witness statement and that and that and the other.’ Nobody intervened, nobody said ‘Well hang on a minute, I think that you are out of order.’ No, nobody intervened, but Mr Speaker, he *was* out of order. He *was* out of order because I have certainly never come across a situation Mr Speaker, where a private citizen takes a newspaper and certain other individuals, making allegations to court, there is an order of the Supreme Court in favour of the claimant, saying yes you have been defamed, and the hon. Members of Parliament come to this House and basically start using parliamentary privilege, Mr Speaker,

4515

parliamentary privilege, to try and raise again the allegations which a court has found to be defamatory.
4520 Well, let him make those allegations outside this House, Mr Speaker, and let us see what actions my
brothers take against him, Mr Speaker. Well he can do it, but do not do it, do not do it, because it is
cowardly, Mr Speaker.

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

4525

Hon. D A Feetham: Mr Speaker, it is now, it's the third one.

Hon. Chief Minister: Yes. Alleged. It is in breach of the Rules of the House to challenge somebody to
4530 say something outside the House, because it is a breach of the privileges to challenge somebody to say
something outside of the House.

Mr Speaker: The Chief Minister is correct, and I can vouch for that because that precisely happened to
me when I was sitting there and the Hon. Speaker, Major Robert Peliza ruled in my favour, exactly the
same. You cannot challenge a Member to... It is a breach of privilege to challenge a Member to say
4535 something outside. There is a ruling from Mr Speaker Peliza in that respect.

Hon. D A Feetham: Mr Speaker, of course if there is a ruling about challenging the hon. Gentleman
making the same allegations cloaked in parliamentary privilege outside this House where he is not going to
be cloaked by parliamentary privilege, look he is not defaming me. It is not me that is being defamed, Mr
4540 Speaker. If there is a ruling, well I accept that there is a ruling.

Mr Speaker, but the point that I am making is in a different way and it is this. That I do not think it is
right for a Member of Parliament, but again I will sit down and allow Mr Speaker, if he thinks otherwise, I
will allow Mr Speaker to intervene again in relation to this. I do not think, Mr Speaker –

4545 **Mr Speaker:** You can express a view, but not challenge him.

Hon. D A Feetham: I do not believe that it is right for a Member of this Parliament to go behind a
defamatory judgement, a finding of the court, in this House seeking to undermine, seeking to undermine
4550 that order of the court, when if you cloaked in parliamentary privilege, well knowing that if he made the
allegation outside, he would not be cloaked by parliamentary privilege and he would be subject to a
defamation action.

Because, Mr Speaker, the reality of the situation is this, let us be clear, that if an allegation that has
already been determined by the court is repeated outside this House, it is defamatory, Mr Speaker. That is
4555 the point that I am making.

Mr Speaker: Yes, but the point is this. We are not outside this House. We are within this House and
here hon. Members are protected, they can say whatever they want and they cannot be sued for defamation.
Their freedom of speech is protected, okay? So hon. Members here can say whatever they want.

4560 Outside it is another matter, but you cannot challenge a Member of Parliament to repeat outside
something that he has said here in the House, challenge him in order that he can then be sued for
defamation or whatever.

It is a Parliamentary position of privilege going back to the foundation and the battle for Parliament
against King Charles I, going back therefore to – what century are we talking about? – the 17th century.
That is a sacred right of all hon. Members.

4565

Hon. D A Feetham: Mr Speaker, for Mr Speaker to compare – I have to say, he has intervened now a
number of times in this debate – but for Mr Speaker to compare a Member of the House coming to this
House and repeating an allegation that has already been determined by the Supreme Court...

4570 May I be allowed, Mr Speaker, without interruption from Mr Speaker? I will sit down if Mr Speaker
wants me to –

Mr Speaker: No, carry on.

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

4575 For a Member of Parliament to come to this House and effectively abuse a privilege by repeating
allegations that have already been determined by a court, in the Supreme Court, I do not think is right, nor
is it – Hang on a minute, Mr Speaker, may I please finish?

If you want I can sit down.

Mr Speaker: Go on, go on.

4580

Hon. D A Feetham: Ok, may I? I just have not finished the point, Mr Speaker! I have not finished the point. Nor is it comparable, nor is it comparable in the most imaginative mind, Mr Speaker, to defending privilege in Charles I's time, Mr Speaker – it just cannot be the same. It cannot be the same.

4585

If a lowly carer, Mr Speaker, has to sue a newspaper for defamation and gets an order against a newspaper and those making allegations – an order of the court – that he has been defamed, it cannot be right, Mr Speaker for then somebody an MP cloaked in parliamentary privilege to come to this House and repeat those allegations. It just cannot Mr Speaker, and no quoting of Rules are going to move me from that.

4590

But of course, your ruling, Mr Speaker stands. I accept it but I have to say that I do not agree with the logic in the least, Mr Speaker.

Hon. Chief Minister: Mr Speaker, may I –

4595

Mr Speaker: No, I am now going to speak.

The hon. Member or any hon. Member has a perfect right to say that that is not right. That in his view it is not right for another Member to abuse, if you like, the right of privilege in the terms in which has happened this evening in respect of that court ruling of defamation against his brother. That is perfectly clearly understood.

4600

Now, however, I can tell the hon. Member that when I was the Leader of the Opposition (**Hon D A Feetham:** I accepted that.) someone from outside Parliament... I received a letter from a member of the legal profession, representing the Transport and General Workers' Union, challenging me to say outside the House what I had said here. I showed the letter to the then Speaker, who hit the roof and who made a ruling in that respect. It was an abuse of contempt of the right to privilege.

4605

So I am not going to stop the Hon. the Leader of the Opposition from saying that he does not agree that it is right for Mr Bossano to have said what he has – fine. Fine, he is perfectly entitled to say that. Okay, perfectly entitled.

4610

Hon. D A Feetham: Mr Speaker, it is a completely different situation and I understand... No Mr Speaker, I am on my feet and I am not giving way. Mr Speaker, I am not giving way. (*Interjection*) Mr Speaker –

Hon. Chief Minister: Mr Speaker, a Point of Order is supposed to be heard.

4615

Hon. D A Feetham: Well, Mr Speaker, my intervention has been peppered by interventions, Mr Speaker, in fairness from the Speaker's Chair in good faith, I accept that and also from the other side.

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

4620

Mr Speaker: I would like to see whether anybody in Gibraltar could sit in this Chair as I have done, since five o'clock and conduct the proceedings of the House better than I have done. For the first two motions I had no problem at all, I did not have to intervene. I have only had to intervene when matters have got hot under the collar in the last hour, and then I have had to intervene because all hon. Members have been going too far in breaking the rules of debate. Otherwise I would not intervene.

4625

Now it is two o'clock in the morning, I think we are all tired, we are all very, very tired and it is very difficult. Hon. Members have an advantage over me, they can go inside and out whenever they want, they can switch off completely and not pay any attention to what is going on. I have to be here listening to every word paying very close attention and that is the difficult job which any Speaker has, and in particular here in the present circumstances, okay?

4630

So, I am not infallible. I may make mistakes but what I am is impartial. I try to be fair to both sides and I only intervene if I think I have to – otherwise I do not.

4635

Hon. Chief Minister: Mr Speaker, rising on behalf of this side of the House, dealing with the Point of Order which the hon. Gentleman has been dealing with, with you, Mr Speaker, we entirely accept that the rationale of not being able to challenge somebody to repeat something outside the House, the instance which you referred to, is exactly because – and this is what the Rule is about – people have sometimes obtained rulings outside the House – I am not commenting on the current issue – rulings or statements or they have obtained judgements because of, for example, higher economic power than the person who may have said something and the Parliament is the place where that person's representative can come and make the statement if they still believe it to be true and defend the truth of that statement. That is what the Rule is all about.

4640

Therefore, Mr Speaker, we entirely agree with your ruling and would ask the hon. Member to please, in order to ensure that the debate can continue in the way that you have indicated the earlier debates were held, to stick to the issues in the motion so that we can vote on the motion and hear the Parliament's will in respect of the motion.

4645

Hon. D A Feetham: Mr Speaker, there is a huge, huge distinction, Mr Speaker between – and I have to say because I think there is an important point of principle here – there is a huge distinction between the example that Mr Speaker gave which is somebody from the Transport and General Workers' Union writing to a Member saying 'Repeat that allegation outside' and the situation that I am addressing myself to, which is: there is a court case, there is a judgement and then somebody, a Member of Parliament then effectively wants to go behind that judgement and undermining it by repeating here what he could not say outside because the matter has been determined. I believe that is abusive of the privileges of this House. Not because...

4650

And look very often, Mr Speaker, I may say something in this House in the course of discharging my role as the Leader of the Opposition, or he may something in this House in the course of discharging his role as a Minister, that technically, if it is said outside, may be defamatory and I accept that and that is why privilege is there, in order to encourage open debate.

4655

But what the Rules are not there and what privilege is not there in order to do, is to allow somebody to just simply say, 'Well there is a defamatory judgment in favour of somebody, there is a witness statement that has been withdrawn as being false and it has been withdrawn, but what I am going to do is I am going to come to this House and I am still going to read from that witness statement and I am still going to try to undermine that judgment.'

4660

Mr Speaker, that with respect is an abuse of the proceedings of this House and the Rule in relation to privilege, Mr Speaker.

4665

Look, Mr Speaker, I do not intend to prolong these proceedings much further. If I have, Mr Speaker, been harsh in any words that I have spoken to Mr Speaker, I do not believe that I have, it is just that I feel strongly about this particular point, that Mr Speaker has genuinely looked at it from the perspective that in fact is the wrong perspective. If I challenged him to repeat it outside, I was not challenging him to repeat it outside, but if I was I accept your ruling.

4670

My point was a completely different one, Mr Speaker and it is about the abuse of Members of this House of Parliamentary privilege. It is a privilege, Mr Speaker. It should not be abused, Mr Speaker, it should not be abused.

Mr Speaker: I will now put the motion. Is a division required?

4675

Hon. Chief Minister: To a division, yes please.

Mr Speaker: We have voted on the amendment. Now what is before the House is a substantive amended motion. (*Interjection*) It is the amended motion which is now before the House.

A division was called for and voting resulted as follows:

FOR

The Hon. P J Balban
The Hon. J J Bossano
The Hon. Dr J E Cortes
The Hon. N F Costa
The Hon. A J Isola
The Hon. G H Licudi
The Hon. S E Linares
The Hon. F R Picardo
The Hon. Miss S J Sacramento

AGAINST

The Hon. D J Bossino
The Hon. D A Feetham
The Hon. S M Figueras
The Hon. J J Netto
The Hon. E J Reyes

ABSENT

The Hon. Dr J J Garcia
The Hon. Sir P R Caruana KCMG QC
The Hon. Mrs I M Ellul-Hammond

4680

Mr Speaker: There are three Members absent. Nine have voted in favour of the motion. Five have voted against. The amended motion is carried.

ADJOURNMENT

Mr Speaker: The Hon. the Chief Minister.

4685

Hon. Chief Minister: Mr Speaker, conscious of the late hour and the acrimony of the debate towards the end, but conscious also of the important issues that have been debated during the course of the

afternoon, I now invite the House to adjourn *sine die* as we commence the period known as Holy Week and wish all Members the best for this period which will involve some holiday time and which will involve the House not sitting this month as has been agreed in other years.

4690

I now move that the House do now adjourn *sine die*.

Mr Speaker: I now propose the question which is that the House do now adjourn *sine die*.

I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.

4695

The House will now adjourn *sine die*.

The House adjourned at 2.10 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.32 p.m. – 7.05 p.m.

Gibraltar, Wednesday, 20th May 2015

Business transacted

Prayer	4
Confirmation of Minutes	4
Communications from the Chair	4
Papers to be laid.....	4
Questions for Oral Answer	5
Health, the Environment, Energy and Climate Change.....	5
Q292/2015 Care Agency – Elderly citizens waiting for beds	5
Q293/2015 Care Agency – Elderly citizens waiting for beds	5
Q294/2015 Alzheimer and Dementia facility – Staffing requirements and cost.....	7
Q295/2015 Patients with a debilitating disease – Numbers by type and dependency level.....	8
Q296/2015 Gibraltar Health Authority – Health and Safety reports 2014 and 2015	8
Personal Statement by the Hon. Isobel Ellul-Hammond.....	10
Q297/2015 Government printers – Double-sided printing.....	12
Q298/2015 Licences for fishing with long lines – Number issued	12
Q299/2015 Vessels fishing with long lines – Number without valid licence.....	13
Q300/2015 Unlawful incursions into British Gibraltar Territorial Waters – Number since implementation of new licence regime	13
Q301/2015 Bluefin tuna fishing – Spot checks by Protection Enforcement Team.....	13
Q302/2015 Bluefin tuna – Tonnage caught and registered in Gibraltar.....	13
Q303/2015 Bluefin tuna catch – Comments made by European Commissioner for the Environment, Maritime Affairs and Fisheries	13
Q304/2015 Fisheries database – Information available; fish tagging programme	14
Q305/2015 Fishing Report – Recommendations implemented.....	14
Q306/2015 Dolphins – Contamination of water in Strait of Gibraltar and Gulf of Cadiz	14

Q307/2015 Marine currents – Survey off south-west of Gibraltar	14
Q308/2015 Seagulls – Numbers culled	22
Q309/2015 Upper Rock Nature Reserve – Number of feral cats and seagulls culled	22
Q310/2015 Partridges imported from Morocco – Numbers	22
Q311/2015 Macaques – Numbers	23
Q312/2015 Macaques – Birth rate	23
Q313/2015 Macaques – Exportation	23
Q314/2015 Macaques – Injuries resulting from attacks	24
Q315/2015 Macaques – Illegal enticing or feeding	24
Q316/2015 Gibraltar Macaques Management Plan – Provision to Parliament	24
Q317/2015 Upper Rock Management Plan – Publication and provision to Parliament	27
Q318/2015 Botanic Gardens – Maintenance	27
Q319/2015 Nature Conservancy Council – Publication of minutes to website	28
Q320/2015 Sewage treatment plant – Failure to provide	29
Q321/2015 Sewage treatment plant – Progress	29
Q322/2015 Municipal Waste Treatment Plant – Target date for completion	29
Q323/2015 Gamasur – Violation of environmental laws	29
Q324/2015 Waste treatment facility – Update	30
Q325/2015 Carbon dioxide emission – Annual per capita amounts	31
Q326/2015 Carbon dioxide emission – Comparison with other British Overseas Territories	32
Q327/2015 Europa Point football stadium – Environmental impact assessment	32
Q328/2015 Plastic carrier bags– European Parliament target for reduction in use	34
Q329/2015 Western Beach – Water pollution	34
Q330/2015 Dog fouling – Fines; exemptions	36
Q331/2015 Litter tickets – Number issued	37
Q332/2015 Nature Protection Act – Cautions and fines issued	37
Q333/2015 Solar panels – Installations during 2014-15	38
Q334/2015 Wind turbines – Update	38
Q335/2015 Eco Wave Power Ltd – Status of works	38
Q336/2015 Renewable energy – Amount produced	38
Q337/2015 Electricity grid – Connections from renewable energy equipment	39
Q338/2015 Electricity grid – Connections from renewable energy equipment	39
Q339/2015 Environmental park – Identification and progress	41
Q340/2015 Climate change forum – Meeting dates and discussion topics	41
Q341/2015 Gibraltar Climate Change Programme – Provision to Parliament	41
Q342/2015 Official Journal of the European Union – Tenders forwarded on environmental projects	42
Q343/2015 Revised Environmental Action Management Plan – Update	42
Q344/2015 Department of the Environment Annual Reports 2013 and 2014 – Provision to Parliament	42
Q345/2015 New power station and LNG facility – Health and safety and environmental reports	43
Q345/2015 Proposed LNG installation – Publication of reports on safety and viability	43
Questions 334 to 338 – Further supplementary questions	47
Q346-348/2015 Air quality – Monitoring nitrogen dioxide levels	48

Procedural53
The House adjourned at 7.05 p.m.54

The Gibraltar Parliament

The Parliament met at 3.32 p.m.

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

[ACTING CLERK TO THE PARLIAMENT: C McDonald Esq *in attendance*]

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Acting Clerk: Meeting of Parliament, Wednesday, 20th May 2015.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the minutes of the last meeting of Parliament, which was held on 19th and 30th March, 1st and 2nd April 2015.

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

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Acting Clerk: (iii) Communications from the Chair.

10 **Mr Speaker:** May I take this opportunity to welcome Mr Craig McDonald, who is standing in, or perhaps it would be more accurately to say sitting in, as Clerk of the House for the first time whilst Mr Paul Martinez is away from Gibraltar. (*Applause*)

PAPERS TO BE LAID

Acting Clerk: (iv) Petitions; (v) Announcements; (vi) Papers to be laid.
The Hon. the Chief Minister.

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Solar Energy (Deductions) Rules 2015 and the Ombudsman's Annual Report for the year ended 31st December 2014.

Mr Speaker: Ordered to lie.

20 **Hon. Chief Minister:** Mr Speaker, if I might just, at this stage... In order to assist Members I would wish them all to know that it is my intention that in June we will be returning as usual for Questions during the third week of the month – I think starting again on the Wednesday, 17th and taking questions on the 18th – and that it is my intention to debate the Appropriation Bill on Monday, 22nd June so that Members can prepare themselves. It is Monday, 22nd June that will be the date this year, all things being equal... Subject to change, of course, but all things being equal the Budget debate will start on Monday, 22nd June.

25 **Acting Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.

Questions for Oral Answer

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q292/2015
Care Agency –
Elderly citizens waiting for beds

Acting Clerk: We begin with Question 292/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health state how many elderly citizens are presently occupying a bed at St. Bernard’s Hospital, the new mental health facility and the John Cochrane Unit, who are waiting for a Care Agency bed, broken down by wards?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the information requested is on the table that I now hand to the hon. Member.

Answer to Question No. 292 of 2015

Patients Awaiting Elderly Residential Services

St Bernard’s Hospital & Ocean Views	Number of Applicants to the Care Agency	Remarks
Captain Murchison Ward	26	Applicants captured are at different stages of the application process but will all require long-term care outside SBH.
Victoria Mackintosh Ward	27	
John Mackintosh Ward	4	
Sunshine Ward	14	
Dawn Ward	2	
Horizon Ward	2	

In addition to this, may I say that as Cochrane Ward is actually part of Elderly Residential Services, formerly the Care Agency, residents there are not waiting to move and therefore have not been included in the table.

May I also point out, because it is the first time we have referred to Ocean Views, that Sunshine Ward, Dawn Ward and Horizon Ward are all three in Ocean Views. I do not think that is specified; I just wanted to clarify that.

Q293/2015
Care Agency –
Elderly citizens waiting for beds

Acting Clerk: Question 293. The Hon. J J Netto.

Hon. J J Netto: Did I understand 292 or 293? 293 yes. (Mr Speaker: Correct.) (Interruption by iPad call ringing) I beg your pardon.

Mr Speaker, can the Minister for Health provide the figures of people suffering – (Interruption by iPad call) Yes, that’s my mum – Who knows what she wants!

Mr Speaker, can the Minister for Health provide the figure of people suffering from Alzheimer’s and dementia by showing a breakdown of those occupying a bed in St. Bernard’s Hospital, John Cochrane Ward, Mount Alvernia and in the community by stating the degree – that is whether mild, medium or acute – of the person’s condition?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Yes, Mr Speaker. Once again, the information is on the table that I now hand over.

Answer to Question No. 293 of 2015

COMMUNITY	186
MOUNT ALVERNIA	
ECA FLOOR 1	
MILD	1
MILD/MODERATE	1
MODERATE	10
MODERATE/SEVERE	0
SEVERE	9
UNAVAILABLE	1
ECA FLOOR 2	
MILD	1
MILD/MODERATE	0
MODERATE	8
MODERATE/SEVERE	2
SEVERE	19
UNAVAILABLE	0
ECA FLOOR 3	
MILD	4
MILD/MODERATE	1
MODERATE	4
MODERATE/SEVERE	2
SEVERE	8
UNAVAILABLE	0
ECA FLOOR 4	
MILD	6
MILD/MODERATE	1
MODERATE	3
MODERATE/SEVERE	0
SEVERE	2
UNAVAILABLE	0

Continued Answer to Question No. 293 of 2015

JOHN COCHRANE	
MILD	1
MILD/MODERATE	0
MODERATE	7
MODERATE/SEVERE	1
SEVERE	9
UNAVAILABLE	1
CALPE WARD	
MILD	5
MILD/MODERATE	0
MODERATE	3
MODERATE/SEVERE	0
SEVERE	3
UNAVAILABLE	0
CAPTAIN MURCHISON WARD	
MILD	2
MILD/MODERATE	0
MODERATE	10
MODERATE/SEVERE	0
SEVERE	3
UNAVAILABLE	0
VICTORIA WARD	
MILD	3
MILD/MODERATE	0
MODERATE	4
MODERATE/SEVERE	0
SEVERE	1
UNAVAILABLE	0
JOHN WARD	
MILD	0
MILD/MODERATE	0
MODERATE	0
MODERATE/SEVERE	0
SEVERE	2
UNAVAILABLE	0

60

This is a snapshot, Mr Speaker, as at December 2014. Note that the figures are constantly changing as patients move between wards, sadly pass away, are newly diagnosed etc, and the severity is also temporary as patients deteriorate – it may not be severe today, but it could be in a month or so – so there has to be some flexibility in interpreting these figures.

65 A new update of this information is due in June. We normally do this on a six-monthly basis but I clearly do not have the June figures at the moment.

Q294/2015
Alzheimer and Dementia facility –
Staffing requirements and cost

Acting Clerk: Question 294/2015. The Hon. J J Netto.

70 **Hon. J J Netto:** Mr Speaker, can the Minister for the Elderly state whether he has received from the Care Agency the request for staffing needs for the new Alzheimer and Dementia facility at the former RNH site; and if so, please provide the breakdown in relation to grades and specialist professionals needed and what the extra cost will be?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, a workforce plan – there is a misprint there in the prepared answer – a workforce plan has now been prepared by Elderly Residential Services senior management and a final assessment is being made to identify what staff will be deployed.

80

Acting Clerk: Question 295.

Hon. J J Netto: A quick question, if I may, Mr Speaker.
I take on board what the Minister has said – that they have received a management report as to this effect. Can the Minister perhaps then enlighten us as to when he thinks he will be in a position to know at the end of the day what the Government thinks will be the grades and specialist professionals that would be needed, by when and what the cost might be? Does he have an appreciation of by when?

85

Hon. Dr J E Cortes: Yes, Mr Speaker, we have had a workforce plan prepared by senior management, as I said. We have had an independent assessment of that work and we are now fine-tuning that. It is our intention to be able to open what we know now as ‘Block B’ – we have not revealed the official name yet – within the next few months. Certainly the intention is to do this during the course of the summer. And clearly, we are now working very very hard and I expect to have the final analysis of the workforce that we will be deploying within the next couple of weeks.

95

Hon. J J Netto: Mr Speaker, if I may ask another supplementary question in relation to this, the Hon. the Minister just said that the intention is to be able to open Block B, which is the one specified for this, in a couple of months’ time, certainly before the end of summer. Does the Minister envisage a situation where existing staff, currently working perhaps in Mount Alvernia or some other places, might be part of the transfer, if you like, to the new facilities, or whether we are talking about whatever staff is going to be in Block B is going to be over and above the existing numbers of grades at the moment?

100

Hon. Dr J E Cortes: Mr Speaker, that is the analysis that we are undertaking at the moment. Clearly, the new facility cannot be completely covered by the existing staff, although we have been training up care workers and so on well in advance in order to have them qualified and ready, but there will possibly be some overlap possibly with the senior management teams. So this is the fine-tuning that we are doing at the moment, to actually have a plan in place when deployment is carried out in a few months’ time.

105

Hon. J J Netto: And finally, Mr Speaker, does the Minister envisage a situation where there will be a number of specialised nurses dealing with this particular situation and perhaps some consultants, a specialist in this field, being employed for the new facilities?

110

115 **Hon. Dr J E Cortes:** The skills mix is part of this analysis. There will be carers and there will be nursing. There is no requirement in our assessment for a full-time consultant, but clearly medical cover will be provided.

Remember, this is an elderly residential home. The severity of the Alzheimer's and dementia will vary and clearly will probably deteriorate as the years go by. But at this point in time, in analysing the residents that we are expecting to take into that facility, it is not envisaged we would need a full-time consultant, but clearly we will provide the medical cover that will be required for the level of care that the residents need.

120 **Hon. J J Netto:** Can I ask just one final one, Mr Speaker: is the Minister confident, given that he has set himself a timetable to open Block B in only a couple of weeks' time, to be able to go through the whole recruitment process and have the staff in place for the opening?

125 **Hon. Dr J E Cortes:** Yes, Mr Speaker. I said we would open in a few months, not in a few weeks. We will have the full workforce plan, including the migration plan, ready in a few weeks.

Q295/2015

Patients with a debilitating disease – Numbers by type and dependency level

Acting Clerk: Question 295/2015. The Hon. J J Netto.

130 **Hon. J J Netto:** Mr Speaker, can the Minister for Health state the number of patients with a debilitating disease, broken down by type and dependency level?

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

135 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, in view of the large number of diseases that can be considered debilitating and the fact that the hon. Member has not specified where the patients may be, I would request that he be more specific as to the information he requires.

140 Mr Speaker, if I may just add, in preparing this information I am aware there was a similar Question asked some time ago by the Hon. Mrs Ellul-Hammond, but there was some more specific information requested regarding where they were, and we had more of an idea of the detail. This was very generic and, short of going through all the notes of all the patients, I thought it would be helpful, and I am happy to do that by exchange of correspondence, if he specifies where exactly those patients are and whether he has any particular condition in mind, and then we will be very happy to supply that information. It was a little bit difficult to be so wide.

145 **Hon. J J Netto:** Yes, Mr Speaker, it has been a standard sort of question in the past, both by my hon. Friend Isobel Ellul-Hammond and myself, even before she took over Social Services and even in the period when I was Minister for Social Services. But we are talking about a number of, I think, about four or five debilitating diseases. If I can manage to get the categories I can easily get in touch with the secretary and I am sure the information will be given.

Q296/2015

Gibraltar Health Authority – Health and Safety reports 2014 and 2015

Acting Clerk: Question 296/2015. The Hon. J J Netto.

155 **Hon. J J Netto:** Mr Speaker, can the Minister for Health provide Parliament with copies of the Health and Safety reports conducted for the GHA during 2014 and 2015?

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

160 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I now hand over to the hon. Member the list of Health and Safety reports that are completed. However, as I have said before when asked previously, these are internal working documents, so copies will not be provided.

Answer to Question No.296 of 2015

Health & Safety Risk Assessments 2014/15
Completed to date - May 2015

Date	Location	Department
08/10/14	St. Bernard's Hospital - Basement	Basement
08/10/14	St. Bernard's Hospital - Basement	Linen Stores
08/10/14	St. Bernard's Hospital - Basement	Archives
08/10/14	St. Bernard's Hospital - Basement	Workshops
29/10/14	St. Bernard's Hospital - Zone 1	[0] A & E
29/10/14	St. Bernard's Hospital - Zone 1	[0] Ambulance
24/03/15	St. Bernard's Hospital - Zone 1	[1] Critical Care Unit
24/03/15	St. Bernard's Hospital - Zone 1	[2] Captain Murchison
20/04/15	St. Bernard's Hospital - Zone 1	[3] Dudley Toomey
26/11/14	St. Bernard's Hospital - Zone 1	[4] Operating Theatre
10/12/14	St. Bernard's Hospital - Zone 1	[5] CSSD/TSSU
24/03/15	St. Bernard's Hospital - Zone 1	[6] 6 th floor: Finance
24/03/15	St. Bernard's Hospital - Zone 1	[6] 6 th floor: Accounts
24/03/15	St. Bernard's Hospital - Zone 1	[6] 6 th floor: Directors Office
24/03/15	St. Bernard's Hospital - Zone 1	[7] 7 th floor: Minister/CEO/Public Health
23/03/15	St. Bernard's Hospital - Zone 2	[0] Radiology
24/03/15	St. Bernard's Hospital - Zone 2	[1] Medical Outpatients Department
20/04/15	St. Bernard's Hospital - Zone 2	[5] Admin Corridor
20/04/15	St. Bernard's Hospital - Zone 2	[5] Admin Corridor Human Resources
20/04/15	St. Bernard's Hospital - Zone 2	[5] Admin Corridor Sponsored Patients
20/04/15	St. Bernard's Hospital - Zone 2	[5] Admin Corridor Nursing
20/04/15	St. Bernard's Hospital - Zone 2	[5] Admin Corridor Medical Secretaries
20/04/15	St. Bernard's Hospital - Zone 3	[1] John Ward
24/03/15	St. Bernard's Hospital - Zone 4	[1] Surgical Outpatients
20/04/15	St. Bernard's Hospital - Zone 4	[5] Medical Investigation Unit

Hon. J J Netto: Mr Speaker, I am not quite sure what is actually coming round in terms of providing information, so what is actually coming round?

165 **Hon. Dr J E Cortes:** Mr Speaker, as I think I mentioned, it is a list of those H&S reports that have been completed, but the reports are not there. It is a list of those that have been done.

Hon. J J Netto: And could the actual Minister say why he feels that Parliament should not have that information, then?

170

Hon. Dr J E Cortes: Mr Speaker, I have said this before: these are internal working documents and they are, as I have said in this House before, the sort of internal working documents that I do not believe will be handed over.

175 **Hon. J J Netto:** So the Hon. Minister basically is saying that he does not believe that internal documents of the GHA should not be provided to this Chamber – Parliament, where exactly... *(Interjection)* In other words, what the Minister is basically saying is, 'We don't want Parliament to be able to check what the Minister'... Not the Minister, because the Minister does not, at the end of the day, write the report; it is done by members of staff, but what the Minister is saying is, 'We are not going to allow the
180 Opposition to be able to know what the reports say, in case they want to raise any particular issue about them.' That is what the Minister is saying, isn't it?

Hon. Dr J E Cortes: No, Mr Speaker, not at all. If the hon. Member has any concern about any of the specifics of the list that I have provided – and I have told him all the Departments that have been assessed;
185 it is a fairly lengthy list... If he has any specific concerns or specific questions, then I would be happy to consider answering them, but handing over a large amount of documents with such day-to-day information I do not think would be helpful.

**Personal Statement
by the Hon. Isobel Ellul-Hammond**

190 **Mr Speaker:** I think it is an appropriate moment, now that we are apparently concluding questions on health, to give the Hon. Isobel Ellul-Hammond an opportunity to make a personal statement, given that she has relinquished that responsibility.

Hon. Mrs I M Ellul-Hammond: Thank you, Mr Speaker.

195 I thought it would be appropriate to make a Statement to the hon. Members of Parliament, seeing that the news was announced via the media and I believe it is only right that it is recorded in *Hansard*.

Mr Speaker, it is not given to everyone to be able to work for one's community and make a difference. It is this which was the motivating factor in my deciding to become involved in politics. For many years before, I have been involved in one way or another in voluntary and charitable work, culminating in setting up what has proved to be a source of practical help and comfort to many in Gibraltar, and that is the charity Breast Cancer Support Gibraltar.

200 Working from the Opposition benches these last four years has not given me the opportunity to work creatively for the community as I thought I could and would have wanted. Instead, and true to the tradition of Opposition politics, my role has been that of questioning and scrutinising the work of Government. Important and vital as this is for the proper management of democracy, I want to be more directly and positively involved with the community, the people and their needs, to be proactive and not reactive to the creative work of others.

205 I recently spent some months away from politics battling for my health, the third time in my adult life that this has been the case. Inevitably, during such enforced pauses from the inexorable flow of life one is given the rare luxury of reassessing one's life and refocusing on what is important and what is not. Unlike for so many during such times, it has also given me the strength not to be defeated and to face life, which is precious, with renewed energy. Every difficult episode in life brings with it opportunity and I came to the conclusion that I again wanted to spend my time working directly and creatively for the good of our community.

210 I started looking for such an opportunity but found few openings. I then saw in February, as if by providence, the post of Cancer Services Co-ordinator advertised by the GHA. I made enquiries and applied. After attending an interview I was offered the post. The work involved could not have been better crafted for me had they tried.

215 As from 7th April, therefore, I relinquished my portfolio responsibilities for Health, Social Services and Civil Contingencies and went into the backbench of Parliament. Additionally, I have stated that I will not be putting my name forward for consideration in the GSD line-up for the next General Election. My desire, however, for the few months remaining of this Parliament is not to resign and put Gibraltar to the expense, administrative and logistical organisation of a by-election, especially so close to a General Election where this will obviously be necessary. I have therefore been given the opportunity by the Leader of the House not to resign as a Member of Parliament, but to instead go into the backbench, relinquishing my portfolio responsibilities until the General Election is called.

220 I have started my new position as Cancer Services Co-ordinator in a designate capacity where I am presently fact-finding and introducing myself to health professionals in order to familiarise myself with the cancer services Gibraltar offers. This ensures I will be ready to start immediately in this exciting new role once I am no longer a Member of Parliament. As Gibraltar's first Cancer Services Co-ordinator, I will be reviewing Gibraltar's cancer services and providing a holistic cancer strategy for Gibraltar, which includes enhanced communication between all cancer service providers and an improvement in the patient experience. This is a challenge I am very much looking forward to and it is, in many respects, a continuation of the work I started with my friends back in 2007 as a founder of Breast Cancer Support Gibraltar.

225 Statistically, I am a one in eight of women who have been affected by breast cancer, a one in two to three people affected by cancer generally. Ten of my friends have died from secondary breast cancer, five of whom were 50 years of age or younger. Another similar number of my friends have died from other cancers, all young, under retirement age. Their memory helps to motivate me.

230 Creating a GHA bespoke Gibraltar cancer strategy means a new dedicated focus on cancer with the ultimate aim of raising more awareness, dispelling fears and taboos, encouraging preventative medicine and healthier lifestyles, increasing the early detection of cancer, helping to introduce new treatments to Gibraltar, and ultimately improving cancer outcomes and reducing mortality.

235 It has been a privilege and an honour to have served the community as a Member of Parliament. It is now time for me to move on and pursue my vision and vocation on how, at this moment in my life, I can best serve the people of Gibraltar.

240 Thank you all very much. (*Banging on desks*)

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may, on behalf of the Government and, I hope, the whole House, thank the hon. Lady for the Statement she has made.

250 She has been well known for her charitable work for many years, long before she was a Member of this House, and when she has been here she has been a huge asset to this place, although of course I always thought she sat on the wrong side!

255 In the time that she has been here, Mr Speaker, we have crossed swords passionately on issues that concerned each of us, but never to the extent that we might cross the road to avoid each other as a result of it, and I am very pleased that she was able to bring to the debates in this House her good humour and her temperance, and perhaps taught all the rest of us a lesson in that regard.

Mr Speaker, Parliament will be the poorer for the loss of Mrs Ellul-Hammond and the GHA will be the richer, which means that the community will continue to enjoy the benefit of her service and I very much look forward to working with her on the Government side.

260 **Hon. D A Feetham:** Mr Speaker, first of all, let me associate myself with the words of the Leader of the House.

265 No-one understands better than I do – and I say that with all the humility in the world, but nobody understands better than I do – what an event in your life... what impact it can have not only for yourself but also for your family, and how it can cause you to reassess your life; because I had an event, similar to the one that the hon. Lady had last year, in 2010. That I decided to continue in politics and I took a different decision does not mean that the hon. Lady's decision in any way, shape or form is wrong, and indeed the Opposition's loss is Gibraltar's gain and certainly the GHA's gain, because as the hon. Lady has said in her Statement, she can now, as a consequence of taking up this role, work positively for Gibraltar and for the GHA in progressing the Government – not only this Government but perhaps the future Government's agenda in relation to the fight against cancer, which is such a scourge on society.

270 Certainly she leaves the Opposition with all the best wishes of the Opposition and my own personally. We have been supportive of the decision that she has taken, which I know is a decision that she has not taken easily or a decision that she has not taken lightly, because I know that she would have very much liked to have seen this term out until the next General Election, but it is not an opportunity that she could have, for all the reasons that the hon. Lady has outlined in her own Statement, that she could turn her back on at this stage.

As I said, she leaves with all the best wishes and the support of the Opposition. (*Banging on desks*)

280 **Hon. Dr J E Cortes:** Mr Speaker – could I?

Mr Speaker: May I associate... Okay, the Hon. the Minister for Health.

285 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** If I may, Mr Speaker, I feel that, having been at the opposite end, on the opposite side of the Hon. Mrs Ellul-Hammond over the last three and a bit years, I feel that I should say a few words here.

Not being as seasoned a politician as many others in this Chamber, I was never quite comfortable in being at cross-swords with an old friend, so I take comfort that that is not going to happen any longer.

290 Mr Speaker, I closely followed her illness, not just as a friend but as Minister for Health, so I know what she went through. We used to joke at the time, because of course the hon. Member replaced me on the Board of the GHA back in 2007, and we often did comment, even when we were opposing each other in this House, how good it would have been for us to have shared the Board and to have worked together, because I well know all her ideas and what she wants to do, and she knows mine.

295 Therefore, not only as Minister for Health but also as Chairman of the GHA, all I can say is to reiterate what has been said already and that the contribution that the hon. Member will make to the Health Service will be profound. I am very much looking forward to working with her, not just for the next few months but at least for another four years.

Thank you, Mr Speaker. (*Banging on desks*)

300 **Mr Speaker:** May I associate myself personally with everything that has been said about the hon. Lady and also add that, although we shall have the pleasure of continuing to see her until the next General Election whilst she remains a Member of Parliament, she can rest assured that she has the best wishes of the staff of Parliament. (*Banging on desks*)

Q297/2015
Government printers –
Double-sided printing

Acting Clerk: Question 297/2015. The Hon. J J Netto.

305 **Hon. J J Netto:** Mr Speaker, can the Government state if in all Government Departments, Authorities and Agencies there are printers that have the facility for double-sided printing?

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

310 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Government policy introduced when this Government took office is that all printing is to be double-sided whenever possible. In line with our green procurement policy, as printers are replaced they are replaced with modern units which are networked and print double-sided as a default setting.

315 **Hon. J J Netto:** So basically it is an ongoing process: as soon as a printer needs replacing it will be replaced by the facility of a double-sided printer.

Can I take the opportunity – and perhaps this is something that the Department of the Environment is actually doing itself... whether they are actually getting in touch with Government Departments, Authorities and Agencies in terms of creating awareness and ensuring that civil servants and Government employees are encouraged to use double-sided printers?

320 And perhaps one final supplementary: whether the officials in the Department of the Environment can actually encourage the Minister that when he delivers his Budget speech this time it will be on double-sided paper and not on single-sided paper?

325 **Hon. Dr J E Cortes:** Yes, Mr Speaker, not only that but also recycled, as it has been since I took office.

Mr Speaker, it is a process that is ongoing. Already many – and I hesitate to say ‘most’ because I do not have the specific figures; many – of the photocopiers are already able and do it double-sided. I can say that the Health Authority does virtually all of its printing now double-sided and has saved a lot on energy and on paper. The Government Departments are encouraged to do so. There have been seminars and, I believe, circulars urging the Departments to do so.

330 I might even go one better, depending on how well the technology is working: perhaps my Budget speech will be read from an iPad and there will be no paper at all, but I will not commit to that totally because it is more difficult to write notes, and so on, on an i-Pad than on a script.

Q298/2015
Licences for fishing with long lines –
Number issued

Acting Clerk: Question 298/2015. The Hon. J J Netto.

335 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many licences have been issued since January of this year to vessels and their owners for the purpose of fishing with long lines, broken down by nationality and stating whether such vessels are owned by individual persons or commercial entities?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Questions 299 to 307.

Q299/2015
Vessels fishing with long lines –
Number without valid licence

345 **Acting Clerk:** Question 299/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state on how many occasions have vessels been within British Gibraltar Territorial Waters, which have been seen to be fishing with long lines since January of this year without a valid licence, broken down by nationality and date?

Q300/2015
Unlawful incursions into British Gibraltar Territorial Waters –
Number since implementation of new licence regime

350 **Acting Clerk:** Question 300/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state how many unlawful incursions into British Gibraltar Territorial Waters have taken place by the Spanish fishermen since the new licence regime came into effect by the Gibraltar Government, broken down on a monthly basis, and how many of these have ended with a fine, appropriation of the boat or the confiscation of their assets?

Q301/2015
Bluefin tuna fishing –
Spot checks by Protection Enforcement Team

Acting Clerk: Question 301/2015. The Hon. J J Netto.

360 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many spot checks have been carried out by the Protection Enforcement Team of the Department of the Environment in relation to the bluefin tuna fishing since commencement of this legislation?

Q302/2015
Bluefin tuna –
Tonnage caught and registered in Gibraltar

Acting Clerk: Question 302/2015. The Hon. J J Netto.

365 **Hon. J J Netto:** Can the Minister for the Environment state what has been the tonnage of bluefin tuna caught and registered in Gibraltar since the current legislation was enacted?

Q303/2015
Bluefin tuna catch –
Comments made by European Commissioner for the Environment, Maritime Affairs and Fisheries

Acting Clerk: Question 303/2015. The Hon. J J Netto.

370 **Hon. J J Netto:** Can the Minister for the Environment provide Parliament with a statement as a result of the comments made by the European Commissioner for the Environment, Maritime Affairs and Fisheries, Mr Karmenu Vella, with regard to the catch of bluefin tuna by Gibraltar fishermen?

Q304/2015
Fisheries database –
Information available; fish tagging programme

375 **Acting Clerk:** Question 304/2015. The Hon. J J Netto.

Hon. J J Netto: Further to the answer given to Question 25/2015, can the Minister for the Environment state: (a) the information available so far in the Department of Environment Fisheries database; and (b) the figures for the fish tagging programme and type?

Q305/2015
Fishing Report –
Recommendations implemented

380 **Acting Clerk:** Question 305/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Question 361/2014, can the Minister for the Environment state what further recommendation or recommendations from the Fishing Report have been implemented in the following 12 months?

385

Q306/2015
Dolphins –
Contamination of water in Strait of Gibraltar and Gulf of Cadiz

Acting Clerk: Question 306/2015. The Hon. J J Netto.

390 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if the Department of the Environment is aware of the report made by the Spanish Conservation Association of Studies and Information of Cetaceans, whereby it concludes that tests carried out to dolphins in the Strait of Gibraltar and the Gulf of Cadiz observed high levels of flame-retardant chemicals defined as polybrominated diphenyl ethers or (PBDEs) restricted under the Stockholm 2004 Convention; and if so, provide Parliament
395 with a statement to this effect and any measure introduced or planned in order to curtail such affliction to dolphins within British Gibraltar Territorial Waters?

Q307/2015
Marine currents –
Survey off south-west of Gibraltar

400 **Acting Clerk:** Question 307/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if the test on marine currents, alluded to by the Minister back in February of this year, off the south-west of Gibraltar has now ended; and if so, provide a statement as to the result of such a survey?

405

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
410 Mr Speaker, since January this year 252 Class A, fishing with long lines, licences have been issued. All licences have been issued to local residents: 251 are British and one is Portuguese. No commercial entity has been issued with a licence.

To the Department's knowledge, the long lines which have been deployed and that have been checked whilst conducting patrols in BGTW have been from licensed individuals.

415 Incursions by Spanish fishermen into BGTW were: January 2015, 15; February, 14; March, 24; and April, 13.

Since the commencement of the legislation the Department of the Environment, through its Environmental Protection and Enforcement team, patrols BGTW on a daily basis with various patrols being conducted every day. During these patrols, any vessels believed to be fishing tuna are approached. The tuna season officially commences in mid-June and to date the Department has not encountered any vessels attempting to fish tuna whilst on patrol.

420

There have been zero tonnes of bluefin tuna caught and registered in Gibraltar since the legislation was enacted. The season does not open until 15th June.

There have been various questions which have been answered by Mr Karmenu Vella in relation to Gibraltar's fishing of bluefin tuna. The hon. Member has not specified which question he is referring to, but I will answer the latest one, which I believe may be the one he is referring to.

425

The rules of the Common Fisheries Policy do not apply to Gibraltar. Therefore Gibraltar is not bound by the EU application of ICCAT through EU law. As a result, Gibraltar is free to legislate and control the fishing of tuna in BGTW as it has done and local fishermen can legally fish tuna in BGTW. This is recognised by the Commission.

430

Furthermore, the hon. Member has asked for a statement and I would say this: in his reply, Mr Vella makes a very important distinction by addressing the position under both the EU Common Fisheries Policy and EU environmental laws. As the hon. Member may know, BGTW are not EU waters as far as the Common Fisheries Policy is concerned, but they are EU waters as far as EU environmental laws are concerned. It seems to us, therefore, that the EU Commissioner is acknowledging that only EU environmental laws apply in BGTW. If BGTW were Spanish waters, the Common Fisheries Policy would also apply. This therefore is tacit recognition of our jurisdiction over our waters.

435

The information for part (a) of Question 304 is provided in the schedule which I am shortly going to hand over.

In relation to the fish tagging programme, a total of 23 fish have been tagged so far. All tags have been placed on the white sea bream. The tagging programme will be expanded this year to include bluefin tuna.

440

In addition to the extensive list of measures that have been implemented already, as I previously communicated to this House, the following recommendations of the Fishing Report have also been implemented:

(1) The Marine Protection Regulations 2015 and the Tuna Preservation Regulations were published in October last year. They are set to regulate a myriad of activities that take place in our waters, such as fishing, diving, scientific research, anchoring and dolphin tour operators. Some of the key measures included in the Regulations include the introduction of fishing licensing requirements, minimum fish sizes and the creation of no-anchoring zones, as well as the creation of marine conservation zones. These measures are directly relevant to some of the recommendations of the Fishing Report.

445

(2) The Environmental Protection and Research Unit has been expanded with three new officers and the acquisition of marine assets, including two vessels – the *Darwin* and the *Storm Petrel*. This unit is assisting the Department with its fisheries management duties.

450

(3) A Fishing Working Group has been created. The working group serves as a platform to discuss relevant issues, such as sustainable fishing activities in BGTW.

455

(4) The full extent of British Gibraltar Territorial Waters has been diagnosed as a Marine Nature Area.

(5) A research programme on the nursery functions of BGTW is currently underway as part of the wider marine surveillance monitoring programme. The recent deployment of an underwater camera forms a critical element of this new initiative.

(6) A seagrass and fan mussel restoration project has commenced.

460

(7) Continuation of the artificial reef programme with the deployment of the *Sun Swale* by GONHS.

Mr Speaker, in answer to Question 306, yes, the Department of the Environment is aware of the report made by the Spanish Conservation Association of Studies and Information of Cetaceans. The Department of the Environment is presently working on a marine biota monitoring programme, which involves the analysis of both fish and mussel samples taken throughout Gibraltar's coastline. The parameters that will be analysed and measured include metals, organotin and other contaminants and pollutants, including polybrominated diphenyl ethers. I say this, Mr Speaker, because the dolphins will have acquired these substances from the food and therefore we cannot sample dolphins but we can sample the fish which presumably they are eating.

465

In answer to Question 307, this work is expected to commence in summer this year. Two previous surveys have been carried out, one from January to March 2013 and another from February to April 2014.

470

Answer to Question No.304/2015

Permits	Active Permits	Expired Permits
A1 - Longlines	226	-
B1 - Recreational Rods and Line	1167	-
B2 - Recreational Rods and Line (Temporary)	14	98
C1 - Spearfishing	37	-
C2 - Spearfishing (Temporary)	4	3
D1 - Fishing Competition	5	-
E1 - Sports Fishing Operator	0	-
F1 - Diving	75	-
F2 - Diving Temporary	0	5
G1 - Dive Operator	1	-
H1 - Dolphin Tour Operator	1	-
J1 - Species in Need of Strict Protection	223	-
K1 - Tuna	308	-

Hon. J J Netto: Just in case I have got my figures wrong, at the beginning of his answer I think he said that 252 licenses had been issued to locals. Is that correct?

475

Hon. Dr J E Cortes: To residents.

Hon. J J Netto: To residents, right. So no licence has been issued to any non-resident?

480

Hon. Dr J E Cortes: Mr Speaker, if he looks at the annexe, the schedule I provided, he will see that the figures are not exactly the same, because the table has got from a particular time period and the actual specific answer on Class A is current, so that is why there is about 20 or so difference. But if he sees ‘Temporary’ – temporary are the licenses issued to non-residents and therefore he will see that under permits B2, C2 and F2 there have been temporary permits, and it is the temporary permits that are for non-residents. So any permit that does not say ‘temporary’ will be for residents of Gibraltar, regardless of nationality, and when it says ‘temporary’, they will be for non-residents. That might assist.

485

Hon. J J Netto: It does help a little bit.

Can the Minister say whether there have been any licences issued to Spaniards who are resident in Spain?

490

Hon. Dr J E Cortes: Mr Speaker, not to my knowledge. When he asks this it may be that he is aware of some instance, in which case I do not know, but it is not... A temporary licence will have been issued perhaps to somebody resident in Spain, but not a non-temporary licence. So the answer is yes, if it is a temporary license; no, if it is one of the other standard licences. Maybe that is where the confusion is. There could be somebody resident in Spain with a temporary licence, and the law provides for that.

495

Hon. J J Netto: Mr Speaker, moving slightly on, the Minister also mentioned the number of incursions in relation to fishing with long lines, but can the Minister – perhaps he said it, actually, but I missed it – specify whether such incursions were, in some cases, by Spanish fishermen into our waters?

500

Hon. Dr J E Cortes: Yes, Mr Speaker, I did say incursions by Spanish fishermen.

Hon. D A Feetham: Yes, Mr Speaker, can the hon. Gentleman clarify – or confirm, because that is my understanding – that when he talks about incursions by Spanish fishermen in his answer – 15 in January; 14 in February; March, 24; and April, 13 – that that is, in the main we are talking about incursions of Spanish fishermen fishing with nets in British Gibraltar Territorial Waters, not long lines? That is what we are talking about?

505

Hon. Dr J E Cortes: Mr Speaker, I believe that is the case. In my raw data, unless I am missing anything, we are talking about nets and rakes combined.

510

Hon. D A Feetham: Yes, Mr Speaker, that is what I thought, because it would be highly unlikely... There would be the odd one, I suppose. You could have incursions of Spanish fishermen fishing with long lines, but the incursions are fishing with nets or rakes, as the hon. Gentleman has just explained.

515

Does he agree with me that these incursions actually damage very substantially the Government’s efforts to preserve marine life in British Gibraltar Territorial Waters?

Hon. Dr J E Cortes: Mr Speaker, any nature reserve anywhere in the world will be subjected to some abuse of its natural assets; the common word used is ‘poaching and, clearly, any poaching will affect the environment. Therefore, if he asks me as a purist, clearly I would rather that these things did not occur. However, Mr Speaker, what I can say is two things: one is the excellent work that the Department of the Environment has been doing to actually enhance the marine life in Gibraltar – for example, by reef creation and the initiatives on sea grasses which I mentioned earlier; and also the fact that the figures that we have reflect a marked decrease in the overall number of such incursions in British Gibraltar Territorial Waters. So I think that the long-term strategy, which is the improvement of the biodiversity and the stocks of marine life in Gibraltar, is actually being very successfully achieved despite these setbacks.

Hon. D A Feetham: Well Mr Speaker, the hon. Gentleman uses a very curious turn of phrase – and it is two very curious turns of phrase: one, he said that any nature reserve is going to be subjected to abuse – almost justifying the abuse; and then he says ‘as a purist’, almost drawing a distinction between ‘Well, look, as a purist, you know I cannot condone this, but maybe it could be condoned.’

Well look, the question that I asked is – and I would appreciate a straight answer to the question – are the incursions by Spanish fishermen in British Gibraltar Territorial Waters, to use nets, which are illegal in British Gibraltar Territorial Waters, is that substantially damaging the Government’s efforts in relation to marine preservation?

Hon. Dr J E Cortes: Mr Speaker, I was in no way implying, even implying, justifying anything. I was making a statement of fact. Any nature reserve anywhere in the world is subjected to this sort of thing. As to whether or not I am a purist, well, that is for others to judge.

Mr Speaker, I repeat what I have said before. Perhaps it would be easier if I got a straight question, if he does not like my non-straight answers. If any natural resource which is exploited, whether legally or illegally, is reduced, that is again a statement of fact and I have repeated that clearly it would be better for an increase in stocks if there was no fishing whatsoever by anybody, but that is not going to happen because that is not realistic.

You see, Mr Speaker, we are talking about sustainability, we are talking about sustainability, and therefore we have to aspire by enhancement of the marine habitat in order to improve stocks and biodiversity and by whatever action we are taking now, which is clearly showing some success because, as I said before, the number of fishing incursions is substantially reduced. The aim of this exercise is long term and I am absolutely convinced that in the medium to long term our stocks will improve tremendously.

Hon. D A Feetham: Well, Mr Speaker, obviously I have asked the wrong question. I have asked the wrong question, as I asked the wrong question on the public finances, as I asked the wrong question on LNG – nothing to do with the answers that the hon. Members opposite provide me. It is always Daniel Feetham that ask the wrong question. But, Mr Speaker, he still has not answered my wrong question, because my wrong question was: do all these incursions damage the Government’s environmental project for preserving fish stocks? ‘Substantially damage’ is the phrase that I have used. Now, I would have thought that that was capable of a straight answer by the hon. Gentleman – or is the hon. Gentleman becoming more of a politician than the hon. Gentleman would care to admit?

Hon. Dr J E Cortes: Yes, Mr Speaker, it is an interesting point, because just as the hon. Member opposite was asking me whether I had become too much of a politician... Can there be too much of a politician? You are better to answer that. I was thinking just the very opposite, because as a politician I could answer whatever, but as a scientist my genuine answer is that I do not know whether these incursions are having a negative effect because I do not know the length of net deployed, the length of time, the amount of fish, the species, the habitat. So the answer is I do not know, but what I do know is certainly much less effect than the excessive fishing that was carried out when the Fishing Agreement was in force. *(Banging on desks)*

Hon. D A Feetham: Mr Speaker, I have to say that I am absolutely astonished – the word that the Hon. the Chief Minister likes to use in his press releases directed at the Opposition; astonished, absolutely astonished – that the hon. Gentleman, three years, or nearly four years now into their term in office, but three years since he plunged Gibraltar into a crisis with his now infamous declaration on Facebook, that he can stand there and he can say, ‘I am not able to say what the effects of all these incursions and the use of illegal nets are in British Gibraltar Territorial Waters because I don’t have enough data; I don’t know how many long lines are being used, I don’t know this, I don’t know that.’ And yet, Mr Speaker, the hon. Gentleman has spent, or the Government has spent millions of pounds in new assets, in new cameras, in new this, in new that. Isn’t that an absolute indictment, Mr Speaker of the Government’s abject failure to protect marine life in British Gibraltar Territorial Waters? And not only that, in order to give him the

benefit so that he can answer it, an abject failure in keeping to *their* promises, and *his* in particular, to the people of Gibraltar of not allowing this activity in British Gibraltar Territorial Waters, Mr Speaker?

Hon. Dr J E Cortes: Absolutely not, Mr Speaker. We are making tremendous progress in marine conservation, more progress than has ever been made in the history of Gibraltar, and he knows it. (*Banging on desks*)

As I have said before, the statistics show a tremendous decrease in incursions. The monitoring unit that we have is carrying out a lot of surveying and a lot of activity and I can assure you, Mr Speaker, that the protection of marine life in Gibraltar waters has never been better carried out from the point of view of the areas that I can control. And, Mr Speaker, I can tell you that, as I have said before, history will tell in the future quite how much progress has been made in the last three years for the protection of our marine resources.

Hon. D A Feetham: Well, Mr Speaker, I have to say we differ on that. If the hon. Gentleman cannot even tell me, cannot even tell me what the impact... whether there is any substantial damage being done to marine life as a consequence of all these incursions and the use of illegal nets in British Gibraltar Territorial Waters, I am afraid that he is not mastering this particular brief and he is not on top of this particular situation as he likes to project that he is on top of this situation.

But Mr Speaker, does the hon. Gentleman not feel at least a sense of shame that on the one day in the *Gibraltar Chronicle* there are photographs of new equipment introduced in the area of the reef, photographing marine life and statements from the hon. Gentleman saying, 'Look at this reef, teeming with marine life!' and then the next day there are three Spanish fishermen photographed with long nets in the same area where the photographs were made? Isn't there a cause for a sense of shame and an indictment of the Government's policy in this area?

Hon. Dr J E Cortes: Mr Speaker, no shame at all, but determination, Mr Speaker. (**A Member:** Hear, hear.) Mr Speaker. If they caught fish there, it is clearly as a response to the success of our initiative, which was criticised by Spain for having nothing to do about conservation and all to do with politics and reclamation. So if that is the case, that is the case. No shame at all, Mr Speaker: determination. These issues have to be tackled.

And of course, Mr Speaker, nets catch fish. I am not going to deny that, but I cannot tell him exactly what the impact is without the data. And clearly, as I said before, I would rather it did not happen. The strategy is there; I am absolutely determined this is going to be resolved. And I think the attitude that certainly my Department is taking is thorough and totally responsible, and time, Mr Speaker will prove that.

Hon. D A Feetham: Well, Mr Speaker, now I have heard it all! He pats himself on the back for the success of laying the reef – *his* initiative – attracting new fish to the area so that the Spanish fishermen can fish in the area of the reef! I really thought that I had heard it all in this Parliament, but today I *have* heard it all: the hon. Gentleman patting himself on the back for creating an environment where more fish are attracted to British Gibraltar Territorial Waters so that Spanish fishermen can haul them, using their illegal nets, from British Gibraltar Territorial Waters!

Well, Mr Speaker, can he answer at the very least this: what is his Government going to do in order to prevent the illegal use of nets in British Gibraltar Territorial Waters, which was their promise to the people of Gibraltar at the last election?

Hon. Dr J E Cortes: Mr Speaker, the hon. Member opposite has a problem. I think it is maybe because he is a politician. He transforms a statement of facts into an opinion. I have said *if* they took a lot of fish it means that the reef is successful. I did not say, 'Good lad, John, you've given them fish!' I said *if* they took more fish, it is the reef that... I have not said I am glad they took them, I am not saying I supported it; I am making a statement of fact. He does it time and time again. A statement of fact... I don't know, maybe it is because he is a politician.

I can tell you one thing, Mr Speaker. He is saying about hauling fish after a successful reef operation. The Members opposite used to allow them to haul fish without reefs and actually encouraged them to haul fish by making an agreement for them to come! This is what is absolutely

That is it. I have nothing further to say, other than to say absolutely determined. Our strategy is working and time will prove that our strategy will deliver what we set out to deliver.

Hon. D A Feetham: Mr Speaker, if this were a question of scoring goals, I'm afraid that it would be 5-0 by now to the Opposition on this particular issue.

Mr Speaker, he has not answered the question. What is he going to do, or what is his Government going to do in order to make good on a manifesto promise to the people of Gibraltar to end illegal fishing in

640 British Gibraltar Territorial Waters? He must have, or his Government must have had a strategy, his party must have had a strategy in place when they made that promise, and I just want to know when that is likely to take place and what is the strategy.

645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may be allowed to rise to reply to the Hon. the Shadow Member for Pilchards, Haddock and Sardines, (*Laughter*) it is absolutely clear to people who are looking at this match dispassionately that the hat-tricks are being scored by this side of the House and not the other. It will be absolutely clear to anybody who reads the *Hansards* a thousand years from now, when I hope there will be people geeky enough to do so, that those who consented to Spanish fishermen coming into British Gibraltar Territorial Waters to fish with impunity are the Members opposite when they were in
650 Government and when they entered into the Fishing Agreement.

What we have done to stop this activity is to put the control of this back in the hands of those who should have the control; namely the Royal Gibraltar Police, who do an excellent job at sea, in particular in prioritising what they should deal with. What we will not do is to give the Police instruction on what to do either one way or the other, as was the case under the Fishing Agreement that hon. Members have
655 defended.

I dare say that there is a lesson for us here, because if there had been a vote on the Fishing Agreement perhaps later in the time that the GSD were in office, we, the Opposition, might have won it. Because given that Mr Netto tells us, in dealing with progressive politics, that on the GSD they can all vote their consciences all the time and that is the reason why progressive politics did not prosper – because there are
660 some who might not have supported progressive politics on the other side – there might have been some, perhaps after 2003, perhaps after 2007, who might not have supported the Fishing Agreement, although it continued in place despite the fact that they were part of the Government.

What have we done, Mr Speaker? We have undone an agreement that was an abomination and which drove a coach and horses through the rule of law. Commissioner Vella – ironically, named after probably
665 the only Gibraltar family who also at some stage have fished with nets – actually clarifies the position in his answer very well indeed. By reflecting the fact that Gibraltar fishermen cannot sail into Spanish waters to fish, because those are European Common Fishery Policy waters, he recognises that these are British waters and anybody who comes to fish here has to fish in keeping with such regulations as there may be in place in respect of these waters – the regulations that now supplement the Nature Protection Act, which Mr Cortes has been responsible for as Minister, having been responsible for the Act as a Member of
670 GOHMS when that Act first came about under the first GSLP Liberal administration.

So we proudly can reflect on the fact that we did the Nature Protection Act when we were in Government the first time, we proudly can reflect on the fact that we have done the regulations while we were in Government the second time, and we proudly can reflect that we undid the agreement that even the
675 Foreign Affairs Commission said was contrary to the rule of law. Those are the things that we have done.

We have done many other things, Mr Speaker, in respect of many other areas, and it may be that, in respect of those areas where we have created offences, today somebody may be committing such an offence – because the Police may not be there to see it; the Police may be dealing with other more important matters – but nobody says, ‘What is our Government going to do about children riding their bicycles in
680 pedestrianised areas?’

And so, Mr Speaker, we healthily leave matters of enforcement to people outside of this place entirely. We do not tell them what to do to enforce; we do not tell them not to enforce either, as they did under the abomination that was the agreement that we rightly undid.

685 **Hon. D A Feetham:** Well, Mr Speaker, the only abomination, as far as I can see, was the promise made at the last election by the hon. Gentlemen opposite to put an end to illegal fishing by nets in British Gibraltar Territorial Waters. If the position today – and it cannot be any different today than it was then – is it is not our role and there is nothing that we can do because the Police are the ones who have to enforce and if they are not enforcing it is the Police’s fault, that must have been the position then and they should
690 never have made the promise to the people of Gibraltar that they did. So is the Chief Minister of Gibraltar or the Minister for Environment ready to at least offer an apology to the people of Gibraltar for making a promise that they could not keep at the last election?

695 **Mr Speaker:** This is the last supplementary that I am allowing on the question of the manifesto commitment of the GSLP and the Spanish fishermen. It is a matter on which there have been exchanges in the House *ad nauseam* in the past. No doubt between now and the General Election there will be many more, but that is all we are having today.

700 **Hon. J J Netto:** Mr Speaker, may I be allowed –

Mr Speaker: Yes, I will allow the Hon. Mr Netto, of course, to come back; but that is then the end of the matter on what the Government should or should not have done about these incursions.

Hon. Chief Minister: Mr Speaker, thank you.

705 My hon. friend, the Minister for Health and the Environment, is a scientist and he sees things logically and therefore spotted what it was that the Hon. the Shadow Minister for Pilchards, Haddock and Sardines is trying to do. What he is trying to do is to say that we have said something and attack the thing not that we say but that he would rather we had said. So he says, 'So it's the Police's fault, according to you.' No, Mr Speaker, it is not the Police's fault. He would love me to say that, wouldn't he! He would run up, perhaps with one of his new executive members on the back of his moped or Audi, and stand outside the
710 New Mole police station with another leaflet, perhaps also with a photograph that does not represent reality on the front, and say, 'Picardo said it's your fault! Picardo said it's your fault! Vote for me! Vote for me! Vote for me!' Because that is what it is all about. You see, Mr Speaker, the hon. Member is not interested in the wellbeing of the waters or the marine life, perhaps not even interested in the rule of law; what he is
715 interested in is votes, gaining votes somehow, and in order to do so he has to conject that the Chief Minister has said that something is the Police's fault, when in fact, when either the Police or the geek a thousand years from now go back to *Hansard*, what they will see that I have said is that the Police do an *excellent* job in our waters of prioritising what they need to deal with. There are drug traffickers in our water, there are people traffickers in our water, there are people in danger in our water, there are people doing small
720 illegalities in our water and there are people fishing illegally in our water, and the Police have to deal with all that. Today, they can thankfully deal with it with equipment bought and provided to them for those purposes by the Government, because they are now adequately resourced and they no longer have to rely on ribs that they confiscate from drug traffickers and which are dangerous for them to use. But no doubt, given where the debate is going on public finances, the reality is that the hon. Members opposite would have said, 'You should not have spent the £4 million in buying the Police adequate assets for the water; you should
725 have continued to allow them to go at risk in ribs confiscated from drug traffickers.' That must be the position of the Members opposite because they do not want us to spend any money.

So we are not blaming the Police; we are saying it is the Police's responsibility. And I am saying that not just about fishing in BGTW. I am saying that about people riding their bicycles in Main Street. I am
730 talking about any aspect of our *corpus juris* which requires somebody to comply with a rule which they break and which is an offence. That is a matter for the Police or the relevant enforcement provisions.

Do we in this House need to do anything to give them more power? No, they already have the power.

Do we need to do anything to bolster what are offences? No, the offences are already properly set out.

Do we need to resource them better? No.

735 Are we saying it is their fault? No, it is not their fault. Nobody is saying that.

What have we done? We have undone an agreement that was an abomination.

What does he need to tweet about? He needs to tweet his *mea culpa* for forming part of a Government that allowed an agreement that was an abomination, and not tweet 'Picardo blames the Police', because if
740 he tweets the latter he is lying on Twitter, which is not an offence but it would be if he were to say it in this House, as he has.

He said to me during the course of our exchanges during the last Parliament that he was very much looking forward to debating with me on television, unconstrained by the rules of Parliamentary debate. I do not know why. It must be because he wants to be able to lie, but in Parliament he is constrained by those
745 rules.

What are we going to do, Mr Speaker, in relation to this issue which he is now so concerned about? I did not see him raise a Private Member's Motion, I did not see him issue a press release, I did not see him utter a word about the substantially much greater illegal fishing that used to go on in BGTW before the election. Well, we are going to continue to do the excellent work that John Cortes has done and support it as
750 a Government.

Let him be clear about this when he next has an opportunity to speak on the subject: if what he is saying is that he cares not one jot and that he would still go back to the old Fishing Agreement – which used to be his position, although he has already changed that, I know, on a number of occasions; but as I never know where he stands, I have to put to him what his position used to be – but that we said we would do one thing and by his measure it is not yet complete and he is only just measuring our achievement, not reflecting his
755 own commitment... Well, let him be clear about that: namely, that he would go back to the Fishing Agreement because he thinks it was an abomination to do away with it – although I think it was itself an abomination – and that he would nonetheless measure us because he is there to oppose what he says is our commitment and how we have fulfilled it. That is something completely different. That is, as the Hon. Mr Cortes says, pure politics for politicians. It is not science, it is not protecting the environment, it is not
760 looking after fish, it is not looking after the marine environment in any way. But that, Mr Speaker, I guess is what he is here for, politics; not really to look after anything that matters to the people of Gibraltar.

Mr Speaker: The Hon. Mr Netto.

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

765 In relation to the answer the Hon. the Minister for the Environment gave to Question 303 – that is the Question in relation to Mr Karmenu Vella on the fishing of bluefin tuna – the Minister stated that Gibraltar is not bound by the EU application of ICCAT through EU law. Then he went on to say that, as a result, Gibraltar is free to legislate and control the fishing of tuna in British Gibraltar Territorial Water, as he has done, and local fishermen can legally fish tuna in British Gibraltar Territorial Water. This is recognised by
770 the Commission. That is part of the answer that the Hon. Minister gave.

I took the trouble of getting into the European website, more in particular the Commission dealing with these matter, and looking at some of the questions that have been earmarked to the Commissioner himself. I have got a very short paragraph here, in which the first part seems to give some credence to what the Minister has said, which is what I quoted, but the second part seems to be in conflict with what he has said.
775 If I may, Mr Speaker, with your indulgence – it is a very short paragraph. The Commissioner said... I quote:

‘In his answer to a recent written question (E-008639/14), European Commissioner Karmenu Vella admitted that the common fisheries policy and the rules on the protection and conservation of Bluefin tuna were not applicable to Gibraltar. Gibraltar has declared a total allowable catch for Bluefin tuna that — by completely disregarding the guidelines adopted by the EU and by the International Commission for the Conservation of Atlantic Tunas (ICCAT) — could pose a threat to the very survival of the species.’

That does not seem to tally quite well –

Hon. Chief Minister: Mr Speaker, on a point of order – and I think that the hon. Gentleman might find that the answer is going to be provided to him in a moment – that is not the answer that Commissioner Vella gave. That is not the answer; that is the *question* he was answering. What the hon. Member has just read out is the question that was put by Fernando Maura Barandiarán of the Alde Group, who is the –
(*Interjection by Hon. J J Netto*) No. Questions in the European Parliament are set out with a preface and then particular questions. So the Spanish UPD politician wrote that as his interpretation of the earlier answer with his question as number 1 to follow. That is not what Commissioner Vella said.

If I may just give the hon. Member this example: it is as if you imputed to me what the hon. Gentleman has just said. In other words: ‘In the earlier session of the House, the Chief Minister blamed the Police for... whatever. Can you now confirm that you now no longer blame the Police?’ Right? The first part that he is reading is not Commissioner Vella’s words. It is the preface to the question. Both the preface and the question are written by the Spanish UPD politician.

If he goes to europarl.europa.eu and he finds that question, that question comes with a clicker which says ‘Answer’. If he presses ‘Answer’ he then gets the answer from Commissioner Vella, which is the one which clearly says those are European waters and they cannot do those things in European waters – but not any reference to BGTW. If I can just ask him to look back at that in detail, he may then accept that that is not in any way language which should be imputed to the Commission. It is simply the language of the questioning Spanish MEP.
790

Hon. J J Netto: Mr Speaker, I am grateful to the Hon. Chief Minister for that clarification, but given that he obviously does have the answer available to him, because he has probably got it in front of him, can he perhaps tell us whether, in relation to the comments made by the Commissioner himself, he is quite content that Gibraltar has not disregarded the guidelines adopted by the EU in this matter?
795

Hon. Chief Minister: Absolutely, Mr Speaker. Does the hon. Gentleman have the answer?

Hon. J J Netto: No.

Hon. Chief Minister: Well, the answer is publicly available and it has been reported in the *Gibraltar Chronicle*, so I do not have to give it to him; but, for the purposes of the debate, let’s read it.

Mr Speaker, the answer says this, and this is the answer of the Commission, not the question from the MEP:

‘1. As stated in the reply to Question E-008639/2014 pursuant to the provisions of Article 28 of the Act of Accession of the UK, the rules of the common fisheries policy are not applicable to Gibraltar. EU environmental law is, however, applicable to Gibraltar and the Commission can fully play its role as Guardian of the Treaties in this area.2. As the rules of the common fisheries policy are not applicable to Gibraltar, access to Union water by Gibraltar registered fishing vessels would presuppose the conclusion of an international fisheries agreement between the Union and the United Kingdom in respect of Gibraltar. No such international agreement has been concluded to date. Consequently, Gibraltar-registered fishing vessels cannot enter Union waters in order to fish there any possible Bluefin tuna quotas of theirs. Such activities would be illegal incursions into Union waters, in respect of

which the Member States must take preventive and, as appropriate, repressive action in accordance with relevant Union provisions pertaining to fisheries control such as Regulation (EC) No 1224/2009(1).’

805 That is absolutely correct. That is the position in law and in international law as the Government of Gibraltar and the Government of the United Kingdom understand it to be.

Q308/2015
Seagulls –
Numbers culled

Acting Clerk: Question 308/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state the number of seagulls culled throughout Gibraltar for 2014, and 2015 so far?

810

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Question 309.

Q309/2015
Upper Rock Nature Reserve –
Number of feral cats and seagulls culled

815 **Acting Clerk:** Question 309/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state how many feral cats and seagulls have been culled in the Upper Rock Nature Reserve during 2014 and 2015, broken down by months?

820

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, no cats have been culled by the Department of the Environment in the Upper Rock sector of the Nature Reserve in 2014 or 2015.

825

Seagulls culled in 2014: January, 157; February, 253; March, 280; April, zero; May, 321; June, 687; July, 329; August, 7; September, zero; October, 116; November, 275; December, 192. In 2015: January, 265; February, 238; March, 586; April, 705; and in the first week of May, 319. The majority of these have been within the Upper Rock sector of the Nature Reserve.

830

Hon. J J Netto: May I just simply ask if the hon. Minister would be kind enough to make available to me a photocopy of the answer given just now?

Hon. Dr J E Cortes: Yes.

Q310/2015
Partridges imported from Morocco –
Numbers

835 **Acting Clerk:** Question 310/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state the number of partridges imported from Morocco, the number that remain alive after the release, and whether there has been any chicks born since then?

840

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
845 Mr Speaker, as the hon. Member might be aware, the Barbary Partridge is a very secretive species. Due to the nature of much of the terrain within the Nature Reserve, it is difficult or impossible to provide an accurate figure for the number of pairs that remain alive or chicks born. Even where nests might be accessible, methods of locating these effectively are intrusive and likely to result in excessive disturbance.

850 Having said this, I can confirm that a total of 270 birds were imported from Morocco. Although it is not possible to accurately state how many birds are still alive after the initial release, the ongoing surveillance monitoring programme has revealed that the partridges have successfully acclimatised to their new environment. The monitoring has also proved that the reintroduced birds are successfully pairing up and showing signs of courting behaviour with their resident counterparts. I can also confirm that the birds held in captivity as part of the reintroduction programme have lain over 80 eggs with 22 chicks having hatched at the time of drafting the reply. These numbers are expected to increase during the coming weeks as the partridges continue to lay eggs and more birds are released into the wild. Judging by the success of the birds held in captivity, together with field observations made by local experts, there is a very high probability that wild chicks have been born since the programme commenced.

**Q311/2015
Macaques –
Numbers**

860 **Acting Clerk:** Question 311/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state what was the population of the Macaques for 2014 and for the months of 2015?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
Mr Speaker, I will answer this Question together with Questions 312 to 316.

**Q312/2015
Macaques –
Birth rate**

Acting Clerk: Question 312/2015. The Hon. J J Netto.

870 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what has been the birth rate of Macaques for the last 10 years, broken down by year?

**Q313/2015
Macaques –
Exportation**

Acting Clerk: Question 313/2015. The Hon. J J Netto.

875 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if it is envisaged that the Government will be exporting further Macaques during the course of this year?

Q314/2015
Macaques –
Injuries resulting from attacks

Acting Clerk: Question 314/2015. The Hon. J J Netto.

880 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 650/2014, can the Minister for the Environment provide the figures, since October 2014 to date, for the number of attacks by Macaques to persons who have had scratches, antibiotics prescribed, sutures, and admitted to hospital, if any, broken down by months?

Q315/2015
Macaques –
Illegal enticing or feeding

885 **Acting Clerk:** Question 315/2015. The Hon. J J Netto.

890 **Hon. J J Netto:** Mr Speaker, further to Question 202/2015, can the Minister for the Environment say how many individuals have been fined or cautioned for the illegal enticing or feeding of Macaques contrary to the legislation, either inside or outside the Upper Rock Nature Reserve, stating where, the nationality, the amount imposed, which entity imposed the fine, and whether some cases are waiting to be heard in the Court, during the financial year 2014-15?

Q316/2015
Gibraltar Macaques Management Plan –
Provision to Parliament

Acting Clerk: Question 316/2015. The Hon. J J Netto.

895 **Hon. J J Netto:** Can the Minister for the Environment provide Parliament with a copy of the Gibraltar Macaques Management Plan?

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

900 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, populations of Macaques at the start of 2014 and 2015, which is when we tally the numbers: 2014, 196; 2015, 158. This is at the 1st January.

Regarding the number of Macaques born: in the year 2004-05, 31; 2005-06, 37; 2006-07, 34; 2007-08, 28; 2008-09, 27; 2009-10, 27; 2010-11, 29; 2011-12, 21; 2012-13, 36; 2013-14, 29; and 2014-15, 29.

905 At the moment, it is not envisaged that we will be exporting any further packs this year, although we continue to explore possibilities.

910 It would not be correct to consider all the incidents as the result of attacks, as some at least will have been reactions to provocation, albeit some of these may have been innocent. The information requested is in the schedule which I now hand over. In fact, I have two schedules, so we might as well hand over both of them at the same time.

Answer to Question No.314/2015

October 2014	14
November 2014	3
December 2014	3
January 2015	1

A detailed breakdown is being extracted from the patients' records.

Answer to Question No. 315/2015

DATE	NATIONALITY	AREA	AREA	ACTION	BY WHOM
14/5/14	Spanish Junior	Inside	Outside St.Michael's Cave	Caution	EPO 2
16/7/14	Moroccan Male	Inside	Apes' Den	Caution	EPO 2
1/9/14	British Male	Inside	Apes' Den	Caution	EPO 2
21/9/14	Philippine Male	Outside	Outside Trafalgar Cemetery	Caution	EPO 2
26/9/14	British Male	Inside	Apes' Den	Caution	EPO 2
7/11/14	British Male	Inside	Outside Mount Alvernia	Caution	EPO 2
12/2/14	Spanish Junior	Outside	Outside John Mack. Hall – Main Street	£500 fine revoked	EPO 2

I would like to add that at the time of drafting the reply I had not yet had comeback on the classes of bites and so on, because they have to be extracted from records. I now have an e-mail, which has come in very recently, and although the figures do not quite tally – they are one or two out, as often happens when you first look through – in order to assist, scratches and minor have been 22, requiring antibiotics have been 915 four, requiring sutures have been two, and there have been no admissions. That is fresh information that I received since the answer was drafted.

The information regarding Question 315 I have similarly handed over. The Barbary Macaque Plan is currently being reviewed by the Department and will be published during the course of the spring. It is imminent. 920

Hon. J J Netto: Mr Speaker, I am not quite sure whether he has answered the last Question, which was 316. That is the one talking about the Gibraltar Macaque Management Plan.

Hon. Dr J E Cortes: Yes, Mr Speaker, I said that the Barbary Macaque Plan is currently being reviewed by the Department of the Environment and will be published this spring, and I added it is imminent. 925

Hon. J J Netto: That is almost an identical answer given, what, six months ago, something like that. What has happened, given that you are basically saying the same thing as you said six months ago? 930

Hon. Dr J E Cortes: What has happened is that the Department is extremely busy, they are at full throttle with many initiatives, and the actual final version of the Macaque Plan, although we are working along many of the recommendations, has not actually been published – but, as I say, publication is imminent. 935

Hon J J Netto: That again, Mr Speaker, was exactly word for word what he answered six months ago – that the Department is extremely busy, but surely... We have been talking about this for the last... at least two years, probably three years we have been talking about this, and every time I ask the question, Minister, it is imminent. Surely it cannot be imminent when you first started saying this two or three years ago. 940

Hon. Dr J E Cortes: Clearly it was not imminent. That is fact again. I am not justifying it: it is fact. It now is in a position where it is being reviewed by the Department.

The fact that it is not yet published does not mean, as I just said, that the aspects of it are not being carried out. For example, one of the things that the draft plan says is that exportation will be the preferred way of reduction, the question of water supplies and this, that and the other, and a lot of these things have been carried out. That piece of paper has not yet been published, and it will be published shortly. The only difference between now and perhaps my previous answer last time is that the Department of the Environment is now even busier than it was at the time, because we are driving the environmental agenda extremely fast and extremely hard. 945

Hon. J J Netto: Mr Speaker, we have heard all those excuses many times before. Can the Minister therefore say what he means by 'imminent'? Does he mean in the next few days, in the next six months? When is it going to be? 950

Hon. Dr J E Cortes: Before the next election. 955

Hon. J J Netto: Therefore, what the Minister is saying, given that he has just uttered the words that the Chief Minister has whispered to him... what he really means is that he does not want the Opposition to have a look at the report before the elections.

960

Hon. Dr J E Cortes: Not at all, Mr Speaker, not at all. (*Interjection*) Absolutely. I do not see why that comes into play. It will be ready as soon as it is ready. It will be before the next election, I am committed to that, but I would like it to be ready very, very soon. It is almost there.

965

I apologise to the officers of the Department of the Environment, who are probably watching this now, if they feel that they are being unduly criticised by the Member opposite, because I have absolute full respect for all the work that they are doing when they are not actually doing the Barbary Macaque Plan, because they are working extremely hard.

Hon. J J Netto: Mr Speaker, is the former team the problem once again?

970

A Member: What?

Mr Speaker: Next question.

975

A Member: The *former* team.

Hon. S. M Figueras: Mr Speaker, could the Minister say whether the alleged instances of provocation are excluded from the figures in his answer to Question 314?

980

Hon. Dr J E Cortes: They are not.

Hon. S M Figueras: They are not, thank you.

985

Hon. Dr J E Cortes: No, Mr Speaker, what I said is... The question said how many attacks. An attack implies an aggressive action initiated by the attacker, and what I am saying is that in many cases, even though it is not realised by the person that he is provoking it, it is actually provoked. The figures that I have given are all the data available from the A&E Department of St. Bernard's Hospital, no matter who provoked or did not provoke.

990

Hon. S M Figueras: Mr Speaker, it is entirely unnecessary to be provoked for an attack to take place; it can happen entirely in a situation where there has been no provocation whatsoever.

995

He refers to exportation as one of the initiatives that the... and this is a subject that is close to my heart, because I dealt with it for some time when I first joined this motley crew of men and women in this House. He talks about exportation being one of the initiatives that the Government has pursued as a result of this Barbary Macaque Management Plan – one of the many, I expect, given the length of time it has taken to prepare – but surely the Minister cannot say that exportation is an initiative that only came up on the radar for the Government when the plan... So in that case, Mr Speaker, could the Minister – helpfully, for Members on this side of the House, I think – give us an example of one or two initiatives that had not, previous to December 2011, been embarked upon that the plan has actually brought to light and encouraged the Government to pursue?

1000

Hon. Dr J E Cortes: Mr Speaker, I was not implying that it was not something that had been done before; I was just giving it as an example. What I was trying to put across is that the fact that I cannot hand him over a copy of the plan does not mean that there is no planning, that there is no strategy. That is what I am saying: that we are not awaiting the plan before we start acting and we have acted on things which include that and include other things that will have been policy beforehand, and it will include new things which may be new policy. It is very hard for me to distinguish between the two because, as the hon. Members opposite know, I had some involvement in the past, but what I can tell him is that the plan will incorporate the current activities and will have other initiatives, which include things that are new – increased presence on the sites, increased personnel available to deal with Macaques in urban areas, the presence on the Upper Rock site of environmental security, which has again started, so there are many other things. You will get it as soon as the officials have been able to finalise it. Perhaps they are formatting; I do not know.

1005

1010

1015

Hon. D J Bossino: Mr Speaker, just by way of clarification and confirmation, if he may, in relation to the timing of the publication of the plan, did he not say in his first answer that it would be ready by this spring?

Hon. Dr J E Cortes: Yes, within the spring.

1020 **Hon. S M Figueras:** Within the spring, so we are talking about before 21st June?

Hon. Dr J E Cortes: Yes, the astronomical spring, I think, starts on 21st June. (A Member: Ends.) Ends, sorry. No, that was a slip. It ends on 21st June.

**Q317/2015
Upper Rock Management Plan –
Publication and provision to Parliament**

Mr Speaker: Next question.

1025

Acting Clerk: Question 317/2015. The Hon. J J Netto.

1030 **Hon. J J Netto:** Given the latest answer by the Minister for the Environment, in which he stated that by spring of this year he will publish the Upper Rock Management Plan, can he confirm that this has now happened; and if so, provide Parliament with a copy?

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

1035 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, what I can say is that when you hear my answer, you will know that I have already answered all the supplementaries in the last one.

The Nature Reserve Management Plan is work in progress but will be ready this spring.

1040 **Hon. J J Netto:** Therefore before 21st June?

Hon. Dr J E Cortes: Yes, Mr Speaker, as I said before, I have already answered the supplementaries – two in one go, it's not bad going.

**Q318/2015
Botanic Gardens –
Maintenance**

Acting Clerk: Question 318/2015. The Hon. J J Netto.

1045 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 735/2014 – that was in December – can the Minister for the Environment state what maintenance has taken place in order to replace the broken seats within the Botanic Gardens and how many potholes have been filled since then?

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

1050

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, benches are maintained and repaired regularly as and when repairs are necessary. These were recently reviewed and currently all benches in the Alameda Gardens are in a fit state. In addition, new picnic benches have recently been added.

1055 Potholes and smaller cracks and cavities on the pathways within the Botanic Gardens are reviewed and repaired with tarmac on a regular basis.

Hon. J J Netto: So is the Minister for the Environment confident that there are no large numbers of potholes in the pathways of the gardens?

1060

Hon. Dr J E Cortes: Mr Speaker, I have not said that. I said that they are repaired on a regular basis and it is an ongoing programme. I know, probably better than most, what problems there can be, because they are generally produced by the enlargement of roots, particular after the first rains, and therefore this is an ongoing work, which is ongoing and will probably never be completed because you repair a pothole and another one opens. What I cannot tell you is how many there are at any given time.

1065

Q319/2015
Nature Conservancy Council –
Publication of minutes to website

Acting Clerk: Question 319/2015. The Hon. J J Netto.

1070 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if he is willing to publish the minutes of the Nature Conservancy Council either on a dedicated website of its own or on the Government website, as is the case with their colleagues in the UK by the Joint Nature Conservancy Committee; and if so, provide Parliament with copies of such?

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

1075 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, as I have already stated in this House, advice from the Nature Conservancy Council is received as required and not necessarily during meetings.

The Nature Conservancy Council is an independent statutory body which regulates itself and is not obliged to publish minutes of its meetings.

1080 As the Member opposite is presumably aware, the JNCC in the UK is a completely different type of body than the Gibraltar NCC, being a large organisation with a management structure, employees, researchers etc. The GNCC is a committee of five scientists who are honorary appointees. In any case, as the standing orders of the JNCC in the UK clearly state, matters at meetings can be ruled confidential if they fulfil a number of criteria, and these matters and documents are not published. One such criterion, Mr Speaker, is under section 3.5 of annex A of JNCC's standing orders, constituting advice given in confidence to the UK Government or devolved administrations.

1090 **Hon. J J Netto:** Mr Speaker, if I may ask a supplementary question, I take on board that some matters raised in UK might be of a confidential nature, but as he is well aware, it is as simple as getting a computer, an iPad, or whatever, and you can get into the website in the UK and anyone around the world can actually look at the minutes of meetings they have had, with the exception obviously of the issues that are confidential.

1095 Given the level of transparency in the UK for people who are passionate about this matter, surely the Minister must recognise that there are also people in Gibraltar who are also passionate about this matter and they would like to see these being readily available on a website for people to look into it. Why is it so difficult for the Minister to say... if the current legislation doesn't allow us to do this, why can the Government not amend the existing legislation in order for this to take place?

1100 **Hon. Dr J E Cortes:** Mr Speaker, the Members opposite have a lot of new-found passions. If the Member opposite had this passion, I do not know why he never once convened a meeting of the NCC when he or his successors were Ministers for the Environment and I was a member of the NCC. Nobody ever asked me anything. Having said that, now that this is a body which regulates itself perhaps he could write to the Secretary of the NCC and ask them if and why they may or may not wish to publish anything which is publishable.

1105 But I made the clear distinction between the NCC in Gibraltar and in the United Kingdom, because the JNCC in the United Kingdom, being a large organisation, in its minutes will have a lot of action, a lot of activity which is not constituting advice given in confidence of the UK or devolved administrations, whereas the Gibraltar NCC is almost exclusively constituted in order to give advice in confidence to the Government of Gibraltar. Therefore, we are not comparing like with like; we are comparing one small aspect of the JNCC's work, which is confidential in UK, which is the only aspect that is done in the Gibraltar NCC and therefore is similarly confidential in Gibraltar.

1115 **Hon. J J Netto:** I think it is quite nonsensical for the Minister opposite to say that in the short period of time in which I was Minister for the Environment I did not convene the Nature Conservancy Council. He contradicts himself because, as he has said on previous occasions, the Minister does not chair the meetings as such, but it is also true to say that, in the short period in which I was Minister, I actually asked civil servants to provide information for people in the community in order to be able to develop policies by the GSD Government at the time. So it is not true, Mr Speaker.

1120 **Hon. Dr J E Cortes:** Mr Speaker, that is not the question and it is also not an accurate reflection of what happened in the days of the GSD, and I know it as a fact.

Q320/2015
Sewage treatment plant –
Failure to provide

Acting Clerk: Question 320/2015. The Hon. J J Netto.

1125 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if the UK Government has now been referred to the courts by the European Commission due to the failure of the Gibraltar Government to provide a sewage treatment plant, as highlighted by the local press; and if not, what assurances have been given to the Commission of an early start in the provision of such a facility?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Questions 321 and 324.

Q321/2015
Sewage treatment plant –
Progress

Acting Clerk: Question 321/2015. The Hon. J J Netto.

1135 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 740/2014 – that is December – can the Minister for the Environment state what progress has been made to the sewerage system as alluded to by the hon. Minister in his reply, what further works are envisaged during this year, and by when does the Minister expect the works for the new sewage treatment plant to begin?

Q322/2015
Municipal Waste Treatment Plant –
Target date for completion

1140 **Acting Clerk:** Question 322/2015. The Hon. J J Netto.

1145 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 744/2014 – that is December – can the Minister for the Environment state if the target date for concluding the works for the Municipal Waste Treatment Plant is late 2015, as alluded to by the hon. Minister; and if not, please update Parliament with development in this area?

Q323/2015
Gamasur –
Violation of environmental laws

Acting Clerk: Question 323/2015. The Hon. J J Netto.

1150 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 23/2015, can the Minister for the Environment state whether officials from his Department have now contacted officials of either the Ayuntamiento de los Barrios or from la Junta de Andalucía Consejería de Residuos y Calidad del Suelo in order to determine if the company Gamasur has violated any European environmental laws, given the fact that Gibraltar uses such facility to dispose of some material containing dangerous substances?

Q324/2015
Waste treatment facility –
Update

Acting Clerk: Question 324/2015. The Hon. J J Netto.

1155

Hon. J J Netto: Mr Speaker, further to the answer given to Question 24/2015, can the Minister for the Environment state if the tender process for the installation of a waste treatment facility has now concluded, and can the Minister say when will work start, whether the plant will produce all the by-products stated in the Gibraltar Waste Management Plan, page 78, as stated in my question, and what will be the total cost of the project?

1160

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the Commission has stated that it will refer the UK Government to the European Court for multiple failures to provide sewage treatment plants across the UK and Gibraltar. The Commission has been informed that we are currently going through a European tender process and the Commission is being updated accordingly by the EUID. Final dates have not been specified, but progress reports are sent on a quarterly basis. I should point out that the hon. Member had complete opportunity to deal with this matter when he was Minister for the Environment, but did not.

1165

1170

Works to the sewerage system are ongoing and we have seen the completion of a number of projects, which include flood-alleviation schemes at Wellington Front and Chatham Counterguard, the repair of a stormwater drain collapse at Europort Avenue, desilting and CCTV camera surveys of the main sewer along Rosia Road, desilting of the foul sewer along Main Street from the junction with Bell Lane up to King Street, and the relaying of storm water culverts along Bayside Road.

1175

Further works envisaged for the year include repairs to a foul sewer collapse by the Sundial Roundabout, desilting of stormwater culverts at Fish Market Road, desilting and CCTV camera surveys of the main sewer from Line Wall Road south to Rosia Road north, desilting and camera surveys of the foul sewer along Devil's Tower Road, and completion of the Eastside sewage pumping station.

1180

In relation to the new sewage treatment plant, we expect these works to commence when the financial and technical negotiations are finalised.

The Environmental Agency has not yet contacted the *Ayuntamiento* or the *Junta*, although informal contact has been made with the Spanish authorities. The Junta de Andalucia authorises the notification document (TFS) and accompanying dossier prior to any consent to the movement of any waste. They are also at liberty to cancel the TFS should the receiving plant or site not comply with their waste or environmental legislation at any time. This has not occurred and indeed the Junta has publicly stated that the plant is in order and that the waste from Gibraltar is duly authorised.

1185

The waste treatment tender has not yet concluded and the tender submissions are in the process of being reviewed. I can therefore not comment on the details of the tender submissions, as the process is in motion. Once a preferred bidder is chosen or the tender awarded, I will be able to inform this House of timescales. What I can say is that it is the intention to award the tender this side of August.

1190

Hon. J J Netto: Mr Speaker, in relation to the sewage treatment plant, the Minister said that the tender process is still ongoing – I think those were the words that he used, or words to that effect. In this particular scenario, given the interest given by the European Commission in this process, has the Government provided the Commission with some kind of a timeline or timescale as to when such a tender process will be finalised, when work approximately is likely to start, when the plant or works for the plant will be completed? Has this been provided to the Commission?

1195

Hon. Dr J E Cortes: Mr Speaker, as I said, the reports are updated on a quarterly basis. I am not absolutely familiar with exactly the detail that has been given – I can check – but they are updated on a quarterly basis and they know that we are proceeding with the tender. This is a complex tender and an important one, and therefore it is important that discussions should be very thorough. But as I say, they are updated on a quarterly basis. The actual detail of the brief is not something that I have available here and now.

1200

1205

Hon. J J Netto: Fine. I take on board that particular answer, but perhaps even the Chief Minister himself might be able to help here in the sense of telling us whether it is likely that the actual work is likely to start during the course at least of this year. Otherwise, the tender process would have been finished and allocated and then work is likely... Is that a likely scenario, or perhaps work will start in 2016?

1210

Chief Minister (Hon. F R Picardo): Mr Speaker, in a project like this, what I have learnt in the time I have that I have been in office – and perhaps hon. Members, from the time that they were in office, may also take the same view – is that work, in terms of the actual building of a thing, is sometimes the shortest of the periods involved. Work – in terms of once you award the contract, the tenderer going off and making the final design, doing all of the things that they need to do before they break ground – sometimes is the longest part of the project. So one may be told delivery is 18 months – of those 18 months, sometimes it is seven months on site actually constructing and building and a lot of the time doing a lot of the preparatory professional work.

I think I could venture to say that it is likely that we will have an award, if the tender process is completed in a way that is in keeping with the tenders that have been submitted etc. He needs to know, of course, that we are not yet at the stage of involvement there; it is still with procurement and with the technical assessment people. This is a very, *very* technical scientific tender, looking at the type of sewage that we have and calorific content and all the issues the hon. Gentleman will be aware of from his time in the Ministry of the Environment. It is likely that there will be a tender award given where we are, or a tender decision – let me put it that way; a tender decision – before the end of the year, yes, and that tender decision will either lead to work starting at a professional level or, if necessary, retender. With these very technical tenders, sometimes what you get is not what you asked for. I understand that we have got one or two, that are the ones being assessed, that do do what the tender says on the tin, but it maybe that there are different issues that arise in that technical exchange. I know this because I have been involved in previous tenders where you think that the tender is about to be awarded and what you have is a tender decision, which says, ‘Right, okay, we have spoken to all of you, you are all indicating that you need to do something else in order to be able to deliver the most cost-effective and best solution, so now we have to, because of European rules, retender with different criteria to start again.’ It is a much quicker second tender. That may not be anywhere near where we are here, but what I am explaining to him – which is what I think he is seeking from us – is that the process that will be determined will be the tender process, one way or the other, and that then there will either be work starting or retendering happening.

Hon. J J Netto: I am grateful, Mr Speaker, for that information.

Is it likely to envisage a situation whereby whoever is awarded the tender, having run its own course, would be a private company providing the services to the Government of Gibraltar – in other words, for the sewage treatment plant? We are not envisaging, are we, a situation where in any particular way it is going to be run by the public sector, because at the end of the day no water treatment scenario... even that is on the private sector. So it will be a private company doing the works, providing the service, for which obviously they will have to get some sort of money from the Government for those particular services. Is that a fair explanation?

Hon. Chief Minister: That is what we have tendered for.

Hon. J J Netto: One final one on the other one, on the municipal waste, because I recall the Minister saying that he is hoping to be in a position that the tender process will be finalised by August. Is that correct?

Hon. Dr J E Cortes: This side of August.

Hon. J J Netto: This side of August. Perhaps I missed out on the other part of this information in relation to my Question as to the by-product that the Municipal Waste Treatment Plant might be able to provide. Are those four options – I think there were four options – still there in the pipeline?

Hon. Dr J E Cortes: Yes, the exact details would depend on the successful tenderer, which we are hoping we will be able to declare before August.

Q325/2015
Carbon dioxide emission –
Annual per capita amounts

Acting Clerk: Question 325/2015. The Hon. J J Netto.

1265

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please provide the amount of CO₂ per capita produced in Gibraltar during the last three years, broken down by years and by the different sectors which contributed to the total?

1270 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Question 326.

Q326/2015
Carbon dioxide emission –
Comparison with other British Overseas Territories

Acting Clerk: Question 326/2015. The Hon. J J Netto.

1275

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please provide from his Department a comparative chart to show how Gibraltar compares in the production of CO₂ per capita against all the other British Overseas Territories?

1280

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, on a per capita basis Gibraltar's CO₂ emissions equate to just over 9.5 tonnes per person. This figure can be found in the report 'A City-Level Greenhouse Gas Inventory for Gibraltar 2013', which was published in March this year and is available online on the Government's website and contains this figure in addition to breakdowns by sector. The report sets out, for the first time ever, a detailed inventory of greenhouse gases for Gibraltar, providing an accurate understanding and picture of the major sources, activities and contributors.

1285

The Gibraltar Electricity Authority has also provided figures, and these are for power generation, whereas greenhouse emissions will include other factors such as transport and so on; but for power generation the GEA has provided figures which show a considerable reduction in the total amount of carbon-dioxide emitted from power generation. The figures show a decrease from 181,182 tonnes or six tonnes per capita in 2013 to 141,936 tonnes or 4.7 tonnes per capita in 2014, which equates to a reduction of 24%.

1290

We do not have any comparative information to show how Gibraltar compares in the production of CO₂ per capita against all the other British Overseas Territories, although the value of such comparisons would be questionable, given the very nature of the UK OT's. South Georgia, the Chagos Archipelago and the British Antarctic Territory, which have virtually no human population, will clearly have much less CO₂ emission per capita. The exercise would therefore be valueless.

1295

1300

Hon. J J Netto: Valueless maybe on the particular example that the hon. Minister has just cited, but not necessarily valueless if you compare it to the other Overseas Territories. That was not a particular question, but it was a point I wanted to make.

Q327/2015
Europa Point football stadium –
Environmental impact assessment

Acting Clerk: Question 327/2015. The Hon. J J Netto.

1305

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if an environmental impact assessment has been carried out or is likely to be carried out to assess the impact on the environment that could take place with the proposal to have a football stadium at the Europa Point location; and if so, provide Parliament with a copy?

1310

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

1315 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the planning application for the stadium at Europa Point is an EIA application, requiring an environmental impact assessment. The Town Planner issued his scoping decision on 31st March 2014. This sets the scope of the EIA. To date, no environmental statement has been submitted to the Development and Planning Commission.

1320 **Hon. J J Netto:** Is it likely that one will be submitted before a decision is taken?

Hon. Dr J E Cortes: One will have to be submitted before a decision is taken. A decision cannot be taken without the environmental impact assessment.

1325 **Hon. J J Netto:** Mr Speaker, as the hon. Member is aware, this is something which the Environmental Safety Group has been advocating for some time now on the need to produce these before a final decision is taken. Does the Minister agree with the Environmental Safety Group, or not?

1330 **Hon. Dr J E Cortes:** Mr Speaker, the Minister agrees with a lot of the Environmental Safety Group's views; that will come as no surprise. Specifically, he is asking about the need for an EIA before a decision is taken. Well, that is part of the planning process. The Town Planner has issued a ruling on the need for an EIA, and therefore it cannot proceed without it.

Hon. J J Netto: Sorry, when was the ruling by the Town Planner issued?

1335 **Hon. Dr J E Cortes:** The Town Planner issued a scoping opinion on 31st March 2014.

Hon. J J Netto: And what progress have we had since then?

1340 **Hon. Dr J E Cortes:** The developer, on every occasion, is the one who has to prepare the EIA and submit it, and to date this has not happened.

1345 **Hon. D A Feetham:** Mr Speaker, just a general point, because I am not sure whether there are crossed wires here. I am interested, really, in a more general point of principle. He has said that an EIA is required – and I think that he looked toward the Deputy Chief Minister and the Deputy Chief Minister confirmed – before planning permission can be granted on projects of this nature. Can he confirm that is the case? Because there is a difference between an EIA being required and then the scoping opinion issued by the Town Planner.

1350 **Hon. Dr J E Cortes:** Let me just try and get this right. There are some types of development that require an EIA by law and there are others that require an EIA if the Town Planner so decides. In any case, with this one I think it was the Town Planner's decision that it should have an EIA and therefore he then issued his scoping opinion, which says 'this is the scope of parameters and of conditions and variables that the EIA has to consider', and that was issued on 31st March 2014, as I think I said. Therefore, this cannot progress until that EIA is in and considered. I look to the Deputy Chief Minister, who is nodding his head, to confirm my understanding.

Hon. J J Netto: Having said that, the fact remains that since the Town Planner actually made those comments quite a lot of time has elapsed. Can the Minister say where we are in the production of the EIA?

1360 **Hon. Dr J E Cortes:** No, Mr Speaker. The developer is now tasked with having to produce it and they have to engage somebody to do it, they have to look at and consult with the stakeholders and so on and so forth, but it is their call; it is not the Government's call. So I genuinely have no idea where that is. I just do not know.

1365 **Hon. J J Netto:** So basically what the Minister is saying is that until such a time as the report is done the application cannot proceed. Is that correct?

Hon. Dr J E Cortes: Mr Speaker, that is correct.

Q328/2015
Plastic carrier bags–
European Parliament target for reduction in use

1370 **Acting Clerk:** Question 328/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, given the recent European Parliament decision to curtail the use of plastic carriers by 80% by 2025, can the Minister for the Environment state what plans does the Government have to achieve this target or to obtain such a target before the 2025 deadline, given the negative environmental impact to marine biodiversity?
1375

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
1380 Mr Speaker, the recent European Parliament decision to reduce the use of plastic bags has been incorporated into the Packaging and Packaging Waste Directive 94/62/EC. This Directive does not apply to Gibraltar; however, the hon. Member may recall the Chief Minister's announcement in relation to the Budget measures in 2014, when it was announced that single-use plastic bags would pay a 5% import duty per bag and plastic bags made from recyclable material would attract a 12% import duty on the value of this particular commodity. We were therefore ahead of the game in this respect and I have no doubt the hon.
1385 Gentleman will want to congratulate this forward-thinking Government for that. Again, it is something he could have easily done but did not do in 16 years in Government.

Government is dedicated to reducing the negative environmental impacts to marine biodiversity and also has plans to monitor marine litter, which includes the monitoring of plastics.

1390

Hon. J J Netto: Mr Speaker, although the Minister does say that such a directive does not apply to Gibraltar – although I am not quite sure why this should not be the case, but assuming that is the case – I presume that the Minister, or the Government rather, notwithstanding the fact that it does not apply to Gibraltar, would wish to be in a position that, come 2025, it would curtail the use of plastic carrier bags by 80%. That is a noble goal, regardless of whether it applies to Gibraltar or not, from an environmental point of view. Having said that, is there a commitment to achieve that by 2025?
1395

Hon. Dr J E Cortes: Mr Speaker, it is indeed a noble goal, one to which I subscribe and one which is certainly on my agenda. As I say, it is not obligatory. There could be a number of reasons. This is the legal advice I have been given: it could be that it is to do with either the Customs Union or something like that, which does not apply to Gibraltar, and there are bits of legislation like that.
1400

We have taken steps to reduce the use of plastic and we will continue to do so. Micro-plastics in the marine environment are very dangerous and we are probably eating a lot of them every time we eat fish, so this is something that clearly is an aim that I will subscribe to.

Q329/2015
Western Beach –
Water pollution

1405 **Acting Clerk:** Question 329/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if the problems with water pollution at Western Beach have now ended, and provide Parliament with an update on this matter?

1410 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
Mr Speaker, the problems of water pollution at Western Beach continue. The latest position from the Commission was stated by, once again, by Mr Karmenu Vella on behalf of the European Commission in a written answer on 5th May 2015, a couple of short weeks ago, in which he confirms that:
1415

‘The Commission is aware of the possible pollution situation of the bathing site [at Western Beach]....’

He stated:

‘The origin of such pollution is the diversion of a storm drain in the municipality of La Línea de la Concepción, discharging sewage near that beach.

The Commission formally contacted the Spanish authorities, to gather further information on the situation.’

Mr Speaker, the Government welcomes the fact that after the submissions that it and, notably, the ESG have made to the Commission, the Commission has finally confirmed that the problem with the pollution at Western Beach originates in Spain and not Gibraltar. The Government will continue to pursue the matter through the Commission until it is resolved.

1420

Hon. J J Netto: So basically what we have is a situation where the Commission is now aware of where the source of the problem lies, which is obviously the drains in *La Línea de la Concepción*. Having said that, it has taken us, what, three years for the European *Commissioner*, or the Commission itself, to find what we have been saying since the GSD was in Government, because that is what the GSD Government was saying all along from the beginning.

1425

I take note of the fact that the Minister is saying that the Commissioner himself is asking pertinent or relevant questions to the Spanish authorities in this regard. However, it has to come to a point sometime where the Commission, beyond seeking an explanation as to the problem that emanates in *La Línea*, has to force the Spanish authorities – whoever the Spanish authority is: at the municipal level, *Junta de Andalucía* level or national level – to put the matter right, that it cannot continue to be the case. Is the Government aware of what the European Commission procedure is in this matter to try and bring this to an end, given the longstanding nature of the problem?

1430

Hon. Dr J E Cortes: Mr Speaker, I think this is one on which we agree. Obviously, the Government of Gibraltar does not set the Commission’s agenda. The Government of Gibraltar has supported the ESG in its representations certainly from the time that I became Minister for the Environment. It has taken a long time – these things, sadly, seem to – but I think what is significant is that for the first time, and very recently, the Commission has clearly stated that the origin of the sewage is from *La Línea*. There have been indications informally that, because of our sewage outlet in Europa Point, people who do not know Gibraltar and do not know how the water moves were almost trying to suggest that it was our fault, but clearly this has now stated... it says that they have formally contacted the Spanish authorities to gather information. I do not know what kind of timeframe that will take, but certainly we will use all our resources in Brussels and elsewhere to try and extract a rapid resolution of this, now that finally the European Commission has accepted that it is most clearly *La Línea*’s fault, which is something that we have been saying all along on both sides of this House.

1435

1440

1445

Hon. D A Feetham: Mr Speaker, given that there is now talk of an *entente cordiale* between Gibraltar and *La Línea* and good relations between the mayor of *La Línea* and No. 6 Convent Place and the twinning of both cities, has there been an effort – I know that the Chief Minister is not here, but the Deputy Chief Minister is – to deal with this at a political level and to raise it with the *Alcadesa de La Línea*? At the end of the day, one would have thought that it is within her power and her gift to divert this particular sewer or pipe somewhere else so it does not affect the Gibraltar beaches. But I will be corrected if I am wrong.

1450

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I would be happy to help. This was discussed as the first item on the agenda in the first meeting we had with the mayor of *La Línea* after coming into Government. The issue for her was that this was not her competence, it was the competence of the regional government in *Andalucía* and that she had no funding and no money for this kind of thing because it was outside her powers.

1455

So it has taken all this time to establish the responsibility and Spain has now finally accepted that they are responsible for the pollution. I went to a meeting in Brussels two years ago, where we were told by the Commission that their information from Spain was that the issue had been resolved, when clearly it had not been resolved. As a result of those meetings and the work done by the Department of the Environment and by Michael Llamas in the EUID, finally Spain has admitted that it is their problem and that it is up to them to resolve it.

1460

1465

Hon. D A Feetham: Hadn’t this pipe been laid by the municipality, Council, in Spain, in *La Línea*, and they are the ones who have actually laid it, under the previous mayor of *La Línea*? Could they not effectively reverse that and do what they were doing before? I would have thought that yes, okay, I can understand that there may be an issue of competences, but if they laid the pipe then they can divert it.

1470 If it is a question of funds, I do not know whether there is a possibility of doing anything in relation to that, but if it is just a question of funds then perhaps, in order to avoid the pollution, the Gibraltar Government could provide some... I do not know. What I am trying to find here is whether politically it has been possible to make any kind of representations to the *alcadesa* of *La Línea* in order to get her to deal with the problem herself.

1475

Hon. Dr J J Garcia: Mr Speaker, the answer is yes, the Government approached the mayor of *La Línea* and the mayor of *La Línea* did put pressure, using her own internal channels in Spain, to get the issue resolved. In the final analysis it was not only a question of funding but a question of competences. Although it happened under the previous administration in *La Línea*, the previous municipal administration, this was not of their doing or of their direct competence. That is the information that we have.

1480

Hon. J J Netto: But is it not the case – and I take on board what the Deputy Chief Minister has said – that the problem started, as rightly said, with the previous municipal PP government when they were doing the yacht marina complex, which is called ‘*Alcaidesa*’ down here? That is when the sewage drainage part was diverted, so to speak, and it was done within the competence of the municipality. I think the problem lies probably in that the municipality, with all the good will in the world, simply has not got the money, as they have not got the money for many other things in *La Línea*. I am not quite sure that it falls as a matter for competence in the Junta de Andalucía. It is a municipal issue but, regrettably, they have not got the funds. At the end of the day, the beachgoers, either on Western Beach, our side, or on the Spanish side, what they want to have is good-quality water so they can go on the beach. That is from the human point of view, but the reality of the matter is that... I do not know what the size of the problem, in terms of money, is to put it right, but the municipality simply has not got the money – because it has not got the money for many other things, let alone paying its own employees.

1485

1490

1495

Hon. Dr J J Garcia: Mr Speaker, let me say that there is nobody... I was a regular beachgoer to Western Beach, so there is nobody more interested in finding a solution to this for personal reasons, quite aside from all the other considerations, than myself.

Our understanding is that it is two-fold: first of all, an issue of funding – the funds need to come from somewhere else; and secondly that it is not a direct competence of the municipal authorities. That is information which we were given.

1500

The issue is there was a complaint placed to the European Commission by the ESG – and Sir Graham Watson at the time – and that complaint has taken all of these years to come to fruition, and finally, due to pressure that we have been exerting, as has the UK, the Commission considered it and they have finally got Spain to accept responsibility. Now it is a question of getting Spain to actually carry out the works.

**Q330/2015
Dog fouling –
Fines; exemptions**

1505

Acting Clerk: Question 330/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state how many persons have been fined as a result of dog fouling since the current CCTV crackdown started in May 2013, broken down by month and district, and whether any exemptions have been made since the commencement of this programme to any individual or individuals and why?

1510

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Questions 331 to 332.

1515

Q331/2015
Litter tickets –
Number issued

Acting Clerk: Question 331/2015. The Hon. J J Netto.

1520 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say on how many occasions have litter tickets been issued either by the RGP, the Environmental Agency or any other entity, on a monthly basis during 2014 and 2015 so far, stating the number of tickets issued per organisation and the number of fines arising from the issuing of such tickets?

1525

Q332/2015
Nature Protection Act –
Cautions and fines issued

Acting Clerk: Question 332/2015. The Hon. J J Netto.

1530 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state on how many occasions have the environmental protection officers cautioned or fined any person for any breach to the Nature Protection Act or any of its subsidiary legislation during the financial year 2014-15, broken down by month and stating the particular offence or offences breached?

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

1535 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the following persons have been fined – I am not going to give names – as a result of detection by CCTV specifically: Flat Bastion Road, August 2014, one ticket; Upper Witham's Road, December 2014, one ticket.

1540 In answer to Question 331, the information is in the schedule which I now hand over.

Answer to Question No. 331/2015

The following is a breakdown for 2014/2015 from all organisations:-

Environmental Agency

April'14	1	£70.00
July'14	1	£250.00
August'14	1	£250.00
Nov'14	1	£70.00
Dec'14	2	£500.00
March'15	1	£70.00

Department of the Environment & Climate Change

Jan'14	1	£70.00
August'14	1	£70.00
Sept'14	1	£70.00
October'14	2	£140.00
Nov'14	4	£460.00
Dec'14	1	£70.00

RGP

Jan'14	1	£70.00
June'14	1	£70.00
July'14	1	£70.00
October'14	1	£250.00

HEOs

March'14	1	£70.00
May'14	1	£70.00

In answer to Question 332, environmental protection officers detected one individual male in 2014 in breach of the Nature Protection Act, section 6(2), for damaging and defacing a structure, including a natural structure in the Reserve. A caution was given. No other similar offences have been detected in 2015.

1545

Acting Clerk: Question 333/2015. The Hon. J J Netto.

Mr Speaker: I will allow the Hon. Mr Netto... When he has had a look at the schedule, if he wishes to come back and ask some supplementaries I will allow him to do so.

**Q333/2015
Solar panels –
Installations during 2014-15**

1550 **Acting Clerk:** Question 333/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please state how many solar panels have been installed during the financial year 2014-15, stating the building and the amount of energy harnessed, and could the Hon. Minister say the name of the contractor who did the works?

1555

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question with Questions 334 to 338.

**Q334/2015
Wind turbines –
Update**

1560 **Acting Clerk:** Question 334/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment say if all the necessary assessments to investigate the possibility of installing wind turbines in both onshore and offshore have now taken place, and provide Parliament with an updated statement on this matter?

**Q335/2015
Eco Wave Power Ltd –
Status of works**

1565 **Acting Clerk:** Question 335/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Question 734/2014 – that is December – can the Minister for the Environment say if works have now concluded by the company Eco Wave Power Ltd, and where are we in relation to receiving energy into our grid from such a plant?

**Q336/2015
Renewable energy –
Amount produced**

1570 **Acting Clerk:** Question 336/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state the amount of energy that has been produced by renewable energy sources, both in kilowatts and as a percentage of the total amount of energy produced in Gibraltar, during the financial year 2014-15, stating the location or locations, the type of renewable energy obtained and the amount of money saved as a result of the introduction of such renewable energy source?

1575

Q337/2015
Electricity grid –
Connections from renewable energy equipment

Acting Clerk: Question 337/2015. The Hon. J J Netto.

1580 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if our electricity grid has facilities to enable connections from renewable energy equipment; and if so, specify for which type of renewable equipment this is now incorporated and for which ones it is not available?

Q338/2015
Electricity grid –
Connections from renewable energy equipment

1585 **Acting Clerk:** Question 338/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment provide Parliament with a copy of the National Energy Efficiency Action Plan, as stated to original Written Question 179/2014?

1590 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will now provide a breakdown of the solar panels installed and the energy harnessed per location.

1595 Tercentenary Sports Hall: four flat and four evacuated tube panels have been installed as from 2014. This forms a solar thermal system for four 300 litre boilers. In 2014 these panels generated 6,507kWh of energy. In 2015 so far, up to 30th April, they have generated 1,445kWh. These panels were installed by Deselec/Helios Ltd.

1600 Tangier View: six flat and six evacuated tube panels installed from 2014. A solar thermal system for twelve 200 litre boilers. In 2014 they generated 83,338kWh. In 2015, up to 31st March, they generated 6,120kWh. The panels were installed by Deselec/Helios Ltd.

Sir William Jackson Grove Estate: seventy-two 250W PV panels installed as from 2014. They generated 16,593kWh of energy up until September 2014. The Department of the Environment is awaiting data for the ensuing months. These panels were installed by Cocoon Ltd.

1605 GASA, as we know it: in 2014 these panels generated 85,218kWh of energy and were installed by Green Resources Investments Ltd.

This is the first time we have had this in Gibraltar, by the way, Mr Speaker.

The Department has carried out some preliminary wind studies onshore and is currently considering the suitability of models to extrapolate the data obtained so far to offshore locations.

1610 The Department of the Environment and the GEA are working closely with Eco Wave Power on this project. The project is progressing. I cannot give a date as to when we will be receiving power from this technology, but what I can say is that every effort possible is being made to ensure that the project will be up and running within the next six months. They were here, talking to contractors and so on, just a couple of weeks ago.

1615 The total amount of energy produced by renewable sources in kilowatts is as follows – and this is where I am asked for the cost saving: the swimming pool's energy generated by solar photovoltaic, 95,994kWh, a saving of £11,999.25; street lighting and bus stops, solar photovoltaic, 17,473kWh, a saving of £2,935.41; Sir William Jackson Grove solar photovoltaic, 17,867kWh, a saving of £2,233.38.

1620 For the financial year 2014-15 the total renewable electricity was 131,334kWh, corresponding into 0.061% of the total energy generated in Gibraltar and representing a saving of £27,454, including a reduction in the fuel bill for the pool.

Notwithstanding the above, not all energy produced from renewable sources results in electricity generation.

1625 As I have stated above, solar thermal installations are operating at the pool site – about 20% of the roof space – Tangier Views and the Tercentary Hall. So these will not generate power that you can measure in

the grid but will obviously be savings. These solar thermal installations also contribute significantly to the reduction of electricity demand of these premises where they are installed, but do not figure in the percentage.

1630 The Government is at present working on future solar photovoltaic installations, totalling around 10MW of energy, which would constitute a significant percentage of Gibraltar's peak power demand. Peak demand for winter 2014-15 was about 35MWs.

1635 Although the Gibraltar Electricity Authority constantly strives to have a highly flexible electricity grid for incorporating renewable energy generation equipment, not all geographical locations in Gibraltar have the same resilience in terms of grid connectivity. Where this is not the case, the GEA advises as to what, if any, improvements or network upgrades are required to be able to evacuate generated power to the grid at these points, as happened at the swimming pool. It is not a matter of what type of renewable energy equipment can be connected to Gibraltar's electricity grid, but of the particular effects that the different types of renewably generated power might have on the security and integrity of our existing supply network, also whether this is generated at low or high voltage and the size of the renewable energy installation in relation to our conventional plants. At present, the GASA photovoltaic solar installation generates power into Gibraltar's electricity grid.

1640 Finally, a copy of the plan requested will be sent to the hon. Member electronically, if not today – if my PA has gone home – certainly tomorrow morning.

1645 **Hon. J J Netto:** Mr Speaker, I am grateful for all the information given, but given that there are so many figures in all those questions, would he be kind enough to provide me with a copy?

1650 **Mr Speaker:** At long last the hon. Member has succeeded in obtaining a plan from the Government. I do not know how... *[Inaudible]* he has made... *[Inaudible]*

Hon. J J Netto: Well, I don't want to say it too loudly because there are more Questions on the Order Paper! I will have a look at this and maybe I will be coming back later, Mr Speaker.

1655 **Acting Clerk:** Question 339/2015.

Mr Speaker: Do you want to come back?

1660 **Hon. J J Netto:** As I said, Mr Speaker, I will certainly have a look at it and I might or might not be coming back later. I am sure you will be most graceful to allow me –

Mr Speaker: We have to do it today.

Hon. J J Netto: Oh, I see. Well, we will see.

1665 **Mr Speaker:** It is alright, we will move on to other Questions, another Minister, and I will allow the hon. Member –

Hon. J J Netto: Very grateful, Mr Speaker. Very graceful.

1670 **Mr Speaker:** So, Question 339.

Hon. J J Netto: Question 339, okay.
Mr Speaker, further to Written Question 98/2014 –

1675 **Hon. D A Feetham:** Mr Speaker, I wanted to ask a supplementary on these Questions that have just been answered.

Mr Speaker: I will allow you as well.

1680 **A Member:** Is he asking a supplementary now?

Hon. J J Netto: No, I was going to leave it until later. Do you want to do it now?

A Member: I could have done it now quite happily.

1685 **Hon. D A Feetham:** A supplementary. Mr Speaker, it may well be the way that the question has been formulated, but I just want to see whether the Minister can clarify this. When we talk about the contractor that has done the works, DesElec and Helios Limited, these are not the people who were awarded the tender

1690 – or were they the people who were awarded the tender? So it is a tender for the supply, effectively, and installation of these units, and these are the people?

Hon. Dr J E Cortes: Yes, Mr Speaker, they are the successful tenderers; yes, DesElec.

Q339/2015
Environmental park –
Identification and progress

Acting Clerk: Question 339/2015. The Hon. J J Netto.

1695 **Hon. J J Netto:** Further to Written Question 98/2014, can the Minister for the Environment say if an environmental park has now been identified; and if so, what progress has been made to commence operations?

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

1700 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Department is currently finalising its work on the environmental park. However, because the project involves private and public sector players, it would be improper to reveal further details at this point in time. We hope to be making an announcement on this in the near future.

1705 **Hon. J J Netto:** In the ‘near future’, meaning it is not going to happen in the next three months, then: is that a fair comment?

1710 **Hon. Dr J E Cortes:** No, I believe, from my Head of Department, that we are making quite rapid progress on this one, so I may be able to surprise the hon. Member on this.

Q340/2015
Climate change forum –
Meeting dates and discussion topics

Acting Clerk: Question 340/2015. The Hon. J J Netto.

1715 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say on how many occasions has the Climate Change Forum met during the financial year 2014-15, providing the dates and subjects discussed?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this Question together with Question 341.

Q341/2015
Gibraltar Climate Change Programme –
Provision to Parliament

1720 **Acting Clerk:** Question 341/2015. The Hon. J J Netto.

1725 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 737/2014 – that is December – can the Minister for the Environment provide Parliament with a copy of the Gibraltar Climate Change Programme?

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

1730 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Climate Change Forum did not meet during the Financial Year 2014-15. It is scheduled to meet on 30th June to receive a report from the Climate Change Taskforce, which met six times during the financial year in question.

The Gibraltar Climate Change Programme will be ready for publication following that meeting, during late summer this year. The Department is currently undergoing a data verification process.

Q342/2015

**Official Journal of the European Union –
Tenders forwarded on environmental projects**

1735 **Acting Clerk:** Question 342/2015/. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment say if there are currently any tenders that have been forwarded to the Official Journal of the European Union on environmental projects, or likely to be sent in the following 60 days; and if so, say what projects or services they are for and provide a summary of each project?

1740 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

1745 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, other than the two that we have already discussed – the urban water and the waste treatment plant... I just want to make that clear. I am assuming that, because we have already discussed those, we are aware that those went to European tender and are not included in my answer. Other than those, there are currently no tenders that have been forwarded to the Official Journal of the European Union on environmental projects or likely to be sent in the following 60 days.

Q343/2015

**Revised Environmental Action Management Plan –
Update**

1750 **Acting Clerk:** Question 343/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Question 742/2014 – that is December – can the Minister state if the review alluded to by him has now taken place, and provide Parliament with a statement as to the content of the review and any updating, if any, of the Environmental Action Management Plan?

1755 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment and Energy.

1760 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the review is nearly complete and we will be publishing the revised plan before the end of the summer. There is going to be a bumper crop of plans from my Department in the next few months.

Q344/2015

**Department of the Environment Annual Reports 2013 and 2014 –
Provision to Parliament**

Acting Clerk: Question 344/2015. The Hon. J J Netto.

1765 **Hon. J J Netto:** Yes, Mr Speaker, a bumper number of reports, thanks to my Questions. Mr Speaker, can the Minister for the Environment provide Parliament with copies of the Department of Environment Annual Reports for 2013 and 2014?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
Mr Speaker, I do not know whether the Member opposite genuinely thinks that the only reason my
1770 Department does reports is because he asks Questions.

Anyway, Mr Speaker, the 2013 Annual Report will be published on the Department's website within the
next two weeks – and has been formatted, by the way – and can be downloaded from there. The 2014 report
is currently being prepared and will be published when ready, later on in the year. Clearly, there has to be
1775 some time lag between the end of the year and the publication.

Hon. J J Netto: Mr Speaker, what has been the delay for the 2013 report?

Hon. Dr J E Cortes: Mr Speaker, the 2013 report has been done in a completely different style to
previous ones. It has been completely revamped, with more information published and more accessibility. It
1780 is more user friendly – I am avoiding the use of the word 'format', clearly – and is now probably awaiting
my foreword, which is clearly the last thing that is written (*Interjection*) and clearly will be a source of
inspiration to many, including Members opposite.

1785

Q345/2015

**New power station and LNG facility –
Health and safety and environmental reports**

Acting Clerk: Question 345/2015. The Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government provide Parliament with copies of all health and
safety and environmental reports available to the Government in relation to the new power station and the
1790 LNG facility?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
1795 Mr Speaker, I will answer this Question together with Question 349.

Acting Clerk: Question 346/2015.

Hon. Dr J E Cortes: Mr Speaker, with 349 – we are skipping a couple, if I may.

Q345/2015

**Proposed LNG installation –
Publication of reports on safety and viability**

1800 **Acting Clerk:** Question 349/2015. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state whether it is committed to
publishing any reports on the safety and viability of the proposed energy installation; and if so, when do
they expect them to be published?
1805

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):
Mr Speaker, the Government will provide Parliament with copies of all health and safety and environmental
1810 reports available to the Government in relation to the new power station and the LNG facility once these are
complete. It is not until the exact design and technology are finalised that these will be precise and therefore
relevant and accurate.

Government is committed to publishing the report on the safety and viability of the proposed LNG
installation.

1815 The Government has already clearly explained that its assessments are generic. They point out what
should not be done and what can be done, but safety assessments are site and technology specific. Not until
the location, design and technology are finalised will the health and safety measures to be incorporated be

precise and therefor relevant and accurate. Any reports prepared before that are really no more than mere speculation and of no scientific or probative value.

1820

Hon. D A Feetham: So, Mr Speaker, just so that I have this clear in my own mind, none of this has actually been completed, so what he is really saying is there is absolutely no point in instructing experts at this stage because none of the preparatory work, so to speak, has been completed and therefore it is not possible to instruct experts at this stage. Is that what he is saying?

1825

Hon. Dr J E Cortes: Mr Speaker, I am saying that it is not a question of engaging experts, but it would not be correct to publish anything at this stage because we are not at the stage where this is yet publishable.

1830

Hon. D A Feetham: Mr Speaker, I understand there is a distinction. If he has not understood my question, I will repeat it, but there is a distinction. I quite understand that if you do not have a complete report you do not want to publish an incomplete report. That, I do understand; it is perfectly logical to me. But what I thought that he was saying is, 'Look we have these generic reports. We really have not, at the moment, made a decision on some of the recommendations that have been made there and therefore any report that is published now or that is completed now in the absence of having that information is going to be worthless because really you have got to determine that information before. Ergo, ergo there is no point in instructing experts now, because that preparatory work has not taken place.' Is that the position?

1835

1840

Hon. Dr J E Cortes: No, because the experts will be involved in developing that technology and in developing those plans. Therefore, whoever is developing these plans – and we know that there are people doing it at the moment – will engage experts and will refer to experts so that, as they develop the plans, they can make sure that they are absolutely squeaky clean from the health and safety point of view. That is what I am saying. We do not have to wait for one thing to finish for the other to start; things can happen in parallel.

1845

Hon. D A Feetham: Yes, but that is what I mean. Is the Hon. the Minister for the Environment suggesting that, though the development of those plans has not been completed at the present moment... and that what has happened is those development plans have not been completed, but in parallel with that the Government has instructed safety experts to report on the safety implications, but the reality is that those instructions cannot even be finalised because those development plans have not been completed? I just want to understand this.

1850

1855

Chief Minister (Hon. F R Picardo): Mr Speaker, the position is exactly the same as was the case in relation to, for example, the tunnel project, which we found ourselves in litigation on at the time that we took over. When a project starts, very often plans are being developed as the project progresses. The tunnel project was exactly that sort of project: there was no scheme; there was no plan for a tunnel. The plans were being developed as the tunnel was being created. So when the litigation starts there are diaphragm walls, but there is no plan as to how sand is going to be extracted, how you are going to create a tunnel, how you are going to top it etc. Now there is a plan for the tunnel.

1860

In relation to the power station, the LNG storage aspects are subject to proposals for different – for economic, safety and other reasons – proposals as to how the LNG storage could be done. All of them, we are satisfied, would be safe to operate. Some may be either 'safer' or more economically advantageous, or both, i.e. safer *and* more economically advantageous. We are satisfied that all of them could progress within the margins of safety and risk which are proved in western European Union countries. Therefore, any suggestion to the contrary is not one that we accept. When we determine which of the storage options we go for we will then be able to crystallise both location and method of storage and have a specific plan which deals with that completed about that option. At the moment, what we are satisfied we have is that within the types of storage facilities and the potential areas for storage we have confirmation that it is entirely safe to do any of the projects, but one may be cheaper or even safer than others, in assessment terms, because when you are looking at safety you have to accept a measure of risk. If you are not prepared to accept a measure of risk, book yourself into an institution and don't come out – don't fly, don't drive a car, don't go on a bus and don't cross the road. But within the margins of risk which are acceptable to those of us who have been to a school within 400 metres of an airport and several petrol stations, and those who generally in the European Union do these things, all of the proposals are potentially acceptable and within all of the accepted margins of risk.

1870

1875

Hon. D A Feetham: Mr Speaker, I am not going to get into an exchange with the hon. Gentleman –

1880 **Mr Speaker:** No, I will not allow you. I will not allow you to have more of that acrimonious debate that you have been having outside this Parliament on the question of the LNG facility. I will not allow you, other than with a substantive motion. Is that clear? So keep these exchanges within the narrow parameters of questions and answers.

1885 **Hon. D A Feetham:** Yes, Mr Speaker. I do not understand who Mr Speaker is making that particular point to, bearing in mind that I prefixed my question that I do not intend to have an exchange about the safety aspects of the LNG with the Hon. the Chief Minister. I just want to understand where the Government is at with its reports. That is where I want to get to.

1890 Mr Speaker, does the Hon. the Chief Minister not recognise that there is a distinction between what he has said and what the Hon. the Minister for the Environment has said? I quite understand that the Government may have three proposals that are three concrete proposals from operators saying ‘this is what we intend to do’ in relation to the site, for example, very adjacent to the power station, in relation to the site adjacent to the sullage plant in relation the site on the Detached Mole. And then you might want to have further safety reports. I do not agree with the Hon. the Chief Minister that you can make a determination at this stage just simply from looking at those proposals in the absence of having an expert report – that you can say that this is entirely safe, as the Hon. the Chief Minister has said.

1895 But there is a distinction. He is saying there are those concrete proposals. What the Hon. the Minister for the Environment... I just want to understand – I genuinely do – what the position is. The Hon. the Minister for the Environment has said the plans are work in progress, there is a development in relation to this, really no expert report could possibly be produced in these conditions because we really do not know what the final version of this particular product – that is my understanding – is going to be on any of these three sites, because it is still a work in progress. That is slightly different to what the Chief Minister has said, which is that we have these proposals, we are entirely satisfied it is safe and really the Government needs to look at the question of cost. I just want to understand which one it is.

1900 **Hon. Chief Minister:** It is both, Mr Speaker, because we have not said anything which is mutually exclusive. What we have said is that there are different proposals being put for the locations he has mentioned. They may or may not be those locations.

1910 The issue is do you even consider a location before at least having an indication that it could be done there? Otherwise, you are wasting your time. If somebody says, ‘I am going to put an LNG power plant in the garage of the hospital, next to a Bunsen burner, then you say, ‘Well, is this possible? The garage of the hospital would be a place where it is out of the way, but is this safe? Is this within the margins?’ They say, ‘No, this is not within the margins, therefore do not even consider the proposal that has been put to you there.’ If somebody puts a proposal for further... In fact, if somebody tells you, ‘We are looking at putting a proposal,’ what you do is you say, ‘Is that something which is viable?’ and what we are saying to him is we are satisfied that all of the proposals are viable on safety terms. Now, is one more viable than another? On many different criteria we will then judge which is the most viable, but we would not for one moment even consider one which did not tick the safety box – and we are satisfied they all tick the safety box.

1915 Now, do we have a detailed 15-volume report telling us ‘It is safe enough for you to consider this proposal; please go on to consider it in detail’? No, we do not, because that 15-volume – to say a figure – report will not be done until we have gone further down the road of determining, on all the objective criteria, which of the locations, methods etc we will progress further down the road of. That is the perfectly normal way of doing business in every single part of the Government’s way of doing things now, before and in the past and, as far as I know, the way that every business conducts its operations.

1920 If what you are saying is before even considering a proposal you need to have a safety case in 15 volumes, I am afraid that is not the way that business works. Are we satisfied that when we get to the 15-volume stage these locations will be able to deal with all the concerns that health and safety professionals raise? Yes we are, from the preliminary advice that we have. Is that the prudent way of proceeding? Absolutely it is. And would we do anything that might somehow otherwise put the safety of this community or any part of it, in particular residential areas, at risk? The answer, Mr Speaker, written large, is NO, we would not do *anything* to put any part of the geography of Gibraltar or any person in Gibraltar at any risk, none of them, let alone people who are residential tenants in an area. So whether it is location A, B or C, method 1, 2 or 3, we are satisfied now that we can go on to consider them and then choose one to be the one to take forward to detail, knowing that all of the safety criteria are going to be satisfied.

1930 **Hon. D A Feetham:** Well, Mr Speaker, I am afraid that the answer that he has given me is riddled with inconsistencies.

1935 First of all he says that what the Government is waiting for is as to whether this is possible on the economics – that is the first thing that he has said to me; but in the next breath he says to me it is entirely viable on safety grounds. So what we have is a Government that has taken a decision to locate a power

1940 station, powered by LNG, at the North Mole, which it knows needs to be supplied by LNG stored somewhere, and in order to make that viable those tanks presumably have got to be fairly large tanks, otherwise he is going to have bowsers coming in from the Frontier or ships having to come in to supply that power station virtually every week, which is the problem that the Government has; and yet the Government took the decision to go out to tender without doing its homework about whether it is possible economically. I would ask the Hon. the Chief Minister to comment on that.

1945 Secondly, when he says ‘I am entirely certain this is viable on safety grounds’ – indeed, the Hon. the Minister for the Environment in a recent TV debate said that it was 100% safe – what reports has the hon. Gentleman obtained on behalf of his Government to give him that assurance that to proceed with a project of this nature it is entirely safe? Because, really, what he is saying is ‘The project has not been completed, there are details of the project that really need to be finalised, but we are entirely satisfied that it is safe.’
 1950 What I am saying to him is that he is not an expert, I am not an expert; I am taking my own advice and I cannot believe that the hon. Gentleman could possibly have formulated that view without having some report, an assessment from an expert, actually telling him that it is entirely safe and entirely viable on safety grounds, as he has maintained in this House.

1955 **Hon. Chief Minister:** Well, Mr Speaker, nothing I have said would lead anybody who is truly objective to say that I have said anything which is riddled with inconsistency. We have been consistent on this issue from the word go. We take this issue very seriously. We do not do politics on this issue, Mr Speaker, so there are no inconsistencies here; there is just a very clear position from a Government that is being open, honest, transparent and seeking to do the best for our community for the next 30 years plus. That is all that you are seeing here; no inconsistencies whatsoever on the side of the Government.

1960 I do not think it is possible for objective observers to say the same thing about Members opposite. He has said that I have wondered whether this is possible on the economics. I have said no such thing, Mr Speaker. In my previous answer, what I said was that one of the criteria upon which the potential locations or the potential methods would then be judged, to be whittled down, was *inter alia* the economics, so one
 1965 may be more economically advantageous than another. That does not mean that the other is not economically viable. One finds that words are put in one’s mouth, even when one is hardly able to articulate things when one has got such a sore throat, but never mind. But that is not what I said.

1970 What is economically most advantageous is definitely what we are looking at, and there may be a small spread between options or there may be a large spread between options and the community would expect us to be looking at what is economically most advantageous and balancing that if there were any safety consequences for the saving, which in my view, from everything we have seen to date, there are not.

1975 The hon. Gentleman goes on to say ‘the problem the Government has...’ Mr Speaker, I will tell him something for nothing: the Government has no problems, zero, in particular on this issue. We are working very consistently in probably the most efficient and collegiate inter-ministerial team we have on power, involving Ministers in place now, Ministers who have been in place before, the experts at the Gibraltar Electricity Authority, the experts of those making the proposals to us, the experts from the Health and Safety Executive in the UK who are advising those in the Gibraltar Electricity Authority, and we are doing an excellent job of determining, not for us, Mr Speaker, but for the whole of the community – forget who is in government after the next election, forget who is in government for the next 28, 30 years; for the
 1980 community, Mr Speaker – to get that right, and it is their obligation to test whether we are getting it right. It is not anywhere near their list of what they should be doing for this community to simply scare people into thinking that our option is not the best one. What we have to do, Mr Speaker, is get the best option for our community, so we have no problems whatsoever.

1985 And then he says that we have got to where we have got now without doing our homework. Well, Mr Speaker –

Mr Speaker: I am now going to bring this matter to order because the Hon. the Leader of the Opposition and the Chief Minister are doing what they very often do in this House, and I am not going to allow it.

1990 We have two very simple Questions: a Question on whether the Government will provide Parliament with copies of the health and safety report. Well, will the Government provide Parliament with that? Not about the issues of safety and so on and whether this has been done or not: when those reports are ready, will the Government provide them?

1995 The other Question: is the Government committed to publishing any reports on the safety and viability of the proposed LNG facility? Is it committed to publishing it, not to the merits of those reports. And now the Hon. the Chief Minister and the Leader of the Opposition... They always do this. They get involved in exchanges, it becomes a debate, and the rest of us here are just spectators. That is not fair, it is contrary to the rules and I am not going to allow it again.

2000 **Hon. Chief Minister:** Mr Speaker, I could not agree with you more in some of what you have said.

Mr Speaker: Well, if you agree with me then try to restrain yourself.

2005 **Hon. Chief Minister:** Well, Mr Speaker, what I must say on behalf of the Government – although you are absolutely right in the attitude that you take – is that I am afraid you need to take it with both of us, not just with one of us, because if somebody accuses me of having done something without doing my homework I believe I am entitled to reply. It is absolutely right of you to have suggested that that should not have been said, but with respect, now it has been said I think it is appropriate that the Government should be able to reply. I leave it to you, Mr Speaker. He has said I have done something without doing my
2010 homework. Am I able to reply or not?

Mr Speaker: Let me explain one thing. Perhaps what happens is that I have the advantage of the main answers and I see that they are specific and to the point. The Opposition listen to the answer. They may grasp all of it, or 75% or 80%. They may miss a point or other. I am able to home in and see what I have before me and what I know that the Minister has said. And then the matter becomes widened completely. Many other aspects are introduced in the exchanges and we end up, as usual, with a debate.

2015 Questions that are specific and to the point, and which it is right and proper that they should be asked here in Parliament and that that information should be sought and those assurances should be given with respect to certain reports, perfectly proper – but let us not widen all that into the merit of the responsibilities which the Government has or may not have in respect of the general safety of the community. That is a matter that they have been dealing with for weeks outside this Parliament; there is no need to repeat it.
2020

Hon. Chief Minister: Thank you, Mr Speaker.

2025 Well, in that case, all I will do is to reassure the community that when the Hon. the Leader of the Opposition has said that the Government has done something without doing its homework, he is wrong and that is not true. When he tries to challenge that we have said that things are viable on safety grounds and 100% safe, he is wrong to challenge it. When he wants to challenge that we are entirely satisfied that this is safe, he is wrong to challenge it also. And when he says he is taking his own advice, that is a matter entirely for him and he can take it if he wishes or not, but the Government would not be acting if it was not satisfied that the advice, that we will be able to show in writing to the community, is that this is exactly the right sort of project for our future.
2030

Mr Speaker: The original Question came from... [*Inaudible*]

2035 **Hon. J J Netto:** Actually, Mr Speaker, I have not got any further supplementary question on these Questions, but what I do want is, once we move on to the next Question, to actually go back to the Questions that were bundled together – and that is in relation to Question 337 – but once we move on.

Questions 334 to 338 – Further supplementary questions

2040 **Acting Clerk:** Question 346 –

Hon. J J Netto: Would it be a prudent moment to go back?

Mr Speaker: Yes, certainly.

2045 **Hon. J J Netto:** In his answer to Question 337 – that is the question that deals with the ability to incorporate renewable energy equipment into the grid – the hon. Minister said in his answer, he said not all geographical locations in Gibraltar have the same resilience in terms of grid connectivity. Then he went further and said where this is not the case, the Gibraltar Electricity Authority advises us as to what any improvements/network upgrades are required to be able to evacuate generated power to the grid at these
2050 points.

Now, could I ask one supplementary question in relation to this answer, and that is: what improvements to the network, if he has got the answer available to him there, have been given by the Gibraltar Electricity Authority in order to improve the ability to connect this new equipment into the grid.

If he does not have the information, of course he may be able to give it to me at another time.

2055

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Yes, Mr Speaker, I do not have the technical information as to whether you have got to put some kind of equipment in the way or whatever, and that I will ask and I am sure I can get it.

2060 But I can say for lower voltage it is much easier and in fact the GASA swimming pool is supplying low voltage and that needed, I believe, relatively minor adjustments that my hon. friend, Mr Linares was Minister for electricity generation at the time.

2065 Also I can say that for the Eco Wave project on the east side, the initial pilot project which I think is 500 kWh is also relatively low and that will be absorbable, for want of a better word, into the grid in that area. For the bigger ones of 10MW, although it will not all be on one site, the GEA is looking, and would be able to amend the network in order to be able to absorb it.

But the technical details, I am afraid I do not have them available, but I am sure that I can request them and obtain them.

2070 **Hon. J J Netto:** Just one further supplementary in relation to what the hon. Member has just said. I think he is drawing a line on the 10MW, where the problem may lie – in other words, if it is low voltage it can be integrated into the grid, but perhaps beyond that it is a problem. Obviously though, it would depend – just to try and give an example – but if any private resident, as opposed to being a public building, were to try and incorporate some photovoltaic panels in his roof or whatever it is, would that particular private individual – I am using this as a hypothetical example – be able to connect into the grid or would that also depend on the level of voltage that would generate?

2080 **Hon. Dr J E Cortes:** I think, Mr Speaker, that would generally depend on the location. My hon. friend who was looking at that, at the time that he was Minister for Utilities, has confirmed that would depend... That would normally be low voltage and therefore it is easier to assimilate. Therefore it is not impossible but I believe it depends on the location and possibly on how new the installation in that area is. But I would need to have confirmation on that.

2085 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, just to assist, for example the GASA is very near Waterport and there you can see where the electricity that was produced there can *easily* be taken to Waterport where they have the whole distribution network.

Q346-348/2015

Air quality –

Monitoring nitrogen dioxide levels

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

2090 **Hon. D A Feetham:** Mr Speaker, can the Government please explain why it has not installed an air monitoring station in the vicinity of the temporary generators and the Waterport power station?

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

2095 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Question 347 and 348.

Acting Clerk: Question 347, the Hon. D A Feetham.

2100 **Hon. D A Feetham:** Mr Speaker, is the Government satisfied with the levels of nitrogen dioxide in the 27 nitrogen diffusion monitoring sites in Gibraltar?

Acting Clerk: Question 348, the Hon. D A Feetham.

2105 **Hon. D A Feetham:** Mr Speaker, why have the graphs and tables published on the Air Quality website for Rosia Road, Witham's Road and Bleak House nitrogen diffusion monitoring sites on various dates this year, shown values in excess of 200 micrograms per cubic metre of air, only to be changed within hours to show values significantly below that?

2110 **Acting Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the air monitoring stations presently located in Rosia Road, Witham's Road and Bleak House were installed following recommendations from the Environmental Agency's air quality consultants AEA – Ricardo and in line with criteria set out in Annexe III, IV and V of Directive 2008/50/EC. This decision was made by the previous administration, so the questioner should really ask the question of himself.

The Directive requires one sampling point per 250,000 population for urban/suburban areas – Rosia Road – and one sampling point for rural areas – Bleak House – backgrounds per 50,000 km².

Gibraltar has two urban stations and one rural background station. Gibraltar therefore complies with and exceeds the requirement of the Directive.

In answer to Question 347 which refers to whether the Government is satisfied with the levels of nitrogen dioxide in the 27 monitoring sites, the answer is certainly not, sir.

In answer to the last question, when these latest high levels were recorded, the Environmental Agency investigated the possible causes. On not finding any obvious source for the high levels, the Agency's Air Quality Consultants in the UK were immediately contacted. They confirmed that the scaling factor on the analysers used in the data management were not correct. They proceeded to fix the problem, which resulted in the real levels recorded and subsequently displayed on the Air Quality website.

Hon. D A Feetham: Mr Speaker, before I move to supplementaries, the hon. Gentleman has not answered the question, 'Can the Government please explain why it has not installed an air monitoring station in the facility of the temporary generators and the Waterport Power Station?'.

Hon. Dr J E Cortes: Mr Speaker, I think I have. I have explained at length the fact that this was a decision taken by the previous administration on advice. They defended that, in fact publicly by way of at least one press release and that this satisfies the requirements of the EU Directive. So I think I did answer that question.

Hon. D A Feetham: Yes, Mr Speaker, I am afraid that I had not understood the answer.

Mr Speaker, just dealing with that aspect of it, before I turn to Questions 347 and 348, is he satisfied – because at the end of the day we all strive to do better than the previous Administration and the hon. Gentleman and his Government crow from the highest perches how much better they have done in four years than we did in 16! (*Interjections and banging on desks*) Yes, Mr Speaker!

Mr Speaker, is he satisfied to just follow the lead and not have air monitoring stations in the vicinity of Waterport power station and the temporary generators, which we think actually now, are responsible – we will come to that in a moment – for the high levels of nitrogen dioxide that we are seeing in various places in Gibraltar, indeed in the majority of these monitoring stations – and that we are committed to doing should we be elected into Government?

So is he satisfied that it is the right course of action to just simply point to what we did and say, 'We're content to follow the lead of the GSD when they were in Government' and not install a monitoring station in this area?

Hon. Dr J E Cortes: Mr Speaker, again, clearly the Members opposite, in the face of this wonderful new dawn of good environmental governance, are being converted. We have heard a number of Members opposite having their moments of conversion today.

Mr Speaker, I am not totally against the idea of an extra air quality monitoring and it is something our Department is considering. But one cannot just spend the money – and this runs in the region of several tens of thousand pounds – which then the Members opposite could accuse us of overspending, clearly. Then there is the recurring cost.

This is a decision like every other decision we take when we consider expenditure that we have to measure very, very carefully. We have to look at the value of having an air quality monitoring system being introduced now. Because clearly we have nothing prior to that to compare it to and we only have the future to look at and clearly the future with a state-of-the-art energy powered power station in the North Mole, we know that the air quality is going to substantially be improved. Therefore we know what that is going to read and in any case we do have the diffusion monitors, which are not as accurate – I think we will all agree – as the air quality monitoring.

I am not rejecting it totally; it is something that my officials are closely studying as to whether there is a logic in doing so and in going to the considerable expense.

Clearly there is another alternative, Mr Speaker. As the South District power stations themselves are due... in fact, two of them are now closed completely and will completely stop operating with the new power station – then the purpose of having, certainly the Witham's Road one there, was to monitor emissions from those power stations so it might be more economical to actually, when the new power

station is built and those have completely stopped, to move that one to a northern location to have a more balanced view.

2175 So that is the kind of initiative and the kind of discussion that we are currently having within the Department to have a responsible solution which is also cost effective and does not throw Taxpayers' money away.

Hon. D A Feetham: Well, Mr Speaker, let me congratulate the hon. Gentleman on one of the most political answers that I have heard in this session today from the non-politician!

2180 I need to come back to – because I am going to ask supplementaries on the others – but I am going to come back to this question of the air monitoring station in the vicinity of Waterport Terraces, for reasons that will become apparent during the course of the questions that I am going to be asking the hon. Gentleman.

2185 The hon. Gentleman is obviously aware, is he not – I am asking him formally – that there is an average upper limit of 40 micrograms of nitrogen dioxide per cubic metre imposed by the EU under EU Directives?

Hon. Dr J E Cortes: Yes, there are a number of upper limits and the upper limits for Gibraltar have been failed in the past.

2190 Yes I am aware of the limits. There is also allowance for a couple of instances of higher, up to 200 on one or two occasions and that has only been failed once in 2009. So yes I am aware.

2195 **Hon. D A Feetham:** Yes, but I am not asking about the 200 limit. I am aware that under EU law the exceedance of the 200 limit can only be exceeded 18 times. I am asking about the 40, which is the annual average. Does he agree with me that there is an upper limit of 40 micrograms of nitrogen dioxide per cubic metre of air imposed by EU law as an annual mean average?

Hon. Dr J E Cortes: Yes, and which has been failed through the years due to the old fashioned power generation system that we have been suffering from. Yes.

2200 **Hon. D A Feetham:** Yes, and Mr Speaker, does he agree with me that in fact in 2014 there has been a failure of, or there has been an excess – the limit has been exceeded I should say – that 40 figure has been exceeded in 25 out of the 27 monitoring stations throughout Gibraltar? Is he aware of that?

Hon. Dr J E Cortes: Absolutely, Mr Speaker, which is what I said in my answer, that I was certainly not happy with that situation.

2205 But perhaps he could get to the point rather than ask me these questions one by one, so that I can provide him with a reasoned answer, rather than just in this sporadic manner. I do not really know what the hon. Member is trying to get at.

2210 **Hon. D A Feetham:** Well, Mr Speaker, does he accept that, for example, in 2014, which is what I am focusing on, the 40 microgram limit was exceeded, as I said, on 25 occasions; that in five stations there were readings between 40 and 49; in 12 stations, there were reading between 50 and 59; and in eight stations, there were readings between 60 and 69? Does he therefore not agree with me that these are very, very high levels indeed of pollutants that the population of Gibraltar is being exposed to, according to these particular readings?

2215 **Hon. Dr J E Cortes:** Mr Speaker, I do not know whether the hon. Member opposite, before I answer, would like to postulate what the reasons for those high readings may be. Before I actually tell him, he may have an idea; I am interested in what he is getting at. He has not quite told me. Because you see, by knowing what he is getting at, I will be able to provide an answer which is going to be more relevant, as I said before, rather than these point by point.

2225 **Hon. D A Feetham:** Mr Speaker, I am just trying to lay the ground work of what it is that we agree with. Now we agree that the limit is 40. We agree that in 25 out of 27 stations that annual upper limit has been exceeded. We agree with the values that I have given the hon. Gentleman and we agree, I suppose, that this is exposing the population of Gibraltar to harmful pollutants.

Just can you just confirm that we agree on all those, please?

2230 **Chief Minister (Hon. F R Picardo):** What is happening here is that we are seeing a cross-examination. It is a typical tactic, Mr Speaker, it is very simple – (*Interjection*) Yes, and you say, Mr Speaker, you say do you agree to A, do you agree to agree to B, (*Interjection*) do you agree to D, (*Interjection*) do you agree to

B, do you agree to O, do you agree to Y and then when you have said you agree to all that, they say ‘You have agreed you are a bad boy.’

2235 Mr Speaker, it is a very easy cross examination tactic. It does not serve our community to get to the bottom of these issues, which the Hon. Minister knows about and is ready to talk about if he is put a sensible question rather than a simple attempt to try and catch somebody out for cheap political ends, rather than to get something done for the environment.

2240 **Hon. Dr J E Cortes:** Mr Speaker, perhaps I could ask the question for him. Does he want to ask me (*Interjection*) No, I cannot. That is the problem, not being in a court of law I do not get a chance.

Hon. D A Feetham: You do! Mr Speaker, it is a perfectly legitimate question to ask: are you aware that there is this limit? It is perfectly legitimate to ask: are you aware that in 25 out of 27 stations it has been exceeded? (*Interjection*) It is perfectly legitimate to ask whether the Government accepts that it is exposing the population to very high levels of pollutants. They are perfectly acceptable questions.

2245 Now that is where we agree and I will come to some political point that no doubt of course I am going to be making in due course.

Hon. Dr J E Cortes: Yes, Mr Speaker, the answer is yes, but the Member opposite has conveniently not stated for example, that the exceedances were much higher in, for example, 2009 and 2011.

2250 **Several Members:** Hear, hear.

Hon. D A Feetham: Well actually, this time the hon. Gentleman... I have all the figures and I do not agree with the hon. Gentleman in relation to that.

2255 But let me read him, Mr Speaker – of course, this is the political point, there are others that I am going to be making or questions that I am going to be asking, but this is a political question and I accept it.

2260 I want to read from an extract of his speech during the Budget and he said, he talked about targets published with heavy fines of millions if not met, and he said not only will these actions reduce our carbon footprint but they will also lead to a significant improvement of our air quality. He says we are certainly moving in the right direction, the total removal of the three existing power generating stations continue to be a top priority for this Government as we have seen. The commissioning of – and I am going to come back to this – the temporary turbines located at the North Mole just six months ago, especially when fitting silencers and scrubbers is complete, will mean not just resilience in power supply but much less overall noise and pollution.

2265 Then he said this: already the reading of nitrogen dioxide in the South District monitoring stations have shown significant reductions in levels detected. Mr Speaker, we are serious when we say we will revolutionise the environment for our people. The worst thing, Mr Speaker, that it has been *so easy to do* – that is what he said. Where was the Government in 2011?

2270 Well, I ask him, where is the Government now with these very abnormally high levels of pollution that our population is having to breathe in?

Hon. Dr J E Cortes: I would like to thank the Leader of the Opposition, who I know is a Manchester United supporter and they did not do too well at home the other day, for really attacking me – (*Interjection*) as am I! (*Interjection*) – for hitting me in my home turf, Mr Speaker.

2275 Mr Speaker, I am afraid that the Leader of the Opposition’s analysis of the situation is incorrect. He has chosen to go to the 27 diffusion tubes which have, in themselves, a 20% margin of error and are not even recognised – (*Interjection*) no, 20% is 20%. They are not even recognised by the EU when you submit your information for their purposes. They are just a guideline. The ones that count are the ones in the monitoring station.

2280 Mr Speaker, I have readings from some of these diffusion tubes here and I can tell him, that at the time of the writing of that speech, the figures were in fact lower – not only there, but also in the continuous monitoring stations at Rosia and Witham’s Road.

2285 But, Mr Speaker, of the 27 stations that he has chosen to take a sample of, he chose 2014 as a sample. And what happened at the beginning of April or mid-April 2014? Their decrepit, old, useless, out-of-date power station blew up! (*Laughter and banging on desks*)

And then, because of that, Mr Speaker, we had no choice but to start up the South District again, because we wanted to stop having power cuts! (**Several Members:** Hear, hear.) We had no choice but to put in the skid generators and what happened? Surprise, surprise! Levels started to pick up for a while, Mr Speaker. *That* is the reason for those higher readings, Mr Speaker. (*Interjection*)

2290 But what happened subsequent to that? Well, Mr Speaker, he has chosen 2014. We are already almost midway through 2015 when I can clearly show from the graphs that, following the closure of the OESCO

plant in February and following the closure of the GMES plant in April, the readings have started to go down considerably again, Mr Speaker. (*Banging on desks*) Maybe he hasn't got those figures.

2295 And more important, Mr Speaker, the graphs that show the air quality system – there are two. One is Rosia and the other one is Witham's. Rosia was low, then it picked up and then, Mr Speaker – I wish I had PowerPoint, I honestly do! (*Laughter*) And now it is continuously dropping and it is now almost at the same level as it was in 2012.

2300 But the one that picks up pollution from the power station, Mr Speaker, the one at Witham's Road, is actually continuously decreasing till 2012 and is now at its lowest level since the records I have started in 2008. So we are getting it right, Mr Speaker. (*Banging on desks*) Moreover, Mr Speaker, if you look at the daily oscillations (*Interjection*) because these plants are now shut down at night, you can see that at night in those different monitoring points, the readings go down to practically zero.

2305 So what is happening? You have some pollution in the day, it goes down to zero at night, clearly it is not power generation, clearly because the plants are all off; it is something else. Mr Speaker, the contribution to that is largely coming from traffic. Traffic we are tackling in a sustainable plan which is going to deal with that. So we have in fact almost totally extracted the power generation element from those graphs. (*Interjections*)

2310 Moreover, Mr Speaker, if we remove traffic – as I gave some figures before, Mr. Speaker – and we go only to the figures provided by the GEA which I said in a previous answer, where carbon emissions from power generation dropped 24% from 2013 to 2014, well carbon emission is directly proportional to nitrogen dioxide emission.

2315 Therefore, carbon emission went down, nitrogen dioxide from power generation also went down, so therefore something else is happening, Mr Speaker. Levels are lower and the levels that are there are not due to power generation, which he is trying to throw in my face; it is due to traffic and I am glad to say that we now have a plan to deal with that.

So, Mr Speaker, I am sorry, he may be a good lawyer; he may *even* be a good politician – that is not for me to say – but clearly a scientist he is not. (*Banging on desks and applause*)

2320 **Hon. D A Feetham:** Mr Speaker, I am afraid it does not stick with me, Mr Speaker, because I have got all the figures. (*Interjection*) I have all the figures, Mr Speaker. I have all these wonderful graphs from all these stations that the GSD was responsible for installing and clearly, Mr Speaker, there is a peak in 2011 probably attributable, Mr Speaker, to the explosion at the sullage plant but actually the trend is upwards. Of course the trend is upwards! The trend is upwards from 2008 all the way to 2014. The trend is upwards and we will see whether at the end of 2015, because we are taking mean averages for the year, we will see whether 2015 turns out as he says to be a lower year. But the trend is upwards; it is not lower.

2325 But let us explore why, Mr Speaker. Mr Speaker, during the course of his intervention during the Budget, what he said and I will repeat it, is that the commissioning of the temporary turbines located in the North Mole just six months ago, especially when the fitting of silencers and scrubbers is complete, will mean not just resilient power supply but much less overall pollution. That is what he said then, and indeed, 2330 in 2013 as a consequence, I accept of those temporary turbines, there was a substantial reduction in pollution, because from 2012 it went down 2013 and it has spiked again. And the spike occurs, Mr Speaker, and I am asking him to confirm, in June, July, August of 2014 I think it is and it is as a consequence of, it is the month after the Sparks generators were installed in Gibraltar.

2335 Now, do the Sparks generators include scrubbers, as indeed the temporary turbines that are now not being used, as he indicated in his Budget speech? Do they include scrubbers to ensure that the emissions are cleaner emissions into the atmosphere?

Hon. Dr J E Cortes: Mr Speaker, they do not at this point in time – (**Hon. D A Feetham:** Ah!) No, no, *a nada!*

2340 Mr Speaker, but because – (*Interjection by Hon. D A Feetham*) No, no but because they are new, Mr Speaker, they are much cleaner than the old GMES and the old OESCO power stations which every time they were switched on they billowed smoke, I could see it from my office and everybody complained. (*Interjection*) Mr Speaker, before he carries on trying to teach me about my subject, he cannot deny the fact that if the emission of carbon has gone down by 24%, therefore in direct proportion to that, the emission of 2345 nitrogen dioxide has scientifically got to come down and he has got to look elsewhere for the source of that nitrogen dioxide.

2350 **Hon. D A Feetham:** Well, Mr Speaker, I do not know about the correlation between carbon dioxide and nitrogen. (*Interjections*) No, I am looking at the figures, the previous answers that were provided in Parliament, and I note from his speech that when the temporary turbines were introduced, he justified them on the basis of resilience in power supply and then a downturn in pollution.

2355 That downturn in pollution happened, Mr Speaker, but of course, the resilience in power supply did not. Because out of the 83 power cuts that happened in 2012, 2013, 2014, half of that was due to a failure in those temporary turbines because that is the answer that was provided – I will give him the question which was 618/2014.

2360 What has happened here, Mr Speaker, and this is what I am putting to him, is that they bring these temporary turbines; that brings pollution down but it does not deal with the resilience point, because half the total power cuts are due to the temporary turbines. He is then forced to bring in temporary generators. Those temporary generators in fairness *have* dealt with the power resilience, because there have not been any power cuts since those were installed, but then all of a sudden there is a shoot up in pollution in Gibraltar. And I am suggesting to him that is too much of a coincidence to ignore, Mr Speaker.

2365 And again, although he is going to ask me who are the experts who are advising me, he will appreciate that I am no expert and I do have people who are also providing me with information and suggesting possible explanations for this and this appears to be the most likely.

Hon. Dr J E Cortes: Mr Speaker, he is totally incorrect. Pure speculation – science does not work like that.

2370 Mr Speaker, I go back to the 24% reduction in emission of carbon, which is directly proportional to the amount of fuel consumed, which is directly proportional to the amount of nitrogen dioxide consumed. Therefore carbon dioxide and nitrogen dioxide are directly proportional.

2375 If we are using less fuel, we are producing less nitrogen dioxide, we have to look at another source and because at night in Witham's and in Rosia, I think it was Rosia, it goes down to virtually zero when there is no traffic, it is highly likely that traffic is the main source of the pollution that he is trying to attribute somewhere else.

A Member: Hear, hear.

2380 **Hon. D A Feetham:** Well, Mr Speaker, is it not the case that the Government does not want to install an air quality monitoring station at Waterport Terraces because of the readings that would provide them and this would put the debate completely to rest?

2385 **Hon. Dr J E Cortes:** Absolute nonsense, Mr Speaker. That is probably the reason why they did not want one in the north district because they knew the mess their power station was in because they should have shut it down years before.

A Member: Hear, hear. (*Banging on desks*)

2390 **Hon. D A Feetham:** And, Mr Speaker, is it not the case that actually, had they continued with the power station that we had planned, that would have been built by now and what we are seeing is the population of Gibraltar having to choose between power cuts, as we had with the temporary generators, or increased pollution as a consequence of what we are seeing now? That is the cost to the people of Gibraltar.

Mr Speaker: That is the end of the question. There are two questions –

2395 **Chief Minister (Hon. F R Picardo):** Mr Speaker, with respect to that particular question which has been put, although you stopped him at the end of it, can I simply, for the sake of the record, say that the answer is no.

Procedural

2400 **Acting Clerk:** Question 290, the Hon. E J Reyes.

Chief Minister (Hon. F R Picardo): Sorry, Mr Speaker, I think that is a convenient moment for us to adjourn this evening until –

2405 **Mr Speaker:** You want to adjourn. There are only two questions to Mr Linares, just two.

Hon. Chief Minister: Well, Mr Speaker, I am afraid that I am already half an hour late for something because Mr Cortes will not be here tomorrow and that is why we have had to sit through until now. So if the

hon. Minister is here tomorrow, Mr Reyes is here tomorrow, I would ask that the House do now adjourn until 10.15 tomorrow morning.

2410

Mr Speaker: The House will now adjourn until 10.15 tomorrow morning.

The House adjourned at 7.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.17 a.m. – 1:50 p.m.

Gibraltar, Thursday, 21st May 2015

Business transacted

Questions for Oral Answer	4
Sports, Culture and Youth	4
Q290/2015 Heritage sites – Works carried out and cost	4
Q291/2015 Indoor swimming pools – Lifeguard manning levels	4
Business and Employment.....	5
Q275/2015 Industrial tribunal hearings – Details of venue.....	5
Q276/2015 UK Employment Tribunal – Information.....	6
Q277/2015 Sunborn hotel – New restaurant; job vacancies	10
Q278/2015 Business Nurturing Scheme – Details.....	11
Q279/2015 Factory inspectors – Predominance of inspections in construction industry.....	13
Q280/2015 Health & Safety – Correct 2012 figures on Government website	15
Q281/2015 Health & Safety – Statistics for April 2015.....	35
Q282/2015 Accidents at work during 2012-14 – Number of working days lost.....	37
Q283/2015 Health & Safety Inspectorate – Codes of Practice	39
Q284/2015 Future Job Strategy – Health & Safety courses for trainees.....	39
Q285-287/2015 Health and Safety policy – New committees, review of the Inspectorate team, updated inspection plan	42
Q288/2015 Institute of Occupational Safety and Health UK – Sudden branch closure.....	43
Q289/2015 Refurbishment of sub-post offices – Update and plan for reopening	43
Q278/2015 continued – Business Nurturing Scheme.....	44
Tourism, Equality, Social Services & Housing	46
Q350-353/2015 – Questions withdrawn	46
Q354/2015 Mid Harbours Estate – Operation of barriers	48
Q355/2015 and Q360/2015 Government rental homes – Unpaid rents	48

Q356/2015 Government rental homes – Eviction of squatters.....	49
Q357-358/2015 Government rental homes – Urgently decanted tenants.....	49
Q359/2015 Government rental homes – Repair works to empty homes.....	49
Q361/2015 Discrimination of women in the workplace – Survey update.....	50
Q362/2015 Dr Giraldi Home facility – Relocation.....	51
Q363/2015 Dr Giraldi Home facility – Investigation of staff member.....	52
Q364/2015 Juveniles with challenging behaviour– Details of any requiring specialised care services	52
Q365/2015 Care Agency’s residential homes – Acts of violence.....	53
Q366/2015 Bullying and harassment in the Care Agency – Details and disciplinary measures.....	53
Q367/2015 Children’s services – Unallocated referrals.....	53
Q368/2015 Care Agency – Juveniles in Education, Training, Employment status.....	54
Q369/2015 Looked-after children – Waiting time for Courts documents.....	54
Q370/2501 Social Services – Training Programme of the Care Agency.....	55
Q371/2015 Social Services – Agency workers in the Care Agency.....	56
Q372/2015 Social Services – Life planning for disabled persons programme.....	56
Q373/2015 Social Services – Disability Action Plan.....	57
Q374/2015 Social Services – Consultation on rights of disabled persons, UN Convention.....	57
Q375/2015 South District Citizen’s Club – Services provided; attendance after reallocation.....	57
Transport, Traffic and Technical Services.....	58
Q376/2015 Gibraltar Bus Company – Details of monies owing from Big Publications Ltd.....	58
Q377/2015 Fixed speed cameras – Deployment.....	59
Q378/2015 Draft Sustainable Traffic Transport and Parking plan – Suggestions by the public.....	61
Q379/2015 Government vehicles – Non-polluting engines.....	63
Q380/2015 Transhipment of LNG – Safety requirements.....	64
Education and Justice.....	64
Q381/2015 Supply teachers and staff – Details and reasons for contracts.....	64
Q382/2015 Health and safety in schools – Provision of 2014/2015 reports.....	67
Chief Minister.....	68
Q389/2015 Money lending licences – Details of current licensees.....	68
Education & Justice.....	69
Q381/2015 continued – Supply teachers and staff – Details and reasons for contracts –.....	69
Deputy Chief Minister.....	71
Q398/2015 European Parliament and European Commission – Update from Deputy Chief Minister.....	71
Chief Minister.....	71
Q399/2015 Civil Service – Development of training programme.....	71
Q400/2015 New advisory council for strategic economic goals – Details.....	72
Q383-388/2015 and Q390-93/2015 – Written answers provided.....	72
Order of the Day.....	77
Bills.....	77
First and Second Reading.....	77
Social Security (Insurance) (Amendment) Bill – First Reading approved.....	77
Social Security (Insurance) (Amendment) Bill 2015 – Second Reading approved.....	77

Social Security (Insurance) (Amendment) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting.....	79
Committee Stage	79
Social Security (Insurance) (Amendment) Bill 2015 –	79
<i>In Committee of the whole Parliament</i>	79
Social Security (Insurance) (Amendment) Bill 2015 – Clauses considered and approved	79
BILL FOR THIRD READING	80
Social Security (Insurance) (Amendment) Bill 2015 – Third Reading approved: Bill passed.....	80
Adjournment.....	80
<i>The House adjourned at 1.50 p.m.</i>	80

The Gibraltar Parliament

The Parliament met at 10.17 a.m.

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

[ACTING CLERK TO THE PARLIAMENT: C McDonald Esq *in attendance*]

Questions for Oral Answer

SPORTS, CULTURE AND YOUTH

Q290/2015

Heritage sites –

Works carried out and cost

Mr Speaker: Question 290/2015, the Hon. Mr Reyes to the Minister for Sports, Culture and Youth.

Acting Clerk: Meeting of Parliament, Thursday 21st May, 2015.

We continue with Oral Questions. Question 290/2015, the Hon. E J Reyes.

5

Hon. E J Reyes: Mr Speaker, sir, can the Minister for Heritage provide details of all works, together with a breakdown of respective cost, undertaken at any heritage-related site since the answer provided to Question 189/2015; as well as stating by whom these works were carried out?

10

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

Minister for Sports, Culture and Youth (Hon. S E Linares): Mr Speaker, there have been no further works undertaken at any heritage-related site since my answer to Question 189/2015.

Q291/2015

Indoor swimming pools –

Lifeguard manning levels

Acting Clerk: Question 291/2015, the Hon. E J Reyes.

15

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of the lifeguards manning levels provided at the indoor swimming pools?

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

20

Minister for Sports, Culture and Youth (Hon. S E Linares): Mr Speaker, the manning levels of lifeguards in the indoor swimming pools has not changed since the Hon. Members were in office. The GSLA have managed the indoor pools since May 2006, but the staff were not managed until 1st June 2012.

25

Now the GSLA manage both the pools and the employees. The current manning levels are three lifeguards and two pool managers, who are qualified lifeguards on alternate shifts and are on site at any time from 7.00 a.m. to 5.00 p.m. to care for the public use.

During closed sessions after 5.00 p.m. where the allocation holders are required to supply their own lifeguards, the GSLA also provide a pool manager and a lifeguard on site. Government is working with the GSLA and union on reviewing the manning levels in question.

30 **Hon. E J Reyes:** Yes, Mr Speaker, just for the sake of clarity, when the summer bathing season comes along and the outdoor facilities are open on site, are then additional manning levels provided for that or do these three guards and two managers also expected to double up during the summer months and cater for the outdoor facilities?

35 **Hon. S E Linares:** No, Mr Speaker. The bathing pavilion is managed by the GTB – the Tourist Board; therefore, they will employ lifeguards similarly as they employ lifeguards for beaches. The question was about the pool itself, the two pools, and that is the manning of the pools, but obviously when the bathing pavilion opens, the GTB then employ extra lifeguards to man the outside.

40 **Hon. E J Reyes:** Yes, that does help, Mr Speaker.

One further thing, perhaps the Minister is aware, the manager's level, which we were content with and so on, having those managers, were they not special because they are also capable of doubling up with lifeguard facilities should the situation unfortunately require? What about the managerial facilities for outside? If the Minister is aware, would those be undertaken by the two managers catering for the indoor
45 pools or is there a separate manager as well in addition to the Tourist Board lifeguards that are provided for the outdoor facilities?

Hon. S E Linares: Mr Speaker, the situation is that the GTB will employ a supervisor of sorts to man the bathing pavilion outside. There might be instances where the lifeguards outside might be helping or
50 working in conjunction with lifeguards inside, but it is two separate groups – that means the permanent ones that are in the pool and then the seasonal ones that are outside, and that includes the management.

BUSINESS AND EMPLOYMENT

Q275/2015

Industrial tribunal hearings – Details of venue

Acting Clerk: Question 275/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment please confirm what the position is in relation to
55 the venue for industrial tribunal hearings?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, industrial tribunal hearings
60 may be held at one or two venues: a board room at the John Mackintosh Hall at 308 Main Street and a board room at the main offices of the Department of Employment at 75 New Harbours. Both venues are available on request.

Hon. D J Bossino: I have spoken to the Minister about this question and I cannot say that it is the best
65 drafted question I have produced, but he understood it and I am grateful for that.

The reason why I ask the question is because I heard at one point that the venue had reverted to the ETB premises, and as a practitioner in this field, and he also was a petitioner in this field, I can tell him that having the venue at the John Mackintosh Hall is highly convenient. So I am wondering whether... but he says in essence there is flexibility as to where the hearings are held. Mr Speaker, does the Government have
70 any plans in relation to a permanent fixture as far as the venue is concerned in relation to this?

Hon. N F Costa: Mr Speaker, in order to clarify to the hon. Gentleman, the change, in effect, was to relocate the Secretariat from Town Range to the offices of the Employment and Training Board. What that meant is that the Secretariat now has what I think are better equipped offices. The offices at Town Range
75 were liable to damp. They were very poor in terms of size and did not have regular consistent access to the internet and we thought that it was best to fit them out and equip them with proper and effective working offices. The flip to that was that whereas the chairpersons always had the tribunal hearings at the John Mackintosh Hall, chairpersons can still continue to have hearings at the John Mackintosh Hall should that be their preferred venue, but that they can also now elect to have hearings heard in a board room of the ETB
80 especially dedicated for that purpose. As I say, the reason for the change in venue was not so much for the

hearing venue, but rather for the Secretariat so that they could have properly functioning offices where they could discharge their functions.

In terms of whether there will be a particular set venue for the industrial tribunal, I am sure you will be pleased to know that part of the reform will be to locate a conveniently situated place, in town preferably, where there will be more than just one room for industrial tribunal hearings. Preferably there will be two such rooms and also a permanent fixture for the Secretariat.

Hon. D A Feetham: Mr Speaker, may I commend this course of action to the hon. Gentleman and I think he knows that I was Minister for Justice for four years and this was something that I looked into in quite a lot of detail, and that is to consolidate all the tribunals and relocate all the tribunals into the Central Police Station. The Central Police Station is an ideal location, particularly for the industrial tribunal because of course it was built at a time when there were Magistrates' Courts located in the same venue as a police station. So there is a wonderful Victorian room in the Central Police Station that was used for Magistrates' hearings. That is an ideal venue, not only for the industrial tribunal, but also for consolidation should, of course, that be the policy of the Government, but I am commending that to the Government as an appropriate course of action of locating everything there, all the tribunals there, and that gives you the space and also the facilities in order to have the hearings of the industrial tribunal.

Hon. N F Costa: Mr Speaker, I am grateful to the Hon. the Leader of the Opposition for the suggestions. Just so that he is aware, in my discussions with the Bar Council and the other organisations that have provided to me written proposals, no one has, as yet, suggested his proposal insofar as discussions have centred on the location for industrial tribunal hearings. There have been different alternatives proposed, but not that one, but now that he does raise it, it is something that I will certainly take into consideration and will discuss with the relevant Ministers as the industrial tribunal reforms progress.

Hon. D A Feetham: Yes, Mr Speaker, because I am aware that the Government has now asked for expressions of interest in relation to the Central Police Station – that has been advertised in the press recently. But that is a wonderful building with a lot of heritage value and to retain that in the public service in something related to the justice system I think would be an appropriate use for that particular building. That is what I am commending and I hope that the hon. Gentleman takes that on board and perhaps can discuss it with his colleagues when they next meet in Cabinet.

Hon. D J Bossino: Is he able to shed any light, Mr Speaker, as to the venues that he is looking at?

Hon. N F Costa: Well, Mr Speaker, the Bar Council in particular was divided as to whether the existing Court building... there is one particular court room which is not always in use, which is the Coroner's Court room and whether that could usefully serve as an industrial tribunal hearing venue. The meeting was split in that some thought that the formality of a court room would perhaps defeat the purpose of an industrial tribunal hearing and others were more inclined in locating a suitably resourced and sized office space which could serve to have two industrial tribunal hearing rooms and also offices for the Secretariat. But the hon. Gentleman now proposes to me a third alternative which will also be looked into.

Q276/2015
UK Employment Tribunal –
Information

Acting Clerk: Question 276/2015, the Hon. D J Bossino.

Hon. D J Bossino: Thank you.
Can the Minister for Employment provide more detail as to the information he was able to obtain following his visit to the UK Employment Tribunal?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I set out the main areas of discussion as follows.

I had the pleasure of meeting with the Hon. Mr Justice Langstaff, President of the Employment Appeals Tribunal and Julia Johnson, the Registrar of the EAT. My legal counsel and I met with them at the EAT's main offices at Fleetbank House in London. Our meeting lasted over two hours, during which we received a

135 tour through the five court rooms and seven employment judges' chambers at Fleetbank House. We were
also fortunate to see the EAT's back office where the EAT's 26 staff members co-ordinate and administer
each of the appeals.

During the London visit we also met with Judge Potter, the Regional Employment Judge for Central
London, at her office at Victoria Street. During each of these meetings we were able to hear invaluable
140 first-hand accounts of the processes behind both the UK Employment Tribunal and the Employment Appeal
Tribunal. Another area of interest was the type of cases typically heard before the ET and how this had
evolved over time with the enactment of new employment-related legislation.

We had a brief discussion on the UK's introduction of fees for both ET and EAT cases, although this
was limited as we indicated that we had taken a policy decision *not* to introduce fees within our industrial
145 tribunal reform process.

We also entertained a detailed discussion on procedures, practicalities and results pertaining to the
introduction of mandatory conciliation provided through ACAS.

The President was also able to provide us with an outline as to the judiciary set up that ranged from full-
time judges to part-time judges and recorders. This led to a discussion on judicial training and the issue of
150 practice directions to facilitate both judges and the parties in dispute as well as their lawyers.

The training systems in place were also described so we were able to appreciate the process behind the
judicial training that each judge needs to undergo before they are able to preside over a case. This was
supplemented with information relating to existing judges continued professional development once they
have received their judicial training.

155 Judge Potter was kind enough to introduce me to Employment Judge, Philip Rostant, who is the
Employment Tribunal's Director of Training and co-ordinates the training for employment judges in the
United Kingdom. I have recently corresponded with Mr Rostant and I look forward to obtaining advice and
guidance as we implement our reforms.

The judges also explained the Employment Law Appeals Advice Scheme (ELAAS) which is staffed by
160 experienced employment solicitors one day a week for the benefit of the parties in dispute. Each of the
judges was also able to provide some guidance on their target timetables for hearing cases and how often
these targets are met.

Hon. D J Bossino: I am very grateful for the very full and accurate response by the Minister to my
165 question. I would ask him whether he has reached any conclusions as a result of that visit in relation to what
could be fed into our system, because clearly the system in the UK is in many different respects – I am sure
he would have appreciated when he went there – a different beast to what we have here. One of the things
is, for example, you have permanent judicial staff, which at this stage here we do not, with, in effect,
volunteer chairmen and chairwomen. But is there anything which he thinks he can bring in to the reforms
170 that he is intending to introduce in Gibraltar?

Hon. N F Costa: Mr Speaker, yes. In the first place I think it is safe to say, even at this stage, that the
industrial tribunal reform will be based primarily – although, of course, with due alternations – on the
employment tribunal rules.

175 As the hon. Gentleman knows, because he practices employment law, one of the issues that currently
face chairpersons is whether they do have certain powers, and I do not intend to create this into a legal
debate, but certainly he knows that some chairpersons are happy to strike out cases and other chairpersons
think that within the current rules there is no such power, and therefore you may very well have a case
where a chairperson would be quite robust and strike out a case and another chairperson may not feel quite
180 comfortable to do that. Therefore, I think the first port of call for the Government introducing the reforms is
to ensure there is consistently in decision making so that the most important part of the reform will be to
make sure that the rules are simple rules that all chairpersons will be able to understand and where the
powers of chairpersons are clearly spelt out. So in a sense that would be the easiest part of the reform
because thankfully we do have an existing rule system in the UK which we think will very much be
185 adaptable to our domestic *jurisprudence*. In any case, as the hon. Gentleman knows, employment tribunal
cases very much have highly persuasive value and so it makes perfect sense that the rules reflect the UK
system.

The policy decisions, I think, will come insofar as – and he has already pointed out that that is probably
where they will come in – whether we have a full-time chairperson or a panel of part-time chairpersons or
190 we continue with the existing set up where there is a list and essentially each case is allocated to the next
chairperson on that list, and that is where the discussion is currently being held with... you are right – the
union, the GGCA, the Bar Council and individual practitioners.

Another important area of policy is also whether conciliation should be mandatory or not, and there is
very much at this point consensus among all of the parties that have submitted working proposals to the
195 Government that there should be mandatory conciliation before a case comes to the industrial tribunal.

200 Interestingly, I am sure he will be interested to learn that the Bar Council is one of the parties that is most in favour of conciliation at the beginning to be conducted without lawyers so that it would be mandatory conciliation and the parties would be present without the lawyers and the conciliator. The question then becomes: by what criteria do we obtain the conciliator? A proposal to put to us is that the list of chairpersons would act as chairpersons and conciliators so that a chairperson who has chosen to be a conciliator in the case will therefore not be able to be a chairperson and *vice versa*.

205 Then the question in the case that an applicant or a respondent, who is being vexatious and reasonable, should they be liable to pay costs? Again, there seems to be consensus among the proponents of the reforms that for persons who do bring cases, who are clearly vexatious and frivolous, and for employers who clearly defend cases where it is clearly the case that the employee has been unfairly dismissed, both parties in those cases should be able to be liable for costs. So whereas there may not be a strict rule, as in the Supreme Court, that costs follow the event, chairpersons should have clearly set out, in the rules that I mentioned at the beginning, the ability for them to slap the offending party, as it were, with costs.

210 So, as I say, the main questions of policy would be costs in what circumstances. Chairpersons: do we have them full time, part time or from the existing list?

Hon. D J Bossino: Mr Speaker, I am grateful for that reply again.

215 He mentions the proponents of the reforms. Who is he thinking about when he says that, because he has mentioned in the context of his reply, and I think on at least a couple of occasions, the Bar Council? But presumably – and I think he may have said so in previous replies – he will also be consulting the relevant unions as well. (*Interjection*) Yes, I am grateful.

220 **Hon. N F Costa:** The persons who are bodies that have written to the Government so far have been Unite the Union, the GGCA, the Bar Council, and there have also been individuals who would rather remain private, but it is not just the usual persons. And, of course, I forgot the Chamber of Commerce. They also wrote to me a quite significant document as well, but apart from those four bodies there have also been individual lawyers who feel quite strongly about this reform and have also written to me in quite significant detail with their views.

225 **Hon. D J Bossino:** And a usual question from the Opposition: does he have an idea as to when he thinks he will be in a position to publish the revised rules?

A Member: Soon! (*Laughter*)

230 **Hon. N F Costa:** Yes, Mr Speaker. I am prompted and I was going to say that they shall be introduced soon. But taking all factors into account, and so long as we can introduce the reform, lock, stock and barrel by way of subsidiary legislation, as opposed to making amendments to the primary legislation – and I think we can do it by just repealing the existing industrial tribunal rules and introducing fresh new rules – we should be able to do so before August.

235 **Mr Speaker:** Next question.

Hon. D A Feetham: Mr Speaker, just one more, please, if I may?

240 **Mr Speaker:** Yes.

245 **Hon. D A Feetham:** The hon. Gentleman mentioned the question of costs and that is a seismic change because potentially the question of costs really affects whether people take proceedings or they do not take proceedings. At the moment the worker is not exposed to a cost order and therefore is more likely to take proceedings in than a situation where that worker is exposed to cost. Does he intend to make this retrospective in nature or will it only apply prospectively to new cases issued after the regulations? Will there be any kind of publication of those regulations so that the general public can see them and that there might be some participation from the general public as well in relation to what is – if there is a change in the question of costs – quite a seismic change in the culture of the industrial tribunal?

250 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman knows, because I was able to say so on the last occasion where the Hon. Mr Bossino asked me on these issues, that the Government have taken the policy decision from the outset that it would not be introducing fees. Instinctively we all feel –

255 **Hon. D A Feetham:** I am talking about adverse costs.

Hon. N F Costa: Yes, and I am getting there.

Instinctively we feel that to introduce fees before starting a case would be to limit access to justice to the very people that we would say need it of course, because a person who has been unfairly dismissed and is out of a job would not be able to afford, for example, £15,000 to take a case.

260 The hon. Gentleman asks me specifically about the question of costs at the end of a case and therefore whether it may be possible that a claimant may decide not to bring a case if he is worried about costs; whereas the detail of that will be embedded in the rules, from my instructions to Council the way that I see costs working are in the following cases.

265 In the event that the chairperson comes to the view that the claimant's case is either frivolous or vexatious or unreasonable – in other words, they really are quite high standards – then the chairperson would have the discretion in which to award costs and that is why I explained to the Hon. Mr Bossino that unlike in the civil procedure rules, it will not be the case that a successful party will automatically be awarded costs. It will be in cases where the chairman would have at some point in the proceedings made it clear to one of the parties that clearly there is either no case to defend, because there clearly was an unfair dismissal, or on the other hand the chairperson would have indicated at some point to the claimant that the dismissal was fair.

270 In other words, given that the Government is not introducing fees, which is why I started with that explanation, we do not want costs to then be seen as a bar to access justice. Therefore, because the rules would be based almost predominantly on the costs section on the UK rules, it is the reason why, as I said to my hon. Friend as well, there would be clear common law on when chairpersons will be awarding costs. They will only be awarding costs when the case is clearly won, where either the claimant is acting in a way which would be considered unreasonable or the respondent employer is defending that claim, while clearly he should just accept that he acted unfairly.

280 And, if I may finish the answer to the question to the Hon. the Leader of the Opposition, although I have not yet decided, I think that the Bar Council and another body were suggesting that even in cases where costs may be awarded, there should be a limit of up to, say, a cap of £20,000. So that may well be also part of the rules.

285 **Hon. D J Bossino:** Yes, Mr Speaker, I think the Hon. my learned colleague here I think would like to know on the very.... Yes.

Hon. N F Costa: Sorry.

To answer a question put to me which I did not answer, the rules will be prospective, not retrospective.

290 **Hon. D J Bossino:** Yes, I think the Hon. the Leader of the Opposition I think alights on a very pertinent point, and indeed there are many areas in employment law already – I stand to be corrected, but I think that is correct – where cases are brought in the Supreme Court. I think in fact the legislation which was moved by his Government in relation to bullying at work is one of them, where costs in those cases will follow the events because you are under the jurisdiction of the Supreme Court.

295 But I think that that threshold which he is talking about is – and this is the question – I think already there in legislation, is it not? I think that sort of high test which needs to be satisfied is already present in the current legislation. What I am not too sure about – I have not looked at it in some time – is whether indeed it is in the primary legislation or the secondary legislation.

300 And if I could just ask a further question, which he may not have answered in the point made by my learned friend, the Leader of the Opposition, whether we will be given or not given... the public and indeed the Opposition therefore will be given an opportunity, should the changes have to come through secondary legislation, to have a say in relation to those particular provisions?

305 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman is correct in saying that there already exists a test as to when the chairperson can award costs and the wording does, if I recall correctly, refer to 'frivolous' and 'vexatious'. But the point I think that the hon. Gentleman is trying to make is that whereas that test may exist, costs are assessed – again, if I recall correctly – by the Magistrates' Court standards, which means that even in cases where either the claimant or the respondent had been outrageous in either the prosecution or the defence of the claim, the awards of the costs are so low as to really have no real meaning. So even if the test that is employed in the reform remains the same as currently exists in the existing the rules, the fact that we would raise costs from whatever paltry amount it is by Magistrates' Court standards to, say, £20,000, therein will lie the real deterrent effect either way, because £20,000 or £30,000 or whatever figure we reach, obviously the point of the cost is to make sure that people think twice before prosecuting or defending a claim which is hopeless.

315 The drafts of the rules, once prepared, will be sent to the bodies that have written to us. The hon. Gentleman knows that I have sent to him the Office of Fair Trading Bill and that we spent quite a lot of

time discussing the terms under clauses in that Act. So he knows me very well and he knows that I will be forwarding to him drafts so that he has the opportunity to provide his views on the draft once it is ready.

Q277/2015
Sunborn hotel –
New restaurant; job vacancies

Acting Clerk: Question 277/2015, the Hon. D J Bossino.

320

Hon. D J Bossino: Thank you.

Can the Minister for Employment confirm how many jobs will be provided for Gibraltarians at the Sunborn hotel in the restaurant it is reportedly opening in May this year?

325

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, it is not possible to say how many jobs will be provided for Gibraltarians, or any other nationalities, at La Sala restaurant, or for any other employer.

330

Hon. D J Bossino: Mr Speaker, can he explain why it is not possible? The reason why I ask this question is because a statement was issued – it certainly appeared in the *Chronicle* on 15th April. He may be aware of the article – and he nods – where the opening paragraph of the article states as follows:

‘The Sunborn hotel will offer between 50 and 70 jobs for locals in a “destination” 160-seat restaurant...’

335

It goes on, and I will not give them free advertising, but the question is why is it not possible to provide the information which I am seeking?

340

Hon. N F Costa: Mr Speaker, the reason why it is not possible to provide the information on the question that he asked is simply this, that when an employer notifies the ETB of a vacancy, it simply notifies the vacancy by way of a job description; it does not say that for a vacancy a specific nationality is being sought.

345

Hon. D J Bossino: Mr Speaker, in relation to this new venture – and I have asked his predecessor, Mr Bossano, questions in relation to this and specifically in relation to the Sunborn, and I suspect the answer is going to come back very similar – are moves being made by the Government to encourage the owners of this particular restaurant to employ trainees through its Future Job Strategy Scheme? I do not think he handles that himself as I think it is still handled by his predecessor, but could he enlighten us as to whether moves are being made to encourage that particular private sector employer to provide training to trainees through their own FJS scheme?

350

Hon. N F Costa: Mr Speaker, I cannot comment on the way of proceeding by the Hon. Minister Bossano, but I can certainly tell him what the ETB is doing in respect of encouraging this employer and indeed all other employers to take on residents.

355

There were 50 vacancies opened for La Sala and the moment they were notified of vacancies, what the Employment Training Board does is compiles a list of people that would be suitable for the different vacancies that open – for instance, there are vacancies for a cleaner, waiter, daytime supervisor, bar back, bar tender. So the employment officers immediately sit and start to compile lists of people that are registered with us as unemployed and who could be suitable for one of these vacancies. Then the Employment Service becomes responsible for arranging interviews with any particular employer – in this case we are talking about La Sala, but of any employer – and then, of course, we hope that that employer takes them on.

360

Q278/2015
Business Nurturing Scheme –
Details

Acting Clerk: Question 278/2015, the Hon. D J Bossino.

365 **Hon. D J Bossino:** Can the Minister for Small Businesses please provide details of how the Business Nurturing Scheme will work?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

370 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, the Gibraltar Business Nurturing Scheme is a fund that has been established in order to support the development of new business start-ups and those existing businesses that wish to expand, but lack the financial requirements to do so.

I now hand over to the hon. Gentleman, the Gibraltar Business Nurturing Scheme information sheet, which is being handed out to those interested in the scheme, where he will find all the relevant details.

SCHEDULE TO QUESTION NO.278/2015

GIBRALTAR BUSINESS NURTURING SCHEME

Information Sheet

The Gibraltar Business Nurturing Scheme (GBNS) is a fund which has been established by HM GoG to support the Development of new business start-ups in Gibraltar. An amount of £250,000.00 will be set aside during this financial year for the scheme. Applications will be assessed on a point-based system by a committee of three individuals (one member of the Gibraltar Chamber of Commerce, one member from the Gibraltar Federation of Small Businesses and an official from the Ministry of Business and Employment). The committee will assess applications and award applications a preliminary score. Applicants achieving a preliminary score of 50/100 or more will be invited to meet the committee. Following the meeting, the committee will finalise their scores and they may make a consolidated recommendation to the Minister for Business and Employment to approve the loan.

Application forms and information sheets may be obtained from the reception at the Ministry of Business and Employment or by email request from the following email address: business.support@gibraltar.gov.gi.

- Applicants will be expected to disclose the following information on their applications (although this will not be taken into account when scoring applications):
 - a) Present and previous occupation;
 - b) Number of dependants; and
 - c) Whether the applicant has already received any third party financing or grants

- Applications should include the following documentation:
 - a) Copy of Passport or I.D. Card. Applicants must be at least 18 years old to apply.
 - b) Applicants will be expected to confirm that they have been resident in Gibraltar for the past 5 years. Applicants providing a copy of a local ID card or resident card will only need to provide a recent proof of address. Applicants without these cards will need to prove that they have been resident in Gibraltar for the past 5 years by providing copies of their water or electricity bills, or other valid proof of address.
 - c) Individual applicants will be encouraged to provide up to 2 character references.

CONT.....

CONT. SCHEDULE TO QUESTION No.278/2015

- d) Applications will be accepted from natural persons or companies. In the event of a corporate application, GBNS will need to know who is behind the company. This will include proof of ownership and identification of the directors. Corporate
 - e) applicants will also be required to submit a company profile issued by Companies House.
 - f) Applicants will be expected to submit a clear business plan and financial forecast.
 - g) Applicants who are established businesses will also be required to provide audited or unaudited accounts (as the case may be).
 - h) Applicants will also be expected to disclose whether they are in arrears (social insurance, tax, etc.).
 - i) Applicants are also expected to disclose whether they have any criminal convictions or been adjudged bankrupt or disqualified from being a director of a company.
 - j) Applicants will mostly be expected to repay the loan in equal instalments over a fixed period of up to 5 years. There may be instances where an applicant may foresee that an alternative repayment plan is better suited to their business. In such cases, we would encourage the applicant to present this alternative business plan to the committee.
- On a successful application the loan will be advanced on the following terms:
- a) Repayable over a maximum term of up to 5 years;
 - b) repayable on a monthly basis in equal instalments (unless another repayment mechanism is proposed by the applicant and accepted by the GBNS Committee);
 - c) At a rate of 2%
 - d) Up to a maximum amount of £25,000.
- Applicants will be expected to adhere to their business plan and will require applicants to keep original invoices and receipts for goods or services purchased via loan proceeds for at least 5 years.

CONT.....

CONT. SCHEDULE TO QUESTION No.278/2015

- The loan documentation will take the form of a non-negotiable loan agreement. The loan agreement will set out conditions pertaining to the loan and the consequences of default.
- Loans will only be drawn down into Gibraltar bank accounts and in GBP.
- The following factors will be taken into account when attributing a score to each application:
 - a) Evidence of demand;
 - b) Innovation;
 - c) Sustainability and risk;
 - d) Value for money;
 - e) Creation of jobs;
 - f) Environmental and health impact;
 - g) E-commerce;
 - h) Urban renewal; and
 - i) Touristic or reputational value.

Completed applications will need to be addressed and submitted to the GBNS at the Ministry of Business and Employment, Suite 735, Floor 3, Europort, Gibraltar, GX11 1AA. Applications may also be submitted to the Business Support Unit by email, however, hard copies of the application will need to be handed in by applicants who reach the interview stage.

For further information please contact the Business Support Unit on 20065396 or via email at business.support@gibraltar.gov.gi.

375 **Mr Speaker:** This schedule is about two pages long. I think we will move on to other questions, but I will give the hon. Member an opportunity to come back to it if he so wishes later. Okay?

Q279/2015
Factory inspectors –
Predominance of inspections in construction industry

Mr Speaker: Question 279.

Acting Clerk: Question 279/2015, the Hon. J J Netto.

380 **Hon. J J Netto:** Mr Speaker, has the Minister for Health & Safety an explanation as to why the factory inspectors have an almost exclusive predominance of inspections of the construction industry group every month of every year?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

385

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the focus of inspection on the construction industry by the Health & Safety inspectorate is due to the high number of construction projects.

390 **Hon. J J Netto:** Mr Speaker, that is almost a verbatim answer given to me about 18 months ago by the Hon. Mr Bossano when he actually had the responsibility for Health & Safety – (*Interjection*) But the fact is that that particular answer then or now is not borne out – (*Interjections*) by that particular statement now or even 18 months ago is not borne out by the figures produced by the factory inspectors themselves all the way through since the commencement of this term of office.

395 Even if we look at the first four months of the year – January, February, March and April – we can see that that cannot be the reason why 95% or 98% of the time of the factory inspectors should be concerned only and exclusively with the construction industry as such at the expense of other industry groups. Because if you were to look at those particular four months of the year in relation to just, say, improvement notices, well there has been no improvement notices in the construction industry. There have been two – which I will come back to in the next question here – about prohibition notices. So therefore there was not even as a result of all those inspections a need to put so many improvement notices.

400 Also, in relation to occupational reportable accidents as well, if you look at the figures, despite all those amount of inspections, it just does not tally at all. The only sensible and logical explanation, which is one that I have said to various Government Ministers for this, is that the factory inspectors themselves are coming, from their own background and their own experience, from the construction industry and they tend to have this predominance to inspect only the construction industry. Of course there are construction sites that need to be monitored and I am not suggesting now that they should not do it. Of course they should continue to do it and of course they should continue to do it in other industries, like the ship building industry, which also happens to have a higher incidence of accidents as well.

410 But what is not right, and what is required from a policy point of view is to have a more balanced, accurate number of monitoring and inspection throughout the entire industry group and not just the construction industry group. Unfortunately – and I welcome very much the fact that the hon. Member opposite is the new Minister for Health & Safety, and this is the question – this really needs to be looked into. The Minister needs to look at the figures and obviously have a new policy, which is far fairer to all the industry groups.

415

Hon. N F Costa: Mr Speaker, if the hon. Gentleman will recall, because he does ask me this in a further question, I have told him that it is my view, as Minister, that there should be a more balanced approach to the inspections carried out by the Health & Safety Inspectorate. I have also told him that in that endeavour, I am seeking to resource better the Health & Safety Inspectorate and also arrive at a policy document, which is a policy document that the Health & Safety Inspectorate is working on, along with Unite the Union and the Health & Safety Committee.

420

As the hon. Gentleman will be aware, Health & Safety in legislation is quite significant. What the hon. Gentleman should bear in mind is that the Health & Safety legislation in Gibraltar is being complied with and it is being complied with by the Health & Safety Inspectorate. What the Government seeks to do is better equip the Health & Safety Inspectorate and come to a policy statement, which is not required under the law, but a policy statement nonetheless, which does take into account the points that the hon. Gentleman does raise with me, which he did raise with me and with which I agree, except that I have only been conducting this job since December.

425

430 I have already held two meetings of this Health & Safety Committee, which is represented by Unite the Union and also members of other Government Departments, and whereas we have already looked at two drafts – two policy document drafts that we are looking at – it will not be the sort of thing that can be done in night follows day; it will have to be a bit in slower order, and that will happen in due course. But I am not yet in a position where I am able to give him a concluded and finalised policy document, but he should rest easy in knowing that the process of better resourcing the Health & Safety Inspectorate is actually happening as I stand. We are looking at filling in the vacancy of principal health & safety officer, which if it is taken by one of the health & safety inspectors would mean that a Health & Safety Inspector vacancy will arise.

435

440 So it is a work in progress and we will arrive at the point where the hon. Gentleman, I hope, will be satisfied that the Government does as much as it can do, but what he should know definitely at this point is

that as we are trying to better our game as it were, we are satisfied that the legislation, the factories legislation is being adhered to be the Health & Safety Inspectorate.

Q280/2015
Health & Safety –
Correct 2012 figures on Government website

Mr Speaker: Next question.

445 **Acting Clerk:** Question 280/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety request that someone correct the true historical figures in the Government website in relation to the Health & Safety for 2012, as in the tables shown it has the 2013 figures, something which, of course, is reproduced once again in 2013?

450

Acting Clerk: Answer, the Hon. the Minister for Business & Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the historical figures in relation to Health & Safety for 2012 have now been updated by the Statistics Office, which is the Government Department responsible for the accurate and correct posting of statistical data.

455

I now hand over to the hon. Gentleman the information that he requested.

Schedule to Question no. 280

Table HS.1

Monitoring Activities, 2012

Industry Sector	December							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	2	-	-	2
Construction	-	-	1	9	5	-	-	15
Education	-	-	-	-	2	-	-	2
Electricity Supply/Related	-	-	-	1	-	-	-	1
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	1	-	-	-	-	-	-	1
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	1	-	-	-	-	-	-	1
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	1	1	-	-	2
Repairs Consumer Goods	-	-	-	-	1	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	2	-	-	-	2
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	2	-	-	1	1	-	-	4
Total	4	-	1	14	12	-	-	31

Updated 2 January 2013

Source: Ministry for Traffic, Health & Safety and Technical Services

CONT.....

Schedule to Question no. 280

Industry Sector	November							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	7	8	-	-	15
Construction	3	2	5	6	-	-	1	17
Education	1	-	-	6	7	-	-	14
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	1	1	-	-	-	-	2
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	1	-	-	1	1	-	-	3
Repairs Consumer Goods	-	-	-	3	7	-	-	10
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	1	1	-	2	4	-	-	8
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	2	4	-	-	6
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	2	5	-	1	8
Total	6	4	6	29	36	-	2	83

Updated 6 December 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

CONT.....

Schedule to Question no. 280

Industry Sector	October							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	2	-	2	-	-	-	4
Construction	1	-	1	12	-	-	-	14
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	1	-	-	1
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	7	-	7	1	-	-	15
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	2	1	-	4	-	-	-	7
Police, Security, Fire Services	-	-	-	1	-	-	-	1
Post & Communications	-	-	-	1	-	-	-	1
Public Admin & Natl Defence	2	-	-	-	-	-	-	2
Repairs Consumer Goods	-	1	-	13	3	-	-	17
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	2	-	5	2	-	-	9
Road Transport Related	-	-	-	6	-	-	-	6
Sanitary Services	-	-	-	2	-	-	-	2
Sea Transport Related	1	-	-	10	-	-	-	11
Shipbuilding/Marine Repairs	-	-	-	1	-	-	-	1
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	1	3	-	14	4	-	-	22
Total	7	16	1	78	11	-	-	113

Updated 15 November 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

CONT.....

Schedule to Question no. 280

Industry Sector	September							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	-	-	1	4	-	-	-	5
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	1	1	-	-	2
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	1	-	-	-	1
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	1	1	-	-	2
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	4	-	-	-	4
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	1	-	3	4	-	-	8
Road Transport Related	-	-	-	4	1	-	-	5
Sanitary Services	-	-	-	1	2	-	-	3
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	5	3	-	-	8

CONT.....

Schedule to Question no. 280

Industry Sector	August							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	1	-	-	-	1
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	-	-	2	12	12	-	-	26
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	1	-	-	1	-	-	-	2
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	1	-	-	-	-	-	-	1
Repairs Consumer Goods	-	-	-	1	-	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	1	3	1	-	-	5
Road Transport Related	-	-	-	3	6	-	-	9
Sanitary Services	-	-	-	-	1	-	-	1
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	2	2	-	-	4

CONT.....

Schedule to Question no. 280

Industry Sector	July							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	2	-	4	8	1	-	-	15
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	1	-	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	1	-	-	-	1
Road Transport Related	-	-	-	-	1	-	-	1
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	2	3	-	-	5
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	4	-	-	-	4

CONT.....

Schedule to Question no. 280

Industry Sector	June							
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	2	-	5	22	13	-	-	42
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	1	1	-	-	2
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	1	-	-	1
Shipbuilding/Marine Repairs	-	-	-	1	-	-	-	1
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-

CONT.....

Schedule to Question no. 280

Industry Sector	April							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	1	1	-	-	2
Construction	1	-	1	7	9	-	-	18
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	1	-	-	1	-	-	-	2
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	1	-	-	-	1
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	1	-	-	-	1	-	-	2
Retail Trade	-	-	-	1	-	-	-	1
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-

CONT.....

Schedule to Question no. 280

Industry Sector	March							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	6	-	3	17	9	-	-	35
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	3	-	-	3
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-

CONT.....

Schedule to Question no. 280

Industry Sector	February							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	-	-	1	8	20	-	-	29
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	1	-	-	-	-	-	-	1
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	1	-	-	-	-	-	-	1
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	2	-	-	-	-	-	-	2
Road Transport Related	-	2	-	-	-	-	-	2
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-

CONT.....

Schedule to Question no. 280

Industry Sector	January							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	1	-	2	3	8	-	-	14
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	1	-	-	-	-	1
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
Total	1	-	3	3	8	-	-	15

Updated 15 November 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

Schedule to Question no. 280Table HS.2
Occupational Reportable Accidents, 2012

Industry Sector	November			December		
	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-
Construction	4	-	-	1	-	-
Education	-	-	-	-	-	-
Electricity Supply/Related	1	-	-	-	-	-
Horticulture	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-
Police, Security, Fire Services	1	-	-	-	-	-
Post & Communications	-	-	-	-	-	-
Public Admin & Natl Defence	1	-	-	1	-	-
Repairs Consumer Goods	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-
Sanitary Services	1	-	-	1	-	-
Sea Transport Related	1	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-
Wholesale Trade	1	-	-	-	-	-
Total	10	-	-	3	-	-

Updated 2 January 2013

Source: Ministry for Traffic, Health & Safety and Technical Services

CONT.....

Schedule to Question no. 280

Industry Sector	June			July			August			September			October		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Construction	4	-	-	3	-	-	4	-	-	3	-	-	5	-	-
Education	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	1	-	1	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Police, Security, Fire Services	1	-	-	-	2	-	1	-	-	-	-	-	4	-	-
Post & Communications	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	1	-	-	-	-	-	2	1	-	2	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	1	-	-	3	1	-	1	-	-	1	-	-	-	-	-
Water Supply/Related	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	4	-	-	1	-	-	1	-	-	-	-	-	-	-	-
Total	11	-	-	10	4	-	10	1	-	8	1	-	11	-	-

Updated 6 December 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

CONT.....

Schedule to Question no. 280

Industry Sector	January			February			March			April			May		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Construction	2	1	-	2	-	-	2	-	-	6	1	-	6	2	-
Education	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-
Hotel Trade	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	1	-	-	2	-	-	-	-	-	-	-	-	1	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sanitary Services	2	-	-	-	-	-	-	-	-	-	1	-	1	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	2	-	-	1	-	-	1	-	-	2	-	-	2	2	-
Water Supply/Related	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	9	1	-	5	-	-	4	-	-	9	2	-	12	4	-

Updated 4 July 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

Schedule to Question no. 280

Table HS.3

Enforcement Activities, 2012

Industry Sector	Prohibition/Improvement Notices Served			
	November		December	
	PN	IM	PN	IM
Air Transport Related	-	-	-	-
Bank, Finance, Insurance	-	7	-	-
Construction	-	-	-	-
Education	-	3	-	-
Electricity Supply/Related	-	-	-	-
Horticulture	-	-	-	-
Hotel Trade	-	-	-	-
Manufacture	-	-	-	-
Medical & Health Services	-	-	-	-
Police, Security, Fire Services	-	-	-	-
Post & Communications	-	-	-	-
Public Admin & Natl Defence	-	1	-	-
Repairs Consumer Goods	-	2	-	-
Restaurants, Bar etc	-	-	-	-
Retail Trade	-	1	-	-
Road Transport Related	-	-	-	-
Sanitary Services	-	-	-	-
Sea Transport Related	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-
Water Supply/Related	-	-	-	-
Wholesale Trade	-	-	-	-
Total	-	14	-	-

Updated 2 January 2013

Source: Ministry for Traffic, Health & Safety and Technical Services

CONT.....

Schedule to Question no. 280

Industry Sector	Prohibition/Improvement Notices Served									
	June		July		August		September		October	
	PN	IM	PN	IM	PN	IM	PN	IM	PN	IM
Air Transport Related	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	2
Construction	1	-	1	-	1	5	-	-	-	-
Education	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	7
Manufacture	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	1	-	-	-	1
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	1	-	1	-	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	4	-	2	1	2
Road Transport Related	-	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	1	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	3	-	1	1	1	-	3
Total	1	-	1	5	1	12	1	3	1	16

Updated 5 November 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

CONT.....

Schedule to Question no. 280

Industry Sector	Prohibition/Improvement Notices Served										
	January		February		March		April		May		
	PN	IM	PN	IM	PN	IM	PN	IM	PN	IM	
Air Transport Related	-	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	-	-
Construction	1	-	-	-	-	-	-	-	-	1	-
Education	-	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	1	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-	-
Total	1	-	-	-	-	-	1	-	1	-	

Updated 4 July 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

Schedule to Question no. 280

Table HS.4

Number of times legal advice has been sought during the month
in relation to the number of inspections conducted

<u>As at</u>	<u>Advice</u>
June 2012	-
July 2012	-
August 2012	-
September 2012	-
October 2012	-
November 2012	-
December 2012	-
Total	-

Updated 2 January 2013

Source: Ministry for Traffic, Health & Safety and Technical Services

Schedule to Question no. 280

Table HS.5

Reasons for Factories Inspectors issuing Improvement and Prohibition notices

As at	Industry Sector	Improvement Notices	Prohibition Notices	Reason
31 December 2012	-	-	-	-
30 November 2012	Bank, Finance, Insurance	7	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Education	3	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Public Admin & National Defence	1	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Repairs Consumer Goods	2	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Retail Trade	1	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
31 October 2012	Bank, Finance, Insurance	2	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Hotel Trade	7	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Medical & Health Services	1	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Public Admin & National Defence	-	1	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Repairs Consumer Goods	1	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Retail Trade	2	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
	Wholesale Trade	3	-	Issued for offences committed against the Factories Lifting Operations and Lifting Equipment Regulations
30 September 2012	Retail Trade	2	-	Issued for offences committed against the Factories Regulations. Lifting Operations and Lifting Equipment Regulations
	Wholesale Trade	1	1	Issued for offences committed against the Factories Regulations. Lifting Operations and Lifting Equipment Regulations
30 August 2012	Construction	5	1	Issued for offences committed against the Factories Regulations. Work at Heights

Updated 2 January 2013

Source: Ministry for Traffic, Health & Safety and Technical Services

I have once again, Mr Speaker, impressed on my Ministry staff that the information has to be posted and available for the hon. Gentleman before the deadline when he poses his questions, and I am assured – although I did assure him at the last session –once again that by the next session of Parliament he will certainly have the uploaded information in good time for his questions.

Q281/2015
Health & Safety –
Statistics for April 2015

460 **Mr Speaker:** Question 281.

Acting Clerk: Question 281/2015, the Hon. J J Netto.

465 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety please provide the Health & Safety statistics for the month of April 2015, as these were not available in the Government website at the time of submitting questions to Parliament? Obviously he has already acknowledged that and even provided me the information.

470 I have to say that subsequent to actually putting the questions to Parliament, I saw it on the website and so I did print it out. Therefore I have had some time now to have a look at it, Mr Speaker, and, if possible, there are some supplementary questions that I would like to ask – although before doing that, perhaps the Minister would want to say something.

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

475 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I now hand over to the hon. Gentleman the information requested.

SCHEDULE TO QUESTION NO.281

Table HS.1

Monitoring Activities, 2015

Industry Sector	April								Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits		
Air Transport Related	-	-	-	-	-	-	-	-	
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	
Construction	2	7	1	18	-	-	16	44	
Education	1	-	2	-	-	-	-	3	
Electricity Supply/Related	-	-	-	-	-	-	-	-	
Horticulture	-	1	-	-	-	-	-	1	
Hotel Trade	-	-	-	-	-	-	-	-	
Manufacture	-	-	-	-	-	-	-	-	
Medical & Health Services	-	-	-	-	-	-	-	-	
Police, Security, Fire Services	-	1	-	-	-	-	-	1	
Post & Communications	-	-	-	-	-	-	-	-	
Public Admin & Natl Defence	-	-	-	1	-	-	-	1	
Repairs Consumer Goods	-	-	-	-	-	-	-	-	
Restaurants, Bar etc	-	-	-	-	-	-	-	-	
Retail Trade	-	-	-	-	-	-	-	-	
Road Transport Related	-	-	-	-	-	-	-	-	
Sanitary Services	-	-	-	-	-	-	-	-	
Sea Transport Related	-	-	-	-	-	-	-	-	
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-	
Water Supply/Related	-	-	-	1	-	-	-	1	
Wholesale Trade	-	-	-	-	-	-	-	-	
Total	3	9	3	20	-	-	16	51	

Updated 11 May 2015

Source: Ministry for Business and Employment

Mr Speaker: This is not a very lengthy schedule. We can move on and then the Hon. Member can come back.

480 **Hon. J J Netto:** Mr Speaker –

Mr Speaker: You have it. Did you say you have it?

485 **Hon J J Netto:** I have it from yesterday, which I printed out, and so there are a number of issues there which I would like further information from the Minister, if possible at all.

The first supplementary question I would like to ask is on the table, and that is HS2 on occupational reportable accidents, so he can have that in front of him. I notice that there are two major accidents that happened in the month of April: one in the air transport-related industry group and the other one in the construction industry. Given that we are talking about major accidents, I would not be bothering him on minor accidents, but as these are major accidents, does the Minister have in front of him some kind of details as to the nature of those major accidents?

495 **Hon. N F Costa:** Mr Speaker, unfortunately I do not. If the hon. Gentleman wants to ask me details about them, he can either write to me or he can ask me again at the next session of Parliament where I will come armed with that information.

Also, just to add, Mr Speaker, that the hon. Gentleman will have seen that the information was actually uploaded on the day that he filed the question, which of course was no good to him. Again, just to impress that the information will be uploaded before he asks questions next time.

500 **Hon J J Netto:** That is fine, Mr Speaker. If he has not got the information in front of him then I will write to him and I am sure I will get an answer.

Moving on to another supplementary question, Mr Speaker, that is the table HS3, the one on enforcement activities, I notice that there was a prohibition notice being served in the construction industry. In the next table which is HS5, that provides the reasons why the factory inspector does issue either a prohibition notice or improvement notice. In this case, when we look at the prohibition notice being issued in April, it says:

‘The company failed to provide cdm notification of project, asbestos survey, risk assessment, method statement, health & safety plan.’

510 Could I ask in the circumstances of the short statement made there, whether the Minister is aware that such copies had not been produced and that the actual company did start works, notwithstanding the fact that they had not produced these items there to the factory inspector? Is that a correct statement to make?

515 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman knows that if he were to ask me questions before Parliament, I always come ready to answer his questions. But without notice on what it is that he is going to pick from, given the amount of information in these sheets, I do not come prepared for every single eventuality. So the hon. Gentleman can either, once again, write to me, or if he wants to ask me orally in Parliament, as of course is his right, then he can do so and I will come so prepared.

520 **Hon J J Netto:** Mr Speaker, the questions are –

Mr Speaker: The problem is that you have asked Question 281. There is a schedule attached to that question which is the information apparently that you were seeking, but now you seem to be asking from various other sources which you have, which nobody else and which I certainly have not got here in front of me, and it is very confusing.

525 **Hon. J J Netto:** I am afraid it is not from any other schedule that I have available because the information I have is information that is on the website, and that the Minister has.

All I am trying to do is to try and dig a bit deeper from the actual information there for me to be able to have a proper knowledge of what is going on.

530 **Mr Speaker:** But your question is about the statistics for the month of April 2015.

Hon. J J Netto: Yes, and the supplementaries as well. Am I not allowed to ask supplementary questions?

535 **Mr Speaker:** Let's see if we can make progress. Carry on.

Hon. N F Costa: Mr Speaker, the hon. Gentleman knows that when he gives me notice of a question, I do not only just come prepared literally with the question that he asks, but I come as prepared laterally and as much as I can.

540 Given that the Health & Safety Inspectorate website does contain so many statistics and he could literally pick any statistic out of many pages and ask me specific details on any one of them, it is not, I think... not fair, but it would be very hard for me to be able to guess on any particular session which one statistic from many pages of statistics he will choose to concentrate.

545 Now, the hon. Gentleman is absolutely right to be able to ask me any question he sees fit on any of those statistics and I will be delighted to come to this House fully prepared to answer them – but without notice, I am afraid he does expect me –

Mr Speaker: Such a question must be put on the Order Paper.

550 **Hon. D A Feetham:** Mr Speaker, that is not what he is saying. The Hon. Minister is actually being very reasonable about it. What he is saying is the Hon. Shadow Minister is perfectly entitled to ask the supplementary that he is asking, because it arises out of the question (*Interjection*) and unfortunately, because of the *volume* of the information that I have provided in the original Answer, it is not possible for me to come prepared to deal with *every* eventuality. The Hon. the Minister has offered either to answer that supplementary if it is put in the next Order Paper, for the next session, or alternatively, if the Hon. Shadow Minister writes to him and he will provide the information.

555 I think that ought to be acceptable to Mr Netto. But it is not right to say that it is an out of order supplementary, because it is not an out of order supplementary.

560 **Mr Speaker:** No, I never said it was out of order. I have said precisely what you have said, that one alternative is to put it on the Order Paper for the next meeting of Parliament. That is what I said... [*Inaudible*]

Q282/2015
Accidents at work during 2012-14 –
Number of working days lost

Acting Clerk: Question 282/2015, the Hon. J J Netto.

565 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety provide the number of working days lost through accidents at work during 2012, 2013 and 2014, broken down by months, sex, industry group and cost?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

570

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the information requested on lost time by accidents has never been held by the Health & Safety Inspectorate.

575 **Hon. J J Netto:** In actual fact, Mr Speaker, that is not correct. Let me just inform him that when the GSD got into Government in May 1996 and I was the Minister for Health & Safety, amongst other responsibilities, we started producing an annual report and it has to be said that that annual report subsequent to the second term of office of the GSD did not continue to be produced. But if he actually goes through the annual report during the period upon which I was the Minister responsible for Health & Safety, within the statistics produced for the annual report it did provide the numbers of hours and days lost as a result of accidents at work.

580

585 Further to this, I can tell you that the reason that the factory inspectors were able to collate the information was because they had, then, an excellent working relationship with the Department of Social Security, and in fact it was the Civil Service in the Social Security that were continuously passing information to the factory inspectors, who then looked at information and put it in the annual report. So it has been done, although it has to be said it is a practice that was not followed once I left my first term of office.

So could I then put it in the form of a question, which is: can I ask the Minister to have a word with his staff to check that what I am saying is correct, that the information *can* be made available by restoring perhaps that historical link between the factory inspectors and the Social Security Department?

590

Hon. N F Costa: Mr Speaker, if I have understood the hon. Gentleman correctly, he says to me that this report ceased to be built when he stopped being the Minister for Health & Safety. (*Interjections*)

A Member: In his first term.

595

Hon. J J Netto: Will you give way?

Hon. N F Costa: Yes, of course.

600

Hon. J J Netto: My understanding is we got into Government in May 1996 and soon after that, whether it was the first year, the second year or that term of office, we started publishing annual reports for Health & Safety. Within the statistics there was information about the numbers of days lost as a result of accidents at work. Now how the factory inspectors managed to get the information was by having a very close working relationship with the Civil Service in the Department of Social Security.

605

My understanding is that after the first term of office, I moved on to other responsibilities and for whatever reason, I do not know why, the annual report ceased to be published in subsequent years. So obviously the information was not provided any more. Now I am asking the question because time has moved on.

610

What I would like to see, which is consistent with a lot of places, particularly in Europe and elsewhere, is to have available this kind of information which will be good for everyone, not just for us, but for employers, for trade unions, for statisticians, who specialise in looking to see whether there is a tendency of accidents in a particular industry and for what reasons, and that requests further policy decisions which apply in this particular area. So my question is if it has not been done, could the Minister have a word with his staff to see whether that historical relationship with the Social Security Department can be restored for the purposes of producing this kind of statistic? That is my supplementary question.

615

Hon. N F Costa: So, Mr Speaker, in other words, the hon. Gentleman did know that these figures were not being produced, because by his own admission they ceased to be produced as from 2000, but yet he asks me whether I am keeping them. A lesser charitable mind would think that he was being cheeky, but I am not less charitable in mind (**A Member:** Cheeky!) and therefore will actually think that the question is asked in a *bona fide* way, even though it is clearly the case that he knew that those figures had not been produced since 2000.

620

Given that we are in the process of correcting each other, let me tell him that he was never the Minister for Health & Safety, because I have got the *Gazette* since 1996 and we were the first Government to have a Minister for Health & Safety. (*Laughter and banging on desks*)

625

Hon. J J Netto: Mr Speaker, there is nothing cheeky at all about this. (*Laughter*) I think I have been very reasonable. This is information that was being provided for some years between 1996 and 2000. It subsequently stopped from being used, for whatever reasons. I have a perfectly legitimate responsibility –

630

Mr Speaker: Will you please ask the question.

Hon. J J Netto: Mr Speaker, the question is: will he be able to go and try and restore that relationship with his Social Security Department – yes or no?

635

Hon. N F Costa: Well, Mr Speaker, I have no idea whether I could restore something which I never knew existed or how it worked, but if I were to stick strictly to the question that he asks me, as to whether we know the time that is lost by accidents, actually I do find the underlying question a useful one and it is something that I have intended to raise with the Hon. Minister Joe Bossano to see whether that is something that we could do.

640

Q283/2015
Health & Safety Inspectorate –
Codes of Practice

Acting Clerk: Question 283/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety say how many Codes of Practice in Health & Safety have been created during the term of office of this Government; and, if so, inform Parliament of the subject matter and provide Parliament with a copy of such?
645

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I am informed that the Codes of Practice created by the Health & Safety Inspectorate are the same as those created previously, which are that the Health & Safety Inspectorate do not create Codes of Practice.
650

Government has, however, already formed a working group with Unite the Union to accelerate work in this respect. Draft policies have already been developed and are now in the process of being finalised before being published. This is anticipated to be during the latter half of this year.

Q284/2015
Future Job Strategy –
Health & Safety courses for trainees

Acting Clerk: Question 284/2015, the Hon. J J Netto.
655

Hon. J J Netto: Mr Speaker, can the Minister for Employment and Health & Safety state the names of courses on Health & Safety to Future Job Strategy trainees during this Government term of office, other than the Introduction to Health & Safety in Construction Sites, stating the name of the training provider in each case, the type of training provided and the cost of providing such training?
660

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, Future Job Strategy trainees often work outside Government sites with third party entities. When they work on Government property, the Health & Safety training provided would depend on the type of work that they do. The questioner would therefore need to be more specific for a meaningful answer to be possible.
665

Hon. J J Netto: Can I deduce in some kind of sensible way that perhaps there is not any information available in his Department in relation to any particular type of training, other than, of course, the introduction to health and safety in construction sites which is being delivered by the factory inspectors when trainees are seconded to another employer which does not happen to be in the public sector? Is that a correct statement?
670

Hon. N F Costa: Mr Speaker, let me remind him of a similar question/answer session that occurred in May and June 2013 where the Hon. Mr Netto asks the same question to my colleague, Minister Bossano. In effect, once again the Minister Bossano replies that:
675

‘The employment training company does not undertake any work itself; its employees are placed with training providers who give them the health and safety training as they give the rest of the staff in the same work environment.’

In June 2013, in a further question by the hon. Gentleman on the same topic, Minister Bossano explains to the hon. Gentleman that:
680

‘Training providers are not required to report to the employment service the nature of the health and safety training that they give to their employees.’

Hon. J J Netto: But do I take it that when the trainees are seconded out to an employer in the private sector neither the employer who is accepting the trainee nor the trainee itself fills in some kind of
685

documentation as to the details of what he is doing, what sort of training had been provided... employer and that information is then not forwarded to the Department of Employment to be able to look at which particular employers do provide excellent types of training in certain fields but other employers do not provide any training at all? I mean that information is not being fed either way – is that a correct assessment?
690

Hon. N F Costa: Mr Speaker, the answers that I have provided to the hon. Gentleman are the answers that I have just read out to him from previous sessions of Parliament and the Answer that I gave him today. I am answering this Question given that the hon. Minister Bossano is away from Gibraltar. The Question relates specifically as to the training provided to future job strategy trainees and therefore, given that it is not my area of responsibility, I cannot be more specific than the answers that I have given him already.
695

Hon. D J Bossino: Can I ask the Minister a general point that I really want to get off my chest and it is this: why is it that he is not responsible for training, because I think his formal title includes the word ‘skills’ and I would have thought that would have included training?
700

Can he provide an explanation as to why it is that the Hon. Mr Bossano has kept that responsibility and he has not taken over that as a result of the reshuffle? Something, I might add, that I would have warmly welcomed, as he knows from comments that I made in the press.

Chief Minister (Hon. F R Picardo): Mr Speaker, who the hon. Gentleman might warmly welcome to look after a portfolio or does not look after a portfolio is unfortunately, at the moment at least, not an issue of great constitutional importance, but who I warmly welcome should be dealing with a particular portfolio is what the Constitution determines should see the light of day.
705

Therefore, I determine that Economic Development and Training were better portfolio partners than Employment and Training, and for that reason, at the time of the reshuffle I decided that we should marry those two portfolios together.
710

Hon. D J Bossino: Mr Speaker, of course the Hon. Chief Minister is absolutely right in what he has just said, but the point really related to... I did not appreciate, in fact, that Training also forms, formally, part of the Hon. Mr Bossano’s responsibilities, but the point related to the fact that the Hon. the Chief Minister has assigned responsibilities in relation to skills to the hon. Minister who is now answering the questions and I would ask the hon. Minister to explain to this House what responsibilities would go under that particular word ‘skills’ if Training is being handled by the Hon. Mr Bossano?
715

Hon. Chief Minister: Mr Speaker, I think it is me who should answer because – (*Interjection*) But I decided what job he should do, right? The reasoning is this, Mr Speaker, that training is about getting people into the role of an economically active member of the job market, and then development of skills is about moving within the job market.
720

I do not know whether that is something the hon. Member can see a distinction in; so getting people in as economically active actors – training – and then developing them – skills honing. That is really the type of spin that the hon. Gentleman is dealing with – the turning of already active economic actors into more efficient economic actors, to enable people to promote and develop themselves and aspire to more. That is really what the area of Employment is going to be looking at, as opposed to the area of Training.
725

Hon. D J Bossino: I am not quite sure I follow.
730

Hon. D A Feetham: Yes, Mr Speaker, my colleague, Mr Bossino, says, ‘I am not sure that I follow,’ and I am not sure that anybody has followed that. I mean ‘spin’ probably is the operative word. The reality here is that the Hon. the Chief Minister has probably not wanted to denude Mr Bossano of Training because that would have caused an explosion in the Government ranks from here to Madrid. That is the reality.
735

But what I am interested in, Mr Speaker, is how does the hon. Gentleman’s Department – and I am talking about the Minister for Employment – actually keep track of whether our youngsters are being properly trained or they are not being properly trained?

Hon J J Netto: Exactly. That is the point.
740

Hon. D A Feetham: Because, on the one hand, effectively, you have training responsibility of another Department and, on the other, in answer to questions by Mr Netto, there appears to be no monitoring by the hon. Gentleman’s Department of whether people were being properly trained or they are not being properly trained – whether they are obtaining the skills necessary to equip them for the future or not – and I just ask the hon. Gentleman to perhaps explain that.
745

Hon. Chief Minister: Mr Speaker, the Hon. Leader of the Opposition is superb, excellent –

Mr Speaker: May I warn the Chief Minister that I am not going to allow a debate on training?

750

Hon. Chief Minister: Thank you very much, Mr Speaker... superb, excellent, brilliant, not at politics but at writing fiction – at writing the fiction that puts him in my mind at the time of a reshuffle and determines that I do or do not do things because I am going to cause or not cause explosions. As if that mattered to the *primus inter pares* when he is deciding who should be doing what. As if that mattered when you are reshuffling a Cabinet!

755

But, look, given that he has never had and is unlikely ever to have the opportunity to reshuffle anything other than a deck of cards, he may only ever be left in the position of writing the fiction of such narrative for what might be a very interesting novel on how he sees politics.

But, of course, Mr Speaker, on this side of the House when we are in Government what we do is very collegiate, it is very open, it involves a lot of exchange of information and meetings every Monday where we all talk about the issues that we are dealing with together. It is called Cabinet Government, Mr Speaker – collective responsibility. It is actually a lot of fun.

760

You can go to the office on a Monday morning and look forward to meeting your colleagues and the work you are going to do together and the experiences you are going to share; and what has gone right and what has gone wrong and how we are going to fix it, Mr Speaker. And that is how we all, not monitor but exchange with each other progress in all particular areas of policy. That is why we have been able to deliver so much of what they used to call ‘an impossible to deliver manifesto’.

765

That is how one Minister knows what is happening with the other. Because it is not just that the Minister for Employment might want to know what is happening with training. He seems to suggest that if the Minister for Employment is not the Minister also for Training then he cannot monitor what is happening. Well, Mr Speaker, the Minister for Social Services deals with cases that sometimes require the input of the Department of Health and, short of giving John Cortes even more responsibility, it would be impossible unless they had a very good and open relationship for them to know what is happening in one or the other and Joe Bossano and Neil Costa have an excellent relationship, as have all the 10 Ministers sitting around this table when we sit round the Cabinet table.

770

775

That is how we know what is happening. That is how we monitor, not with explosions of either tanks full of diesel that people want to pretend are LNG (*Laughter*) or the motions, but real collegiate Cabinet Government. I know that he cannot imagine what that might be like but, believe me, it works.

780

Hon. D A Feetham: Mr Speaker –

Mr Speaker: This is the last supplementary I am allowing.

Hon. D A Feetham: Mr Speaker –

785

Mr Speaker: Provided of course it is relevant. If it is not relevant I will move on.

Hon. D A Feetham: Mr Speaker, of course it is relevant. Of course it is relevant. Mr Speaker, it is going to be relevant but may I say before I ask my question... it is called ‘actually I am the father of my party and be careful with me or you will get the political bullet!’ That is what it is called!

790

Mr Speaker, he has not answered the question and perhaps he may allow the Minister for Employment to answer what is an important question. How does his Department monitor a situation in terms of ensuring that those trainees that are out there supposedly getting trained and being equipped with the skills of tomorrow are actually being equipped, because there is nothing that the hon. Gentleman has said that has alleviated any concerns that we may have as to the acquisition (*Interjection*) of those skills and indeed, as I am told, he has not even answered the question, but I am giving him the opportunity. (*Interjection and laughter*)

795

Hon. Chief Minister: Mr Speaker, I am going to rise to deal with the first part of the hon. Gentleman’s question and I am going to do so without having to point to the hon. Minister for Employment and shush him down and tell him to, ‘Just shut up!’ as – I simply recall every time I see him opposite me – was the way he was so humiliatingly put down by Sir Peter Caruana who was the Chief Minister at the time here. (*Interjection*) Yes.

800

Unfortunately, Mr Speaker, (*Interjections and laughter*) there is not a video because at that time they would not allow cameras into the House. Second – unfortunately, Mr Speaker, it is indelibly forever recorded in my mind because to have seen a Minister for Justice subjected to such humiliation is something that any parliamentarian will forever remember.

805

810 But, without having to do that, Mr Speaker, I rise only... and perhaps it is not even recorded in the *Hansard*, because of course this was done with the microphones off. This was an embarrassment for all those who were here to see... but, anyway, those of us who were here and he knows it, Mr Speaker, or he is in such absolute denial that he had better go and see someone about it.

815 But, Mr Speaker, without having to do any of that, I rise to say that the hon. Gentleman has started his question with a preface that is really quite beneath even his parliamentary style. He has attempted to interpret somebody's accent in a way that is obviously designed to be derogatory. He has attempted to pronounce the English language in a way which is incorrect, which is clearly designed to be derogatory, and, Mr Speaker, he does that of a man who has the most fabulous track record of service to this community since the year that I and some Members opposite were born. I would say, Mr Speaker, that we advance the needs of this community much better in this House when we avoid that unnecessary deprecation of each other and we concentrate on the issues that matter.

820 But for the rest of it, Mr Speaker, instead of shushing him and telling him to shut up, as was the case on the other side when they were here, what I will say is that I will be very pleased to see my Minister arise and give the answer, which would simply be to reflect again what I have told him before about Cabinet Government and how we all work constantly together. So arise, Neil Costa.

Q285-287/2015

Health and Safety policy –

New committees, review of the Inspectorate team, updated inspection plan

825 **Mr Speaker:** Question 285.

Acting Clerk: Question 285/2015, the Hon. J J Netto.

Hon. J J Netto: Notice how the Chief Minister never answered the Question before?

830 Anyway, can the Minister for Health and Safety state if new Health and Safety Committees have now emerged in Government Department authorities and agencies and Government-owned companies, other than the existing one of the GHA during the term of office of the present Government and, if so, please state where and when?

835 **Acting Clerk:** Answer, the Hon. the Minister for Business and Employment.

The Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I will answer this Question together with Questions 286 and 287.

840 **Acting Clerk:** Question 286/2015, the Hon. J J Netto.

845 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety please state if any review or reviews of the Health and Safety Inspectorate team, the current legislation, its policies and procedures have been carried out since December 2011, insofar as it applies to private sector and Government organisations and, if so, provide Parliament with a copy of the review or reviews?

Acting Clerk: Question 287/2015, the Hon. J J Netto.

850 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 5/2015, can the Minister for Health and Safety provide an update to the plan alluded by himself in relation to the need to have a more balanced approach to inspections across all industry groups, and in terms of infrastructure and human resources that may be required as a result of such a plan?

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

855 **The Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, at present the Government is looking at introducing a comprehensive health and safety policy with a statement of intent which, although not compulsory by virtue of our domestic legislation, is a move towards best practice and one which will give uniformity to health and safety within the Government Departments by way of a structure of committees, representatives, councils and co-ordinators.

860 This will, in due course, extend to authorities, agencies and Government-owned companies. A review of the health and safety strategy, staff complement and resources is currently being undertaken. It is critical to

note that health and safety policies and procedures are in line with the provisions of the law and that current legislation satisfies health and safety requirements.

Q288/2015

**Institute of Occupational Safety and Health UK –
Sudden branch closure**

Acting Clerk: Question 288/2015, the Hon. J J Netto.

865

Hon. J J Netto: Mr Speaker, is the Minister for Health and Safety aware of the sudden and unilateral way in which IOSH UK has taken a decision to remove the local branch from its associate membership and whether the hon. Member will use his good office to assist the local branch and regain the link to IOSH UK, given the benefits accrued to professionals, trade unionists and employers alike, from such a membership?

870

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

The Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I am aware that the Gibraltar associate branch of the Institute of Occupational Safety and Health, IOSH, has been closed. I understand this to be an irreversible decision taken by the head office of IOSH in the United Kingdom.

875

The closure of the Gibraltar branch is obviously a blow after the hard work of the local branch. The Health and Safety Inspectorate advise me that the closure does in no way affect the day-to-day running of the Health and Safety Inspectorate. Nevertheless, I am informed that the national members of IOSH will be seeking membership of the International Institute of Risk Safety Management, IIRSM, which is another accredited UK professional body on health and safety.

880

In seeking membership of the IIRSM, the national members of IOSH will of course enjoy the full support of Her Majesty's Government of Gibraltar.

885

Hon. J J Netto: Well, obviously a pity in relation that it is a decision which they are not prepared to reconsider, given, as the Minister has quite rightly says, the effort being made by the local branch. It is regrettable but there we are.

I take note of the fact that the local branch is now looking at alternative bodies to be able to enjoy the kind of support that they used to have in the past with IOSH UK. We just hope that that proceeds as well as possible and that all professionals in the field and trade unionists and employers alike can be able to benefit as it did before. So I would just like to wish the Minister and the local professionals here in Gibraltar success in their endeavours because it is not only good for them but it is good for everyone in Gibraltar.

890

Thank you.

895

Hon. N F Costa: Thank you, Mr Speaker.

Q289/2015

**Refurbishment of sub-post offices –
Update and plan for reopening**

Acting Clerk: Question 289/2015, the Hon. J J Netto.

900

Hon. J J Netto: Mr Speaker, can the Minister with responsibility for the Post Office state if there are two community sub-post offices closed and, if so, state the period in which such offices to the public have been closed and when is the intention of having them reopened?

905

Acting Clerk: Answer, the Hon. the Minister for Business and Employment.

The Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the two district post offices were closed for refurbishment on 10th November of last year. No decision has yet been taken on when they will reopen.

910 **Hon. J J Netto:** Given the fact that the refurbishment started in November, is that refurbishment still going on or has it finished? What is the current situation?

Hon. N F Costa: Mr Speaker, as the hon. Gentleman will know, the district post offices were closed as a result of health and safety notices and therefore there was a redistribution of the staff within it and the refurbishment is ongoing.

915 The reason why the sub-offices are not yet opened is because I am in consultation with the Minister Bossano, as Minister for the Gibraltar Savings Bank, and we are trying to identify what services... and how best to provide those services.

920 So instead of just providing the usual services that you would expect at the post offices, we are very much in discussions as to what else we could provide, so that, for instance, there could be the Gibraltar Savings Bank normal savings account, which is the normal blue book... what kind of Gibraltar Savings Bank services will be offered from the sub-post office and also the services that the Post Office can provide but we are looking at infrastructure in terms of software, because given that these are convenient places, locations, for different parts of our community, it does very much make sense to be able to provide not just what has been traditionally provided but, for instance, payment of other Government utilities – in other words, to avoid people having to come down to Main Street if they can do their business from Glacis or from the south.

930 **Hon. J J Netto:** Mr Speaker, indeed, it does make sense – what the Minister is actually saying. Perhaps I could try to encourage him to have that conversation extended to the Department of Social Security, in the sense that although it is true that some pensioners do go and obtain their pensions from the sub-offices of the Post Office, others do not. It is more of a cultural thing and they actually queue outside the offices of the Social Security. Perhaps there is an element there where people can be encouraged further to obtain their pensions, not from the Social Security building because it actually creates a situation where there are many other queues for many other benefits and perhaps we could try to encourage them to move them to the Post Office sub-offices; that would be welcome too. So I am grateful for that answer.

940 **Hon. N F Costa:** Yes, Mr Speaker, I would like to actually say that there is synchronicity on this side of the House because the supplementary note does, in fact, say exactly that – that we should also be looking at the payment of old age pensions and benefits. So he is right in pointing that out.

Q278/2015 continued – Business Nurturing Scheme

Mr Speaker: We move on to questions to the hon. Minister for Tourism.

Mr Bossino, a question? I understand the hon. Member wishes to ask some supplementaries arising specifically from Question... what was the number of the Question?

945 **Hon. D J Bossino:** The Question was to the Minister for Small Business and so it was... It was Question 278/2015.

Mr Speaker: Question 278/2015. These are supplementaries arising from Question 278/2015.

950 **Hon. D J Bossino:** Mr Speaker, the House will recall that the hon. Minister handed over a three-page document – not a schedule, a three-page document – setting out in substantial detail... I am trying to locate it at the moment – how the £25,000 loan which is going to be issued by the Government to help start-up businesses is going to be dealt with I am grateful for that and it managed to deal with some of my supplementaries, but not all.

955 Mr Speaker, who will be the paying party? Which entity would actually make the payment? Is it the Gibraltar Government or is it some other Government company? If he could answer that question first.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, successful applicants will, as he has correctly pointed out, receive a loan of up to a maximum amount of £25,000. Payments will be done through, as I understand it at this stage, the Treasury.

960

Hon. D J Bossino: Mr Speaker, there is some concern... and there is a reference to the paper he has passed on to me... deals with that point to a certain extent when, for example, it says:

‘The loan documentation will take the form of a non-negotiable loan agreement. The loan agreement will set out conditions pertaining to the loan and the consequences of default.’

965 One of the concerns which has been raised in the UK – I had a word with the Minister briefly before starting today – is the rate of default that there is in the UK in relation to what they call start-up loans.

There was an article two weeks ago in the *Sunday Times* on this, where it said, for example, that the start-up loan scheme which had begun three years ago in the UK had lent a total of £150 million – which actually in the scheme of the UK does not seem an awful lot of money – but there had been more than
970 £50 million-worth of default. So therefore there is now a debate as to whether that is a proper expenditure of taxpayers’ money.

In that context, can he provide more specifics as to what the consequences of default would be and also, as a subsidiary question, whether the board dealing with this matter will be considering requiring collateral and security to be provided in order to ensure that in the event of a default that payment is made and the
975 Government does not lose out?

Hon. N F Costa: Mr Speaker, the loan documentation is being prepared by my ministry, by John Paul Fa who is the council to the ministry for Business and Employment, but the loan documentation will be approved by the Financial Secretary’s office, in other words, by the Treasury.

980 As he knows, because I have said so in a press conference, the interest that it will attract will be only of 2%, which of course is a much lower rate of interest than were you to obtain a loan from a high street bank which could be 6% or more. Therefore the very point of the start-up business loan is precisely to award finances to start-up businesses that may not be able to obtain finance in the high street bank for the very simple reason that they have no background and therefore no way for a bank to check whether or not they
985 would be able to pay in the future.

But the hon. Gentleman can take comfort of a few things. In the first place there will be a loan documentation that will have to be signed by both parties and therefore such default will be able to be pursued in the courts. Secondly, the committee that will be deciding these applications will be the Gibraltar Federation of Small Businesses, the Gibraltar Chamber of Commerce and an official from my ministry.

990 As the hon. Gentleman will also know from the information that I have given to him, the criteria by which the loan will be granted or not depends on various points; for instance, evidence of demand, innovation, sustainability and risk, value for money, creation of jobs, e-commerce, touristic reputational value, environmental and health impact.

So this committee of experienced business persons, by way of representation of the Chamber and of the
995 GFSB, will take into account these criteria and, importantly, a business plan.

The way that it works will be as follows: an application will be submitted, the application will have to be accompanied by a detailed business plan, which of course will have to provide all the relevant financial information. Because the board sits in private, the applicant will not be concerned that their financial information will be distributed to a wider audience, which tends to be sometimes problems with trade
1000 licensing applications which we have discussed before. The application will be scored. If it is over 50 points then the committee will call that applicant in and will ask that applicant a series of questions. If the application then scores over 60 points out of 100 then they will be given a loan. The loan does not necessarily have to be of £25,000; indeed, it could be of any amount. There is no minimum criterion set but there is a maximum which is £25,000.

1005 Although the decision was taken that the repayment would be of equal monthly instalments, there is no penalty if the applicant were to repay the loan much sooner than anticipated. So it will not always be the case that the loan will be expected to live the term of the five years; it may live less. But in cases where, for instance, there is default, which is the case that the hon. Gentleman brings me to alight... In the case of default the committee will have to decide whether or not to take actions in the court. We will not be
1010 requiring, Mr Speaker, any security on the loan. We will not.

Hon. D J Bossino: In fact, he alights on a point which has featured in the debates that I was referring to in my first supplementary as to... it begs the question, if commercial banks... if the potential start-up has not managed to secure the financing through a commercial bank it begs the question why should the risk
1015 then fall on the taxpayer?

I can understand that in Gibraltar there may be different nuances to that, in that you hear many complaints... In fact, I only had it this morning from somebody who has started up a very successful small business in Gibraltar, where he said that when he started off it was just absolutely impossible to obtain financing. In fact, he welcomed the initiative taken by the Government as a result.

1020 But I think the reason why that happens in Gibraltar is because decisions are taken in head office or whatever it is and I was wondering whether in the context of the setting up of GIB... well, you are going to have a local bank where hopefully there will be local people taking decisions, presumably, in relation to loan financing and whether they will have a better feel as to the proposals which are being made to them and they will be taking decisions locally – how that is going to work with this particular initiative?

1025 I see the Minister for Financial Services is here and maybe he can assist in relation to that. I just wanted to explore that point a bit further.

Hon. N F Costa: Mr Speaker, the hon. Gentleman hits the nail on the head when he says that financing has been almost impossible to come by, so even a business person with the best idea in the world in Gibraltar may not have been able to obtain financing precisely because decisions as to small business loans are not taken here; they are taken in the Isle of Man or wherever the headquarters of a particular bank sits.

1030 Therefore this fund – which it has to be said, Mr Speaker, is only a quarter of a million pounds; we are not talking here of a £5 million fund – is a defined amount which, say every single applicant defaults and no-one pays, the taxpayer would be losing a quarter of a million pounds. Obviously the view of the Government is that that will certainly not happen.

1035 But let's say that it does happen and we are looking at a total loss in one year of £250,000, the reason why this Government thought that the GBNS was critical was because in some cases small businesses at first may not have the idea that a normal brick and mortar high street bank may think is a good idea and we discuss this by phone once.

1040 For example, an app. Apps today, for example... and we spoke about the app of Uber, which is a taxi app, and other car-sharing apps which are now making billions of pounds, may not have initially attracted any money from a traditional bank on the basis that that sort of app would not have been something that they thought would attract any money or make any money.

1045 The reason why the committee is established by representatives of small businesses is because they are best placed to decide whether an idea, that may not necessarily be the idea that a brick and mortar bank may think is a good idea, like, for example, a clothes shop or a supermarket or any other traditional business... they may think that that business idea which is innovative would, in fact, be a sustainable business.

1050 So that is one part of the answer and the other part of the answer is the one that he gave himself in the question, which is that unfortunately in the current climate of financing and credit it would be very hard indeed for a truly small business with an idea that does not fit necessarily within what is comfortable, traditional territory for a bank, may get that financing.

1055 But, as I said, he should take great comfort from the fact that before the amount is given, the committee members would have scrutinised the business plan of the applicant and, should it want to, the committee can impose further conditions. In other words, if, for whatever reason, they think that the idea is great but may have some difficulty as to the ability to repay, it may well be that the committee requires a guarantor.

1060 So whereas there would be a standard, non-negotiable loan document, the committee will definitely not want an innovative, great idea to go by merely because there is some risk to the innovative idea and they may well decide to ask for a guarantee.

Hon. D J Bossino: I have got one final supplementary, if I may.

1065 He talks about the potential maximum exposure to the Government of a quarter of a million pounds. Now, the way I took the assignment of that £250,000, which is going to presumably form part of the next Appropriation Bill for the next financial year, is that it is in the context of a pilot scheme. So is it the intention to be attributing more funds to this should the scheme be a success?

1070 **Hon. N F Costa:** Mr Speaker, the short answer is yes. Like with every pilot scheme the Government rolls out, the first year will certainly be the touchstone by which we will measure its success or otherwise. Depending on how this year goes then the Government will either decide to continue with the GBNS or not, but I cannot, at this stage, tell him whether there will be a GBNS next year, given that the first applications are still being processed.

TOURISM, EQUALITY, SOCIAL SERVICES & HOUSING

Q350-353/2015 –
Questions withdrawn

Acting Clerk: Question 350/2015, the Hon. D J Bossino.

1075 **Hon. D J Bossino:** Mr Speaker, I think it is fair to say the entirety of my questions to the hon. Minister for Tourism is all statistical in nature. When I filed those questions, I think the hon. Minister – she and I have discussed this – would readily admit that the information was not available on the web. All that information is now available on the web and I do not propose to formally pose the questions and I propose, indeed, to withdraw them.

1080 **Mr Speaker:** You wish to withdraw them?

Hon. D J Bossino: So if I could go through them, Mr Speaker? (**Mr Speaker:** Yes.)
We are now on Question 350/2015; it would be Question 351, 352 and 353 – all the questions to the Minister for Tourism.

1085 **Mr Speaker:** They were all to be answered together.

Hon. D J Bossino: Okay.

1090 **Mr Speaker:** So Question 354?

Hon. D J Bossino: Yes, to Question 353 inclusive. (*Interjections*)
Yes, the point has been made by my learned and hon. Friend that the hon. Minister may be able to provide me with a written answer, but it is information I suspect which is already online and I have printed out already.

1095 **Acting Clerk:** Answer, the hon. the Minister for Tourism, Equality, Social Services and Housing.

Answer to Question 350

Year	Jan	Feb	Mar	Apr
2015	653,700	666,500	724,200	762,800

Answer to Question 351

Year	Jan	Feb	Mar	Apr
2015	11,448	12,462	16,287	16,363

Answer to Question 352

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014	56	78	126	190	211	291	306	328	249	248	182	108
2015	68	65	130	154								

Cont.....

CONT'D ANSWER TO QUESTION 353 OF 2015

Answer to Question 353

2015	Jan	Feb	Mar	Apr
Cruise ships	2	3	3	32
Passengers	981	5,562	6,080	42,355
Crew	687	2,440	2,600	19,167

Q354/2015
Mid Harbours Estate –
Operation of barriers

Acting Clerk: Question 354/2015, the Hon. E J Reyes.

1100 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 235/2015, can the Minister for Housing confirm to this House that the garage barriers at Mid Harbours Estate are now operational on a permanent basis?

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

1105 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, it was envisaged that the barriers would be operational by the beginning of May. However, due to lack of response by tenants at Mid Harbours Estate in providing necessary information, it has been postponed until 1st June.

Q355/2015 and Q360/2015
Government rental homes –
Unpaid rents

Acting Clerk: Question 355/2015, the Hon. E J Reyes.

1110 **Hon. E J Reyes:** Can the Minister for Housing provide details of arrears in respect of unpaid rents pertaining to Government rental homes as at 30th April 2015?

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

1115 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, I will answer this question together with Question 360.

Acting Clerk: Question 360/2015, the Hon. E J Reyes.

1120 **Hon. E J Reyes:** Can the Minister for Housing provide full details of how much has been written off in respect of unpaid rents pertaining to Government rental homes since the answer provided to Question 230/2015?

1125 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Hon. S J Sacramento: Mr Speaker, the total of unpaid rent as at 30th April 2015 was £5,452,480.66. No money has been written off since the answer provided to Question 230/2015, as the exercise in this respect continues.

Q356/2015
Government rental homes –
Eviction of squatters

Acting Clerk: Question 356/2015, the Hon. E J Reyes.

1130

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer provided to Question 233/2015, providing a breakdown showing the number of homes involved and to whom payments were made?

1135

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

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): None, Mr Speaker.

Q357-358/2015
Government rental homes –
Urgently decanted tenants

1140 **Acting Clerk:** Question 357/2015, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say when the tenant listed in answer to Question 231/2015, who required urgent decanting from his/her home, will be able to return to his/her own dwelling?

1145 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, I will answer this question together with Question 358.

1150 **Acting Clerk:** Question 358/2015, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes since the answer to Question 232/2015, indicating the reason why the date when said decanting became necessary and the date when the tenants were able to return to their home?

1155

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

Hon. S J Sacramento: Mr Speaker, works to the property in Question 357 are ongoing and estimated for completion on 22nd May 2015 and, in answer to Question 358, the answer is none.

Q359/2015
Government rental homes –
Repair works to empty homes

1160

Acting Clerk: Question 359/2015, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details in respect of all expenditure incurred since the answer to Question 226/2015, in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential

1165

homes pertaining to each payment, as well as indicating the type or nature of repair works or cleaning services undertaken?

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

1170

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, CIAP Construction Ltd was paid £13,800 in relation to works to one property for general refurbishment works including works to walls and ceilings, taking down walls, paintwork, replacing floor tiles and a door, plumbing and electrical works.

1175

CRJN Construction Ltd was paid £13,811 in relation to works to two properties for general refurbishment including works to walls, ceilings, doors, windows, plumbing and electrical works.

Ernest Lopez and Sons was paid £28,365 in relation to works to two properties for general repairs including paintwork to walls and ceilings, tiling and replacing fittings, plumbing and electrical works.

1180

Ace Plumbing was paid £10,150 in relation to works to one property for general repairs including paintwork to walls and ceilings, tiling, replacing fittings, plumbing and electrical works.

N & S Services were paid £12,610 in relation to one property for general repairs including paintwork to walls and ceilings, tiling and fittings, plumbing and electrical works.

Kaysam was paid £8,040 in relation to works to one property for general repairs including works to walls and ceilings, paintwork, tiling and fitting plumbing and electrical works.

1185

Joaquim Pacheco Da Cruz was paid £11,784 in relation to one property for general repairs including works to walls and ceilings, paintwork, tiling, fitting plumbing and electrical works.

Sarah Jane Construction was paid £3,500 for the carrying out of general refurbishment works to one property including paintwork, walls, ceilings, tiling, plumbing, electrical works.

No cleaning works were contracted.

1190

Hon. E J Reyes: I think I have all the figures, Mr Speaker. No other supplementary except to ask the Minister for a special favour. If she can, would it be possible to have a photocopy of that? My hearing aid is not 100% in tune today and I could have got some figures wrong, so later on during the course of the morning she might be able to give me a copy.

1195

Mr Speaker: *[Inaudible]*

Hon. E J Reyes: Sorry, Mr Speaker?

1200

Mr Speaker: If the Hon. Member says that he has not heard the answer fully... *[Inaudible]*

Hon. E J Reyes: Yes, that is it. I have heard it. I just want to make certain because I may have misheard something, but other than that there is nothing else arising, Mr Speaker, from the information provided so far.

1205

Mr Speaker: *[Inaudible]*

Hon. S J Sacramento: Mr Speaker, it is on its way with Mr Balban.

1210

Hon. E J Reyes: Mr Speaker, I am so grateful. I have already got the copy of everything. Thanks to the Minister for that prompt copy.

Q361/2015
Discrimination of women in the workplace –
Survey update

Acting Clerk: Question 361/2015, the Hon. J J Netto.

1215

Hon. J J Netto: Mr Speaker, can the Government state if they have carried out during their term of office any survey to determine if there is any discrimination against women at the place of work, public and private sector, in relation to obtaining less income for work of the same grade profession as male colleagues?

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

1220 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, this exercise is ongoing.

Hon. J J Netto: Could I perhaps ask a supplementary?

1225 I take on board what the Minister said – that the exercise is ongoing. Is it an exercise that has been conducted by the Statistics Department or by your own ministry? I mean could perhaps the Minister provide Parliament some information about what the exercise consists of and who is doing it?

Hon. S J Sacramento: By both, Mr Speaker.

1230 **Hon. J J Netto:** Obviously the exercise covers both the public sector and the private sector – is that a fair...? Yes.

Hon. S J Sacramento: It does, Mr Speaker.

1235 **Hon. J J Netto:** And the always, eternal question – does the Minister know by more or less when this exercise might be finished? I mean I do not even know when it started but does she expect this to be perhaps during the course of this year?

1240 **Hon. S J Sacramento:** It is ongoing, Mr Speaker, and of course we aim to finish as soon as we can but it is an exercise that is being done by the Department that is undertaking other exercises; so as soon as we can.

**Q362/2015
Dr Giraldi Home facility –
Relocation**

Acting Clerk: Question 362/2015, the Hon. J J Netto.

1245 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 451/2012, can the Minister for Social Services state if the Government has now considered the matter and taken a decision as to moving the Dr Giraldi Home facility from its present location?

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

1250 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, this is being considered.

1255 **Hon. J J Netto:** I take on board obviously that this has been considered for some time because I am referring to a previous question. I think it was in a time when my colleague, Mrs Ellul-Hammond, actually asked that question.

So it has been considered probably for 12 months perhaps, or around that time. Is it likely, therefore, that a decision is likely to be taken soon?

1260 **Hon. S J Sacramento:** Mr Speaker, the improvement of our services is something that is always ongoing, regardless of the service, so this is something that will be considered when the whole package of this particular service is under review, as we must continuously self-review and self-assess. So this is something that we would consider for the future.

1265 **Hon. J J Netto:** But is it the desire of the Government, or perhaps the Minister herself, to have a transfer of the facility to another place? Is that something, a goal, that either herself or the Government has embarked upon?

Hon. S J Sacramento: Mr Speaker, by logic, if a facility is to be transferred from a present location then it means that it will be relocated, so I have already answered the question.

Q363/2015
Dr Giraldi Home facility –
Investigation of staff member

1270 **Acting Clerk:** Question 363/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to the Question 658/2014 – that is November of last year – can the Minister for Social Services state if the investigation into a member of staff at the Dr Giraldi Home has now concluded and, if so, specify what the outcome to the investigation has been?

1275 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, as already stated in my answer to Question 658/2014, disciplinary proceedings conducted by the Care Agency are confidential matters.

1280 The outcome of the disciplinary hearing is therefore a matter that is subject to confidentiality and as such it would be wholly improper of me to breach the duty of confidentiality owed to the employee.

1285 **Hon. J J Netto:** Mr Speaker, I can understand what the Minister is actually saying but this is an incident – or an alleged incident, so to speak – where a particular employee during normal working hours, with a patient of the Dr Giraldi Home, actually went through the Spanish border and when stopped by a Guardia Civil... if she had anything to declare, she said ‘no’ and then was found to have a carton of cigarettes in her bag.

1290 That is a matter of public interest. I can understand the hon. Minister saying that the disciplinary case itself is a matter of confidentiality, but it is a matter of public interest to know whether an employee of the Dr Giraldi Home in such circumstances as has been alleged has been investigated.

All I want to know is whether the hearing has now been completed and a decision taken. That is it.

1295 **Hon. S J Sacramento:** Mr Speaker, while I can confirm that disciplinary procedures were invoked and the investigation and the whole procedure has been finalised –

Mr Speaker: I am having difficulty in hearing the hon. Lady.

1300 **Hon. S J Sacramento:** Mr Speaker, while I can confirm that disciplinary procedures were invoked and the investigation and the whole procedure has been finalised, I cannot go into further detail of the investigation for the reasons that I have set down because of a duty to the staff; because the premise is that it is an allegation and not an assertion, as the hon. Member has put it and has phrased it.

I also remind the hon. Member, Mr Speaker, that we went through all of this and the reasons as to why it was inappropriate to discuss this on the last occasion that he asked this question, in Question 658.

1305 Thank you, Mr Speaker.

Q364/2015
Juveniles with challenging behaviour–
Details of any requiring specialised care services

Acting Clerk: Question 364/2015, the Hon. J J Netto.

1310 **Hon. J J Netto:** Mr Speaker, does the Care Agency senior manager know if any juvenile in Gibraltar whose challenging behaviour is such that he or she may warrant further specialised care over and above the existing services being provided at the moment in Gibraltar; and, if so, would the Minister for Social Services provide a breakdown showing the number of juveniles, their age and sex, and a short description of their medical/social condition, even if the latter part of the question is provided on a confidential basis?

1315 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, no.

1320 **Hon. J J Netto:** Mr Speaker, I take note that the hon. Lady has said ‘no’, but I recall that in the last couple of weeks there was, I think, an article in the *Gibraltar Chronicle* by the Red Cross – was it the Red Cross? – where it did actually say that there were a number of juveniles that, in accordance with them, required specialised care over and above that being provided in Gibraltar.

Can the hon. Lady confirm that this is the case and whether there is a disparity of opinion between what our professionals in her own ministerial Department think and what this association is stating?

1325 **Hon. S J Sacramento:** Mr Speaker, I do not recall any article by the Red Cross. Indeed, I would be surprised why the Red Cross would be writing in relation to children. But anyway, Mr Speaker, this is the advice of the professionals who are employed in the Care Agency; and I am here to account for the Care Agency and the opinion of professionals, and not any articles which may appear in the press.

That is the answer that I have been provided.

1330 Thank you, Mr Speaker.

Q365/2015

Care Agency’s residential homes – Acts of violence

Acting Clerk: Question 365/2015, the Hon. J J Netto.

1335 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there has been any recordable acts of violence in any of the Care Agency’s residential homes as from January 2012 to date, on a monthly basis?

If so, could the hon. Lady provide a breakdown showing the dates of the incidents or incident, whether the incident was between children or between children and staff, and whether, as a result of the incident, medical attention was required either at the home or in the Hospital, and for what purposes?

1340 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

1345 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, since January 2012 there have been a further 24 incidents. I now hand the hon. Member a table stating the requested information, purely on a confidential basis because this relates to children and I feel very strongly about disclosure of information in relation to children.

Q366/2015

Bullying and harassment in the Care Agency – Details and disciplinary measures

Acting Clerk: Question 366/2015, the Hon. J J Netto.

1350 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any acts of bullying and harassment in the Care Agency during the financial year 2014-15 and, if so, can a breakdown be provided showing the number of occasions by month and type – that is verbal, non-verbal, physical or corporate bullying etc – and whether informal or formal disciplinary measures have been instigated?

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

1355 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, there have been none.

Q367/2015

Children’s services – Unallocated referrals

Acting Clerk: Question 367/2015, the Hon. J J Netto.

1360 **Hon. J J Netto:** Can the Minister for Social Services state if there have been any unallocated referrals of children waiting for a service during the financial year 2014-15 and, if so, provide a breakdown of the level of risk to any such children?

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

1365 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, unlike when I took office, there are now no unallocated referrals.

Q368/2015
Care Agency –
Juveniles in Education, Training, Employment status

Acting Clerk: Question 368/2015, the Hon. J J Netto.

1370 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state how many juveniles in the care of the Care Agency are in Education, Training, Employment status or with no placements of the above, indicating the period upon which he/she has been in such position and the sex of the juvenile?

Acting Clerk: Answer, the Minister for Tourism, Equality, Social Services and Housing.

1375 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, before I answer the question, I would like to remind the Hon. Member that the children who are in care are children and not juveniles, because juveniles has an association of criminal proceedings and criminal convictions, and children in care are children and not juveniles.

1380 Now insofar as a substantive answer, Mr Speaker, I will continue the position that I have taken in the past in that I cannot disclose information that relates to children if it means that they can be easily identified. As ever, I am happy to provide this information in confidence to the Hon. Member.

Hon. J J Netto: Yes, indeed, she has provided information in confidence before. So is she passing the information now?

1385 **Hon. S J Sacramento:** I am happy to discuss this information behind the Speaker's chair, Mr Speaker.

Q369/2015
Looked-after children –
Waiting time for Courts documents

Acting Clerk: Question 369/2015, the Hon. J J Netto.

1390 **Hon J J Netto:** Mr Speaker, can the Minister for Social Services state what is the average waiting time for forwarding all necessary Courts documents for looked-after children, as reflected in their care plans – that is Care Agency, Education, Health, etc, and if there are unacceptable delays in providing such documents?

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

1395 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, in care proceedings Social Services submit documents to the Court in accordance to the timetable set down by the Court. Now, Mr Speaker, deadlines are met and there are no delays – again, I want to add, unlike the position when the Hon. Member was Minister with responsibility for Social Services. (*Banging on desks*)

Q370/2501
Social Services –
Training Programme of the Care Agency

Acting Clerk: Question 370/2015, the Hon. J J Netto.

1400

Hon. J J Netto: Mr Speaker, can the Minister for Social Services please provide the 2015 Training Programme of the Care Agency?

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

1405

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, as stated, when the same question was put to me in Written Question 92/2012, this is an internal document, not a public one. As such, I will *not* make a copy available. I do agree to show the Hon. Member a copy in confidence.

1410

Acting Clerk: Question 371 –

Hon. J J Netto: Yes, I would certainly like to have a copy, even if it is in confidence.

Hon. S J Sacramento: Mr Speaker, I said that he could *see* a copy, not *have* a copy.

1415

Hon. J J Netto: Mr Speaker, we are talking about what is a fairly large document. It is not reasonable or possible for someone to have some kind of a mind that can look at the whole document and be able to absorb it – that is quite unreasonable on the part of the lady. Could I ask her to reflect on that and perhaps provide me with a copy, even if it is in confidence, although I do not believe that it is unreasonable what I am asking for?

1420

Hon. S J Sacramento: Mr Speaker, I have given this consideration in the same way that I gave it consideration when I answered this question in 2012 and no further requests have been made since then, I have to note.

1425

Mr Speaker, this is an internal policy document. It is a substantive document and I just cannot be micro-managed by the Opposition. The Opposition had its opportunity to devise any training plans when they were in Government and this is a training plan that we have devised now. It is an internal document. It is a policy document. Our policies and our strategies are clear from where we are going and that is the reason behind the decision that I have taken.

1430

Hon. J J Netto: Mr Speaker, my intention is not to micro-manage what the Department does. I think it is a fair comment to say that the role of the Opposition here in Parliament (*Interjection*) – I do not know whether Mr Linares wants me to give way for him to stand up and make a comment because he seems to be butting in every so often. He needs to relax and calm down a bit. (*Interjections*)

1435

I am not trying to micro-manage at all what the lady is doing, but the role of the Opposition is precisely to be able to cross examine what the Government is doing, its policies, and that includes training. (*Interjections*) I think it is quite a legitimate and reasonable thing for me to be appraised of what the training programme is, because if the Opposition were to think there is not the adequate training either wholly or partly or a particular issue, then the role of the Opposition should be able to stand up and say, 'Look why don't you consider *x* instead of *y*' or things of that kind. (*Interjection by Hon. S E Linares*)

1440

Does the Hon. Mr Linares want me to give way?

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker.

He has just said that he does not want to micro-manage and he has just stated exactly the micro-management that he intends to do.

1445

Hon. J J Netto: Obviously I disagree with such a statement, Mr Speaker.

Looking at the training programme and seeing what training is going to be provided across the board on a very wide Department is not micro-managing; it is actually looking at what the Government policy for training is and whether the Opposition simply agrees with it or does not agree with it. That is not micro-managing. Obviously I am failing in trying to be reasonable. I am failing to try and get the hon. Lady to provide a copy to the Opposition. I am not going to succeed and so I am not going to waste Parliament time any further.

1450

1455 **Hon. S J Sacramento:** Mr Speaker, I was going to say that he can rest assured that this is a document
that is provided by the Training Team, by professionals. If he wants to know what Government policy it is,
Government policy is to provide *excellent* training – training that did not exist in the past – and not only
standardised training for all the care workers who had never *ever* had training, but professional
development training for everybody, which is done through the Training Team, but in consultation with all
1460 the heads of the Department. So if he is concerned about policy, I will tell him right now categorically that
it is a hundred times better than the training policy that he used to devise. (*Banging on desks*)

Mr Speaker: Hon. Members are now beginning to debate, so we will move on to the next question.

Q371/2015
Social Services –
Agency workers in the Care Agency

Acting Clerk: Question 371/2015, the Hon. J J Netto.

1465 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state how many Agency workers are
working in the Care Agency, broken down by grade, establishment and duration regardless of short-term
contracts?

1470 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Equality, Social Services and Housing.

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker,
there are 18 individuals in the Care Agency establishment engaged through an agency: seven in
administration, nine carers, two nurses and a driver.

1475 **Mr Speaker:** Did she say 18 or 19?

Hon. S J Sacramento: Nineteen.

Mr Speaker: I heard 18.

1480 **Hon. S J Sacramento:** No, 19.

Mr Speaker: The draft answer that I have says 19.

1485 **Hon. S J Sacramento:** Oh, I apologise. Mine says 19. Let me see... seven, nine, two and one is 19. I
apologise for that, Mr Speaker. Of these, 11 have worked for under a year and eight for under two years.

Q372/2015
Social Services –
Life planning for disabled persons programme

Acting Clerk: Question 372/2015, the Hon. J J Netto.

1490 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what generalised features the
programme of life planning for disabled persons have, what the costs, if any, are and when was it
implemented?

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

1495 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, I
will answer this question together with Question 373.

Q373/2015
Social Services –
Disability Action Plan

Acting Clerk: Question 373/2015, the Hon. J J Netto.

1500 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state what generalised features and objectives the Disability Action Plan contains, what the cost involved is and when was it introduced?

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

1505 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, the Disability Action Plan which will outline a holistic approach to life planning for people with disabilities will contain the following features: education; employment; income; health and wellbeing; choice and control; inclusive communities.

1510 Under each heading there will be consultation with the stakeholders to ascertain the different needs and at this stage the cost cannot be quantified. Although the plan has not formally been introduced as a document, this does not mean that work has not been done in different strategies that will form part of the plan as it is developed.

Q374/2015
Social Services –
Consultation on rights of disabled persons, UN Convention

Acting Clerk: Question 374/2015, the Hon. J J Netto.

1515 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if the consultation in relation to the draft legislation to ratify the UN Convention on the rights of disabled persons has now taken place, and whether the Government is now in a position to take such legislation to Parliament?

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

1520 **Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento):** Mr Speaker, the consultation process is not complete; however, we are very close to finalising it so that legislation can be brought to Parliament as soon as possible.

1525 **Hon. J J Netto:** Mr Speaker, given that the consultation is not yet complete, and given the fact that this was a manifesto commitment, which said something along the lines that it would be done within a year of being in office, can the Minister provide some assurances that such legislation will be brought to Parliament before Parliament at least is dissolved and a call for a new election?

Hon. S J Sacramento: Yes, absolutely, Mr Speaker.

1530 I can also reassure him that not only will it will be done in this term of office, but it will not take us 16 years to do. *(Laughter)*

Q375/2015
South District Citizen's Club –
Services provided; attendance after reallocation

Acting Clerk: Question 375/2015, the Hon. J J Netto.

1535 **Hon. J J Netto:** Mr Speaker, further to the answer given to Written Question No. 268 of 2014, can the Minister for Social Services provide an update in relation to the services provided to the senior members of the former South District Citizen's Club and to those that attended the Governor's Parade Building, and whether attendance have been maintained to the levels prior to the reallocation to the Waterport Terraces building?

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

1540

Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, there is no update to provide. The question was clearly answered in my answer to Written Question 268 of 2014.

1545

Hon. J J Netto: While I welcome there is no update to provide, but there is a part of the question there which obviously is beyond what the question was back in 2014, which the hon. Lady has not answered, and that is whether the levels of people attending now to Waterport Terraces building is more or less the same, or better, or worse than it was before.

Could she answer that part of the question?

1550

Hon. S J Sacramento: Mr Speaker, he either does not understand or he does not know how to phrase his questions to communicate what he intends to ask.

1555

The question is very clear. The question asks what the consequences are of opening the Waterport Terraces Day Centre. The answer in my previous question was that all the previous day centres have been absorbed into one day centre and so by logic anybody with understanding of the English language would know that that means that people who attend one day centre are transferred to the other. He knows, because I have said in previous questions that there was more than one day centre and he will know because he was the Minister for Social Service... no, as I recall, his title was Minister for Social Affairs.

1560

He knows that they were all absorbed into one day centre and so the only logical conclusion is that if everybody is absorbed means that they go. If people who may have attended one day centre were transferred to the new day centre a year ago, it may have been that they have passed away. So if they have passed away they are not there.

But, Mr Speaker, I do not know how else you tell somebody that when you move something from A to B, you move them from A to B and they are all there.

TRANSPORT, TRAFFIC AND TECHNICAL SERVICES

Q376/2015

Gibraltar Bus Company –

Details of monies owing from Big Publications Ltd

1565

Acting Clerk: Question 376/2015, the Hon. S M Figueras.

1570

Hon. S M Figueras: Mr Speaker, can the Minister for Transport provide this House, further to his answer to a similar question in March this year, details of the monies owing to the Gibraltar Bus Company by Big Publications Ltd as result of the sale of advertising by the latter before the termination of the arrangement between the parties in September last year?

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

1575

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, a detailed examination of the books of accounts and supporting documentation of Big Publications Ltd has been carried out a report on the findings and observations has been presented to the Directors of the Gibraltar Bus Company Ltd for their consideration.

The Report has now been shared with the Directors of Big Publications who are reconciling it with their own accounts in order to confirm or dispute the amounts due.

1580

1585

Hon. S M Figueras: Mr Speaker, this is a matter that we have been talking about now since some point during the summer last year where it came to light that big publications had been paying as good as *no* revenue to the Government through the Gibraltar Bus Company for the advertising that it had sold on the buses – a practice that I appreciate from seeing the buses going around the city is no longer the practice. He told me in March that the accounts were being reviewed and that if I were to ask him the question, he would give me the details in this session. That is what I have done, Mr Speaker.

We are talking about something that for the first time in September last year we were told by the Hon. Neil Costa, who had carriage of that portfolio at the time, that they had requested the accounts and that they were going to make sure that there was a review of audited accounts to ensure that the amounts outstanding or due to the Government would be paid in due course. Now, Mr Speaker, we find ourselves once more in

1590

another session of Parliament with the Minister telling me that the accounts have been prepared, the accounts have been reviewed they have been passed on to one to the other, and now it is a matter of reconciling.

1595 Mr Speaker, is the Minister not able to tell this House how much the Bus Company is owing... from the Bus Company's or certainly from a review of the audited accounts – to the Gibraltar Bus Company and therefore the Gibraltar Government subject to – and I will concede that point – any review or reconciliation that needs to be carried out with the directors of that company?

1600 **Hon. Chief Minister:** Mr Speaker, of course it would be possible to give that figure to the hon. Gentleman, but it is not that we are suggesting that the information will not be given, it is that we are in a process where the Government has now *put* to that company what we say is due. We are expecting either an agreement or a different reconciliation which will produce a higher or lower figure. I do not suppose the company will say the figure is higher, but that is the possibility.

1605 Can I just say to him that there is no attempt here not to give the information and can he give us 30 days, because I think that by the time we come back to the next Parliament he will be able to have all the details and that the issue may have been resolved and the details of that resolution be made available to him and to the general public as a result?

1610 **Hon. S M Figueras:** Mr Speaker, I am happy to wait 30 days, because we have the meeting next month. I am happy to do that because clearly if the information is not available or is not going to be given us today then it is just not going to happen.

1615 I am not suggesting that the information is not such that wants to be shared by the Government. What I am suggesting, Mr Speaker, is that it is an issue which I suspect might when eventually the information becomes public, cause embarrassment to the Government, because I think it is a point that I will be making when the information is made available that this could be tens or hundreds of thousands of pounds. We do not know how much the revenue is. We only have the benchmark of the previous contract to go by at this stage.

1620 I suppose my frustration, Mr Speaker, at this stage is the delay in the process involving one company over a matter of nine months. Therefore, I would ask the Chief Minister to confirm – and I know he has already indicated it – whether he is convinced that the matter will certainly be resolved to the point that there will be a figure made available to this House at that stage. That will be my last supplementary.

1625 **Hon. Chief Minister:** Mr Speaker, the answer is yes, and that is why I have invited him to ask the question in 30 days. I do believe there will be a figure available. But, what is more, Mr Speaker, I do not believe that any of what he has said is going to be turn out to be true. If I thought that there was something which was going to be embarrassing to the Government and I thought that it was in any way possible not to disclose it, I would not be inviting him to ask the question.

1630 If I thought there was something that was going to be embarrassing to the Government which we were going to have to reveal, Mr Speaker, look the logical, political step today is to reveal that this month not next month closer to the election, because by effluxion of time, next month is closer to the election than this time. So I neither think there was anything embarrassing for the Government, nor do I think that there is therefore any need to avoid providing it. I am therefore happy to encourage him to seek it, because I am very confident – subject to something else happening, which does make it possible – that we will be able to give the figures next month, closer to the election, and therefore in a way that will enhance the Government's standing in the community and not diminish it.

1635

Q377/2015
Fixed speed cameras –
Deployment

Acting Clerk: Question 377/2015, the Hon. S M Figueras.

1640 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport say when he expects fixed speed cameras to be deployed in Gibraltar?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, considerable work is being undertaken to enable the deployment of fixed speed cameras. I expect to be in a position to update the House further during the course of the Budget debate.

1645

Hon. S M Figueras: Mr Speaker, can the Hon. Minister provide some details of what this considerable work has entailed so far?

1650

Hon. P J Balban: Mr Speaker, the speed cameras are very sophisticated pieces of equipment that need to be set up correctly – in fact if there is any error in the setting up of the cameras by way of painting lines on the ground, if there is any error in that respect, then the evidence put before the court will be null and void. It will not be acceptable.

1655

The camera will give a speed limit, a digital speed indicator, which is very accurate, but there is also certain amounts of lines which need to be painted on the ground correctly. It is to be sure that the camera has not failed in any way. The camera will take two pictures in quick succession, as I am told by the technical team; hence you will see the distance travelled in that given time, giving us a very accurate back-up of whether the camera has in fact given us the right speed.

1660

So all these things have to be studied correctly and we cannot just go out there and paint lines. The locations, even within a specific road, have to be correct. So there is a lot of ground work that needs to be carried out before we actually say we move on.

Hon. S M Figueras: Mr Speaker, with the Chair's indulgence I am going to ask a series of short supplementaries, which I think lend themselves to being answered together by the Hon. Minister, if the chair should...? Thank you.

1665

Mr Speaker, can the Minister tell this House whether the specific speed cameras have now been chosen, whether they have been ordered, and importantly, whether on ordering these speed cameras – if that in fact is the case – these are not installed by the specialist provider of this very special, very sophisticated equipment, rather than being installed by the technical team present here in Gibraltar?

1670

Hon. P J Balban: Mr Speaker, the equipment is actually already procured and is actually in Gibraltar waiting to be installed. (**A Member:** Hear, hear.) So, as I said, it is just a question of time now before they are on our roads.

1675

As to the second part of the supplementary, the technical team in the UK which will be responsible for installing the equipment for us require a certain amount of data to be provided. So there is a liaison between our team and their team and that is what I was referring to earlier.

Hon. S M Figueras: And finally, I think, Mr Speaker, what sort of data is it that the specialist team in the UK requires to assess before coming out and painting the lines on the road and setting up the camera?

1680

Hon. P J Balban: Mr Speaker, the specifics I am not aware of. I am not a technical person myself with regards to this project. I can find out what is required and come back to him. (*Interjection*) So, Mr Speaker, as I say, I am not a technical person in this respect and so I am not exactly sure what data is required. But, as I said, what was going to happen initially, the thoughts of the Department were that this would be able to be done locally and so they have actually gone down that step. The truth is that it is not as easy as painting lines in certain locations. The data has to be correct and we are working with the company in the UK before they come over to finally set up the speed camera system.

1685

Hon. S M Figueras: Mr Speaker, with your indulgence just one more very quick supplementary. Can the Hon. Minister say whether the community can expect to see fixed speed cameras deployed on our roads before, say, the end of September?

1690

Hon. P J Balban: Mr Speaker, I expect that they will be in position well before that, but I would not want to risk giving him a date, because everything is taken when we ask for a date. If we succumb to giving a date, then we are actually held to a date and there are many factors and many reasons why projects and things cannot be completed by a certain date, which are beyond and above our control. So it is very difficult to give certain dates, but it is the Government's intention to have these systems operational as soon as possible. We have already started this operation, as you well know. We have these speed limit indicators, which are the first step of that process. It is informing people of the speeds that they are currently driving in Gibraltar to make them aware so they can reduce their speed. So it is Government's intention and we are very keen to see this project off the ground and up and running.

1700

Q378/2015

**Draft Sustainable Traffic Transport and Parking plan –
Suggestions by the public**

Acting Clerk: Question 378/2015, the Hon. S M Figueras.

1705 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport provide a list of all initiatives suggested by members of the public during the consultation – the second consultation, or it could have been the third or fourth – following the publication of the draft Sustainable Traffic Transport and Parking plan detailing, in respect of each suggestion, whether the recommendation is being accepted or rejected and the reasons for such acceptance or rejection?

1710 **Acting Clerk:** Answer, the Hon. the Minister for Transport, Traffic and Technical Services.

1715 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, in response to the consultation exercise on the draft Sustainable Traffic, Transport and Parking Plan (STTPP) summary document, a database of all responses received is currently being developed. The database will set out the issues and suggestions raised by members of the public and how these have been considered and addressed as part of the work to complete the final version of the STTPP document.

A summary of the consultation responses will also be included with the final STTPP as an appendix. It is expected that this document will be completed in the following months.

1720 **Hon. S M Figueras:** Mr Speaker, the Hon. Minister comes to this House month after month, and on the same issue tells us that things are happening, but actually he does not tell us what precisely is going on and how it is that all this consultation and the involvement of the public, all of which is good, none of which is being criticised, perhaps beyond the extent of at some point you need to know when to stop – (*Laughter*) We all know it is good and we know that the public is contributing and that there are many ideas and many suggestions and all these are being taken on board, and God knows they must be significant because it takes
1725 its time to get processed.

I ask the question, Mr Speaker, and the answer that the Hon. Minister gives is that the information is being processed. Well, Mr Speaker, what pray tell is the purpose of attending this House, filing questions giving the notice that we do, to then arrive at the session without the information having been processed within that timeframe to be provided to us in this House? I understand that there are processes involved in
1730 dealing with all this information, but, Mr Speaker, I do not think it is unreasonable of me or anyone else on this side of the House to expect that a certain amount of information at the very least could be provided.

1735 Mr Speaker, I will draw your attention to the example of a question that I asked last year of the Hon. the Deputy Chief Minister in relation to applications for licences for construction and, as I recall, it was in relation to tobacco licences. It was a comprehensive amount of information that was provided to me within the five days' notice that I had given. I fail to understand, Mr Speaker, and I would ask the Minister to reflect on what I have said and to commit to providing me with the information, in correspondence when I request it, within the next week or two Mr Speaker, because surely what is the purpose of the Parliament if not?

1740 **Mr Speaker:** You have asked the question. We will move on.

Hon. S M Figueras: Thank you, Mr Speaker.

1745 **Hon. P J Balban:** Mr Speaker, first and foremost, I am extremely glad that the opposition thinks that seeking the advice of the public is something very good (*Banging on desks*) and I think we agree to that, and this is our policy (*Interjections*) and our intention is to continue down the route in most things that we do.

1750 The Hon. Member... what he is expecting from us is for us to get all the information that has been collated from the persons giving us their views or their complaints or their opinions and, just because he has asked the question, give him that part of the document because that will become part of the document itself. So I do not see why we should hand the hon. Gentleman part of the document before it is ready to go out to public.

1755 Just to get an idea of what people are saying, for example, one comment which has come up on a number of occasions is the lack of pedestrian safety, as we mentioned many times in Parliament, around the Trafalgar Interchange area. People want some consideration to be given to pedestrians to cross the road at Ragged Staff, and this is something which in fact we are not waiting for the document to be finished; this is

something which is so clearly blatant and should have been so clear to the Opposition when they set up the Trafalgar Interchange that we are going to go ahead with it, but – (*Interjection*)

Mr Speaker, the important thing –

1760

Chief Minister (Hon F R Picardo): ‘Shut up and sit down!’ It was expressed in that... [*Inaudible*] ‘Daniel, shut up and sit down!’...

1765

Hon. P J Balban: Anyway the Government has invested a lot of time on a project which is going to be an excellent project. It will change the way that we look at traffic in the future. I mean we have progressed a long way. This is such a thorough document that it has taken its time compared to what we were presented with during the Opposition’s term of office, which was just a few sheets of paper, and that was the traffic plan.

1770

The document you have seen already which is that glossy part of the plan is already an insight as to what the document itself will present, but more than that, it will be a volume of information including the statistics and research information which will not interest everyone. So the document is extremely thorough. You will see when you actually receive a copy, when it is out, the reasons why it has taken its time. These things will not be rushed. It is our intention... This was a key – (*Interjections*) (**Mr Speaker:** Order!) Rushed to make sure that things are done correctly... This is what we are doing and you will see when the document is ready, I am sure you will praise us for it just like you were praising us on a number of issues regarding this aspect.

1775

Hon. S M Figueras: You see, Mr Speaker, I am grateful to the hon. Minister for acknowledging that I will praise where praise is due, because I do not have an issue doing that, you see, because I am on this side of the House and not that one. I do not have a problem praising the Minister or any other Ministers for work done well. I have no issue with that, Mr Speaker.

1780

What I do not accept, Mr Speaker –

Mr Speaker: Ask the question.

1785

Hon. S M Figueras: I will ask a question, Mr Speaker, but I do need to preface it by saying just a couple of things, if the Chair will indulge me the opportunity?

Mr Speaker, I do not agree with the hon. Minister saying they are moving fast to deal with some of the issues highlighted in the draft plan. They have taken four months to start working on a pedestrian crossing at Ragged Staff. That, frankly, is hardly lightning speed and that, Mr Speaker, turned into a roundabout and the eradication of 30 parking spaces outside St Joseph’s School is the sum total of all activities by this Government in the context of traffic!

1790

Mr Speaker: I really fail to see –

1795

Hon. S M Figueras: Sorry, yes, the question.

Mr Speaker: – what all that has to do with the question that the Member put on the Order Paper.

1800

Hon. S M Figueras: Yes, Mr Speaker, then the question that I would ask is –

Mr Speaker: You are introducing new material, you are debating. Please, ask short, simple questions and try and get answers, which is the purpose of Question Time.

1805

Hon. S M Figueras: Yes, Mr Speaker.

I would ask him two things. I would ask him to look at the question again, which asks, ‘Could the Minister for Transport provide a list of all initiatives suggested by members of the public during the consultation conducted following the publication of the draft plan, detailing in respect of each whether the recommendation has been accepted or rejected, and the reasons for such acceptance or rejection?’

1810

I am not asking, Mr Speaker, for the details, statistical analysis, reports, findings and everything else that they may be creating for this final draft of the plan; I am asking just for that information.

Secondly, Mr Speaker, I will ask the hon. Minister whether he does not feel compelled by the fact that the question is asked in this House to provide that information when he is asked to provide it.

1815

A Member: [*Inaudible*]... the original question that he is asking... [*Inaudible*] (*Interjections*)

Mr Speaker: I hope the Minister will not repeat the whole answer to the whole of that question, because it is not a supplementary, it is the same question being asked again, which I think establishes some sort of – (*Interjections*) It is establishing some sort of a precedent.

1820 **Hon. S M Figueras:** With respect, Mr Speaker, I had sought to clarify what the question was seeking, which is not what the answer dealt with. (*Interjections*)

1825 **Hon. P J Balban:** Mr Speaker, I refer the hon. Gentleman to the answer already given. (**Several Members:** Hear, hear.) (*Banging on desks*)

Hon. S M Figueras: Mr Speaker, yes, and in respect of the question of whether he feels compelled or not to provide the information requested properly in this House by a Member of it, would he say whether he feels compelled to provide the information or not because he has failed on this occasion, as on so many others, to do so?

1830 **Hon. Chief Minister:** Mr Speaker, the Government gives a huge amount of information and publishes more information than has ever been published by any Government in the history of Gibraltar.

On this particular occasion the hon. Member has given a full answer; he has indicated when more information is going to be available.

1835 **Mr Speaker,** we are implementing a traffic plan. Already people can see the differences on our roads. The hon. Gentleman is even not negative about it. All that is happening is he is going to have to wait a bit longer for information. Can I ask him to vent his frustrations elsewhere and not in this House in relation to questions?

1840 **Hon. S M Figueras:** Mr Speaker, with all due respect to the Chief Minister, this is *the* place to vent frustrations in relation to traffic policy, is it not? (**Several Members:** Hear, hear.) (*Banging on desks*)

Q379/2015

Government vehicles – Non-polluting engines

Mr Speaker: Question 379.

1845 **Acting Clerk:** Question 379/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state how many vehicles – (*Interjections*) Should I start again? (*Interjections*)

1850 **Mr Speaker:** I am going to ask that the temperature of the air conditioning be lowered. It might help hon. Members! (**A Member:** Hear, hear.) (*Laughter*)

1855 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state how many vehicles of the Government fleet of vehicles have now been purchased since the arrival of the present Government which are powered by non-polluting engines, stating the type and to which Department such vehicle has gone to, the year in which it was purchased and what percentage this represents from the total fleet of Government vehicles?

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

1860 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, no other vehicle powered by a non-polluting engine has been bought other than the G1 since the above-mentioned questions were asked.

1865 All vehicles that have been bought since then have either 100% petrol or 100% diesel internal combustion engines, or a hybrid petrol or hybrid diesel combination of an electric motor with an internal combustion engine and therefore do not have non-polluting engines.

Q380/2015
Transshipment of LNG –
Safety requirements

Acting Clerk: Question 380/2015, the Hon. J J Netto.

1870 **Hon. J J Netto:** Mr Speaker, can the Minister for the Port provide Parliament with all the safety requirements asked by officials of the Government for the recent transshipment of LNG in the Bay of Gibraltar with the consequent information provided by the owners of the gas carriers?

Acting Clerk: Answer, the hon. the Minister for Transport, Traffic and Technical Services.

1875 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, any STS transfer, including that of LNG, in Gibraltar has to comply with all relevant IMO maritime conventions as well as our own stringent vetting procedures.

1880 Operations were organised by a locally-licensed STS organiser and followed a rigorous pre-transfer vetting procedure by the Bunkering Superintendent, which included an extensive safety checklist. The Bunkering Superintendent, during a physical inspection, then reviewed the completed safety checklist with the person in overall advisory control and cargo officer of the supplying vessel, to ensure that all safety precautions were being adhered to.

1885 The STS organiser also provided mooring plans, a risk assessment and a GPA-approved person in overall advisory control. The owners and managers of the vessels involved in the STS operations were Accelerate Energy and Fendercare Marine UK Ltd, and confirmation was provided by each entity that they were satisfied that all procedures and requirements had been met before the operation was finally approved by the GPA's Bunkering Superintendent.

1890 **Hon. J J Netto:** Mr Speaker, the hon. Minister did say as part of his answer that there was a risk assessment being carried out – that was part of the answer provided. Can the Minister provide Parliament with copies of the risk assessment?

Hon. P J Balban: Mr Speaker, no, that is not possible. These are commercial in nature.

EDUCATION AND JUSTICE

Q381/2015
Supply teachers and staff –
Details and reasons for contracts

Acting Clerk: Question 381/2015, the Hon. E J Reyes.

1895 **Hon. E J Reyes:** Mr Speaker, can the Minister for Education provide details of how many 'supply teachers' or 'supply auxiliary staff' are currently engaged by the Department of Education, indicating at what educational establishment they are based, together with the reasons why their employment is necessary, and estimated temporary contract time?

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

Minister for Education and Justice (Hon. G H Licudi): Mr Speaker, the information requested is set out in the schedule which I now hand the hon. Member.

Schedule to Question 381 of 2015

Table 1 - Supply Teachers

	Number of supply teachers at each school	School	Reasons for cover	Estimated length of contract
1	1	Governor's Meadow First	large intake/ pupil numbers	11 months
2	2	Governor's Meadow First	large intake/ pupil numbers	11 months
3	3	Governor's Meadow First	maternity	11 months
4	4	Governor's Meadow First	to meet optimum class size in sector	7 months
5	1	St. Joseph's First	maternity	7 months
6	2	St. Joseph's First	to meet optimum class size in sector	11 months
7	3	St. Joseph's First	large intake/ pupil numbers	11 months
8	4	St. Joseph's First	maternity	11 months
9	1	Notre Dame First	large intake/ pupil numbers	7 months
10	2	Notre Dame First	maternity	11 months
11	1	St. Mary's First	large intake/ pupil numbers	11 months
12	2	St. Mary's First	large intake/ pupil numbers	11 months
13	3	St. Mary's First	large intake/ pupil numbers	7 months
14	1	St. Paul's First	to meet optimum class size in sector	7 months
15	1	St. Joseph's Middle	to meet optimum class size in sector	7 months
16	2	St. Joseph's Middle	maternity	7 months
17	3	St. Joseph's Middle	maternity	4 months
18	1	Sacred Heart Middle	to meet optimum class size in sector	7 months
19	2	Sacred Heart Middle	maternity	7 months
20	3	Sacred Heart Middle	long term illness	7 months
21	4	Sacred Heart Middle	maternity	10 months
22	5	Sacred Heart Middle	to meet optimum class size in sector	7 months
23	1	St. Anne's Middle	maternity	8 months
24	1	Hebrew Primary	large intake/ pupil numbers	11 months
25	2	Hebrew Primary	maternity	4 months
26	1	Bayside	sabbatical	11 months
27	2	Bayside	to meet subject demand (IT)	11 months
28	3	Bayside	maternity	11 months
29	4	Bayside	to meet optimum class size in sector	11 months
30	5	Bayside	to meet subject demand (mathematics)	11 months
31	6	Bayside	maternity	11 months
32	7	Bayside	to meet optimum class size in sector	11 months
33	1	Westside	maternity	8 months
34	2	Westside	to meet optimum class size in sector	7 months
35	3	Westside	sabbatical	11 months
36	4	Westside	maternity	7 months
37	5	Westside	maternity	11 months
38	6	Westside	maternity	7 months
39	7	Westside	maternity	4 months
40	8	Westside	maternity	4 months
41	9	Westside	maternity	4 months
42	10	Westside	to meet optimum class size in sector	7 months
43	1	College	to meet subject demand (ASDAN)	11 months
44	2	College	to meet optimum class size in sector	11 months
45	1	will vary	short term absences	Not fixed-less than 3 months
46	2	will vary	short term absences	Not fixed-less than 3 months
47	3	will vary	short term absences	Not fixed-less than 3 months
48	4	will vary	short term absences	Not fixed-less than 3 months
49	5	will vary	short term absences	Not fixed-less than 3 months
50	6	will vary	short term absences	Not fixed-less than 3 months
51	7	will vary	short term absences	Not fixed-less than 3 months
52	8	will vary	short term absences	Not fixed-less than 3 months
53	9	will vary	short term absences	Not fixed-less than 3 months
54	10	will vary	short term absences	Not fixed-less than 3 months
55	11	will vary	short term absences	Not fixed-less than 3 months
56	12	will vary	short term absences	Not fixed-less than 3 months
57	13	will vary	short term absences	Not fixed-less than 3 months
58	14	will vary	short term absences	Not fixed-less than 3 months
59	15	will vary	short term absences	Not fixed-less than 3 months
60	16	will vary	short term absences	Not fixed-less than 3 months
61	17	will vary	short term absences	Not fixed-less than 3 months

Schedule to Question 381 of 2015

TABLE 2 - Music Instructors

Music Instructors	School	Type of Cover	Estimated length of contract
1	Bayside	Provision of subject specialism	3 months
1	Westside	Provision of subject specialism	9 months
1	Hebrew Primary	Provision of subject specialism	9 months
Same person as at Hebrew Primary	St Martin's	Provision of subject specialism	9 months

Schedule to Question 381 of 2015

Table 3 - Learning Support Assistants

SCHOOL	NUMBERS	REASONS FOR EMPLOYMENT	ESTIMATED TEMPORARY CONTRACT TIME
Bayside	1	Temporary extra SEN needs support(f/t)	3 months (from April – July)
Westside	1	Temporary extra SEN needs support (p/t)	3 months (from April – July)
St. Martin's	3	Temporary extra SEN needs support (f/t)	7months(continuing from January) 3 months (April – July) 3 months (April – July)
Notre Dame	1	Temporary extra SEN needs support (f/t)	7 months
St. Mary's	1	Temporary extra SEN needs support (p/t)	7 months (continuing from January)
Notre Dame Nursery/ Varyl Begg Nursery (split)	1	Temporary extra SEN needs support (f/t)	3 months for Notre Dame Awaiting a permanent appointment due to previous long term sickness
College	1	Cover a new SEN course.	7 months
Governor's Meadow	1	sickness (p/t)	Awaiting new permanent appointment due to previous long term sickness
Notre Dame	1	sickness (f/t)	unknown
Bishop Fitzgerald	2	Temporary extra SEN needs support (p/t) and (f/t) sickness (f/t).	3 months (April – July) Possibly 16/6/15
Hebrew School	1	Temporary extra SEN needs support (p/t)	3 months.(April – July)

Schedule to Question 381 of 2015

TABLE 4 - Auxiliary Staff

POST	SCHOOL	HOURS PER WEEK	REMARKS
Assistant (Art & Design)	Bayside	30	In the process of being recruited vacancy advertised 10.04.15.
Bus Escort	Notre Dame	18.75	No change
Senior Technician	Gibraltar College	17	No change Special Needs Pupil requiring Escort. Secondment to GFA
3 x Part Time Cleaner	2 x St Joseph's First 1 x Hebrew	20	8 Part-time Cleaner posts have been filled on 02.02.15. 3 are in the process of being recruited Change This vacancy has arisen as a result of the previous 37 hr cleaning post vacancy which has now been filled. Vacancy advertised 10.04.15
1 x Part Time Cleaner	St Martin's	30	Change

Q382/2015

**Health and safety in schools –
Provision of 2014/2015 reports**

Acting Clerk: Question 382/2015, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Education please provide Parliament with copies of all health and safety reports prepared during 2014 and 2015 in relation to all schools?
1905

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

1910 **Minister for Education and Justice (Hon. G H Licudi):** Mr Speaker, health and safety reports are prepared by schools and submitted to the Department of Education almost on a daily basis as part of the repairs and maintenance schedules. Issues relating to health and safety will be identified as such and prioritised by the Department of Education.

These are internal documents issued by all the schools as part of the internal mechanisms developed by the Department of Education. It is not intended to make these working documents public, nor, I am advised, has it ever been the practice of any administration to make such documents public.

CHIEF MINISTER

Q389/2015

Money lending licences – Details of current licensees

1915 **Acting Clerk:** Question 389/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister please state how many money lending licences are currently in issue, with details of the name of the licensee, date of issue and expiry?

1920 **Acting Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am very pleased to say the hon. Gentleman and I have discussed this question and the answer I am about to give a few moments ago.

1925 The details requested, Mr Speaker, are not in the public domain but I am prepared to provide these details on a strictly confidential basis if the hon. Member agrees. There are 16 money lending licences currently in issue.

1930 **Hon. D J Bossino:** I am grateful to the Chief Minister for at least making the number public – the amount public – and I am willing to accept that that information on a confidential basis... although I fail to understand why it is, in fact. He says it is not publicly available and that may be true but, indeed, when entities are granted licences you just need to go... Money lending? I am not too sure.

For example, under the financial services regime you have listed the entities which have received the various licences or indeed even trade licences, you need to actually have it in your premises. So it is just odd that this should be subject to confidentiality. Maybe he can give me some information as to why that is the case?

1935 **Hon. Chief Minister:** Mr Speaker, the fact is that this is a very old Act and it pre-dates both of us being around on this earth, let alone actually, I think, even being in this Parliament.

1940 The fact is that there is no reason at first blush why this information should not be public, but there are a number of licensees. In the time available I have not had an opportunity of asking that an exercise be done of speaking to the licensees and asking them whether they have any difficulty in their licence being made public.

1945 The people who make up this list, in some occasions, have actually set up shop and have shop fronts where they say that they are moneylenders and they probably have their licence exhibited in their premises. Therefore, in principle, those are likely to say they have no difficulty, but I do not want to provide something publicly that has never been provided before, without everybody who is on the list having been told.

1950 So if he will bear with me I will give him this information on the basis that I have said and happily look into whether this should be something that can be provided publicly in the future in this House or even perhaps on a register which is maintained on a website. For some reason this is still done by the Ministry for Finance, not by any other entity, but it is something that, at first blush, I agree with him – there is no reason why it should not be made public.

But, given the finite number of licensees, I think it is appropriate to have a conversation with each of them which is not controlled by the Government and ensure that publication is not going to affect anybody's business in any adverse way.

1955 Even if one of them were to say, 'Well, look, we really wouldn't like the thing published,' we may then have to take a decision to do it anyway, but I think it is something to consider in slower order.

EDUCATION & JUSTICE

Q381/2015 continued –
Supply teachers and staff –
Details and reasons for contracts –

Acting Clerk: Question –

1960 **Hon. E J Reyes:** Mr Speaker, is it a convenient time for me to place a supplementary question to the Minister for Education in respect of the schedule he gave me for Question 3 –

Mr Speaker: I am a bit lost. I really do not know which is the next –

1965 **Hon. E J Reyes:** Mr Speaker, when the Minister answered my Question 381 he passed round a schedule and, following an established practice which I think both sides of the House have agreed to, you carried on with the next question. I am asking is it now a convenient moment when I may ask the Minister for Education my supplementary?

1970 **Mr Speaker:** [*Inaudible*]... question.

Hon. E J Reyes: Yes, can I refer the Minister for Education to the schedule he gave me? I hope I can explain myself.

1975 On the first columns, Mr Speaker, it says, ‘Number of supply teachers at each school.’ Then it says ‘(1) Governor’s Meadow First School, (2) Governor’s Meadow First School, (3) Governor’s Meadow First School, (4) Governor’s Meadow First School.’ Is that a simple chronological number, saying that there are four different teachers or is it a total of 10 teachers because one plus two plus three plus four is 10?

The same applies when you look at all the other schools. Perhaps the nomenclature for the column is incorrect. Can I have that first clarification?

1980 **Minister for Education and Justice (Hon. G H Licudi):** Mr Speaker, it is, as I understand it, the same nomenclature that has been used when the question was previously asked, which I believe was back in January. But it is simply a chronological statement: teacher number 1, teacher number 2, teacher number 3, teacher number 4. That is all that it means.

1985 **Hon. E J Reyes:** Yes, I thought so. I needed you to clarify that.

Then, Mr Speaker, at the bottom of that page, the last 17, where it says the school will vary and it is to cover short-term absences and not fixed... less than three months is a period – one takes it to be for the term.

1990 Because the school is not fixed and so on, this logically says that it will vary on a day-to-day basis according to just short-term absences and so on, am I correct in assuming that these teachers have to report daily to the Department of Education from where they are deployed and, hypothetically, if there are not 17 teachers who are suffering from bad headaches or influenza or whatever that day, what happens to that teacher? Is she then dismissed for the day or are they usefully employed as an additional support in some other school?

1995 In other words, are those 17 guaranteed that every day they will have some duties to do or is it that they turn up *ad hoc* and will be told, ‘Yes, today you are needed’ or ‘No, go elsewhere and have a coffee because your employment is not necessary today’? Is the Minister aware of that situation?

2000 **Hon. G H Licudi:** Yes, Mr Speaker, and the position is exactly the same as it was when the hon. Member was at the Department of Education. Teachers do not attend on a daily basis and, in fact, the answer says ‘not fixed’ because it is less than three months.

2005 The hon. Member will recall that we gave a commitment that whenever there was a need for somebody to be engaged for at least three months they would be given a fixed-term contract, rather than an *ad hoc* casual arrangement like the hon. Members used to have with the supply teachers, with no employment rights, no pension, no security of tenure. We changed all that when we came into office. That is why you now have estimated lengths of contracts of seven months, 11 months, four months etc.

2010 Where the need is for less than three months because a teacher might be ill with the flu for a week, then there is a supply list and, as the hon. Member knows, there is somebody in charge – of the Department of Education – of assessing the needs of particular schools or all the schools almost on a daily basis, and calling up teachers who are on the list and who do not have fixed-term contracts because they have not been

engaged for at least three months, and then asking them whether they can go to a particular school to cover that absence.

2015 It is all to cover short-term absences of a few days, a week, a couple of weeks. The list shows the number of people who were actually engaged. This is not a list of supply teachers, this is a list of supply teachers who were engaged, because the question was, ‘How many are *currently* engaged?’ So this is the list of those who were currently engaged, doing work as supply workers – some on fixed-term contracts, some without fixed-term contracts but just covering absences on that particular day. So this is not just a supply list, this is a list of persons who were actually engaged on the day that the list was compiled.

2020 Therefore these teachers would have been told, ‘You are needed in Bayside for a week,’ or ‘You are needed in Sacred Heart to cover this particular short-term absence,’ to the extent that there is a greater list without particular needs on a particular or couple of weeks or a month... Then those teachers will not be sent to any school where there is no need, they will simply wait to be called and to be allocated work on an *ad hoc* basis.

2025 As the hon. Member will see – and a stark difference to the position that the hon. Members used to have – the vast majority of the teachers... in fact we have 44 teachers currently – when I say currently I mean on the day this was prepared – with a fixed-term contract. On the supply list – not just on the supply list called on an *ad hoc* basis, but with fixed-term contracts of varying months – and then an extra number... an extra 17, as it was on that particular day, who were called to cover short-term absences without a fixed-term contract because those short-term absences were expected to be for less than three months.

2030 **Hon. E J Reyes:** Yes, it does clarify. However, Mr Speaker, those 17 there – not fixed because they are less than three months and so on – in that list it could include teachers who are retired and are now coming back to help to cover the demand for short-term supply. So not all of them are necessarily looking towards obtaining a longer-term contract. They are just those teachers who, because of their vocation and so on, do not mind being called up occasionally and... said, ‘Look, someone has had to go to the doctor. He has been given a medical certificate for the next five days,’ and they are called in.

2035 Especially, Mr Speaker, the Minister might be aware when you get to secondary school levels and so on where what you require is more specialist, it is not just a question of sending a teacher, but if, hypothetically, someone is absent who normally teaches an examination class in French then there would be absolutely no point in sending me to that classroom to cover because I do not even know enough words in French to string up a sentence. So it is in many ways subject related.

2040 If he does not have the information it does not matter. Just, should next I pose a similar question then perhaps the Minister could look into that possibility, because not all those then are necessarily looking for employment.

2045 I take note that the Minister said this is like a snapshot taken on a particular day. If that is the case, perhaps somewhere in the answer it should say, ‘This is as of this day,’ or ‘as at that week or term.’ It does help the situation. Otherwise when one looks back on the records, having asked this in the summer term, I could easily interpret in a few months’ time that this is a situation that reflected the whole term, rather than just to a particular day.

2050 **Hon. G H Licudi:** Mr Speaker, there is no question of the hon. Member being able to look back and thinking that this reflects the position of the whole term. I just said that the question is, ‘How many are currently engaged?’ The hon. Member will know when he posed the question, when the answer was given and therefore ‘currently’ means within that window, not over a whole term. There is no other possible interpretation of the word ‘currently’.

2055 As regards the hon. Member’s question as to whether this could include retired teachers, the answer is, yes, it can include supply teachers. My understanding is that generally teachers when they retire, they retire and they do not generally want to go on the supply list. I can think of one or two that have been doing some work after their retirement, but that is really a minority.

2060 The hon. Member will find that the very vast majority of those on the supply list are teachers who are qualified and looking for permanent employment rather than retired teachers – although there is the odd occasion when a retired teacher will come in to fill in a particular gap and, as the hon. Member has said, there might be a specialist that is required on a particular occasion who cannot be found on the supply list and then a retired teacher might come in to cover that very short gap that might be needed.

DEPUTY CHIEF MINISTER

Q398/2015

**European Parliament and European Commission –
Update from Deputy Chief Minister**

2065 **Acting Clerk:** Question 398/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Deputy Chief Minister provide details of what issues were discussed at his recent European Parliament and European Commission meetings to include who he met at those meetings?

2070 **Acting Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, my last visit to Brussels was from 13th to 16th April. The main subjects for discussion during the visits were civil aviation, taxation and border delays. I met with Commissioner Dimitris Avramopoulos who is responsible for migration and border management. I also met with 12 MEPs from six different political groups.

Hon. D J Bossino: Mr Speaker, can he provide more details? He mentions those topic areas – for example, one of them, which is really very relevant, would be the matter of civil aviation and certainly the problems at the border. In fact the press release issued by the Government referred to taxation, aviation and freedom of movement.

2080 Can he give more particulars in relation to what precise issues were discussed under those broad headings?

Hon. Deputy Chief Minister: Mr Speaker, yes, in relation to civil aviation the discussion was obviously to do with the attempts to exclude Gibraltar from the application of EU civil aviation legislation. So many of the meetings with MEPs centred on... or many of the MEPs were vice-presidents on the Transport Committee or the spokesmen of political groups on the Transport Committee who we felt needed to be briefed from the Gibraltar perspective.

2090 In relation to freedom of movement, obviously this was the ongoing Commission investigation into the border and this was mainly discussed with the Commissioner himself but also with several Members of the European Parliament as well.

The third issue was taxation. The hon. Member may be aware of the new Tax Committee which the European Parliament set up following the Luxembourg leaks scandal. That was the issue that was discussed in relation to taxation.

CHIEF MINISTER

Q399/2015

**Civil Service –
Development of training programme**

2095 **Acting Clerk:** Question 399/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister provide details of the training programme which he claims is being developed for the Civil Service?

2100 **Acting Clerk:** Answer, the Hon the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, Her Majesty's Government of Gibraltar has recognised the need to develop its employees so that they are fully-equipped to deliver a satisfactory service both now and in the future. A training and development section has been created within the Human Resources Department to identify and cater for the appropriate training and development of staff, in order to ensure that public servants have the necessary knowledge, skills and behaviours to meet both their and their public service objectives both in the short and the long term.

2110 Links have been established Civil Service Learning – that is a proper name, the Civil Service Learning – in the United Kingdom and together with the Human Resources Department will be providing training workshops and seminars. These will range from inductions in customer care to more in-depth management

and leadership courses and other courses that may be oriented towards specific skills required within certain areas of the service. This will assist in ensuring that an enhanced and specialised service is provided to our service users and the general public.

2115 Additionally, we are pursuing exchanges of the Civil Service Organisations of other overseas territories, the United Kingdom and the EU service training bodies.

So, Mr Speaker, as the Hon. Member will see from this answer, this is not just a ‘claim’ as his question states, but a reality which has been warmly welcomed by the public sector. I have no doubt the private sector will welcome these initiatives also.

2120 All in all this demonstrates our commitment to provide opportunities for meaningful training and career development within the public sector as a whole. I am very happy to be offering these opportunities and trust that we will enjoy the support of the whole House in doing so.

Hon. D J Bossino: I did not use that word ‘claim’ in a negative way, but of course it had to be the Chief Minister who picked on it and had to make a comment in relation to it.

2125 All the information which he has provided to us just now, basically is that the end product in terms of the training programme? The reason why I ask this is because he is quoted in the press as saying that this is only the tip of the iceberg of the programme that is being developed by the Chief Secretary. So is there more to come by way of development which is presumably being undertaken by the Chief Secretary?

2130 **Hon. Chief Minister:** Indeed, Mr Speaker, this answer has been prepared by the Chief Secretary and there is much more to come. For example, when I am telling him that we are now working with Civil Service Learning and that is an organisation – there is an organisation called ‘Civil Service Learning’ in the United Kingdom – we are working with them and therefore tapping into everything that *they* offer to the United Kingdom Civil Service, which is now also available to the overseas territories. Other overseas territories have some things which we may be able to learn from and there is now contact between the overseas territories on what it is that we can do.

2135 The exchanges which will start will be starting. They will continue. So this is the beginning of what I hope will be something that endures over many different administrations of whatever partisan complexion they may be.

Q400/2015

New advisory council for strategic economic goals – Details

2140 **Acting Clerk:** Question 400/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister provide details relating to the new advisory council for strategic economic goals to include who will participate in the main and subcommittees?

2145 **Acting Clerk:** Answer, the Hon the Chief Minister.

2150 **Chief Minister (Hon. F R Picardo):** Mr Speaker, Government Press Release 268 of 2015 sets out the thinking behind the establishment of Gibraltar 2025 in partnership. More details of who will participate in the main and subcommittees will be announced when the Government has completed the process of approaching relevant individuals. The process has begun, but is not yet complete.

Q383-388/2015 and Q390-93/2015 – Written answers provided

2155 **Chief Minister (Hon. F R Picardo):** Mr Speaker, at that stage without waiting for the adjournment, I should inform the House that Questions 383-388/2015 and Questions 390-93/2015 are to be answered by Minister Bossano, who, as we know, is not in the Caribbean, but in South America, in Nicaragua, dealing with the issue of the UN seminar which he traditionally deals with; therefore he will not be able to provide the answers during *this* session of Parliament. Under Standing Order 16 the answer can be provided either in writing all the next meeting of the House of the election of the questioner.

I have the written answers with all the information ready to pass.

2160 **Hon. D A Feetham:** Mr Speaker, I would ask that Mr Speaker rules on this particular point because it is an important point of principle. Mr Speaker, before I get to it, let me just say that the Opposition has attempted to be as reasonable as it possibly can in relation to this. I have agreed that some of my questions can be answered in writing, Mr Bossino has agreed that his questions can be answered in writing, and indeed, Mr Reyes has also agreed that his questions can be answered in writing.

2165 However, there are six questions, and indeed I can whittle it down to five questions in relation to Gibraltar Investment Holdings Ltd and when the Gibraltar Savings Bank provided loans to that company, which is highly relevant to my speech during the Budget, and therefore I require that Mr Bossano answer them orally. The reason why I say ‘require’, Mr Speaker, is because the Rules cannot, in my respectful submission, be interpreted in the manner that the Chief Minister wants them to be interpreted, which is – and it amounts to this – that any Government can really take the view, because of the absence of a particular Minister in this House, to effectively choose not to answer a particular question orally, have that question answered in writing or alternatively been adjourned to the next session of the House, and that could be highly relevant to the questioner, because of course it is highly relevant to me here because I need the information for preparation for my Budget speech.

2170 The Rules... and I do not think that is what the Rules actually provide and I have never come across a situation where the Government says, ‘We are not answering this question orally. You can either have it in writing or alternatively you can wait’, simply because the Minister is not here to answer questions.

The relevant provision is 16(2), and it says:

‘If any question remains unanswered when the Parliament adjourns on the last day of a meeting, a written answer shall be sent to Members who put the question.’

2180 What this means is that when it says, ‘if any question remains unanswered’, what that is getting at is a situation where, for example, the information is not available – not because the Minister is not here to answer questions. There are nine other Government Ministers who could answer or alternatively it could be adjourned to next week or in two weeks’ time. It is if the information is not available.

2185 I know when he talks about ‘Parliament adjourns’, it is an adjournment *sine die*, and what I would urge on, Mr Speaker, is to rule that no, we have to come back in two weeks’ time when Mr Bossano is here so that he can answer these six questions, otherwise we are in a situation where, Mr Speaker, for example, in theory, in a month’s time – and of course the information is important for me today – Mr Bossano or the Government could come back to this House and say, ‘Under Rule 16(2) we are now going to provide you the information because Mr Bossano is no longer here again and you can either have it in writing or alternatively the next session of the House’. It is just a device, Mr Speaker, to delay answering a question orally or to prevent a question to be answered orally.

2190 I do not think that this is what this is designed to do. This is designed for a situation either where, for example, it cannot be answered because... and that is what I have in mind, a situation where the Government does not have the information available, and of course in that kind of situation, if the Government does not have the information, at the end of the session of parliament it cannot answer. So what happens then? It says, ‘Right, look, you can either have it in writing in due course or alternatively you can adjourn until next time round and have it in a month’s time’, but not a situation such as this where we are here, I have posed the question and Mr Bossano is not here. Indeed, some of these questions are questions really that are... if they are all the public finances, they *all* should be capable of being answered by the Chief Minister, who is the Minister with responsibility for the public finances of Gibraltar, and to expect to come back in a month’s time when I *need* the questions for my Budget speech, I do not believe is reasonable, nor do I believe that it is a reasonable interpretation of these Rules.

Hon. Chief Minister: Mr Speaker, may I answer those points?

2205 **Mr Speaker:** Yes.

2210 **Hon. Chief Minister:** Well, Mr Speaker, most of these questions actually relate not just to the public finances of Gibraltar, but actually to the ministerial responsibility of Mr Bossano – namely the Savings Bank and what has the Savings Bank invested in, etc... the debate that we have every month, Mr Speaker. We have the debate every month, Mr Speaker. We give the information every month, Mr Speaker. In fact, there have been 34 meetings of this Parliament now since the Election – 34.

2215 At this stage, Mr Speaker, in the parliamentary cycle, under the previous Administration of which the hon. Member was a Member, we might have had *nine* meetings, and on the morning of the Budget... on the *morning* of the Budget, we might receive some of the information which we are then expected to reply to; but that is not the situation that we have perpetuated.

Mr Speaker, I might be told sometimes that we were going to be dealing with the Budget a *week* before the Budget came on. At the beginning of this session, I have indicated to hon. Members when the Budget will be. There is one more Question Time to go before the next Budget session and indeed, 72 hours between that Question Time and the Budget.

2220 So if the hon Member were to say to me that he does not want the information in writing, but he wants it at the next meeting of the House, he would still have it 72 hours before he needs to write his speech. But I am not telling him, Mr Speaker, that we are not going to provide him with information. I am telling him I have got the information to provide in writing and ready to hand it over to him. If he wants the information as much as he says he wants it, it is available and we will let him have it in writing, Mr Speaker. That is the most reasonable way to deal with this issue.

2225 If what he wants, Mr Speaker, is to have a *debate* about the subject, then of course he wants somebody to read him the answers so that he can then engage in what *he* thinks is his masterly style of then purporting to cross examine and, he says, gets to the bottom of things which there is no bottom to getting on to. But anyway, Mr Speaker, the information that he says he needs *is* available and is going to be provided to him *in writing*.

2230 This morning, at the end of Question Time, the Government intends to deal with one Bill and adjourn the House *sine die*, Mr Speaker. That is what we are going to do and he can have the answers in writing because in my view the reading of Standing Order 16 could not be clearer. The hon. Gentleman says that the provision of Rule 16(2) which says:

2235 ‘If any question remains unanswered when the Parliament adjourns...’

– means, Mr Speaker, because he says so... *means* when the Government does not have the information and then they can reply to it in writing at any time. Well, Mr Speaker, if the Government does not have the information, the Government may not have the information in order to be able to reply in writing; there is no question of there being a choice.

2240 Mr Speaker, my submission – not my imperative view, because I do not seek to impose views on anyone, as the Hon. Member tells it in the way that he postulates his submission – is that that Rule does not mean that, Mr Speaker. It simply means, for example, that where a Member is not present, the answer can be given. *If* we were trying to avoid giving the information, I would simply have got up here, Mr Speaker, and said, as I could have, ‘It has not been possible in the time available to provide the information’ or ‘in the absence of Mr Bossano it has not been possible to collate the information. We will provide it when we can’ or ‘because Mr Bossano is not here, we will answer at the next meeting’; but that is not what I am saying, Mr Speaker.

2250 I am saying I have the information and I can pass it in writing because Mr Bossano is not available here to answer the questions which the Government considers he should answer. That is all, Mr Speaker, and I ask that you rule that therefore the Government is at liberty to either provide the answers to these questions in writing or that the Member can then seek to go to the next meeting. Of course, Mr Speaker, at the next meeting he can ask the questions again. So if I were advising him – which I would not do because he would disregard what I say to him... perhaps not a bad thing because I would give him good advice and I do not want him to act in keeping with good advice. I want him to continue acting the way that he is acting.

2255 I would say to him, ‘Take the information in writing now for this month and next month ask the question again, because we will give you the information again’. All that 72 hours before you create a speech which I shall look forward to demolishing on the Thursday after you deliver it.

2260 **Hon. D A Feetham:** May I come back?

Mr Speaker: May I be given an opportunity to give some guidance –

2265 **Hon. D A Feetham:** Yes, of course.

Mr Speaker: – and express my own views which I think maybe appropriate.

2270 This is an unusual situation; it is not something that happens very often. If it were to happen very often in that Ministers were to absent themselves from meetings of the House and therefore fail to answer questions, then one would deprecate the practice; but it is very unusual. It is of course for the Government to decide who answers questions, and it may not always be appropriate that another Minister should answer questions because they may be of a highly technical nature and supplementaries may arise which that other Minister might not be able to deal with.

2275 In the past, as I say, I can never remember in all the years when I was in Government that Ministers were ever absent when there was a meeting of the House, but then, in those days it is also fair to say that the House was not meeting for 10 months of the year – virtually every month as we do. Then, five or six

meetings a year were held and every attempt was made to hold those meetings on occasions when they might not clash with commitments which Ministers could have outside Gibraltar; but that is not the situation now. The situation now, the reality is that Ministers are very often away. It is a practice that has developed over the years because of the demands of Government and the demands of the situation in Gibraltar require that that should be the case.

2280

The Hon. Mr Feetham did not read the proviso to Rule 16(2). There is a proviso there, and essentially the proviso is that if the hon. questioner does not want a written answer, he can say, within three days of the adjournment, 'Now, look, I want a question to be postponed to the next meeting of Parliament.' He has explained the problem. He needs this information because he needs it for –

2285

Hon. D A Feetham: A supplementary, sir.

Mr Speaker: It is supplementary information that he needs for the Budget (*Interjections*).

The question could be asked again. I understand that the next meeting of the House will be on 17th – that would give him five days with the weekend in between. If he feels that that is not sufficient, that he does not have enough time if he is provided with that information then, if he feels that that is the case, there is an alternative. The alternative is that he could accept the written answers and having seen what the written answers are, I could suggest that he could then write to the Government with a series of supplementaries requiring whatever other further information he requires, over and above what is given in the written answer. He could pursue that in writing and that might be a reasonable compromise that might meet the problem.

2290

2295

Hon. D A Feetham: Yes, Mr Speaker.

But of course Mr Speaker ignores the history of the way that Government has been answering questions about Credit Finance and Gibraltar Investment Holdings Ltd, and if Mr Speaker thinks that I am here standing up making a point for the sake of making it, I am afraid that he is sadly mistaken. I am making –

2300

Mr Speaker: Have I said anything – (*Interjections*) In what I have said, will the Hon. the Leader of the Opposition indicate what it is that I have said that could give him that impression that he is just standing up to make a fuss? Have I said anything that gives that impression to him? That I am not being respectful of his concerns?

2305

Hon. D A Feetham: Well, Mr Speaker, my concern had derived from the fact that the Government has answered questions in relation to Credit Finance and Gibraltar Investment Holdings in a particular way. I have not seen these answers, but at every single opportunity and at every single stage where I have asked questions, there have always been prevarications, obstacles, the refusal to answer supplementaries, and I suspect that is going to be the position in relation to these questions. So therefore I want to ask supplementaries in relation to these questions, because these are a very important series of questions.

2310

Now, Mr Speaker, with respect – (*Interjection*) No, I am on my feet!

2315

Hon. Chief Minister: I am asking you to give way.

Hon. D A Feetham: No, I am not going to give way as *you* have not given way on numerous occasions where I have asked you to give way. (*Interjection*) No, *you* established a long time ago –

2320

Mr Speaker: Order. Order!

If the hon. Members will not subscribe to the instructions that I give, I am prepared to take further steps if the [*Inaudible*]

May I add one further thing? Of course, in respect of when the House meets, the Speaker has no control over that situation. The Speaker does not call meetings of the House; that is for the Leader of the House to do so.

2325

Hon. D A Feetham: Indeed, Mr Speaker.

But, Mr Speaker, what we are dealing with is questions about the public finances of Gibraltar – that is what we are dealing with. They are questions... Mr Speaker, the Chief Minister says he has the answers. He could very easily give us his answers orally. If I have supplementaries and *he* cannot answer those supplementaries for whatever reasons, he can say, 'I do not have the information' or 'I cannot answer those supplementaries'. I mean there are other ways of proceeding.

2330

I just think that relying on a Rule which is *highly*, highly unusual – I have never come across it, certainly since I have been in Parliament and Mr Speaker says that he has not come across it – where a Government says, 'Yes, okay. There has been an oral question that has been posed for answer, but I am

2335

afraid that the Minister is not here and so we will either give it to you in writing or alternatively you can adjourn to the next month and get it answered the next month'. I think that establishes a dangerous precedent and what I am saying is that this Rule does not allow that, because effectively, when it says, 'If any question remains unanswered', for the Hon. the Chief Minister to be right, the interpretation of this is 'If the Government does not want to answer any questions when parliament adjourn'. That is what he is inviting you to basically hold.

2340

If the Government does not want to answer any question orally and the parliament then gets adjourned, then it has got to be in writing or it goes to the next month. I do not believe that that is a reasonable interpretation of these Rules –

2345

Mr Speaker: May I say –

Hon. D A Feetham: – and I am asking Mr Speaker to give a ruling on this so that we all know where we stand in the future.

2350

Mr Speaker: I think it would be a totally different situation if a Minister was present in Gibraltar and able to attend the meeting of the House and the Government were to refuse to answer that question –

2355

Hon. D A Feetham: Well, Mr Speaker –

Mr Speaker: That would be clearly wrong.

Hon. D A Feetham: Will you give way?

2360

Hon. D A Feetham: The Rules cannot vary in accordance with circumstances. The Rules have an interpretation and what I am saying is that it cannot be in the gift of the Government to refuse to answer the questions, whether it is for –

2365

Mr Speaker: Okay. Let me then make a ruling on the question of when a question remains unanswered. Why might a question remain unanswered? It can remain unanswered because the Minister is not here and the Government considers that they want that particular Minister to deal with the matter; or it remains unanswered because the questioner, the person who has put down the question on the Order Paper, is not here to ask the question.

2370

Those are the only two situations in which, according to the Rules, a question might not be answered. (*Interjections*) The Rules certainly do not provide for the Government to *refuse* to answer a question – that would be contrary to the Rules. (*Interjections*)

2375

Hon. Chief Minister: Mr Speaker, a lot has been said which I think I need to reply to, although you have ruled and the Government of course accept your ruling. But the Hon. Member needs to understand there is no question of the Government accepting that we answered with prevarication, that we put obstacles and that I do not want to deal with these issues.

2380

Mr Speaker, the Hon. Member and I are fresh out of a television debate on the public finances, less than 3½ weeks ago. He said he was very much looking forward to having that debate unconstrained by the Rules of parliamentary debates – i.e. able to do things which we are not able to do in this parliament. Well, I would rather have debates constrained by rules, in particular rules that require one to tell the truth, but anyway...

2385

Is there a dangerous precedent, Mr Speaker? A *dangerous* precedent would be set if, as you rightly say, Mr Bossano were in Gibraltar and we decided *not* to answer; but Joe Bossano is in Nicaragua defending Gibraltar's interests in the United Nations seminar. He is not on holiday on a cruise.

Mr Reyes exempted himself from a meeting of the Parliament because he was on a cruise – so be it (*Interjections*) as it is a matter entirely for him. But the Minister is on important Government business in the national interest.

2390

Mr Speaker, the interpretation of the Rule which the Hon. Member wants to give is a totally self-serving one. Let us be very clear, Mr Speaker. I can get up as Leader of the House whenever I want, halfway through questions. I can get up and say, 'I now move to adjourn the House *sine die*', and then there is no debate and no ruling, and answers are sent in writing or the question can be put at the next parliament (*Interjections*) and I have the majority of votes in this House and the House adjourns *sine die*. (*Interjection*)

2395

Therefore, Mr Speaker, the interpretation of the Rules is not one that changes or that requires ruling, it is an explicitly clear one, which the Hon. Member wants to try and twist to his advantage, and I am very grateful, Mr Speaker, for your ruling because that accords to the Government's –

2400 **Mr Speaker:** Can I say that I have no doubt that the word ‘adjourns’ here... if any question remains unanswered when the Parliament adjourns on the last day of a meeting is an adjournment *sine die*, because otherwise it would not happen on the last day of a meeting. Because if today the Chief Minister were to adjourn the House to 15th June, then on 15th June it is the same meeting and *that* would be the last day of the meeting. Therefore what the Rule is saying is if that happens, then a written answer shall be sent to the Member who put the question, *unless* under the proviso he requests in writing that it should be left to a subsequent meeting. That is what the Rule says and that is clear-cut.

Questions for Written Answer

2405 **Acting Clerk:** Answers to Written Questions, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W37/2015 to W72/2015 inclusive.

Order of the Day

BILLS

FIRST AND SECOND READING

Social Security (Insurance) (Amendment) Bill – First Reading approved

2410 **Acting Clerk:** A Bill for an Act to amend the Social Security (Insurance) Act; and for connected purposes.
The Hon. the Minister for Business and Employment.

2415 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Social Security (Insurance) Act, and for connected purposes, be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Social Security (Insurance) Act, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

2420 **Acting Clerk:** The Social Security (Insurance) (Amendment) Act 2015.

Social Security (Insurance) (Amendment) Bill 2015 – Second Reading approved

2425 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I beg to move that the Bill for the Social Security (Insurance) (Amendment) Act 2015 be read a second time.

2430 Mr Speaker, the Bill amends the Social Security (Insurance) Act and the Social Insurance (Benefits) Regulations. The Bill introduces changes to Social Security legislation in order to allow for a maternity grant to be claimed on the basis of the social insurance record of a child’s father. The current position is that the mother of the child can *only* claim from her own, her husband’s or her civil partner’s contributions, to the detriment therefore of unmarried couples where the mother has insufficient insurance contributions.

This measure has been proposed as a result of assurances made by the Hon. the Chief Minister in his budget speech of June of last year, that common law relationships be recognised for benefit purposes. For this reason, the Bill has retrospective effect and should be deemed to have come into operation on 30th June of last year.

2435 I will now move, Mr Speaker, to particular clauses of the Bill.

Clause 2(2) amends the principal Act by deleting section 2(4)(d) which states that an illegitimate child shall not be treated as being issue of the child's father. The effect of this, albeit minimal in practice, is that death grants will now be payable in respect of illegitimate children. This amendment was necessary in the context of the other key provisions being introduced.

2440 Clause 2(3) allows a woman to claim a maternity grant on the basis of contributions of the child's father. Subclause (3) also states that a woman shall not be entitled to a maternity grant twice by virtue of her own insurance and that of her husband, civil partner or child's biological father.

2445 Clause 2(4) amends section 27 of the principal Act. Section 27 deals with instances where an employer has failed or neglected to pay any contributions that under the principal Act he is liable to pay on behalf of any employed person, and by reason thereof that person has lost in whole or in part any maternity grant she would have been entitled to.

Clause 2(4)(a)(i) amends section 27(2) so that when the employed person is a man, the child's mother in addition to the man's wife, civil partner, widow or surviving civil partner, will have the same right to recover in respect of a maternity grant lost, as a result of failure or neglect by the employer.

2450 Clause 2(4)(a)(ii) corrects an error with respect to maternity allowance in section 27(2) as maternity allowance, as opposed to maternity grant, can only be claimed on the mother's social insurance contributions in accordance with section 11(a) of the principal Act, not through a husband, civil partner etc, who is in employment.

2455 Clause 2(4)(b) amends section 27(4) so that the child's mother can also bring proceedings within the time stipulated therein.

Clause 2(5) amends section 41(2) of the principal Act to allow for the identity of a child's father to be ascertained or proved on presenting a requisition in writing to the custodian of the register relating to the registration of births, marriages, civil partnerships and death.

2460 Clause 2(6) amends paragraph 1(2)(b) of schedule 3 of the principal Act to redefine the expression 'relevant time' so that it includes the child's father as a relevant person within said definition. The paragraph has also been re-worded in the interest of clarity with no effect on its substance.

Clause 3 introduces a consequential amendment and various savings provisions.

2465 Clause 3(1) makes a consequential amendment to regulation 9 of the Social Insurance (Benefits) Regulations by limiting maternity grants claimed during pre-confinement to cases where the mother has claimed on her insurance contributions or on those of her husband or civil partner. Here, the child's biological father has intentionally been omitted as there are concerns over potential abuse and fraud.

2470 Under regulation EC883 of 2004, foreigners working in a member state are entitled to receive benefits on behalf of the family members abroad, as long as they meet the contributions requirements for that benefit. An agreement with Morocco is also in place which establishes the same practice with that country. The reality of the situation, therefore, is that in cases of pre-confinement where the mother is abroad and seeking a maternity grant on the basis of the contributions of the child's biological father, there is potential for abuse due to there being no way to verify that the man named on the maternity grant claim form is actually the child's father.

2475 The Department of Social Security could require mothers to send a birth certificate to verify the identity of the father once the child has been born, but the Department is concerned that regarding women claiming from abroad, the mother may not bother sending the birth certificate once she has received her pre-confinement payment. Therefore, a pregnant woman abroad *could* lie on the maternity grant claim form about the identity of the father and evade prosecution by staying in that country of residence; therefore, the Department of Social Security would have no way of verifying the authenticity of such claims. The effect of this clause is that women in this category will just simply have to wait until confinement to claim the benefit – in other words, they will still be eligible for the benefit just after birth.

2485 Clause 3(2) and subclause (3) makes saving for women to receive an additional benefit if during the period of 30th June of last year and the date of publication of the Amendment Act they received a reduced maternity grant as a result of not satisfying the relevant contribution conditions and the child's father did satisfy those contributions. Additional benefit must not amount to more than the differences between the reduced grant already received under the prescribed amount set out in the principal Act.

2490 Clause 3(4) is also a savings provision stating that notwithstanding the prescribed time for claiming a maternity grant, set out in paragraph 1(b) of schedule 2 of the Social Insurance (Claims and Payments) Regulations, which is six months, if between 30th June of last year and the date of publication of the Amendment Act a woman received a reduced grant due to not satisfying the relevant contributions conditions and she wishes to claim the additional benefit, or a woman was confined and wishes to claim a

maternity grant on the basis of the contributions of the child's biological father, the prescribed time for claiming shall be the period of 12 months beginning with the date of confinement. Mr Speaker, this is to give women enough time to claim the benefits as the six-month prescribed period for claiming may have already elapsed in some cases by the time this legislation comes into force.

2495 Mr Speaker, as you know I shall be moving an amendment to the Bill as regards clause 3(4) so that the 12-month period stipulated therein is extended to 18 months, to give women who meet the conditions more time to claim as the effect of having a 12-month period is that someone who was confined in July of last year, just after the Chief Minister's speech, would only have a month and a half to claim this benefit.

2500 I now commend this Bill to the House. (*Banging on desks*)

Mr Speaker: Before I put the question, does any Hon. Member wish to speak on the general principles and merits of the Bill?

2505 I will now put the question which is that a Bill for an Act to amend the Social Security (Insurance) Act and for connected purposes, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Acting Clerk: The Social Security (Insurance) (Amendment) Act 2015.

**Social Security (Insurance) (Amendment) Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

2510 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

Social Security (Insurance) (Amendment) Bill 2015 –

2515 **Acting Clerk:** Committee Stage and Third Reading.
The Hon. the Chief Minister.

2520 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill, clause by clause, namely the Social Security (Insurance) (Amendment) Bill 2015.

In Committee of the whole Parliament

**Social Security (Insurance) (Amendment) Bill 2015 –
Clauses considered and approved**

2525 **Acting Clerk:** A Bill for an Act to amend the Social Security (Insurance) Act, and for connected purposes.
Clauses 1 to 3 and the long title.

2530 **Mr Chairman:** There are, I think, 10 clauses, right? So call out first of all clauses 1 to 10. Okay? (*Interjections*) No, it is the Income Tax that is first? No? Has it changed... the order?

Acting Clerk: Yes, we are only doing one.

2535 **Mr Chairman:** We are only doing the Social Security one? The others we are not taking? (*Interjection*) Very well. Okay [*Inaudible*] We are dealing with the Social Security (Insurance) Bill.

Acting Clerk: A Bill for an Act to amend the Social Security (Insurance) Act, and for connected purposes.

Clauses 1 to 3.

2540

Mr Chairman: Stand part of the Bill.

Minister for Business and Employment (Hon. N F Costa): Mr Chairman, in respect of clause 3(4) –
(*Interjection*)

2545

Mr Chairman: Clauses 1 and 2 stand part of the Bill.
Now for clause 3 there is an amendment.

Hon. N F Costa: Indeed, Mr Chairman.

2550

In respect of subclause 4 of clause 3, the amendment is to substitute ‘12 months’ with ‘18 months’.

Mr Chairman: I will put this amendment. Do all hon. Members agree? (**Members:** Aye.) Carried.
So clause 3, as amended, stand part of the Bill.

2555

Acting Clerk: The long title.

Mr Chairman: Stands part of the Bill.

BILL FOR THIRD READING

Social Security (Insurance) (Amendment) Bill 2015 – Third Reading approved: Bill passed

Acting Clerk: The Hon. the Chief Minister.

2560

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Social Security (Insurance) (Amendment) Bill 2015 has been considered in Committee and agreed to with an amendment, and I now move that it be read a third time and passed.

2565

Mr Speaker: I now put the question, which is that the Social Insurance (Amendment) Bill 2015 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

ADJOURNMENT

Acting Clerk: The Hon. the Chief Minister.

2570

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House do now adjourn *sine die*. As I have indicated at the next meeting of the House we will be considering the Appropriation Bill and have the Budget debate.

2575

Mr Speaker: I now put the question, which is that the House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried. The House will now adjourn *sine die*.

The House adjourned at 1.50 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 6.45 p.m.

Gibraltar, Wednesday, 17th June 2015

Business transacted

Prayer	3
Confirmation of Minutes	3
Papers to be laid.....	3
Questions for Oral Answer	4
Business AND Employment.....	4
Q401/2015 Health and safety – May 2015 statistics	4
Health, the Environment, Energy and Climate Change	7
Q402/2015 Estimates Book – Breakdown of expenditure	7
Q403/2015 Estimates Book – Provision of reports	7
Q404-406/2015 Commonwealth Park project – Services provided by Wildlife Gibraltar Ltd, Comofco Consultants and JLC consulting.....	8
Q407/2015 Macaques – Monitoring of illegal feeding	9
Q408/2015 LED lighting – Use in Government buildings.....	10
Q409/2015 Solar panels – Contract details re installation and maintenance.....	13
Q410/2015 New power station at North Mole – Problems re foundations	14
Tourism, Housing, Equality and Social Services	14
Q411/2015 Mid Harbour Estate garage barriers – Date when operational	14
Q412/2105 Squatters in Government rental homes – Costs re eviction.....	14
Q413/2015 Decanting of tenants – Numbers and details	15
Q414/2015 Preparation of homes for reallocation – Expenditure and details of work undertaken.....	15
Q415 and Q420/2015 Government rental homes – Unpaid rents	15
Q416/2015 Government rental homes – Allocations and assignments	16
Q417/2015 Government rental homes – Numbers vacant	17
Q418/2015 Housing waiting lists and pre-list – Breakdown of applicants	19

Q421/2015 Lifts – Installation and maintenance contracts	20
Q422/2015 Gibraltar Bus Company – Payments for advertisements on buses	22
Q423/2015 Advertising on bus stops – Maintenance management.....	24
Q424/2015 Government car fleet – Figures and emissions.....	25
Q425/2015 Hybrid car purchase – Public and private sector figures	27
Financial Services and Gaming	28
Q426/2015 Financial Services Ombudsman – Plans for creation of office.....	28
Q427/2015 Gibraltar Deposit Guarantee Scheme – Revision of legislation	28
Q428/2015 FSC supervisory activities – Independent review team.....	30
Q429/2015 Bermuda Captive Conference – Gibraltar insurance professional attendees.....	31
Education and Justice & International Exchange of Information	31
Q430/2015 Students dropping out of school – Numbers	31
Economic Development, Telecommunications & the GSB.....	32
Q385/2015 WOPS – Government manifesto commitment	32
Q386/2015 Employees in public service – Permanent increases in numbers.....	33
Q393-397/2015 Gibraltar Investment (Holdings) Limited – Fixed Rate Notes	33
Q431/2015 Maritime Cadet Training Scheme – Student details	41
Q432/2015 Dual-fire Waterport power station – Requirement to borrow re construction costs	43
Q433/2015 Government cash reserves and debt.	43
Deputy Chief Minister	47
Q438/2015 Northern Defences regeneration scheme – Cost of phase 1	47
Q439/2015 Gibraltar Airport – European Transfer Commissioner’s comments.....	47
Q440/2015 EU Parliament Petitions Committee Chairman – Recent visits.....	48
Q441/2015 Gibraltar House, Brussels – Cost and staffing.....	49
Chief Minister.....	50
Q442/2015 Moneylending licensees – Provision of mortgage facilities	50
Q443/2015 <i>Sunborn</i> Floating Hotel – Nature Group claim against Government	51
Q444/2015 Naturalised British in Gibraltar – Number; Government housing.....	52
Questions for Written Answer	53
Adjournment.....	53
The House adjourned at 6.45p.m	53

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

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

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

PRAYER
Mr Speaker

CONFIRMATION OF MINUTES

Clerk: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th and 21st May 2015.

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

Mr Speaker signed the Minutes.

PAPERS TO BE LAID

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

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Gibraltar Annual Policing Plan for 2015-2016; and, in respect of section 12 of the Public Finance (Borrowing Powers) Act 2008, the Revolving Facility between HM Government of Gibraltar and Royal Bank of Scotland International Ltd, trading as NatWest, dated 22nd May 2015.

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

Clerk: The Hon. the Deputy Chief Minister.

20 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to lay on the table the Air Traffic Survey Report 2014.

Mr Speaker: Ordered to lie.

25 **Clerk:** The Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): I have the honour to lay on the table the Census of Gibraltar 2012.

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

Clerk: The Hon. the Minister for Business and Employment.

35 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I have the honour to lay on the table the Employment Survey Report 2014.

Mr Speaker: Ordered to lie.

Clerk: The Hon. the Minister for Tourism, Housing, Equality and Social Services.

40 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, I have the honour to lay on the table the Tourist Survey Report of 2014 and the Hotel Occupancy Survey 2014.

Mr Speaker: Ordered to lie.

45 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.

Questions for Oral Answer

BUSINESS AND EMPLOYMENT

Q401/2015 Health and safety – May 2015 statistics

Clerk: Question 401, the Hon. J J Netto.

50 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide the Health and Safety statistics for the month of May 2015, as these were not available on the Government website at the time when notice for questions was issued?

55 Can I say that subsequently... I am not going to pre-empt the answer of the Hon. Minister, but subsequent to the question being laid, that I have seen the information. In fact, I got a printed version this morning of it.

Clerk: Answer, the Hon. the Minister for Business and Employment.

60 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I now hand over to the hon. Gentleman the information requested.

SCHEDULE TO QUESTION NO 401/2015

Table HS.1
Monitoring Activities, 2015

Industry Sector	May							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related								-
Bank, Finance, Insurance								-
Construction	2	11	9	12	1	1	15	51
Education								-
Electricity Supply/Related	2							2
Horticulture								-
Hotel Trade								-
Manufacture								-
Medical & Health Services								-
Police, Security, Fire Services								-
Post & Communications								-
Public Admin & Natl Defence	2							2
Repairs Consumer Goods				1				1
Restaurants, Bar etc								-
Retail Trade								-
Road Transport Related								-
Sanitary Services								-
Sea Transport Related		1						1
Shipbuilding/Marine Repairs								-
Water Supply/Related								-
Wholesale Trade		1						1
Total	6	13	9	13	1	1	15	58

Updated 1 June 2015

Source: Ministry for Business and Employment

CONT. SCHEDULE TO QUESTION NO 401/2015

Table HS.2
Occupational Reportable Accidents, 2015

Industry Sector	January			February			March			April			May		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Construction	3	-	-	3	-	-	1	-	-	3	1	-	-	2	-
Education	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hotel Trade	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	1	-	-	1	-	-	1	1	-	1	-	-	-	2	-
Water Supply/Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	5	-	-	6	-	-	3	1	-	4	2	-	2	2	-

Updated 1 June 2015

Source: Ministry for Business and Employment

CONT. SCHEDULE TO QUESTION NO 401/2015

Table HS.3
Enforcement Activities, 2015

Industry Sector	January		February		March		April		May	
	PN	IM	PN	IM	PN	IM	PN	IM	PN	IM
Air Transport Related	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	-
Construction	-	-	1	-	-	-	1	-	-	-
Education	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-
Total	-	-	1	-	-	-	1	-	-	-

Updated 1 June 2015

Note:
PN: Prohibition Notices Served
IM: Improvement Notices Served

Source: Ministry for Business and Employment

CONT. SCHEDULE TO QUESTION NO 401/2015

Table HS.4¹

Number of times legal advice has been sought during the month in relation to the number of inspections conducted, 2015

As at	Advice
January	-
February	-
March	-
April	-
May	-
Total	-

Updated 1 June 2015

Source: Ministry for Business and Employment

CONT. SCHEDULE TO QUESTION NO 401/2015

Table HS.5¹

Reasons for Factories Inspectors issuing Improvement and Prohibition notices, 2015

As at	Industry Sector	Improvement Notices	Prohibition Notices	Reason
31 January	-	-	-	-
28 February	Construction	-	1	The company failed to provide a structure of suitable and sufficient strength and rigidity for the purpose for which it is being used.
31 March	-	-	-	-
30 April	Construction	-	1	The company failed to provide CDM Notification of Project, Asbestos Survey, Risk Assessments, Method Statement, Health and Safety Plan.
31-May-15	-	-	-	-

Updated 1 June 2015

Source: Ministry for Business and Employment

65 **Hon. J J Netto:** Mr Speaker, if I may, as I said in my preliminary question, I do have the information because I actually printed it this morning.

70 Could I, in terms of a supplementary question, ask the Hon. Minister, in relation to reportable accidents, in the table on reportable accidents, I have noticed that there were two major accidents in the shipbuilding/marine repair industry group? Can perhaps the Minister provide us with some information as to the nature of those two major accidents?

75 **Hon. N F Costa:** Mr Speaker, the supplementary information that I have brought with me this afternoon relates to the reasons for the factories inspectors issuing improvement and prohibition notices. I have not brought any supplementary information on the question he specifically asks; but as I ask the hon. Gentleman every time, if he has questions on any specifics arising from any of the statistics, I will be more than happy to either answer him in this House, were he to give notice, or to write to him – however he pleases to proceed.

80 **Hon. J J Netto:** Well, really, so long as one gets the information, that is what is the important part. I do not know how quickly... Can the hon. Member perhaps get some of his staff to get the information and just give a very brief summary, really, of the nature of the accidents, and if he can later on provide the information in Parliament, with the indulgence of Mr Speaker, that will be fair enough, really.

85 **Hon. N F Costa:** Mr Speaker, ordinarily my staff, who are extremely nimble on their feet, would have provided me with the information, but it is summer hours so I do not think I will have much luck today. So,

again, I can either write to him or, if he were to ask me specifically at the next session of Parliament, I will be more than happy to provide him with the information.

Hon. J J Netto: Mr Speaker, I am quite happy for the hon. Gentleman to write to me and provide me with the information. That is, at the end of the day, what I really wanted to have.

Hon. N F Costa: I will do so, Mr Speaker. I am grateful.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q402/2015 Estimates Book – Breakdown of expenditure

Clerk: Question 402, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Written Question 41/2015, can the Minister for Utilities provide details of the expenditure of item 2, Fire Prevention and Detection; item 11, New Power Station – Tender Evaluation Cost; item 12, Replacement of Sub-Station; and item 15, Infrastructure – New Power Station?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, details of expenditure for these items are as follows.

Item 2: £764.50 – and this is ongoing – refers to the purchase of flame detectors to replace detectors damaged by the Waterport fire.

Item 11: £106,354.22 – complete – refers to the technical, legal and cost evaluation that was paid to external consultants for the new power station tender evaluation. These were paid to Mott MacDonald, TSN and Bartons Surveyors.

Item 12: £194,154.49 – ongoing – refers to various items associated with the replacement of substations and includes switchgear, transformers, ring main units and low voltage boards to replace Maida Vale and Rosia substations, Network Mimic diagram upgrade, power system analyser for network and substation locks.

Item 15: £269,252 – ongoing also – refers to infrastructure works to connect the new power station to Mid Harbour's distribution centre.

Hon. J J Netto: Mr Speaker, given the amount of information that the Hon. Minister has just provided, I wonder whether he will be kind enough to provide a copy – I am obliged.

Q403/2015 Estimates Book – Provision of reports

Clerk: Question 403, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer to Written Question 43/2015, can the Minister for the Environment provide Parliament with copies of the following reports: (a) ADCP survey by Van Oord; (b) City level greenhouse inventory by Ricardo-AEA; (c) Climate change strategy and implementation by Geoff Lye; (d) Energy efficiency target and action plan by ECOFYS UK Limited; (e) Solar thermal pilot study by E M Consulting; (f) Renewable energy strategy by New Resource Partners; (g) Transport climate change strategy project by Mott MacDonald Limited; (h) Implementation of renewable energy and energy efficiency projects by Jon Orpin?

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

130 **Minister for Health, the Environment, Energy and Climate Change: (Hon. Dr J E Cortes):** Mr Speaker, I will provide the hon. Member with electronic copies of the documents available, as I have done before, with the exception of the following three.

(1) The Renewable Energy Strategy drafted by NRP. This is currently being reviewed by the Department and will be published shortly. In lieu of this the National Renewable Energy Action Plan has been submitted.

135 (2) The Implementation of Renewable Energy and Energy Efficiency projects by Jon Orpin. Unfortunately, Mr Jon Orpin passed away recently and was unable to complete a report of the consultancy works carried out for the Department of the Environment and the Gibraltar Electricity Authority.

(3) The Transport Climate Change Strategy by Mott MacDonald, which is not yet finished and published.

140 But all the others will be with the hon. Member I would say within the next 24 hours, if not sooner.

Hon. J J Netto: Well, certainly I am grateful for the information and I am grateful for the number of reports that he is going to pass on for my perusal.

145 In relation to the Transport Climate Change Strategy report, can the Hon. Minister explain the delay? This is very much intertwined with information that was collated with the... I cannot remember the actual name now... with another report to do with renewable energy in terms of setting the targets for the Government for 2020. So could perhaps... Is this, the delay on the figures on the transport climate change strategy, is that delaying other Government reports in relation to climate change and renewable energy?

150 **Hon. Dr J E Cortes:** Mr Speaker, I am not completely sure as to why this is not yet finished, but it is not, in my view, holding up any other report or the development of any other policy which we are on track to, as I think I said at the last meeting of Parliament, to present from the Climate Change Taskforce to the Climate Change Forum shortly.

155 I believe that this was asked for subsequently to Mott MacDonald carrying out the Sustainable Traffic, Transport and Parking Plan, so it would not have been ready at the same time. I can look into whether there is any knock-on effect or anything else, but I am not aware, and if there was anything serious I daresay I would be.

160 **Hon. J J Netto:** I have been lucky and just remembered, Mr Speaker, that the actual report I was referring to, but I could not remember the name, was the National Renewable Energy Action Plan for Gibraltar, which the hon. Gentleman actually gave me, I think it was last month or the month before. Just to look at one particular page, page 9, within the tables there it is all... the tabulation... there are a lot of asterisks there, and if you go down to the bottom here it is basically talking about that the figures for the completion of the Sustainable Traffic, Transport and Parking Plan 2015 are still not yet done, or in whatever form it is, therefore delaying the actual report itself. So this is why I am saying whether the delays on some aspects of some reports are actually holding back the Government broader picture for Renewable Energy and Action Plan for Gibraltar?

170 **Hon. Dr J E Cortes:** Mr Speaker, I do not have a copy of that plan because all I was asked in this question was whether we would hand over these documents, and in fact that plan is not one of the documents listed so I do not have it to hand, but I will try and assist.

175 If the asterisks refer to the Sustainable Traffic, Transport and Parking Plan, that is not the same document as we are talking about –the Transport Climate Change Strategy – so it maybe that we are talking about two different documents. But in any case I will seek clarification from the Members of the Department and I am happy to respond to see whether there are any implications.

Q404-406/2015

Commonwealth Park project –

Services provided by Wildlife Gibraltar Ltd, Comofco Consultants and JLC consulting

Clerk: Question 404, the Hon. J J Netto.

180 **Hon. J J Netto:** Mr Speaker, further to the answer to Written Question 44/2015, can the Minister for the Environment state what were the services that Wildlife Gibraltar Ltd provided to the Commonwealth Park project during the financial year 2014-15?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 405 and 406.

185

Clerk: Question 405, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer to Written Question 44/2015 can the Minister for the Environment state what were the services that Comofco Consultants Ltd provided to the Commonwealth Park project during the financial year 2014-15?

190

Clerk: Question 406, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer to Written Question 44/2015 can the Minister for the Environment state what were the services that JLC Consulting provided to the Commonwealth Park project during the financial year 2014-15?

195

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Yes Mr Speaker, Wildlife Gibraltar engaged professional design services for the Commonwealth Park project. These were in various disciplines, including lighting and landscaping, through the use of specialist consultants engaged for this purpose. They also carried out management duties.

200

Comofco Consultants provided professional engineering services to the Government in relation to mechanical, electrical and utility services. There was an element of consultation in relation to the proposed new park to the north.

205

JLC Consulting provided professional project management services to the Government for the Commonwealth Park project.

Hon. J J Netto: Mr Speaker, could I ask the Hon. Minister whether, in his view, some of these particular payments, whether it is Wildlife Gibraltar Ltd or the other two in relation... Does he think that they are kind of payments that may be of a recurrent expenditure in the future; and if so, obviously one would have to look at the actual contract in itself to see whether that should be incorporated or not?

210

Hon. Dr J E Cortes: No, Mr Speaker, these were one-off payments relating to the design of the park and therefore they are not recurrent in any way. The specialists that were engaged were Landform Consultants, who are multi-prizewinners in the UK, to design lighting and landscaping; Comofco did the mechanical-electrical services; and the other was for management services. So they were one-off for the construction of the project and are not recurrent in any way.

215

**Q407/2015
Macaques –
Monitoring of illegal feeding**

Clerk: Question 407, the Hon. J J Netto.

220

Hon. J J Netto: Mr Speaker, further to the answer to Written Question 46/2015, can the Minister for the Environment state if there has been any monitoring for illegal feeding of macaques during 2015, either by the Environmental Protection Officers or the Environmental Security Officers?

225

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Yes, Mr Speaker, both the Environmental Protection Officers and Environment Security Officers have been monitoring for illegal feeding of macaques.

230

Hon. J J Netto: Mr Speaker, could the Hon. Minister perhaps provide Parliament with some more details of the occurrence and type of monitoring taking place?

Hon. Dr J E Cortes: I can provide details of what their general duties are. Obviously, I do not have details of where they are at every specific moment. Essentially, they will patrol or they will be stationed at

235

particular sites on the Upper Rock or in the town, where macaques have been known to visit in the past, in order to point out to people that it is illegal to feed them and it is unwise to feed them because, as we all know, they lose their fear of humans, which can lead to possible interaction, or they get used to being fed in particular places and then they tend to congregate there.

So it is a monitoring, a dissuasive tactic. If anybody then were to proceed or to be seen actually feeding them, then they would either issue a warning or a ticket, or whatever they felt at that time was appropriate.

Q408/2015
LED lighting –
Use in Government buildings

Clerk: Question 408, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if all Government buildings are now using LED lighting; and if not, please state which ones do, what percentage of the total this represents and when does the Hon. Minister think that this goal will be achieved?

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, not all Government buildings – sadly, if I may add – are yet currently using LED. LED lighting and/or other low-energy lighting is being installed when there is a requirement to replace light fittings in Government buildings. The work is currently ongoing. Previous records held by the GEA did not specify actual light fittings installed, therefore an accurate percentage of the total lights changed is presently not available.

Having said this, now, a register was created by the GEA in March 2014, namely the Energy Savings Replacement Log, in order to record all LED installations. I hand over a copy of the Energy Savings Replacement Log, which specifies the location, quantity and type of lighting changed. I repeat, because there is no previous record, I cannot give a percentage, but that is what has been done.

As stated, works are carried out as required and therefore it is not possible to provide a definite timescale at this stage. It should nevertheless be noted that our policy is to install low-energy or LED lighting whenever Government buildings undergo any refurbishment works, and this will certainly help attain our goal of switching to more energy-efficient lighting systems in Government buildings.

Answer to Question 408 of 2015.

Date	Area/Location	Specification, Type, Wattage,	Quantity	Number & Type Of Old Fitting Removed & Wattage	Reduction of Watts
4.3.14	MID HARBOURS	50W LED FITTING	1	150w fitting	100w
6.3.14	6 CONVENT PLACE	LED PANELS 600X600 38w	4	4x 58w Flo Tube	80w
11.3.14	ST MICHALS CAVE	30W LED FITTING	1	150w Metal high light	120w
12.3.14	HOLYLAND TUNNELS	JCC 14W LED	6	60w Bulb	276w
13.3.14	ALBERT RISSO	20W ROUND FITTING DELUXE LED	2	60w Bulb	20w
18.3.14	HOLYLAND TUNNELS	30W LED FITTING	1	150w Metal high light	120w
17.3.14	HOLYLAND TUNNELS	8W LED EMERGENCY FITTING	12	8w flo tube	N/A but same cost as standard
17.3.14	GLACIS EST	IP65 282MM BULHEAD FITTING 24w	80	60w Bulb	3360w
17.3.14	GLACIS EST	8W LED EMERGENCY FITTING	40	8w flo tube	N/A but same cost as standard
17.3.14	HOLYLAND TUNNELS	IP65 282MM BULHEAD FITTING 14w	50	60w bulb	2300w
4.4.14	ST MICHALS CAVE	10W FITTING REMOTE	1	100w halogen flood light	90w
14.4.14	MID HARBOURS	50W LED FITTING	9	N/A	N/A (New Installation)
23.4.14	GASA Pool	14W LED Fitting with sensor	1	60w Bulb	46w
12.5.14	PORT	JCC 14W LED	2	N/A	N/A
16.5.14	CUSTOMS	70W LED FITTING	6	250w Flood Light	1080w
16.5.14	BOARDER AND COASTGUARDS	70W LED FITTING	10	250w Flood Light	1800w
22.5.14	CUSTOMS	30W LED FITTING	3	250w Flood Light	360w
27.5.14	GALLERIES	10W FITTING	1	100w halogen flood light	70w
11.6.14	HOLYLAND TUNNELS	10W FITTING	1	100w halogen flood light	70w
13.6.14	HOUSING F.B.R	JCC 23W	4	100w bulb	77w
20.6.14	HOUSING NEW OFFICES	JCC 23W	2	100w bulb	154w
20.6.14	GASA Pool	JCC 14W SENSOR	1	jcc 14w sensor (def)	N/A
24.6.14	KENT HSE BIN STORES	JCC 14W	1	36w flo Fitting	22w
25.6.14	38 FLAT BASTION RD	JCC 23W	7	60w Bulb	N/A
25.6.14	HOUSING NEW OFFICES	LED PANELS 600X600 38w	38	N/A	N/A
25.6.14	HOUSING NEW OFFICES	EMERGENCY FITTINGS	5	N/A	
3.6.14	CONSTITUTION HSE	20W ROUND FITTING DELUXE LED	2	60w Bulb	40w
7.7.14	BLEAK HOUSE	50W LED FITTING	4	N/A	N/A
10.7.14	RETRENCHMENT BLOCK	EMERGENCY FITTINGS	5	N/A	N/A
10.7.14	RETRENCHMENT BLOCK	JCC 23W	4	N/A	N/A
31.7.14	RETRENCHMENT BLOCK	JCC 23W SENSOR	5	N/A	N/A
1.8.14	RETRENCHMENT BLOCK	EMERGENCY FITTINGS	2	N/A	N/A
7.8.14	GASA Pool	70W LED FITTING	4	400w	1320w
11.8.14	DR GIRALDI HUT	JCC 20W	2	60w Bulb	80w
13.8.14	SORTING OFFICE	30W LED FITTING	2	58w flo tube	56w
26.8.14	POST OFFICE	JCC 23W	1	60w Bulb	37w
28.8.14	VICTORIA STD	EMERGENCY FITTINGS	3	flo tube emergency	N/a
9.9.14	6 CONVENT PLACE	JCC 14W	2	60w Bulb	92w
30.9.14	ALBERT RISSO	JCC 23 W	2	100w bulb	154w
2.10.14	SAVINGS BANK	LED PANELS 600X600 38w	1	600x600 flo tube panels 100w	62w
11.10.14	KINGSWAY HSE	JCC 14W	3	60w Bulb	138w
11.10.14	KINGSWAY HSE	JCC 20W	7	60w Bulb	280w
17.10.14	PORT AUTH	50W LED FITTING	4	250w Flood Light	800w
21.10.14	KINGSWAY HSE	JCC 14W	4	60w Bulb	184w
21.10.14	KINGSWAY HSE	JCC 23W	7	60w Bulb	259w
24.10.14	GSLA	JCC 14W SENSOR	2	60w Bulb	92w
11.11.14	CFB	5FT LED FITTING	7	58w flo tube	240w

Cont...

Contd Answer to Question 408 of 2015.

19.11.14	CFB	5FT LED FITTING	2	58w flo tube	70w
14.11.14	SAVINGS BANK	LED PANELS 600X600 38w	7	600x600 flo tube panels 100w	434w
20.11.14	RETRENCHMENT BLOCK	JCC 23W	30	60w Bulb	1110w
20.11.14	CONSTITUTION HSE	JCC 23W	1	60w Bulb	37w
22.11.14	WILLAM THOMPSON	JCC 23W	32	60w Bulb	1184w
24.11.14	WILLAM THOMPSON	JCC 20W	8	60w Bulb	320w
24.11.14	WILLAM THOMPSON	JCC 14W	3	60w Bulb	138w
24.11.14	WILLAM THOMPSON	JCC 23W	1	60w Bulb	37w
24.11.14	WILLAM THOMPSON	JCC 20W	1	60w Bulb	40w
1.12.14	KINGSWAY HSE	JCC 14W	4	60w Bulb	184w
3.12.14	WILLAM THOMPSON	JCC 14W	14	60w Bulb	644w
4.12.14	KINGSWAY HSE	JCC 14W	16	60w Bulb	736w
4.12.14	KINGSWAY HSE	JCC 23W	12	60w Bulb	444w
16.12.14	DR GIRALDI	JCC 14W SENSOR	1	60w Bulb	46w
7.1.15	BUS TERMINAL	50W LED FITTING	4	250w Flood Light	800w
7.1.15	BUS TERMINAL	30W LED FITTING SENSOR	2	250w Flood Light with sensor	440w
7.1.15	ALBERT RISSO	JCC 20W	2	100w light Fitting	160w
12.1.15	WILLAM THOMPSON	JCC 14W	14	32w flo fitting	252w
16.1.15	RETRENCHMENT BLOCK	JCC 23W EMERGENCY	10	60w Bulb with emergency	370w
16.1.15	RETRENCHMENT BLOCK	JCC 23W	2	60w bulb	74w
23.1.15	GREAT SIEGE TUNNEL	JCC 14W	12	38w light fitting	288w
24.1.15	GREAT SIEGE TUNNEL	JCC 14W	12	38w light fitting	288w
27.1.15	GREAT SIEGE TUNNEL	JCC 14W	12	38w light fitting	288w
29.1.15	MAGARET GREWELL	JCC 20W	1	60w bulb	40w
30.1.15	WESTSIDE SCHOOL	50W LED FITTING	4	250w Flood Light	800w
2.2.15	GREAT SIEGE TUNNEL	JCC 14W	7	38w light fitting	168w
2.2.15	GREAT SIEGE TUNNEL	JCC 23W SENSOR	1	60w bulb	37w
2.2.15	CAVE	JCC 14W	5	38w light fitting	120w
11.2.15	EDINGBURGH EST	JCC 14W	8	60w Bulb	368w
11.2.15	EDINGBURGH EST	JCC 23W	2	60w Bulb	74w
11.2.15	EDINGBURGH EST	JCC 20W	2	60w Bulb	74w
14.2.15	EDINGBURGH EST	JCC 20W	14	60w Bulb	560w
14.2.15	EDINGBURGH EST	JCC 23W	4	60w Bulb	148w
14.2.15	EDINGBURGH EST	JCC 14W	12	60w Bulb	552w
17.2.15	MOORISH CASTLE	30W LED FITTING	1	250w Flood Light	220w
18.2.15	EU BUILDING	JCC 23W	2	60w Bulb	74w
20.2.15	ALBERT RISSO	JCC 20W 23028	25	70w flo tube fittings	1250w
20.2.15	EDINGBURGH EST	JCC 14W	36	60w Bulb	1656w
20.2.15	EDINGBURGH EST	JCC 23W 23202	8	60w Bulb	296w
24.2.15	ALBERT RISSO	JCC 20W 23028	7	70w flo tube fittings	350w
25.2.15	CITY UNDER SIEGE	30W LED FITTING PIR	4	150w floodlight	480w
26.2.15	ALBERT RISSO	JCC 23W SENSOR	1	70w flo tube fittings	47w
26.2.15	MILITARY HERITAGE	30W LED FITTING PIR	6	150w floodlight	720w
26.2.15	WESTSIDE SCHOOL	50W LED FITTING	2	250w Flood Light	400w
26.2.15	EDINGBURGH EST	JCC 14W	12	60w Bulb	552w
27.2.15	EDINGBURGH EST	JCC 23W 23202	6	60w Bulb	222w
27.2.15	EDINGBURGH EST	JCC 20W 23028	10	60w Bulb	400w
27.2.15	GREAT SIEGE TUNNEL	30W LED FITTING PIR	1	150w floodlight	120w
27.2.15	EDINGBURGH EST	JCC 23W	6	60w Bulb	222w
27.2.15	EDINGBURGH EST	JCC 14W	36	60w Bulb	1656w

Cont...

Contd Answer to Question 408 of 2015.

27.2.15	EDINGBURGH EST	JCC 20W 23028	10	60w Bulb	400w
3.3.15	EDINGBURGH EST	JCC 20W 23028	10	60w Bulb	400w
10.3.15	HEATHFIELD HSE	30W LED FITTING	2	150w floodlight	240w
13.3.15	EDINGBURGH EST	JCC 14W	1	60w Bulb	46w
17.3.15	NORTH MOLE POST OFFICE	JCC 14W	1	60w Bulb	46w
23.3.15	BUS TERMINAL	50W LED FITTING	1	250w Flood Light	200w
23.3.15	ENVIRONMENTAL AGENCY	30W LED FITTING PIR	1	250w Flood Light	220w
25.3.15	GREAT SIEGE TUNNEL	10W LED FITTING	3	100w floodlight	270w
7.4.15	JEWS GATES	30W LED FITTING	2	150w floodlight	240w
10.4.15	CAVE	30W LED FITTING	1	150w floodlight	120w
10.4.15	BISHOP CANILLA HSE	JCC 23W 23202	18	36w flo Fitting	232w
22.4.15	RODNEY HSE	30W LED FITTING	1	150w floodlight	120w
22.4.15	RODNEY HSE	JCC 14W	6	60w Bulb	276w
24.4.15	REDSANDS	JCC 14W	17	60w Bulb	782w
24.4.15	GASA Pool	JCC 14W 23211	2	60w Bulb	92w
6.5.15	REDSANDS	JCC 14W	24	60w Bulb	1104w
21.5.15	TSD GARAGE	50W LED FITTING	1	250w Flood Light	200w
27.5.15	ST MICHALS CAVE	10W LED FITTING	3	100w floodlight	270w
27.5.15	ST MICHALS CAVE	30W LED FITTING	1	150w floodlight	120w
27.5.15	ST MICHALS CAVE	JCC 23W SENSOR	2	60w Bulb	92w
1.6.15	RODNEY HSE	JCC 14W SENSOR	3	60w Bulb	138w

Q409/2015

Solar panels –

Contract details re installation and maintenance

265 **Clerk:** Question 409, the Hon. D A Feetham.

270 **Hon. D A Feetham:** Mr Speaker, can the Government please provide details of all contracts relating to the installation and maintenance of solar panels awarded by it or any Government Company or Authority since they were elected, identifying the name of the contractor, the contract price, whether that contract went out to tender and whether it was the cheapest tender for the taxpayer?

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

275 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the solar thermal pilot installations at the Tercentenary Sports Hall and Tangier Views went out to tender as part of the same tender award. These works were awarded to Deselec Ltd at a cost of £33,841 and £72,754.51 respectively. This tender was not the cheapest but, in accordance with the report prepared by independent consultants, they were the most economically advantageous since they submitted a very focused and rigorous tender submission having scored higher overall than any other.

280 The solar installations at the GSLA swimming pool was commissioned by the Gibraltar Sports and Leisure Authority. These works did not go out to tender since they formed part of a wider project carried out by GJBS involving a complete upgrade of the GSLA swimming pool complex. The works were allocated to GJBS at a cost of £292,950.09.

285 The proposed solar installation at GHA went out to tender. This tender was awarded to Green Resources Ltd in the sum of £210,048, being the lowest tender received.

Q410/2015
New power station at North Mole –
Problems re foundations

Clerk: Question 410, the Hon. D A Feetham.

290 **Hon. D A Feetham:** Mr Speaker, can the Government confirm whether there have been any reports or communications post the award of the tender for the Waterport Power Station from anyone associated with that project, suggesting that there are technical problems with the construction of the foundations for the new power station in the North Mole area?

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

295 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Government has not received any information post award of the tender for the Waterport power station – or for the ‘new power station’, I think the question should have been worded, and in fact the answer – suggesting that there are technical problems with the construction of the foundations for the latter.

300 **Hon. D A Feetham:** Mr Speaker, so just to be absolutely clear about this: the original plans for the foundations of the new power station at the North Mole continue to be the plans that are extant at the moment and there has had to be no variation of those plans in relation to the foundations because of anything that was uncovered post the award of the tender?

305 **Hon. Dr J E Cortes:** Mr Speaker, that is not the same question. I am not aware of any, I am not aware of any, but I have not asked that question because whether there have been any material changes to any plans as a result of anything uncovered is not exactly the same as saying whether there were any technical problems with the construction of the foundations. It may be that... I am not aware of any. Certainly none have been brought to my attention, so that is what I can answer.

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q411/2015
Mid Harbour Estate garage barriers –
Date when operational

310 **Clerk:** Question 411, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, further to the answer provided to Question 354/2015, can the Minister for Housing indicate to this House by when the garage barriers at Mid Harbour Estate will be operational on a permanent basis?

315 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the barriers at Mid Harbour Estate became operational on 2nd June 2015.

Q412/2105
Squatters in Government rental homes –
Costs re eviction

320 **Clerk:** Question 412, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how much expenditure has been incurred in respect of legal costs relating to the eviction of squatters from Government rental homes since the answer provided to Question 356/2015, providing a breakdown showing the number of homes involved and to whom payments were made?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

330 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, none.

Q413/2015
Decanting of tenants –
Numbers and details

Clerk: Question 413, the Hon. E J Reyes.

335 **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 358/2015, indicating the reason why, the date when said decanting became necessary and the date when the tenants were able to return to their home?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

340 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, none.

Q414/2015
Preparation of homes for reallocation –
Expenditure and details of work undertaken

Clerk: Question 414, the Hon. E J Reyes.

345 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of all expenditure incurred since the answer to Question 359/2015 in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating the type and nature of repair works or cleaning services undertaken?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

350 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, AJEC was paid £12,945 in relation to works to one property: general refurbishment works including works to walls, ceilings, taking down walls, paintwork, replacing floor tiles, door, plumbing and electrical works.

355 Avanti was paid £17,869 in relation to works to one property: general refurbishment works, including works to walls and ceilings, taking down walls, paintwork, replacing floor tiles, door, plumbing and electrical works.

There were no cleaning services contracted.

Q415 and Q420/2015
Government rental homes –
Unpaid rents

Clerk: Question 415, the Hon. E J Reyes.

360 **Hon. E J Reyes:** Can the Minister for Housing provide full details of how much has been written off in respect of unpaid rents pertaining to Government rental homes since the answer provided to Question 360/2015?

365 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question with Question 420.

370 **Clerk:** Question 420, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details of arrears in respect of unpaid rents pertaining to Government rental homes as at 31st May 2015?

375 **Clerk:** Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, in answer to Question 415, none yet. Work continues on reconciling the amounts due and collectable.

380 In answer to Question 420, the total of arrears in respect of unpaid rents as at 31st May 2015 was £5,500,459.77.

Q416/2015

Government rental homes – Allocations and assignments

Clerk: Question 416, the Hon. E J Reyes.

385 **Hon. E J Reyes:** Can the Government state how many rental homes have been allocated and/or assigned to applicants other than on the direct advice of the Housing Allocation Committee from January 2012 to date, stating on whose authority these allocations and/or assignments were made?

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

390 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, a total of 155 flats have been allocated and/or assigned to applicants other than on the direct advice of the Housing Allocation Committee.

395 **Hon. E J Reyes:** Mr Speaker, the final part of that question requests stating on whose authority these allocations and/or assignments were made. I have not heard a reply in respect of that data requested.

Hon. Miss S J Sacramento: Sorry, Mr Speaker, yes, it is on the authority of the Minister for Housing.

400 **Hon. D A Feetham:** Mr Speaker, so that I have it clear in my mind and so that the public has it clear in their minds, 155 flats have been allocated on advice of the hon. Lady, as Minister for Housing, thereby circumventing the housing allocation process, which is that apartments or flats are allocated on the advice of the Housing Allocation Committee. How does the hon. Lady justify that?

405 **Hon. Miss S J Sacramento:** Because, Mr Speaker, I did not say... What I said was, Mr Speaker, that flats have been allocated not on the advice of the Housing Allocation Committee – allocated by myself but not necessarily on my advice, Mr Speaker. The difference in the nuance is that not all allocations have to be on the advice of the Housing Allocation Committee. The majority of the allocations in question, Mr Speaker are when there is either an exchange or decanting of property.

410 So he can rest assured that I have not circumvented the advice of the Housing Allocation Committee; it is that the Housing Allocation Committee does not have to advise on each and every occasion.

Hon. D A Feetham: Mr Speaker – (*Interjection*)

415 **Hon. Miss S J Sacramento:** Mr Speaker, if I can add to that, that is the same procedure that has always been in place and it is the same procedure that they applied when they were in Government, Mr Speaker.

420 **Hon. D A Feetham:** Well, Mr Speaker, when we were in Government and there was any kind of allocation circumventing the Housing Allocation Committee there was criticism from this side of the House at that kind of allocation, and now we see 155 flats have been allocated effectively directly by the hon. Lady.

Can she give us, for example, a breakdown of how many flats have had to be awarded due to somebody being decanted, how many flats have had to be awarded simply because the hon. Lady has, in her wisdom and subjectively on her view, decided that somebody at whatever point on the housing waiting list ought to be awarded a flat directly and not go through the Housing Allocation Committee?

425

Hon. Miss S J Sacramento: Mr Speaker, he can rest assured and sleep soundly tonight. I appreciate the fact that he accepts that I have wisdom. I have not applied that wisdom subjectively at all. If I would, I would apply it objectively, but I have not exercised it at all because there has not been a single circumstance where I, as Minister for Housing, have said, 'I am going to go to a number, a person who is 100 on the list, and I am going to give them a flat today.' Because I have not done that, Mr Speaker. It is just that there are occasions where people may unfortunately suffer a flooding in their premises and they have to be decanted immediately. That is not something that has to go on the advice of the Housing Allocation Committee.

430

He asked me how many circumstances of decanting there had been and I think there have been 36 flats allocated on that basis. There may be flats for example, Mr Speaker, that, when they become vacant, are used strategically by Government for other purposes, and we have allocated quite a substantial number of flats to the Royal Gibraltar Police for them to use as outposts. As certain flats become available in certain areas they may be allocated to charities who then use it, such as Women in Need for example, and that is what is happening.

435

So if the allegation is that I am choosing people on the list randomly, subjectively or whatever, then Mr Speaker that is not the case and I have not done that on a single occasion, Mr Speaker.

440

Hon. D A Feetham: Well, Mr Speaker, it is not me whose concerns have got to be alleviated or satisfied; it is all those hundreds of people on the housing waiting list who are patiently waiting for a flat, who then see that the hon. Lady is effectively allocating these flats outside the normal procedure, which is on advice of the Housing Allocation Committee.

445

Can the hon. Lady, bearing in mind that first of all she said that these people had been decanted, or the impression she was giving was that most of them had been decanted, and now we know that only 38 have been decanted... Can she give an exact breakdown of how many people, apart from the 38 decanted, have been awarded flats directly by the hon. Lady and for what reason, so that we can effectively examine the reasons to see whether indeed it is based on the subjective judgement of the hon. Lady or whether there is any objective reason why these flats ought to have been allocated in this particular way?

450

Hon. Miss S J Sacramento: Mr Speaker, I have already answered the question that was asked of me, in that when these flats are allocated it is in the circumstances where the advice of the Housing Allocation Committee is not applicable because it is not relevant, Mr Speaker.

455

Q417/2015
Government rental homes –
Numbers vacant

Clerk: Question 417, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing say how many Government rental homes are currently vacant, providing details in chronological order and showing the date from which such homes have been unoccupied, stating how many of these are pre-war or post-war homes, together with reasons for their continued non-occupation or allocation as well as indicating estimated dates when these will be ready for reallocation?

460

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

465

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there are 138 pre-war flats and 14 post-war flats. The reason for their non-occupation or allocation is either because they are beyond economical repair or are being considered for possible sale or tender and therefore no dates are available for their reallocation.

470

I will now hand the hon. Member a schedule listing the dates from which such homes have been unoccupied.

Answer to Question 417 of 2015

Pre-war	
2	2003
25	2004
2	2005
5	2006
1	2007
3	2008
1	2009
4	2010
8	2011
21	2012
18	2013
48	2014

Post-war	
1	1998
2	2004
1	2005
3	2008
1	2011
3	2013
3	2014

475 **Hon. E J Reyes:** Mr Speaker, whilst I am waiting for the schedule to arrive, in the answer the Minister was explaining that it had been considered non-economical and so on. Does that apply, just for clarity, both to the pre-war and the post-war? Because normally, post-war, one tends to think they are still within a certain degree of repair.

Hon. Miss S J Sacramento: Yes, and you will notice from the figures that there are considerably less post-war flats than there are pre-war. But unfortunately there are flats which have been vacant or in this condition for so long and been allowed to remain in disrepair for so long that unfortunately we are now in the situation where it is beyond the economical case to do them. If we look at it, you know, flats have been vacant since 1998, 2004, 2005, 2008, they have been left vacant/dormant for a long time and unfortunately that is what happens and that is the result.

480 **Hon. E J Reyes:** And just for my own clarification, Mr Speaker, what we are in summary saying is that, then there are currently no vacant homes that just require a little bit of refurbishment or fixing up to be allocated. On that one, the balance would be zero. There is zero in the stock, nothing in the pipeline that within a very reasonable length of time should be ready?

485 **Hon. Miss S J Sacramento:** Mr Speaker, I am very happy and very proud to report that, given this Government's policy of the way that we deal with repairs to homes, that we now have a systematic method where as soon as houses become vacant and they need repairing they are repaired. Therefore we have none that are just sitting vacant and sitting dormant and not occupied by anybody, just because we are waiting for people to undertake the works. It maybe that some flats are in transition, that the works are being
490 undertaken and we are waiting for someone to move in or whatever, but it is not the case anymore that we just have flats that are vacant and just lying empty around Gibraltar.

Hon. J J Netto: Mr Speaker, could I ask the hon. Lady in relation to the pre-war dwellings, which obviously is a greater figure, I wonder whether the Government has done some kind of a study to determine
495 whether there may be a number of them close together in a particular area, and given the caveat that the hon. Lady said, that from a Government point of view it is uneconomical to repair, whether a study by the Government or even the Housing Department has been carried out to say, 'Well, in such and such a location, which might be in the Upper Town, it is worth perhaps putting out to tender and perhaps allowing a number of people to either refurbish it or to demolish it and build a new one.' Has that been considered or
500 is it in the pipeline, Mr Speaker?

Hon. Miss S J Sacramento: Mr Speaker, it is a study that I have already requested, actually, and I am waiting for the report back. So, I do not know how long it is going to take because it is not a study that I am undertaking, but it is certainly one that I have requested.

Q418/2015
Housing waiting lists and pre-list –
Breakdown of applicants

505 **Clerk:** Question 418, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide updated details in respect of the number of applicants on the housing waiting lists, inclusive of a separate breakdown for the medical and social list, showing the dates when they joined said lists?

510

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 419.

515

Clerk: Question 419, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide updated details in respect of the number of applicants on the housing pre-list?

520

Clerk: Answer, the Hon. the Minister for Tourism, Housing, Equality and Social Services.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there are 1,321 applicants on the waiting list, of which 187 are also on the medical and/or social lists. I will now hand the hon. Member a schedule containing the information requested.

525

In answer to Question 419, there are 588 applicants.

ANSWER TO QUESTION 418 OF 2015

Medical

2	2004
3	2006
1	2007
3	2008
5	2009
4	2010
24	2011
21	2012
31	2013
8	2014

Social

1	2000
1	2001
1	2005
3	2006
3	2007
3	2008
8	2009
10	2010
15	2011
18	2012
15	2013
7	2014

530

Hon. E J Reyes: Mr Speaker, from my first look at the schedule, which refers obviously to the answers to the two questions bunched together, the Hon. Minister has provided me with the dates when the applicants – I gather I have made the right deduction – the dates when the applicants were placed either on the medical or the social list, but does that information not provide for when these applicants joined the general housing waiting list? Am I missing a page or the Minister has not got the information with her?

535 **Hon. Miss S J Sacramento:** Mr Speaker, I think that when preparing the answer, they must have taken it – and I took it as well – as asking when people joined the social and medical lists, because that is in the information in relation to the social and medical list.

Mr Speaker, if that is the intention of the question, then that is further information that I can provide the hon. Member.

540 **Mr Speaker:** It seems as if the person who drafted the answer has only given the dates in respect of social and medical categories and not the general waiting list. I think it is the way that the question has been read. It could otherwise have been read as including, obviously, the general housing waiting list, but clearly that information is not available at the moment, but it is possible to obtain it.

545 **Hon. Miss S J Sacramento:** It is not information that I have. The hon. Member can ask me on the next occasion or I can ask someone to prepare it. I certainly interpreted it in the way that it has been answered; otherwise, I would have asked for it to be amended, as I do with many other answers.

550 **Hon. E J Reyes:** No, Mr Speaker, I confirm it is my intention to have the dates for all the lists. The main thrust of the question was all the applicants on the housing list, a minor part of which, only 187, are also included in the medical and social list. But in the same way that one, at a glance, can deduct from here that for medical reasons there are people waiting *x*-number of years, we do not know how long really they have been waiting for that.

555 I appreciate and I accept that the hon. Lady does not have the answer with her now, but perhaps, Mr Speaker, during the course of this particular Parliament, if her Department could provide me with the information she could then table it through the Chair. I think we have done it in the past. It does get recorded in *Hansard* and it does provide me with the information that I really require.

Mr Speaker: The only thing of course is that it is a more exhaustive exercise.

560 **Hon. Miss S J Sacramento:** Mr Speaker, I will make it available before the end of this Parliament.

Q421/2015

Lifts –

Installation and maintenance contracts

565 **Clerk:** Question 421, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please provide details of all contracts relating to the installation and maintenance of lifts awarded since they were elected in existing Government estates and co-ownership estates currently being built by the Government identifying the name of the contractor, the contract price, whether that contract went out to tender and whether it was the cheapest tender for the taxpayer?

Clerk: Answer, the Minister for Tourism, Housing, Equality and Social Services.

575 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, new lifts are being installed in the existing Government estates as part of HM Government of Gibraltar's refurbishment programme. The main contractor awarded the lift installation sub-contract packages to General Lifts Ltd. The award was made after the main contractor followed their own internal sub-contract tender and selection process, which is based on commercial decisions. It is not possible at this stage to provide the contract price due to commercial considerations, but it will be provided at the end of the works. The hon. Member should note that the price was considerably below the amounts paid previously for the same product to suppliers from outside Gibraltar.

580 No new maintenance contracts for existing Government estates have been awarded since coming into office.

585 In relation to the new co-ownership estates, Beach View Terraces and Mons Calpe Mews, the construction company have awarded the lift installation sub-contract packages to General Lifts Ltd for Beach View Terraces and to OTIS (Gibraltar) Limited for Mons Calpe Mews. These awards have been made after the main contractors have followed their internal sub-contract tender and selection processes and are based on commercial decisions. It is not possible to provide the contract prices at this stage due to commercial considerations, but the information will be provided at the end of the works.

590 There are no maintenance contracts for these developments either.

Hon. D A Feetham: Yes, Mr Speaker, and were they the lowest? First of all, did they go out to tender? I do not think the information... Well, if she has provided it I apologise to the hon. Lady, but can she confirm that both of these went out to tender and also whether it was the lowest tender that won the award?

595

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman may have missed it when I said that the award was made after the main contractor followed their own internal sub-contract tender and the selection process is based on commercial decisions, and the same process applied the other ones.

I do recall saying somewhere that the price is considerably less than...where are we... Here, I did say, Mr Speaker, that the price was considerably below the amounts paid previously for the same product to suppliers from outside of Gibraltar.

600

Hon. D A Feetham: Yes, Mr Speaker, but that is not exactly the question that I have asked. I have asked whether it was the cheapest tender, not whether the previous contract was more expensive, this being cheaper – the cheapest tender; because there may have been others who may have tendered and provided... I do not know – it may well be that this is the cheapest tender. That is what I am asking, which is information, I may add, that the Hon. the Minister for the Environment provided when I asked the mirror image of this question but in relation to solar panels, and he had no difficulty in providing me with the information that that was the lowest tender. *(Interjection and laughter)*

605

610

Chief Minister (Hon. F R Picardo): Mr Speaker, what the questions are about and what is behind them is transparent. I at least commend the hon. Gentleman in his commitment to transparency in that respect. *(Laughter)*

As I understand it, Mr Speaker, this was the lowest tender in any event in respect of each of the lifts – the ones for the Aerial Farm and the ones for the Coach Park. I believe in both instances they were the lowest tender.

615

Hon. D A Feetham: Mr Speaker, the Hon. the Chief Minister has spoken about the Aerial Farm and the Coach Park. I think the hon. Lady mentioned – *(Interjection)* It is the same thing? Both of them are exactly the ones the Hon. the Chief Minister has provided, yes?

620

Hon. Chief Minister: One, the Aerial Farm, is Beach View Terraces, and the Coach Park is Mons Calpe Mews. We have done so many housing estates, Mr Speaker, in four years I forget whether this is Hassan Centenary Terraces, Bob Peliza House or one of...

625

Hon. D A Feetham: Mr Speaker, in relation to Government estates, housing estates, which also forms part of this question – and I note that of course Laguna in particular and also Moorish Castle, there are installations of lifts there – that then has not been... there is no answer in respect of that part, or has he, because that is a...

630

Hon. Miss S J Sacramento: Yes, Mr Speaker, what I did say was that it is not possible at this stage to provide the contract price due to commercial considerations, but it will be provided at the end of the works.

Hon. D A Feetham: Yes, Mr Speaker, that is exactly what I understood. The first part of the question related to Government estates, the second part of the question related to the new affordable homes being built by the Government, and in both these the answer was General Lifts... In relation to the second... The first one is General Lifts and the second one is General Lifts and Otis. That is why I have come back again at this, because I did understand the Chief Minister was... Because the Chief Minister was referring to something different.

635

640

Now in relation therefore to the allocation of the contract for lifts at Laguna and also Moorish Castle, which is different to the information provided by the Hon. the Chief Minister, was that also the cheapest tender? Because of course he has only addressed the question of the affordable homes.

Hon. Chief Minister: Mr Speaker, I think that is the first time the hon. Gentleman has asked that particular supplementary, and the answer is yes: in relation to the refurbishment of the Government estates, it was the cheapest of all the tenders proposed. The reason behind not giving him the exact price at this stage is because there are other refurbishments envisaged and we want to keep our powder dry on costs because we are still going to try and drive an even better bargain for the taxpayer. But this was the cheapest of all the tenders and, given statements made by Mr Netto in the past about what the cost of a lift was, I think hon. Members will be surprised, when we are able to make the information available, that the cost of

645

650

a lift these days is very, very considerably less than it used to be – almost a third of what it was before and what hon. Members thought the cost of a lift had to be.

655 **Hon. J J Netto:** Does that include the building of a shaft as well, apart from the equipment of the lift? You see, what I am talking about, when I used to talk about the cost of the lift I was not just talking about the equipment of the lift in itself but the actual construction of the walls round it as well, so it was a complete package. So are we comparing like for like, or are we just comparing one aspect of the construction against what I used to say before?

660 **Hon. Chief Minister:** Mr Speaker, I think what the hon. Gentleman said at the time that he was explaining the cost of lifts as far as he was concerned is very clearly set out in *Hansard* and I am very confident that we are comparing apples and apples and not apples and pears.

Q422/2015
Gibraltar Bus Company –
Payments for advertisements on buses

Clerk: Question 422, the Hon. S M Figueras.

665 **Hon. S M Figueras:** Mr Speaker, can the Minister for Transport now provide this House with details of the amounts payable to the Gibraltar Bus Company by Big Publications Limited in respect of advertising on the buses sold by them, further to answers to Question 376/2015?

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

670 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, the final amount has not yet been agreed by the directors of Big Publications Limited who are still reconciling it with their accounts. What has been agreed is that the amount due once reconciled and agreed will be paid by Big Publications as an amount due.

675 I invite the hon. Member to revisit this matter again at the next Question Time in this House.

Hon. S M Figueras: I suppose the lift contracts have to come in.

680 Mr Speaker, we have been at this particular issue for a while and I understand that the Minister can very simply dismiss the questions in saying this still has not been agreed. But does the Minister have any idea of what the figure that the Government expects it should receive is and give some indication, though I expect it might be difficult, of why it is that this is in dispute? Surely the tender process for the award of this contract was described by the Hon. the Minister for Employment when he had charge of this portfolio at the time, and he explained that Big Publications Limited tender was in fact the most sophisticated one in terms of pricing and in delivering revenue to the Government. As sophisticated as it is, it seems to be that there is a hesitance or a resistance to putting out there how much advertising they actually sold and therefore how much revenue is owing to the Government. I would ask the Minister whether perhaps he can give us an indication of the ball park we are talking about and why the difference exists in respect of a contract that was based on such a specific and sophisticated pricing system.

690 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is being handled by my office because it is a debt due to the Government.

695 Mr Speaker, the fact that it was a sophisticated equation is why it is taking time to ensure that both sides are agreed as to what the sum outstanding is. Now because we are at the stage where this has been negotiated to what I hope will be a very favourable conclusion indeed for the taxpayer we do not want to give any numbers out, but we are inviting the hon. Gentleman to ask us this question again with the caveat that what is now agreed, and which has been shared with Members across the floor, is that Big accept that there is a liability and they accept that once agreed... and the parameters not even in dispute but just being looked at by the parties to ensure that the account is agreed... is not a great disparity, and therefore there will be an amount agreed and paid or an agreement to pay it very shortly.

700 Things do not always happen in 30-day cycles. Now that we are all beneficiaries of monthly meetings of the House, and a meeting of the House is due again next month and not in six months as might have been the case in what I should just non-pejoratively for now call 'the old days', the hon. Gentleman can then ask the question again at the next Question Time and hopefully we will be able to give him the exact agreed amount and tell him when the commitment to pay will bite.

705 **Hon. S M Figueras:** Mr Speaker, with all due respect to the Chief Minister and I am grateful for his intervention, there has been plenty of debate across the floor of this House as to the real benefit of coming here every month in the context of how the Opposition views the answers to some questions that the Government gives. (**Several Members:** Hear, hear.)

I am grateful, as I said, for the intervention but, Mr Speaker, the reality is that we have been here since
710 September last year and it is a substantial amount of time later and I have been very patient certainly and at every session where I have been invited to ask the question again, I have asked the question.

Is it possible for the Hon. the Chief Minister, who is dealing with this matter, to guarantee that we will in fact have that answer, that in fact the process is near enough completion that we can expect the answer to be given to us in July, post the Budget session, Mr Speaker?

715 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman asked me to do something which I would do for him as a friend if he needed to take a small loan, which is to guarantee his borrowing, but not something I am going to do when something is outside of my control.

I am pushing very hard indeed to have this amount agreed and paid as soon as possible and I sincerely expect – and that is why I have told him – that it is very likely to be possible by the next meeting of the House. In fact I had hoped it would be ready by this meeting of the House that is why we told him last month to do so. He has indicated that this has now taken some time and he is right, it has taken some time, and it needs to be resolved and we are keen to see it resolved, but he should not be surprised that issues like this take time.

720 For example, there is a £4 million loan which the previous Administration made to a company called OEM which we did not find out about, because even though there were meetings of this House less infrequently than there are now, the hon. Members when they were sitting on this side of the House gave even less information than they allege they get now.

That £4 million loan to OEM which I found out about after I became Chief Minister has not been repaid and is now one of the claims in the liquidation. So he should not be surprised that things are taking long, we are going to resolve this matter with Big in a much more satisfactory way than it would ever be possible to resolve the £4 million that they lent to a company that resulted in its directors... first off, buying themselves a Bentley before they did anything else with that money. (*Laughter*)

735 **Hon. D A Feetham:** Yes, Mr Speaker, let's not talk about £200,000 Bentleys because that is going to take us down a road that we do not want to go.

But, Mr Speaker, if the hon. Gentleman talks about loans that were provided and they only discovered but, Mr Speaker, they are completely and utterly opaque about £354 million that the Gibraltar Savings Bank, through Credit Finance, has in fact lent Gibraltar Investment Holdings –

740 **Mr Speaker:** Come now, come now! You are deviating completely from the subject matter and I will now allow any further supplementaries, or answers from the Government on any subject other than the question of the Gibraltar Bus Company and what it is owed. For heaven's sake!

745 **Hon. D A Feetham:** Yes, Mr Speaker.

Well, Mr Speaker, returning back to Big Publications, can he at the very least give us a finite date by when he will be in a position to provide an answer to this question, bearing in mind that some of the interests behind this particular company are also, obviously, very close to the Government, members of the GSLP; and indeed some of these interests are also the same interests behind the people that are being awarded the lifts – my previous question – and indeed some of them as well behind those who have been awarded the solar panel contracts, which I asked earlier as well.

755 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman just tries to be pejorative in everything that he does, even something as simple as asking a question.

Mr Speaker, of course I cannot give him a date by when this will be done although I have encouraged them to ask us again in 30 days because I believe it will be done by then. But if there were not an agreement, then it would not be possible to say anything in 30 days.

760 But I will tell him what would happen, that we will pursue this and recover this amount because it is a debt due to the Taxpayer. And the fact that somebody may owe money to the Government that, as he says, is close to the Government and has had – also in another capacity – contracts for lifts etc. is just a very good reason for him to know that we are going to get the money back; because we are very honourable people in the GSLP, Mr Speaker. He should remember when he was a Member of the GSLP that he used to describe us all as honourable people.

765 The fact that somebody is close to the Government means that that money is definitely going to be repaid because the Government is going to ensure that the Taxpayer loses out not one penny, Mr Speaker.

Not one penny, not the £4 million that we are never going to be able to see again in the loan granted by the hon. Members when they were here, to OEM.

770 And the hon. Member's suggestion that we should not talk about the directors of that company running out and buying a Bentley because we might have something to hide, encourages me to get up and say to him, 'Say what you have to say.' The last time I checked, no Member of this Government and no supporter of this Government has gone out to buy *any* Bentley with any money that belongs to the Taxpayer.

775 But if he has an allegation to make – (*Interjection by Mr Speaker*) well, maybe, Mr Speaker, I do not know; but you see I do not get £100,000 from supporters of mine to pay for reports who I then do not disclose, (*Interjection*) but he is now making a nervous laughter about this. If he has any allegation to make about any Bentley or anything else, let him get up and have the courage of his convictions to make it. Let him get up and tell the public what it is that he is alluding to, because this sniggering and suggesting beholds him no good, Mr Speaker.

Q423/2015
Advertising on bus stops –
Maintenance management

780 **Clerk:** Question 423/2015, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for Transport say who is managing the maintenance of advertising on bus stops?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, there is no contract currently in place for this purpose. The process discontinued following the termination of the Big Publications contract. The Gibraltar Bus Company has sought out expressions of interest and is in the process of identifying the most viable option before entering into a new contract.

790 **Hon. S M Figueras:** Mr Speaker, can the hon. Minister say whether this is in fact currently – or going to turn out to be – a tender process of the sort that we saw in 2012?

795 **Hon. P J Balban:** Mr Speaker, what is going to happen is that we have actually contacted companies, in fact that we have had expressions of interest from, companies who have wanted to show their interest to Government as to advertising on bus stops.

So what the Government is doing actually at the moment, the stage we are at the moment, is seeking their expressions of interest, seeking what they have on offer and seeing what is available out there.

800 So it is still at the very, very early stages. In fact it only happened a few weeks ago, so we are waiting for them to come back to us.

Hon. S M Figueras: Can the Minister say whether the Government might be persuaded to relaunch a tender process to formally invite bids, or expressions of interest, from others who may not be as forward as the companies that he has alluded to?

805 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the procedure that is being followed is that all of those who tendered the last time that the tender was put out, are being contacted and asked to resubmit because the party that was awarded the tender is no longer able to discharge its obligations.

810 So it is not a formal open tender, it is just being in contact with all those who bid. I think there were five bidders from memory, so the other four are being contacted. In fact as I told the House last time, there is that option and the option that the Government may do it itself, in-house, which is being assessed.

815 **Hon. S M Figueras:** Yes I wonder, Mr Speaker, just before moving on to the next question, whether perhaps the Government will contemplate the possibility that there may be – and there may well not be – other potential tenderers out there who might be interested in pursuing or in formulating a bid for the work. It may well be that is not the case, but I am merely urging the Government to consider it as an option, and I am certain it is not something of controversy across the floor.

Mr Speaker, the original reason behind asking this question was because I note from driving around, that bus stops are still bedecked – if that is the word – with advertising on them, and in fact I had remarked

820 a couple of weeks ago how some of the bus stops were in rather a poor state of repair in terms of the adverts being peeled off, whether by a process of nature or vandalism.

I do have to say that I have spotted that some of them are improved, but I would ask the Minister whether this is a process that the Bus Company has embarked upon of removing those adverts for which no revenue I suspect is being received any more, given that the contract ended in September, and whether it is
825 in fact something that the Bus Company is currently embarked upon in terms of making sure that the bus stops look as good as they can be, given the investment in the infrastructure that that represented?

Hon. P J Balban: Mr Speaker, as the hon. Member rightly states and has noticed himself, recently there was some maintenance that took place at the bus stops. They were cleaned and any parts of the advertising
830 that was in a bad state was removed.

Now what we are looking at is as part of the expressions of interest, we are looking at the persons interested who will eventually take up this tender to actually remove the adverts for us once they are engaged, in the hope that it will save us some money because there is some expense in removing all these adverts from the bus stops themselves.

835 So as I said, what we are trying to do as part of the negotiation with the companies, is to ask them to remove... obviously because they will have to remove them, before they affix their new adverts on the bus stops.

Q424/2015
Government car fleet –
Figures and emissions

Clerk: Question 424, the Hon. J J Netto.

840

Hon. J J Netto: Can the Government provide the figures for cars bought for its fleet of vehicles in all Government Departments, Authorities, Agencies and Government-owned companies since January 2012, broken down by the following grams of emission of CO₂ per kilometre: (a) less than 100gr/km; (b) 100-120; (c) 120-140; (d) 140-160; (e) 160-200; (f) above 200; (g) per year; and (h) per organisation?

845

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in the schedule that I now hand over.

850

Mr Speaker: This is a very lengthy schedule so I suggest that we move on to the next question and I will allow the hon. Member if he has any supplementaries arising from the information he can pursue it. Okay? So Question 425.

ANSWER TO QUESTION 424/2015

Department	Reg No	DateofRegGib	Make & Model	Engine	CO2 gr/km
GIC	G1258E	10/04/2015	DAF/NTM Large Refuse Truck	6700	Above 200
Technical Services	G1716E	26/03/2015	Renault Kangoo	1500	120-140
Technical Services	G1718E	26/03/2015	Renault Kangoo	1500	120-140
Sport & Leisure Authority	G9039D	06/03/2015	DFSK V21	1300	160-200
Ministry Of Environment	G1385E	27/02/2015	DFSK Pick-Up Van	1300	160-200
Ministry Of Environment	G1386E	27/02/2015	DFSK Pick-Up Van	1300	160-200
Ministry Of Environment	G1489E	23/02/2015	VW Amarok	1968	160-200
Firebrigade	G1179E	22/01/2015	Mercedes Benz Sprinter 310 CDI Panel Van MW	2143	Above 200
Technical Services	G9922D	16/12/2014	Renault Kangoo Glass Van	1500	120-140
Technical Services	G9923D	16/12/2014	Renault Kangoo Glass Van	1500	120-140
Ministry for Housing	G9842D	15/12/2014	Renault Kangoo Glass Van	1500	120-140
Ministry Of Environment	G9839D	09/12/2014	Renault Kangoo Van	1500	120-140
Ministry Of Environment	G9840D	09/12/2014	Renault Kangoo Van	1500	120-140
Ministry Of Environment	G9841D	09/12/2014	Renault Kangoo Glass Van	1500	120-140
RGP	G9015D	21/08/2014	Mercedes-Benz E Class BT 300 Hybrid	2143	100-120
Care Agency	G8636D	15/07/2014	Renault Kangoo	1500	120-140
Care Agency	G8437D	27/06/2014	Renault Kangoo	1500	120-140
Ministry Of Environment	G8245D	05/06/2014	SSANG YONG Korando Sports	1998	140-160
Electrical Authority	G8034D	06/05/2014	Mercedes Sprinter	2143	Above 200
Care Agency	G7969D	22/04/2014	Renault Kangoo	1500	120-140
Care Agency	G7970D	22/04/2014	Renault Kangoo	1500	120-140
Care Agency	G7971D	22/04/2014	Renault Kangoo	1500	120-140
Social Security	G7836D	04/04/2014	Dacia Dokker OSDN45	1500	100-120
Care Agency	G7710D	19/03/2014	Dacia Lodgy	1500	100-120
GHA	G7517D	19/03/2014	Renault Dacia Lodge	1500	100-120
IT & Logistics Dept	G7703D	19/03/2014	Dacia Lodgy	1500	100-120
Tourist Office	G7692D	18/03/2014	Renault Traffic	1995	160-200
Ministry Of Environment	G7604D	13/03/2014	Suzuki Carry PUV	1600	120-140
Gib Car Parks Ltd	G7668D	12/03/2014	Renault Kangoo	1500	140-160
Prison	G7516D	03/03/2014	Renault Master	2299	Above 200
Ministry Of Environment	G7452D	25/02/2014	Suzuki Glass Van	1600	120-140
Electrical Authority	G7374D	17/02/2014	Ford Focus Trend	998	100-120
Customs	G7143D	30/01/2014	Renault Traffic	1995	160-200
GHA	G7144D	24/12/2013	Volkswagen Carter TDI 2.0	2000	Above 200
GHA	G7173D	24/12/2013	Volkswagen Carter TDI 2.0	2000	Above 200
Technical Services(Garage)	G5006	18/12/2013	Mercedes-Benz E Class BT 300 Hybrid	2143	100-120
Port Authority	G6862D	19/11/2013	Mitsubishi L200	2477	160-200
No 6 Convent Place	G1	15/10/2013	Tesla Model S(Electric)	0	Less than 100
Customs	G5979D	04/10/2013	Volkswagen Amarok	1968	160-200
GHA	G6483D	01/10/2013	Volkswagen Transporter	1968	160-200
GHA	G6482D	27/09/2013	Volkswagen Transporter	1968	160-200
GGCCL	G6227D	23/09/2013	Tata Indica	1400	140-160
GGCCL	G6228D	23/09/2013	Tata Indica	1400	140-160
Education	G6361D	16/09/2013	Renault Master	2299	Above 200
Technical Services(Garage)	G5001	04/09/2013	Mercedes-Benz E Class BT 300 Hybrid	2143	100-120
Technical Services(Garage)	G5002	04/09/2013	Mercedes-Benz E Class BT 300 Hybrid	2143	100-120
Technical Services(Garage)	G5003	04/09/2013	Mercedes-Benz E Class BT 300 Hybrid	2143	100-120
Technical Services(Garage)	G5004	02/09/2013	Toyota Prius Plug-in	1745	Less than 100
Technical Services(Garage)	G5005	02/09/2013	Toyota Prius Plug-in	1745	Less than 100
Treasury	G6123D	30/08/2013	Renault Kangoo Glass Van	1500	120-140
Customs	G6079D	16/08/2013	Ford C-Max Trend 1.0i	998	100-120
Customs	G6080D	16/08/2013	Ford C-Max Trend 1.0i	998	100-120
Customs	G6081D	16/08/2013	Ford C-Max Trend 1.0i	998	100-120
Customs	G6082D	16/08/2013	Ford C-Max Trend 1.0i	998	100-120
Customs	G6083D	16/08/2013	Ford C-Max Trend 1.0i	998	100-120
Tourist Office	G5905D	19/07/2013	Mitsubishi L200 Pick-Up	2477	Above 200
Border and Coastguard Agency	G4878D	19/03/2013	Renault Kangoo Glass Van	1500	140-160
GGSSL	G4792D	19/03/2013	ISUZU Skip Lorry	5193	Above 200
GHA	G4875D	08/03/2013	Renault Kangoo Glass Van	1500	140-160
Gib Car Parks Ltd	G4874D	08/03/2013	Renault Kangoo Glass Van	1500	140-160
Human Resources	G4873D	08/03/2013	Renault Kangoo Glass Van	1500	140-160
Port Authority	G4877D	08/03/2013	Renault Kangoo Glass Van	1500	140-160
Ministry Of Environment	G4876D	07/03/2013	Renault Kangoo Glass Van	1500	140-160
Tourist Office	G4671D	05/02/2013	Renault Traffic	1995	160-200
Firebrigade	G4665D	31/01/2013	Land Rover Defender Pick-Up	2198	Above 200
Electrical Authority	G4437D	20/12/2012	Suzuki Pickup Van	1600	120-140
Electrical Authority	G3678D	04/09/2012	HYUNDAI	1100	100-120
Electrical Authority	G3679D	04/09/2012	HYUNDAI	1100	100-120
Electrical Authority	G3551D	10/08/2012	Suzuki Glass Van	1600	120-140

Department	Reg No.	Date of Reg Gib	Make & Model	Engine	CO2 gr/km
Electrical Authority	G3552D	10/08/2012	Suzuki Glass Van	1600	120-140
Electrical Authority	G3553D	10/08/2012	Suzuki Glass Van	1600	120-140
Electrical Authority	G3554D	10/08/2012	Suzuki Glass Van	1600	120-140
GHA	G3226D	02/07/2012	RENAULT TRAFIC	2464	160-200
GHA	G3227D	02/07/2012	RENAULT TRAFIC	2464	160-200
GHA	G3228D	02/07/2012	RENAULT TRAFIC	2464	160-200
Tourist Office	G2671D	03/05/2012	Renault Traffic	1995	160-200
GGSSL	G2602D	26/04/2012	TOYOTA DYNA Drop Side Lorry	3000	Above 200
GGSSL	G2603D	26/04/2012	TOYOTA DYNA Drop Side Lorry	3000	Above 200
GIC	G2416D	18/04/2012	Toyota Dyna 2000	4000	Above 200
GIC	G2496D	18/04/2012	Toyota Dyna 2000	4000	Above 200
GGSSL	G2409D	20/03/2012	CARRY 1.6 PICK UP SUZUKI	1600	120-140
GGSSL	G2410D	20/03/2012	CARRY Glass Van 1.6 SUZUKI	1600	120-140
GGSSL	G2411D	20/03/2012	CARRY Glass Van 1.6 SUZUKI	1600	120-140
GGSSL	G2412D	20/03/2012	CARRY 1.6 PICK UP SUZUKI	1600	120-140
GGSSL	G2414D	20/03/2012	CARRY 1.6 PICK UP SUZUKI	1600	120-140
Ministry Of Employment	G2413D	20/03/2012	CARRY 1.6 PICK UP SUZUKI	1600	120-140
RGP	G1591D	20/01/2012	Ford Transit	2200	160-200
RGP	G1592D	20/01/2012	Ford Transit	2200	160-200
RGP	G1593D	20/01/2012	Ford Transit	2200	160-200

Q425/2015
Hybrid car purchase –
Public and private sector figures

855 **Clerk:** Question 425, the Hon. J J Netto.

Hon. J J Netto: Can the Government state how many electric and hybrid cars have been purchased in Gibraltar, broken down in the public and private sector by year since 2012?

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

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, since 2012, the following cars have been registered as electric and hybrid by the public and private sector.

865 The public sector: 2012 – no hybrids; electric – no electric; 2013 – six hybrids, one electric; 2014 – no hybrids and no electric; 2015 – no hybrids and no electric. That concludes the public sector.

The private sector: in 2012, we had no hybrids, one electric; in 2013 we had one hybrid and one electric; 2014 – 19 hybrids and two electric; and 2015 – 18 hybrids and two electric.

870 **Hon. S M Figueras:** Mr Speaker, in relation to, if I may, Question 425, is the Minister able to say – and I suspect he may not, but I will ask anyway – whether he can say that of those vehicles purchased in the private sector, or rather privately because I think that is what the question was alluding to, whether these are corporate registrations versus personal registrations?

875 **Hon. P J Balban:** Mr Speaker, I would have no idea whether they are corporate or personal.

Hon. S M Figueras: Mr Speaker in relation to... and it arises from the reference to electric cars in the question, but it is a question which may be a little too general. With the Chair's indulgence I will ask it and it may well be that it is not allowed.

880 But is the Minister able to say whether the Electricity Authority is embarked upon any programme of delivering infrastructure that can be taken advantage of by people looking to purchase electric cars? Because of course you are going to need electricity points to plug it into, and the infrastructure currently, as far as I am aware certainly, is not in place, save for in a limited number of locations, in particular the car park down in the south district.

885 Is this something – and again, he may not have the information – is this something that the Electricity Authority is embarked upon in terms of delivering solutions to existing estates, to help people take advantage of the incentive that exists for the purchase of eco-friendly vehicles?

890 **Mr Speaker:** It does not arise from the original question, but because I am in a generous mood (*Laughter*) I will allow it if the Minister has the answer. (*Laughter*)

Hon. P J Balban: Mr Speaker, all of the garages or the car parks built recently, during our term in office, have included infrastructure for electric vehicles. In fact (*Interjection*) some of them even have the electric points available, but as yet nobody I believe has actually taken advantage of it.

895 Having said that the garages itself are all wired up. For example, Engineer Lane car park, Theatre Royal car park, so if in the future anyone decides that they want to buy an electric vehicle, they can do so.

There are, I think I am not mistaken, there may be a car park or two whereby people may need to swap from one parking bay to another, and that is clearly implicit in the contract they signed, on a monthly basis, that they may need to move in the future but most car parks have the infrastructure already installed.

FINANCIAL SERVICES AND GAMING

Q426/2015

Financial Services Ombudsman – Plans for creation of office

900 **Clerk:** Question 426, the Hon. D J Bossino.

Hon. D J Bossino: This question is directed to the Minister for Financial Services; is this going to be answered by Mr Licudi? Okay.

905 Does the Minister for Financial Services have any plans to create the Office of Financial Services Ombudsman?

Clerk: Answer, the Hon. the Minister for Education and Justice and International Exchange of Information on behalf of the Hon. the Minister for Financial Services and Gaming.

910 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, the drafting of the Bill is in its final stages.

915 **Hon. D J Bossino:** Yes, and in fact it is a... I did not realise this when I posed the question, but it is actually a manifesto commitment of the Government, it is at page 65, to set it up. I am sure the Minister had a hand in drafting that particular section of the manifesto.

Is he able to tell the House when he expects that it will be in Bill form – given that we are pretty much at the tail end of this Parliament – in Bill form to be able to have a look at it and hopefully pass it unanimously?

920 **Hon. G H Licudi:** Mr Speaker, I am afraid I do not have that information. Although I know that the Bill is in the final stages of drafting, I am not sure what will happen in terms of possible consultation on the Bill. So there is a possibility that there may be some consultation before the Bill is actually published, and the matter then comes before Parliament. Because I am not directly handling this matter, I do not have the information available.

925 **Hon. D J Bossino:** Is he able to express any confidence as to whether he will be able to comply with the manifesto commitment which is very specific in terms of the timings, and that is that it would be up and running during the course of this Parliament?

930 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes we have every indication that it is going to be possible to have that legislative framework in place in time for the end of the lifetime of this Parliament, which is not as soon as some people might wish to expect it.

Q427/2015

Gibraltar Deposit Guarantee Scheme – Revision of legislation

935 **Clerk:** Question 427, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services advise whether the Gibraltar Deposit Guarantee Scheme legislation is due to be revised?

940 **Clerk:** Answer, the Hon. the Minister for Education and Justice & International Exchange of Information on behalf of the Hon. the Minister for Financial Services and Gaming.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Yes, Mr Speaker. The arrangements for the transposition of the Deposit Guarantee Scheme Directive (2014/49/EU) are in hand in keeping with our commitment to remain up to date with our EU obligations and will be given effect by regulation by 3rd July 2015.

945

Hon. D J Bossino: One of the reasons why – I am grateful for the answer – I raise these points, Mr Speaker in questions is because as I understand it there was a promise by... I am not sure who the appropriate party would be, whether it is the FSC or the Government or both in relation to a consultation with the industry. I have had certain complaints coming to me that there has not been any commencement of consultation in relation to this.

950

This is an important piece of legislation which could potentially have quite significant effects on, for example, banking and I am told by those in the industry that the promised consultation has not happened. I am not sure whether the Minister is able to assist in this regard. I know he is not the Minister dealing with this and it may just not have been a promise which emanated from the Government, and in fact it came from the FSC. But if he could give an indication in relation to the point I have raised, in relation specifically to consultation?

955

Hon. G H Licudi: Mr Speaker, I am not familiar with what the hon. Member is alluding to in terms of a promise by the Government for the FSC, I just do not know whether that is in fact the case or whether either have made that promise.

960

Certainly it is the case – and it was the case, and it continues to be the case, and it was the case when I was Minister for Financial Services, and it continues to be the case – that anything that affects the industry is subject to close consultation with all industry members.

The important thing to note in this particular case is that we are talking of a Directive (A Member: I know.) and given that we have a Directive and there is a reference in the answer itself to 3rd July 2015 which means that – and I must assume –that is the transposition, the last transposition date, and therefore there is a commitment to give effect to this Directive by regulation by that particular date.

965

But what we are doing is giving effect to an EU obligation and therefore that is what the Government is transposing, with this transposition, by the due date which is 3rd July 2015. But I can certainly assure the hon. Member that anything that the Government does that affects the industry will be subject to consultation with industry members.

970

Hon. D J Bossino: Mr Speaker, yes. Again I am grateful for the answer, but of course this is a Directive so there will be certain elements of the Directive which as I understand it – I am far from an EU expert – but given that it is not an EU Regulation which is of direct effect, it has to be passed by our national Parliament, which is this one.

975

There is a possibility through consultation to amend the Directive slightly, I think it gives you broad parameters but you then implement it in the manner and the fashion which is more appropriate to your particular jurisdiction, and in this regard I am trying to – this is really a comment, it is really not a question – so I am trying to abide by the rules of the House and transform it into a question.

980

Can I encourage the Minister to carry out the consultation? I know again he is not responsible as the Hon. Mr Isola is not in this House today to carry out the consultation, but I think it is absolutely important because this is a piece of legislation which as I said earlier, will have significant ramifications and effects.

985

Hon. G H Licudi: Mr Speaker, I personally am not familiar with this particular Directive but the hon. Member says that this is a Directive that does not have direct effect and therefore there is an element of flexibility.

That could be true in a number of respects. There are some Directives that give options... that say what needs to be implemented and give options as to how it is done and then it is up to the Member State. And it is also possible, when we implement certain Directives, that the Government as a matter of policy decides to introduce additional matters in the regulation – or, rather, in the transposition of that Directive. It is unusual if we are doing it by regulation because if we are doing it by regulation what we are doing is transposing the Directive itself.

990

All I can do, Mr Speaker, not being familiar with the particular Directive, is to say that to the extent that there are options which would make it advisable to have consultation with the industry, that consultation would certainly take effect.

995

Hon. D A Feetham: Mr Speaker, bearing in mind that we are talking about a very short time span because it is 3rd July, so we are less than a month away from when the Directive has to be implemented, presumably that consultation is already taking place, otherwise it is not going to be much of a consultation exercise, bearing in mind it has got to be implemented on 3rd July.

1000

Presumably that is precisely why the Government is actually implementing this Directive by way of regulation rather than publishing a Bill, because probably it is going to be done on an urgent basis.

I wonder whether the hon. Member or the Chief Minister can help with that?

1005

Chief Minister (Hon. F R Picardo): Mr Speaker, we have a Deposit Guarantee Act which deals with the Deposit Guarantee Directive of 1994. What the Commission has done is re-issue the Directive with certain amendments. It is those amendments that now have to be given effect to and a very short time has been given for some of the amendments.

1010

A Directive which was published in April gives immediate effect to certain parts of it, effect to be given by 4th July this year to other parts of it, and effect to be given by May 2016 to other parts of the amendment.

1015

What the Government is doing is complying with the obligation to introduce the amendments necessary at this stage, and if necessary can consult further in the future in relation to the amendments that do not have to be brought in by July of this year. But there were three relevant dates in the Directive: immediately, and that relates to the parts of the Directive which were recast and had already passed their transposition deadline from the 1994 Directive; the short deadline for July; and the longer deadline for May of next year.

1020

So, Mr Speaker, the hon. Members can rest assured that the Government is not going to do anything which is going to damage an industry which we all in this House support, with our short deadlines as a need to comply, but what we will have to do here is simply amend an existing piece of legislation – an existing piece of subsidiary legislation if necessary, in order to give effect to these amendments which are externally required.

1025

This is not an area where there is much leeway for the Government to consider – as the Hon. the Minister for Justice said a few moments ago – what the national legislature or the national government may want to do. It may be that there is some leeway in some of the requirements which we still have to bring in by May 2016, but not otherwise.

Q428/2015

FSC supervisory activities – Independent review team

Clerk: Question 428, the Hon. D J Bossino.

1030

Hon. D J Bossino: Can the Minister for Financial Services please state when he expects to be in a position to advise who the independent team of professionals to carry out the review of the FSC's supervisory activities are?

1035

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information on behalf of the Hon. the Minister for Financial Services and Gaming.

1040

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, the process was commenced some months ago and we are evaluating the various options, and we hope to be in a position to make an announcement shortly.

1045

Hon. D J Bossino: Shortly, Mr Speaker. It must be pretty soon because the announcement made by the Minister as quoted by the *Gibraltar Chronicle* is, 'I think the supervisory work is expected to start sometime in the autumn.'

1050

So within that timeframe, is he able to give me any further assistance as to when the team is going to be announced. And as a secondary supplementary, if I may, can he at least tell this House whether these individuals are likely to be from outside Gibraltar in their entirety, or will there be a mix, or will it be exclusively from Gibraltar?

1055

Hon. G H Licudi: Mr Speaker, again I express the caveat that I am only standing in for the Minister for Financial Services who is dealing with this matter, and I have no direct knowledge other than the fact that this is clearly something that I had looked at when I was Minister for Financial Services.

There are things to finalise such as terms of reference – the specific terms of reference of the individuals as to what exactly the review is going to cover – and I would expect that that is what is being finalised and therefore once the terms of reference are fully agreed with the individuals, then the announcement as to the makeup of the review team will be made.

But as the answer says, we are not yet in a position to make that announcement because those things are still being finalised.

1060 **Hon. D J Bossino:** Mr Speaker, I am not sure whether he has answered the second supplementary, which is the providence of the individuals who are likely to form part of this group.

Hon. G H Licudi: Mr Speaker, because I am not directly involved I would be speculating, but I would expect them to be individuals from outside Gibraltar.

Q429/2015

**Bermuda Captive Conference –
Gibraltar insurance professional attendees**

1065 **Clerk:** Question 429, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Financial Services please state who the Gibraltar insurance professionals who attended with him at the Bermuda Captive Conference were?

1070 **Clerk:** Answer, the Hon. the Minister for Education and Justice and International Exchange of Information on behalf of the Hon. the Minister for Financial Services and Gaming.

Minister for Education and Justice and International Exchange of Information (Hon. G H Licudi): Mr Speaker, the professionals were from Messrs EY, Hassans and Quest Insurance Management (Gibraltar) Limited.

**EDUCATION AND JUSTICE &
INTERNATIONAL EXCHANGE OF INFORMATION**

Q430/2015

**Students dropping out of school –
Numbers**

1075 **Clerk:** Question 430, the Hon. E J Reyes.

1080 **Hon. E J Reyes:** Mr Speaker, can the Minister for Education state how many students dropped out of school during the academic year 2014-15, providing a breakdown showing the pupils' school year in which they were enrolled and educational establishment?

Clerk: Answer, the Hon. the Minister for Education and Justice & International Exchange of Information.

1085 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, no pupils have dropped out of school during the academic year 2014-15.

Hon. E J Reyes: Mr Speaker, perhaps I have not worded my question properly. Yes, because they did not drop out during the actual academic year.

1090 Is the Minister of Education aware of any students who have dropped out on completion of year 10 and therefore did not continue education into year 11? That could have happened in the summer months, which perhaps, strictly speaking, may not be during the academic year.

1095 **Hon. G H Licudi:** Mr Speaker, the hon. Member talks of 'dropping out of school' and the question that I asked the professionals at the Department when I saw this question is: what does 'dropping out of school' mean?

'Dropping out of school', I was advised, does not mean finishing school after the age at which compulsory education has been reached, because in that case we could say pupils finish their A-levels and then drop out of school, or they finish their GCSEs and then drop out of school. I am advised that that is not

1100 what it means, that it means pupils of school age dropping out of school and not continuing their education when they have to, and that is why the answer is that no pupils have dropped out of school.

1105 If the question is how many students have stopped schooling after reaching the end of their compulsory schooling age and not completed, for example, in year 10, there are a number – I have been given some information for supplementary – there are a number that leave on year 10. But, for example, they might leave because at the end of year 10 they go to an independent school or because the family is relocating or because employment has been sought. So there are different reasons why pupils stop their school education, particularly in year 10. But it does not happen just in year 10: in year 9, year 8 you get families that relocate and pupils stop attending school in Gibraltar. It happens even in first school and middle schools, where pupils leave for the UK, leave for the Philippines, leave for New Zealand or leave for Poland. These are children who are in education in Gibraltar and stop being in education in Gibraltar at various stages. We would not describe them as school drop-outs, as the hon. Member has called them.

1110 I am certainly happy to have a further discussion with the hon. Member if there is a specific area that he wants, in particular if what he wants to know is having finished year 10 and not going on to year 11. If that is what he means then I am certainly happy to get that information for him.

1115 **Hon. E J Reyes:** Yes, Mr Speaker, in my haste of drafting up the question I have used the words that have been used in previous questions by Members on both sides of this House going back years, but I accept and have absolutely no quarrel with the Minister's advice given by educators of what could really be understood by 'dropping out of school'.

1120 The most important part of the question, or the information I was seeking through this question, was pupils who have commenced education and have left before the completion of the academic year and therefore not sat down for what we commonly refer to as public examinations. There are at times, reasons, as I think the Minister was hinting at, that it could be that they simply move away from Gibraltar – either the family packs up and goes elsewhere and they seek a new life in another country – or some families decide to send the children to another educational establishment outside of Gibraltar. And although those do happen from year to year, the ones that I am interested in, as they were interested in when they were in Opposition, is how many students left not for reasons that they were leaving Gibraltar but having attained the age of 15, which is the age limit beyond which it is no longer compulsory in education, how many have actually left. Did they belong to year 10 or year 11? Therefore one concludes that they decided to either seek employment or do something very similar but not quite complete the whole academic process and sit for public examinations.

1130 If he does have that information that he can furnish me... If not, Mr Speaker, I can think about this properly and at the next parliamentary session draw up a question subdivided into areas, if that is what I am looking for. But if he does have something at hand that he finds could be interesting for all of us at large, I would be grateful. If not, I will have to wait.

1140 **Hon. G H Licudi:** Mr Speaker, I have quite a lot of information, such as the examples that I have given the hon. Member. The information I do not have is by age. I have by years and by reasons like relocating, independent schools etc. I do not have the information by age, but certainly there is no problem in obtaining that information for the hon. Member now that I understand what exactly he wants.

Mr Speaker: The Leader of the Opposition gave notice under Standing Order 62 that they require Questions 385 and 386 and 393 to 397 inclusive to be postponed to this meeting of Parliament, and these are the ones that we are now going to deal with.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q385/2015

WOPS –

Government manifesto commitment

1145 **Clerk:** Question 385, the Hon. D A Feetham.

Hon. D A Feetham: Yes, Mr Speaker. Has the Government implemented its manifesto commitment on WOPS?

1150 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, the changes to the Pensions (Widows and Orphans) Act is currently drafted and it is expected to be published soon.

1155

Hon. D A Feetham: Mr Speaker, can the hon. Gentleman confirm that it is going to be published in time for it to be passed by this Parliament prior to dissolution of Parliament later on this year?

Hon. J J Bossano: I would expect it to be so, yes.

Q386/2015

**Employees in public service –
Permanent increases in numbers**

1160 **Clerk:** Question 386, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what permanent increases have there been in numbers of employees in the public service since 11th December 2011, broken down by reference to the Civil Service, the GDC, any other Government company, public authority or entity for which the Government is accountable?

1165

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, the figures for 1st April are not yet available.

1170

Hon. D A Feetham: Mr Speaker, it is now 17th June. Why are the figures for 1st April not available? And indeed, as a second supplementary, what is the last date for figures that he has? If it is not 1st April, does he have 1st March for example?

1175 **Hon. J J Bossano:** Mr Speaker, I do not have as from 1st March because these figures are calculated on a quarterly basis – as he knows, because it was what was happening when he was in Government. The last quarter I have got is the one I have already given him, which was on 1st January. It is not ready not because I do not know what day it is; it is because the people in the Statistics Office have had more pressing matters to deal with and that is the answer that I have got.

1180

Hon. D A Feetham: Mr Speaker, the figures are quarterly, so it is April. Does he know when those figures are going to be provided and can he tell somebody from his Department to provide them to me as soon as they have them ready? I presume that they are not going to be ready before the Budget. I had hoped that the hon. Gentleman would have been able to provide these figures so that I can incorporate the figures in my Budget speech. That is not going to be possible, but at the very least, will those figures be provided prior to, for example, the parliamentary break in August?

1185

Hon. J J Bossano: Mr Speaker, they will do it as soon as they can, but I cannot tell him when that will be.

Q393-397/2015

**Gibraltar Investment (Holdings) Limited –
Fixed Rate Notes**

1190 **Clerk:** Question 393, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker: please provide details of all Fixed Rate Loan Notes issued by or other loans made to Gibraltar Investment (Holdings) Limited by Credit Finance Company Limited, including the date the note was issued or the loan made as the case may be, and the date such loan or loans was redeemed or assigned?

1195

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

1200 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**
Mr Speaker, I will answer this question together with Questions 394 to 397.

Clerk: Question 394, the Hon. D A Feetham.

1205 **Hon. D A Feetham:** Please provide details of all Fixed Rate Notes issued by or other loans made to Gibraltar Investment (Holdings) Limited by the Gibraltar Savings Bank, including the date the note was issued or the loan was made as the case may be and the date they were redeemed or assigned?

Clerk: Question 395, the Hon. D A Feetham.

1210 **Hon. D A Feetham:** Mr Speaker, can the Government confirm that the £355 million shown as 'call deposits with Gibraltar Investment (Holdings) Limited' in Table CF. 2 Credit Finance Company Limited, is a debt due by Gibraltar Investment (Holdings) Limited to Credit Finance Company Limited?

Clerk: Question 396, the Hon. D A Feetham.

1215 **Hon. D A Feetham:** What security has Credit Finance Company Limited obtained in respect of any debts due to it from Gibraltar Investment (Holdings) Limited?

Clerk: Question 397, the Hon. D A Feetham.

1220 **Hon. D A Feetham:** What equity investment out of the consolidated fund is envisaged by the Government in Gibraltar Investment (Holdings) Limited for the forthcoming year?

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

1225 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):**
Mr Speaker, the FRNs issued and redeemed by Credit Finance are as follows:

Date	Issued £M	Redeemed £M
March 2013	245.390	
April	32.454	
May	12.5	
June	9	
July	12.5	
August	2.5	
September	4.5	
October	19	
November	30	10
January 2015		1
February		3
March		40

1230 In respect of FRN's issued and redeemed by the Gibraltar Savings Bank:

Date	Issued £M	Redeemed £M
March 2012	12.5	
April	37.579	12.5
May	6.719	
June	6.847	40.5
July	25.573	
August	8.925	
September	13.301	48.5
October	9.84	10.1
November	7.368	6.53
December	4.754	5.07
January 2013	42.473	
February	12.737	
March		65.416

The £355 million call deposits with GIH consists part of the pooling of cash holdings of Government Authorities, Agencies and Companies which have been traditionally managed by the Treasury.

1235 No formal security has been registered. Repayment is secured on the assets held by Gibraltar Investment (Holdings) Limited.

A token figure is contained in the draft estimates of expenditure which the Members opposite have on a confidential basis until the estimates are debated and approved in respect of the shareholding that is.

1240 **Hon. D A Feetham:** Mr Speaker, dealing with the answer that the hon. Gentleman has provided to Question 393 and also 394, which is the Fixed Rate Notes that are issued, in Question 393 by Credit Finance in favour of Gibraltar Investment (Holdings), for which my total is £355 million after you take into account the redemptions more or less, and then also the Fixed Rate Notes that were issued in the past by the Gibraltar Savings Bank to Gibraltar Investment (Holdings). Fixed Rate Notes are effectively loans that are
1245 being provided by Credit Finance to Gibraltar Investment (Holdings) Limited, evidenced presumably by some paper that represents the Fixed Rate Note – is that not the position?

Hon. J J Bossano: Well, it is not fixed, it is flexible, so there is not a fixed rate in fact.

1250 There is an exchange of documents. I do not do these things myself but I imagine that there is an exchange of documents. In the past what used to happen was that when there was a pooling of cash within the public sector entities this was treated as advances and deposits and there was no actual payment in respect of the value of the use of that money. That is what is different in the case of the Savings Bank and Credit Finance, because they are institutions that are expected to make a profit. But, for example, where there is money that is advanced either from the consolidated fund to companies or from authorities and
1255 agencies to companies, or vice versa, there is no rate of interest.

Hon. D A Feetham: Yes, Mr Speaker, I am familiar with the term ‘Flexible Rate Notes’, and indeed had I just simply read ‘FRN’ I would have thought that is a Flexible Rate Note, because that is the type of notes that are issued by banks in particular. But of course he has answered this question in the past when he
1260 has provided me with schedules in the past about how the money of Credit Finance is invested in particular, and also the Gibraltar... Sorry, not Credit Finance – the Gibraltar Savings Bank. And in all the schedules that he has provided me with, at the very bottom, where it deals with the loan notes issued to Gibraltar Investment (Holdings), it says ‘Fixed Rate Note’. It does not say ‘Flexible Rate Note’; it says ‘Fixed Rate Note’. So the implication is that of course there is a fixed rate, probably for a fixed period of time and a
1265 fixed rate of interest that is going to be paid over a period of time.

Can he explain why it has been described as a ‘Fixed Rate Note’ in all the answers that he has given me and now, all of a sudden, it has become a *Flexible* Rate Note, which is slightly different?

1270 **Hon. J J Bossano:** Well, the answer is because to call it a Fixed Rate Note is wrong and they have always been flexible.

Hon. D A Feetham: Okay, Mr Speaker, so the answers that he has been providing me with over the last few years have been wrong in this regard and he is now providing me with the right answer; I accept that. But, of course, whether it is fixed or flexible there must be some rate of return that, in this case, Gibraltar
1275 Investment (Holdings) is paying Credit Finance Company Limited and was paying the Gibraltar Savings Bank before 2013. Can he provide me with some information in relation to that, please?

Hon. J J Bossano: I give it to him every month, Mr Speaker.

1280 **Hon. D A Feetham:** Can he provide me with the information again? What is the rate that is being provided, and also the period of time as well? In other words, when do these Flexible Rate Notes mature? When do they have to be repaid back? Because at some stage they are going to have to be repaid back.

1285 One does not, for example... A bank does not... Well, it could if it is a revolving loan situation. So in a revolving loan situation it might provide a revolving loan facility, but normally with these kind of things there is envisaged a period of time within which the loan has got to be repaid back – in this particular case from Gibraltar Investment (Holdings) to Credit Finance and then from Credit Finance back to the Gibraltar Savings Bank. So can he tell me what is the rate of return and for what period of time?

1290 **Hon. J J Bossano;** Mr Speaker, the rate of return is not for any given period of time and it is the rate of return that I have given him already in previous answers to the question when he has asked me to give him a breakdown of the rate of return of the different investments of the Savings Bank.

And in terms of the repayment, I have told him when amounts have been repaid and when amounts have been redeemed. This is a pool which is added to or removed from as and when required. It is what I have

1295 told him in the answer: it is the pooling of the cash available to the Government, the authorities, the agencies, the consolidated fund, the I&D, and because these institutions are institutions that are expected to earn a profit, they get paid when their money is being used but none of the others in the pool get paid.

1300 **Hon. D A Feetham:** Yes, Mr Speaker, I understand all that and in fact I am very appreciative of that particular piece of information, because it happens to conflict and indeed provides far more light than the answers provided, or the information – not the answers, because he is providing the answers; the information provided by the Chief Minister on public television that none of the moneys from Credit Finance were being used for Government expenditure. And of course, as he has confirmed in the past to me, this money is effectively being pooled, as he said now, with all those moneys being made available to Government authorities etc – in this particular case it is Government-owned companies – which are being used in order to fund the cashflow requirements of Government-owned companies. I appreciate that, and indeed if I am critical of anybody it is not of him. If I am critical it is of the Chief Minister, who unfortunately did not provide the correct information when he addressed the nation during his broadcast on New Year’s Eve.

1310 But what I am getting at is every loan has got to be repaid – and this is a loan; it has *got* to be repaid. So at some stage Credit Finance – which, as the hon. Gentleman has always told me is managed by independent directors and senior civil servants – presumably would not have provided a loan of £355 million to Gibraltar Investment (Holdings) on an open-ended basis without knowing when that money is going to be repaid, particularly when the money is going effectively into a ‘hole’. I do not use that in a derogatory way, but effectively it is being used to fund the cashflow requirements of Government-owned companies and it is not being invested in anything that will provide a return. So it is going to have to be repaid by the Consolidated Fund eventually and I just want to know when the Government envisages that this money, that £355 million, is going to be repaid.

1320 **Hon. J J Bossano:** Mr Speaker, the hon. Member gets the figures of the repayments that are taking place every month. It is no longer £355 million. It has been coming down every single month. The figure is not going up and it is not static; it is actually coming down every month.

1325 **Hon. D A Feetham:** Mr Speaker, it may have come down by one or two million pounds. Again, I accept that and I stand corrected. I am using figures that perhaps I had at the beginning of this month. I stand corrected on that, but you have not answered my question. My question is when that loan of £350-something million is going to be repaid. That is the question. How is it going to be repaid? Because if it is being used in order to fund the cashflow requirements of Government-owned companies and it is not being invested in an investment producing a return, then it is going to be the Government, and I want to know when the Government is going to pay effectively what is a loan by Credit Finance to Government-owned companies in order to help fund Government expenditure.

1330 **Hon. J J Bossano:** Mr Speaker, the hon. Member knows that for years the system that I am talking about now operated, because it was introduced by the GSD, and the answer that I got when I was in Opposition was that the different companies and authorities and agencies did not have separate accounts and banked separately. All the money was deposited with the Treasury and whether the money started from an authority or an agency or the I&D or the Consolidated Fund, that pool of money was operated by the Treasury and therefore there was a daily ebb and flow. As money comes in through... If tomorrow there is a payment of land into the I&D, the amount that is credited to the account of the I&D does not sit in the I&D, it sits in this pool of money, and the position is that the money that has been made available by Credit Finance and previously by the Savings Bank earns interest precisely because these are entities that use their money to invest at a profit. Therefore it is not the same as the money that is being made available to the pool by the public sector entities that have got surplus cash at any given time.

1340 What I can tell him is that the direction in which this is going is down and it will continue going down. What I cannot tell him is when we will reach zero.

1345 **Hon. D A Feetham:** Mr Speaker, no, it has never... it has not happened in the past. What we are effectively seeing now... Well, let’s take what happened in the past. What happened in the past was that Gibraltar Investment (Holdings), which is the company that sits at the very top of all Government-owned companies, which funds all other Government-owned companies, projects undertaken by those companies, the wage bill of those companies etc is funded by Gibraltar Investment (Holdings) Limited, which in turn in the past has been funded from the Consolidated Fund. In other words, the Government takes taxpayers’ money, places it in Gibraltar Investment (Holdings) and that money then trickles down to all Government-owned companies.

1355 What is happening now, which is a departure from the past, is that credit savers' money, savers' money which is by law not even effectively Government debt, although it is guaranteed by the Government, that is now being used via Credit Finance in order to fund Gibraltar Investment (Holdings). So it is not from the Consolidated Fund; it is being funded from savers' money.

1360 Now, Mr Speaker, he still has not answered the question. How is that £355 million going to be repaid? Because once the £355 million, or £353 million, trickles all the way down to those Government-owned companies to fund their cashflow requirements, that money will go. It is going to be used. How is it going to be paid up? It is not an investment at all in the real sense of the word. The Gibraltar Savings Bank to Credit Finance may be an investment, but Credit Finance to Gibraltar Investment (Holdings) is not an investment and I want to know how the Government is going to repay that money, because that is important when one looks at and when one analyses and one tests the future solvency of this community, Mr Speaker.

1365 **Hon. J J Bossano:** Well, Mr Speaker, it may be important for him to test the solvency that way but it is not important for me to do it the way he wants it done. The answer is that I am telling him that the £355 million has been coming down every month and will keep on coming down every month and will be repaid fully. It will be paid in cash, in pounds, shillings and pence, and that is how it is going to be paid.

1370 **Mr. Speaker:** No.

Hon. D A Feetham: Well, Mr Speaker, he obviously is not going to give me an answer so I will move on to something else.

1375 Mr Speaker, this money is obviously being loaned from Credit Finance to Gibraltar Investment (Holdings), as indeed beforehand it was being loaned from the Gibraltar Savings Bank to Gibraltar Investment (Holdings), evidenced by Flexible Loan Notes. So it is effectively a debt of Gibraltar Investment (Holdings) to the Gibraltar Savings Bank, now Credit Finance.

1380 Mr Speaker, on 3rd July 2013, which was the day before the by-election, the day before the by-election, the Gibraltar Savings Bank issued Press Release 1/2013 – indeed, as far as I am aware it is the only press release ever issued by the Gibraltar Savings Bank; certainly there was no number 2 or number 3 in 2013 and I think the number has stayed static at number 1 since 2013 – and it said this:

‘The Gibraltar Savings Bank is not a credit institution and does not provide any loans.’

1385 Let me just repeat that: ‘and does not provide any loans.’ Does he accept that that statement, issued by the Gibraltar Savings Bank the day before the by-election, was false, untrue and misleading in the light of the fact of the information that we now know, that in fact the Gibraltar Savings Bank has been lending money to the Gibraltar Investment (Holdings) company since 2012, a year earlier, or over a year before that press release was issued?

1390 **Hon. J J Bossano:** No.

Hon. D A Feetham: Well Mr Speaker, how could he possibly say no? We know, as a matter of fact... Let's take *facts*. Facts. Fact number one –

1395 **A Member:** He just said no.

1400 **Hon. D A Feetham:** Fact number one. Let me just... I do not want to mislead the House. Fact number one: in March 2012 the Gibraltar Savings Bank issued a Flexible Rate Note providing a loan of £12.5 million to Gibraltar Investment (Holdings) Limited, and indeed in April 2012 there was a loan of £37 million, in May £6 million, in June £6 million, in July £25 million, in August £8 million, in September £13 million, in October £9 million, November £7 million and December £4 million. It is a lot of loans provided to Gibraltar Investment (Holdings) Limited by the Gibraltar Savings Bank – and I have not even finished. I am not going to bore people to death – those listening. But Mr Speaker, how on earth, in the light of that, could he possibly have issued a press release the day before the by-election, in the name of the Gibraltar Savings Bank, saying that the Gibraltar Savings Bank does not issue any loans, Mr Speaker? Either the information he has provided to me today is wrong or the press release that was issued the day before the by-election was wrong. It cannot be that both of them are correct, Mr Speaker.

1405 **Hon. J J Bossano:** Well, if he wants to know how I am able to say no, it is by putting my lips to form an ‘en’ sound and an ‘oh’ sound, which produces the sound ‘no’. That is how I do it; I do not know how he does it. (*Laughter*)

1415 If he considers that there is an inconsistency, then it is quite simple. As well as Flexible Rate Notes from GIH the fund, which is a Government fund, where the Savings Bank puts the money from the depositors, and it is a special fund under the Act that deals with all Government special funds, has Flexible Rate Notes from the Republic of Finland, from private quoted companies and from public utilities, and none of them are considered by the Savings Bank Fund to be notes; they are investments. He chooses to call it a loan and we choose to call it an investment, and therefore I am telling him there are no loans, there are investments.

1420 **Hon. D A Feetham:** Mr Speaker, he now calls it ‘investments’! What is it about the term ‘Fixed Rate Loan Note’ that is ambiguous, Mr Speaker? It is a *loan*! It is money that has been loaned out to Gibraltar Investment (Holdings) Limited, not an investment. It is a loan, and in the light of that, then the press release that was issued a day before the by election was not correct and misled the people of Gibraltar at a critical time in the democratic process, Mr Speaker.

1425 **Hon. J J Bossano:** Well, I do not think it was a critical time in the democratic process because I think the result was a foregone conclusion: we were going to win the by-election with Fixed Rate Notes, or Flexible Rate Notes, or without them. But the fact is that the hon. Member only seems to object to the money being made available to a Government-owned company controlled by the Treasury and he is quite happy to have the money being made available to the Government of Finland, where there are Fixed Rate Notes or Flexible Rate Notes held by the Savings Bank now, with the fund having held similar investments when he was in Government. That did not mean that he went round the world saying, ‘Well, look, we are lending money to Finland,’ and ‘How is Finland going to pay us back?’ and ‘What if Finland goes bust?’

1430 The incredible thing is that the hon. Member puts these arguments, and so do his recently acquired experts, which shows the concern that they have that if the Government has a position where, instead of doing what they used to do... They used to get money from the Gibraltar Savings Bank and borrowing as debentures the same as we do, but then they did something else: they actually increased the money that they were borrowing and they borrowed from banks and deposited the money in banks. They informed this House that as a matter of social policy they had borrowed hundreds of millions of pounds at 4½% or 5% from banks and then the money was not going to be used for anything – it was going to be deposited back in the bank, which paid them 1%, and that that would cost the taxpayer £9 million a year, which was the difference between what the bank was paying them in interest and what they were paying bank interest. Now, he may think that is a wiser use of taxpayers’ money than what we are doing now. We disagree with him. Obviously they were entitled to do it that way, and if they ever get back into government they can stop doing it the way we are doing it and go back to losing £9 million a year – it is their prerogative, but we are not going to copy them.

1445 **Hon. D A Feetham:** Well, Mr Speaker –

1450 **Mr Speaker:** I think I should warn both hon. Members that they are now getting into the realms of a debate and therefore I shall be more strict in implementing the rules where supplementaries are concerned.

Hon. D A Feetham: Yes, Mr Speaker. Thank you very much for Mr Speaker’s helpful intervention. Mr Speaker, you see, the answer that the hon. Gentleman has provided gives it away. He is talking about... because we have lent the Bank of Finland, we have lent x amount of money to x person, we have also lent money to Gibraltar Investment (Holdings). But, you see, even by his nomenclature, even the words that he uses – ‘lent’ – it is a loan.

1460 Now I cannot see how on earth the hon. Gentleman could accept that effectively the money is being loaned to Gibraltar Investment (Holdings) and then defend that press release – presumably and I am asking him this in my supplementary – which presumably he procured the issue of the day before the by-election, saying that the Gibraltar Savings Bank provided no loans when quite clearly that was not the case, Mr Speaker.

1465 **Hon. J J Bossano:** Well, Mr Speaker, I am using the word ‘loan’ in order to meet his use of the terminology but not because I share it or agree with it. I do not see it as the money being *lent* to the Government of Finland; I see it as an investment in Flexible Rate Notes which are issued by the Government of Finland. But if he says that if it is issued by GIH it is a loan then, by definition, if it is issued by Finland it must also be a loan in his nomenclature, not in mine. And he seems to think it is alright if you lend money to Finland but it is not alright if you lend money to the Treasury in Gibraltar – by his definition of loans, not by mine.

1470 **Hon. D A Feetham:** Yes, Mr Speaker, well, obviously he is not going to tell me anything about the press release. He has not answered the question about whether he procured this particular press release to be issued by the Gibraltar Savings Bank, and I wonder whether he can come back on that.

1475 But let me ask this, because he really is not providing any information at all today in relation to when this money is going to be repaid. At the end of the day this is savers' money. We do not know when the money is going to be repaid, we do not know the rate of return, it is all very nebulous and he keeps on making it as nebulous as possible to avoid, really, the Opposition getting to the bottom of how the people's money is being invested, in particular savers' money, and how that money is going to be repaid at the end of the day.

1480 But, Mr Speaker, Question 396 he has answered saying that there is no formal security for the £353 million loan from Credit Finance to Gibraltar Investment (Holdings) Limited, and he says:

'Repayment is secured on the assets held by Gibraltar Investment (Holdings) Limited.'

He must mean, in relation to that, the share capital of Gibraltar Investment (Holdings). What other assets does it have other than, presumably, other Government-owned companies which it owns in its share capital or other Government-owned companies which this particular company owns?

1485 **Hon. J J Bossano:** Mr Speaker, he should know all the assets that are held by GIH and its subsidiaries because it was his Government that put all the assets there. In property they have got a couple of hundred million pounds of assets – they put them there.

1490 **Hon. D A Feetham:** Yes, Mr Speaker, I understand. What I am asking the hon. Gentleman is... and perhaps my question was not clearly put, and I accept that. What I am asking him is: apart from its own share capital – which clearly one can secure a loan on, although there is no formal loan security here – and all the companies that are owned underneath it, there are no other assets that are being tendered as part of a formal security that has been provided for this £353 million that has been loaned by Credit Finance to Gibraltar Investment (Holdings) Limited.

1495 **Hon. J J Bossano:** Mr Speaker, the element of the pool of cash that is shared by the Government companies, the Government authorities, the Government agencies, the Improvement and Development Fund and the Consolidated Fund, does not entail any cross guarantees from anybody to anybody else.

1500 And the answer is, to the extent that one assumes that it is conceivable that GIH would default, which would be the only point in having a security... Well, look, in theory, in that absurd situation... The hon. Member argues that there is a big problem because if an investment that is made by the Gibraltar Savings Bank Fund or by the Credit Finance Company, which is predominantly owned by the Savings Bank Fund actually were not to be able to be realised and the cash refunded, then the problem would be that the savers' money would be at risk and the savers would not be paid, and that means that it would all fall back on the Government guarantee. Well look, of all the guarantees that the Government has on the £1 billion that there is in the Savings Bank Fund, the bit of the guarantee that is safest, the one that is most safe of the lot, is the one where the guarantee is only triggered if the Government defaults. So we have got this absurd circular argument that if Finland defaults it does not matter, if Rolls Royce defaults it does not matter, but if the Government defaults there is a huge problem because then the Government has to pay. Well, the security is the Government and the Government that is undertaking the guarantee of the Savings Bank is the Government that is using, as part of a cashflow base, the money. And I have demonstrated to him that, contrary to the impression that they have been given – that this money is all now spent and that we are skint... I have shown him the number of times that there has been a flow of money in the opposite direction, not from the Savings Bank fund to GIH but from GIH to the Savings Bank fund: redeemed, 1515 £12.5 million, £40.5 million, £48.5 million, £10.1 million, £6.53 million; £5.7 million. And he tells me, 'Well, how are you going to do it and when are you going to do it?' Well, the same way that it has been done between 12th March and today is the way it will be done in future: as and when other sources come in and the cash is not required the cash is repaid. It is as simple as that. That is how a cash pool works.

1520 The hon. Member wants to create the impression that somehow people's money is at risk in the Savings Bank. And at the end of the day, I am not going to be able to reassure him that they are not at risk because he has got a vested political interest in making people believe that. The only thing I can tell him is that if he is so worried about his money I hope he takes any that he has in the Savings Bank out, because I do not want him to lose his money.

1525 **Hon. D A Feetham:** Yes Mr Speaker, I do not have any money in the Savings Bank.

But Mr Speaker, that is, with respect to him, actually quite a helpful answer that he has provided just now. That is a very helpful answer that he has provided just now because really what he is telling me,

1530 which is what I have been trying to get to the bottom of in exchanges and in correspondence that I have written to the Chief Secretary and also to the Principal Auditor as well... What I have been trying to get to the bottom of is how is this money going to be repaid, and effectively what he is saying to me is that this money is going to be repaid by the Government. That is what he has told me. Not by Gibraltar Investment Holdings, because Gibraltar Investment Holdings is not investing that money in any investments – indeed, it is using that money in order to fund the cashflow requirements of Government-owned companies – but by the Government.

1535 Now, Mr Speaker, on that basis, does he not accept that the only possible way in which the directors of Gibraltar Investment (Holdings) could have accepted a loan of £355 million, now it has gone down, was on the basis that the Government would be repaying that loan? Ergo this is a loan, this is a debt of the Government, because the Government is making itself responsible for paying, Mr Speaker. And hence why the public debt of this community is not £375 million, which is the official figure of direct Government debt, but £375 million *plus* the £355 million that the Government is assuming responsibility for and its repayment. It is no longer a contingent liability, for anybody listening – hopefully the Financial Secretary – it is no longer a contingent liability where there is a default and then the Government pays; it is being assumed directly by the Government of Gibraltar, and therefore it is a debt of the Government.

1545 **Hon. J J Bossano:** Not ‘ergo’, Mr Speaker. He does not have a clue what he is talking about! I have not said it is being paid back by the Government. I have told him – (*Interjection*) No, I am going to repeat what I have told him. I cannot help it if he does not understand what he is talking about. I have told him £12.5 million paid back not by the Government, by GIH; £40.5 million paid back not by the Government, by GIH; £48.5 million paid back not by the Government, by GIH; £10.1 million... Do I have to go through every single figure? Every single figure in my original answer are payments by GIH.

1550 What I have told him is that the guarantee of the Savings Bank is the guarantee of the Government, which means if the Government wholly owned company defaulted and the Savings Bank had money which should be coming back but which did not, then the Savings Bank would be able to exercise the guarantee that there is in the law by the Government. That is where I said the Government would pay in respect of that guarantee, and what I told him is it is absurd, it is ridiculous to try to convince people that their money is safer with the Bank of Finland or the Bank of Greece or the government of Greece. If we buy tomorrow bonds of the Greek government, which are yielding 24%, and the money does not come back it would be the Government who would have to step in – the Government of Gibraltar would have to step in to meet the fact that the bonds of the government of Greece, the Flexible Rate Note or whatever it was that we bought, could not be cashed.

1560 Well, how can it be safer to say the Government has to guarantee the money we are investing in the government of Finland but that is alright because they were doing that for 15 years so that does not matter, but if the money is used as part of the cash pool that is used in the public sector, then that is a bigger risk. Well, it is not a bigger risk and if there was a contingent liability it is on the presumption that this money is at risk in a way that the rest of the money in the Savings Bank fund is not? We do not agree with that analysis and we think that analysis is neither correct nor anything other than a self-serving argument in order to say the Government of today has got a bigger public debt than the Government that there was before. This is what this is all about; it has nothing to do with anything else.

1570 The hon. Member says I do not answer his questions. It is not that I do not answer his questions; it is that he does not like the answers he gets unless he thinks he can somehow twist them to say I just said something that proves he is right, in which case he is grateful. If he cannot twist it he is not grateful and he is then upset because I am not giving him an answer that he can make a use of. But if I give him one that he thinks he can make use of, then he is grateful. Well look, I am not here to provide anything other than information. The information that I provide he can put to whatever use he wants, but the information I am giving him is the one he is getting. The interpretation he puts on it... He is free to put every interpretation he wants, this is a democracy; I put a different one.

1575 Time will tell whether there is any substance in what he is saying and time will prove him wrong. The whole of the money that is at the moment invested in the cash pool will all be back in Credit Finance and in the Savings Bank at an appropriate time in the future. I cannot give him the dates.

1580 **Hon. D A Feetham:** Mr Speaker, my last supplementary. Mr Speaker, he talks about – and this is the nub of it – Gibraltar Investment Holdings Limited, which has had a loan of £355 million, £353 million now, from Credit Finance, repaying that loan. He draws a distinction between the Government on the one hand and a Government-owned company – Gibraltar Investment Holdings is a Government owned company – and it says Gibraltar Investment Holdings, not the Government, is going to be repaying back the £355 million.

1585 But Mr Speaker, how is the £355 million going to be repaid by Gibraltar Investment Holdings if not by funding from the Government Mr Speaker? Because Gibraltar Investment Holdings is not a trading

1590 company. It makes no money. It cannot repay back £355 million if, as he has said to this House, that £355 million is going to be spent in the cashflow requirements of Government-owned companies. That is the point, Mr Speaker. The point is that if this has been a loan provided and accepted by Gibraltar Investment Holdings on the understanding that the Government is going to be repaying it, then by any measure, by any standard, that is effectively a debt on the Government Mr Speaker.

1595 Now how is Gibraltar Investment Holdings going to be repaying the £355 million?

Mr Speaker: That is the last supplementary I am allowing on this issue and then we will move on.

1600 **Hon. J J Bossano:** Well Mr Speaker, the hon. Member opposite has said if, if Gibraltar Investment Holdings has had access to this pool of money on the understanding that it is going to be repaid for by the Government, well the answer to that if, is no, that is not the understanding. It is the understanding that he has invented and is therefore the sandy foundations on which the whole edifice is built.

Hon. D A Feetham: Then how?

1605 **Hon. J J Bossano:** Well I do not have to tell him how we do things; I just have to provide him with the information on what is done. He is concerned is it going to be paid back: the answer is yes. If he says it cannot be paid back, well look, I just told him that Gibraltar Investment Holdings paid back £12.5 million in April. Is he saying to me that that is impossible unless the Government gave Gibraltar Investment Holdings) £12.5 million in April? Is that what he is telling me? Well then I suggest he goes back to look at the Estimates Book and finds out where all this money from the Government went into Gibraltar Investment (Holdings) to enable this to happen. Because what he says is impossible has happened already on one, two, three, four, five, six, seven occasions. It happened in April 2012: £12.5 million. Investment (Holdings), which he says has not got any money, actually paid £12.5 million.

1615 **Hon. D A Feetham:** From where?

Hon. J J Bossano: From its own money in the cash pool. The hon. Member does not understand that –

1620 **Hon. D A Feetham:** From Government money.

Hon. J J Bossano: Well everything that is in every company ultimately belongs to the Government because the assets of all the companies are 100% Government owned. But the Government did not give Gibraltar Investment (Holdings) in April £12½ million to pay back the Savings Bank – I can guarantee that. *(Interjection by the Hon. D A Feetham)* No, Mr Speaker, he knows it is not possible. He knows the sums of money I have quoted him. He does not seem to understand that it is possible to have a situation where there are imbalances in cashflows, where you are expecting £10 million to come in tomorrow and you have to meet a bill today of £9 million, and that you can get an advance from the Consolidated Fund or an advance from Credit Finance and that then the money comes in and you pay. He does not understand that that is possible, even though I have given him clear evidence that there has been a flow of money in and out, in and out, over the two and a half years and that is not money transferred from the Government to Investment (Holdings) – and he knows that it is not, because I am talking about historical accounts which have been audited and which he has.

Q431/2015
Maritime Cadet Training Scheme –
Student details

Mr Speaker: Question 431.

1635 **Clerk:** Question 431, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government provide details in respect of any Gibraltar students currently undertaking the Maritime Cadet Training Scheme, indicating at what stage they are in their training an estimated completion date, together with qualifications aimed to be attained?

1640 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, there is no student currently in the Maritime Cadet Training Scheme.

1645

Hon. E J Reyes: Mr Speaker, in a conversation I was having with the then Minister for the Port, the Hon. Neil Costa, last summer he was indicating to me that they were in the process of advertising and going back out to try to recruit possible students interested in following the Maritime Cadet Training Scheme and so on; hence I have asked this question now. Does the hon. Member have any idea whether there were no successful applicants or that some started and then abandoned the course, or has Government now made it its policy that it does not wish to entertain sponsoring or provide facilities for the Maritime Cadet Training Scheme?

1650

Hon. J J Bossano: My understanding, Mr Speaker, is that this is not Government funded; in fact it is funded by the industry. I am told that the last intake finished in 2015 and they have not found suitably qualified candidates since then, but it is not that the Government has wanted to stop it.

1655

Hon. E J Reyes: Yes, Mr Speaker, the Minister is correct in saying – or half correct – that it was funded by the industry, and there was also some funding input as well, I know, from educational funds and so on.

1660

Obviously he has reconfirmed that there are no students, but I think in his last answer, in the supplementary, he said that the last intake finished in 2015, which is this current year. Does he have any details of how many finished now in 2015 and what qualifications they actually attained?

Hon. J J Bossano: No, Mr Speaker, because based on the original... the original is whether there was anybody currently there and there is not anyone currently there. I have given him before the numbers that were there before. I can find out what qualifications they got when they finished, but whatever numbers were there they all finished by January.

1665

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

1670

Also I heard the Minister say that he was under the impression there was no-one interested in attending this course, and yet – I have been on the lookout – if one takes into account the academic year since last September, I have not seen any adverts or any recruitment process towards the Maritime Cadet Training Scheme. Either something has come out that I have missed or... Perhaps the Minister can enlighten me on when was the last time that a renewed effort was made to attract people to this worthy training scheme.

1675

Hon. J J Bossano: Mr Speaker, when I asked why there had been no intake, the answer I was provided with was that there were no suitable candidates. I do not know what has been done to try... The hon. Member must understand that there are less people now unemployed and less people in training because there are more people in employment, so the market is smaller than it used to be.

1680

Hon. E J Reyes: Yes, Mr Speaker, I understand that, but if one goes back to the origins of this Maritime Training Scheme there was a big emphasis being made to actually recruit school leavers upon completion of their A-levels, as an alternative to other types of formal education leading to highly recognised qualifications. So there was not the need to go to university and do a particular degree and then go into the maritime training, but rather I think we were using Warsash and Southampton where it was a course that, if I am not mistaken, it had something like six weeks of theory followed by six weeks of practice at sea and so on and you ended up getting your Junior Officer of the Watch certificate and so on, leading all the way up to those who had the ability and the inclination to actually captain a ship. In fact, I know there are a couple of Gibraltarians who followed these courses and are now working on very reputable British cruise liners as quite senior officers.

1685

So can I just leave it... The Hon. Minister may wish even to have a brief conversation with me behind the Speaker's Chair, because it could be for the benefit of school leavers, helping him not only to control or keep down his employment figures but actually encouraging people into something that... Gibraltar has always provided services to cruise ships and therefore we should provide services and get the best officers available for our own future development of the port and all its maritime-related activities.

1690

1695

Hon. J J Bossano: I am happy to talk to the hon. Member about the opportunities and the options, but it is not everybody's cup of tea. Because, you know, being at sea is not something that is the same as going to university. Some of the youngsters we have had have had problems in the time that they have been on the coal face rather than in the college in UK. But certainly I am happy to talk it over with him.

1700

Q432/2015

**Dual-fire Waterport power station –
Requirement to borrow re construction costs**

Clerk: Question 432, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government confirm that it will need to borrow in order to pay for the construction of the dual-fire Waterport power station?

1705

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, a number of options for financing the new generating station are under consideration, including options similar to the one that was in the pipeline under the GSD Government, except that there will not be in any of the options a requirement for a commitment to raise future electricity charges as was the case with the proposal under the GSD administration.

1710

Hon. D A Feetham: Yes Mr Speaker, the reason why I ask the question... We are getting to questions about public debt in a moment, so I do not know what the up-to-date position of net debt is, but the net debt as of the last time that the hon. Gentleman answered this particular question, net debt was £375 million. The legal borrowing limit at the moment stands – I calculated it this morning – at £457 million. That is taking 80% of consolidated fund revenue, recurrent revenue. So it gives you £457 million. On that basis, the Government does not have the ability to actually borrow sufficient amounts of money, add to the public debt, to keep within those legal borrowing limits of £457 million, because this power station is going to cost substantially more than the £80 million-odd that the Government has at its disposal if it wanted to actually raise more money by way of direct borrowing.

1715

1720

That is the reason why I am asking, because it appears to me that effectively the Government, unless it is prepared to come to this House to raise the legal borrowing limit – and indeed I think that is the honest way to do it, to come to this House and raise the legal borrowing limit, not borrow indirectly; it has been borrowing through Credit Finance etc – then of course if it is not prepared or if it pays via Credit Finance etc it is going to have to borrow directly, but it cannot and that is why I am asking. and I am inviting the hon. Gentleman to effectively inform the Opposition of how it is going to be financed.

1725

1730

Hon. J J Bossano: I am sorry that the hon. Member thinks that other than raising the borrowing ceiling is a dishonest way to raise finance, because of course –

Hon. D A Feetham: Honest way.

1735

Hon. J J Bossano: He said the honest way is to raise the limit, so by definition to do it other than by raising the limit is a *dishonest* way of doing it. I am sorry that he thinks that because, in fact, the greatest ever Gibraltarian used to do it regularly before, and I do not think he was being dishonest. For example, when he got the Royal Bank of Scotland to, in theory, buy St Bernard's Hospital and then sell it back and then rent it, or when he did the same thing with the car parks, none of which were considered to be public debt or loans or requiring the raising of the limit; and certainly I do not know what they were planning to do with the generating station that was going to go up the Rock, which would have cost a fortune, but they were talking at the time about financing it in a way which would not appear as Government debt and not in the honest way that the hon. Member wants. But then of course maybe he has got such high standards of honesty that the rest of us have got a problem in keeping up with him.

1740

1745

Hon. D A Feetham: Well, Mr Speaker, can he at least confirm that this is not going to be funded out of any of the moneys that are sitting in Gibraltar Investment (Holdings)? Perhaps he can confirm that.

Hon. J J Bossano: Yes, I can confirm that – yes, yes, yes.

Q433/2015

Government cash reserves and debt.

1750

Clerk: Question 433, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state what the Government cash reserves were as at 31st May 2015?

1755 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 434 to 437.

1760 **Clerk:** Question 434, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please give a breakdown by bank and amount of that part of the aggregate public debt which comprises bank debt, as at 31st May 2015?

1765 **Clerk:** Question 435, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister provide this House with a breakdown, by debenture issue, of that part of the aggregate public debt which comprises Government debentures, as at 31st May 2015?

1770 **Clerk:** Question 436, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide details of the value of Gibraltar Savings Bank debentures or other debt security as at 31st May 2015?

1775 **Clerk:** Question 437, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown of where and how all the moneys deposited in the Gibraltar Savings Bank have been invested and the rate of return on each of these investments as at 31st May 2015?

1780 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, as at 31st May the Government cash reserves were £41.01 million.

The aggregate public debt consisted of bank debt was Barclays Bank £150 million and NatWest Offshore Limited £50 million, which in fact the hon. Member will have seen today has been rescheduled on the basis that it was maturing and there is now a –

1790 **Hon. D A Feetham:** Fixed rate?

Hon. J J Bossano: No, it is a flexible rate, *[laughter]* very attractive compared to the one that was there before actually, under 2%. It is possible for that amount, for example, to be repaid at any one time so it is a loan that does not have to be all drawn. It is being drawn at the moment, but if we have the good fortune to have a lot of money coming in not only will we be able to have everything back in Credit Finance to keep him happy and everything back in the Savings Bank, but we might even be able to have everything back in NatWest.

The Government debentures, which are in fact the debentures held by the Gibraltar Savings Bank on one month's notice, are £247,700,000, the same as it was last month.

1800 The value of Gibraltar Savings Bank debentures and other debt security by maturity date is as follows:

	One month	£ 32,299,900
	Maturing in 2015 Debentures	£ 8,987,400
	Maturing in 2016 Debentures	£ 22,928,800
1805	Maturing in 2017 Debentures	£ 99,099,600
	Maturing in 2018 Debentures	£163,640,600
	Maturing in 2019 Debentures	£180,346,200
	Other Debentures	£157,556,748
	Bonds	£ 69,847,204
1810	Deposit Accounts	£209,252,660

The average yield in respect of the different categories of investment vehicles held by the Savings Bank for the month of April are as follows.

1815 On-call accounts with the Bank of England, the Crown Agents and the Gibraltar Banks had an average yield of around 0.55%. The Gibraltar Banks were the Royal Bank of Scotland, Barclays Bank, National Westminster Bank, Jyske Bank and Lloyds Bank.

1820 Floating Rates Notes had an average yield of 1.01%. These notes were issued by the following: European Investment Bank, International Bank for Reconstruction and Development, Neder Waterschapsbank, KfW, Republic of Finland, Volkswagen Financial Services, Dexia, GE Capital UK, Westpac Securities, Australia & New Zealand Banking Group, Centrica plc, ASB Finance Limited, the Royal Bank of Canada, BG Energy Capital plc, Suncorp Medway Ltd, BMW Finance and National Grid Gas plc.

1825 Monthly income debentures had a 6% return and preference shares in Credit Finance had an average dividend of 5.6%. As previously explained, the quoted stocks and the call accounts fluctuate on a daily basis but these fluctuations are not normally significant.

1830 I now hand over the Savings Bank Statement of Investments, which list the investments for the month, to the hon. Member, which of course I assume he considers to be the list of debts since he says that if the Savings Bank invests in the Government of Gibraltar it should be called a loan but if it invests in the government of Finland it does not. So if he wants, I will head it in future 'List of Debts' instead of 'List of Investments'.

A Member: Hear, hear. (*Banging on desk*)

1835 **Hon. D A Feetham:** Mr Speaker, I have no further questions, just simply to note the Freudian slip by the hon. Gentleman when he talked about investments in the Government of Gibraltar, which is precisely my point: it is the Government of Gibraltar that owes this money, not a Government-owned company.

ANSWER TO QUESTION 437

SAVINGS BANK FUND
STATEMENT OF INVESTMENTS

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 30/04/2015
SUNCORP-METWAY LTD FRN 06/10/17	£5,000,000.00	100.122 0.074	£5,006,107.80 £3,687.09	£5,009,794.89
VOLKSWAGEN FIN SERV NV FRN 12/10/15	£5,000,000.00	99.997 0.041	£4,999,836.65 £2,026.61	£5,001,863.26
DEXIA CREDIT LOCAL FRN 15/4/16	£4,000,000.00	100.016 0.033	£4,000,650.52 £1,315.48	£4,001,966.00
AUST & NZ BANKING GROUP FRN 4/2/16	£5,000,000.00	100.144 0.194	£5,007,212.85 £9,710.96	£5,016,923.81
GE CAPITAL UK FUNDING FRN 20/3/17	£2,000,000.00	99.802 0.080	£1,996,039.06 £1,608.41	£1,997,647.47
WESTPAC SECURITIES NZ LT FRN 3/10/17	£5,000,000.00	100.000 0.079	£5,000,000.00 £3,946.85	£5,003,946.85
CANADIAN IMPERIAL BANK FRN 15/1/18	£5,000,000.00	100.000 0.031	£5,000,000.00 £1,566.02	£5,001,566.02
NATIONWIDE BUILDING SOCIETY FRN 27/4/18	£5,000,000.00	100.000 0.006	£5,000,000.00 £316.70	£5,000,316.70
ASB FINANCE LTD LONDON FRN 1/05/18	£5,000,000.00	100.000 0.000	£5,000,000.00 £0.00	£5,000,000.00
ROYAL BANK OF CANADA FRN 4/6/19	£5,000,000.00	100.076 0.150	£5,003,796.60 £7,522.28	£5,011,318.88
BMW FINANCE NV 1.75% 20/11/17	£5,000,000.00	101.870 0.772	£5,093,500.00 £38,595.89	£5,132,095.89
LVMH MOET HENNESSY VUITT 1.625% 20/12/17	£5,000,000.00	101.726 0.583	£5,086,313.90 £29,160.96	£5,115,474.86
PRUDENTIAL PLC 1.375% 19/01/18	£7,000,000.00	100.139 0.380	£7,009,716.77 £26,633.56	£7,036,350.33
ABN AMRO BANK NV 2.5% 18/12/18	£7,000,000.00	103.262 0.911	£7,228,348.61 £63,767.12	£7,292,115.73
JP MORGAN CHASE & CO 1.875% 10/02/20	£4,000,000.00	100.284 0.406	£4,011,364.72 £16,232.88	£4,027,597.60
THAMES WATER UTIL FIN 4.9% 30/6/15	£1,600,000.00	100.710 1.629	£1,611,353.70 £26,061.54	£1,637,415.24
VOLKSWAGEN FIN SERV NV 1.25% 15/12/16	£5,000,000.00	100.750 0.467	£5,037,505.75 £23,351.65	£5,060,857.40
NEDER WATERSCHAPSBANK 0.875% 07/03/18	£5,000,000.00	99.840 0.048	£4,992,000.00 £2,390.71	£4,994,390.71
KOMMUNEKREDIT 1.125 07/12/18	£5,000,000.00	99.797	£4,989,850.00	£4,989,850.00
KFW 5.5% 7/12/15	£5,000,000.00	103.086 2.185	£5,154,301.65 £109,236.11	£5,263,537.76
LLOYDS 5.5% 25/09/16	£3,000,000.00	106.236 0.542	£3,187,066.80 £16,273.97	£3,203,340.77
SCOTTISH & SOUTHERN ENERGY 5% 01/10/18	£4,000,000.00	112.402 2.890	£4,498,084.44 £115,616.44	£4,611,700.88
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£2,000,000.00	100.001 0.017	£2,000,024.32 £339.04	£2,000,363.36
NEDER WATERSCHAPSBANK FRN 09/04/18	£2,200,000.00	100.000 0.043	£2,200,000.00 £949.63	£2,200,949.63
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.020 0.108	£5,000,988.05 £5,388.54	£5,006,376.59
NET AMOUNT DUE TO BROKER IN RESPECT OF TRANSACTIONS EFFECTED IN APRIL FOR SETTLEMENT IN MAY			(£9,989,850.00) £0.00	(£9,989,850.00)
MONTHLY INCOME GOVERNMENT DEBENTURES	£247,700,000.00	100.000	£247,700,000.00	£247,700,000.00
BANK OF ENGLAND	£22,425,218.65	100.000	£22,425,218.65	£22,425,218.65
CREDIT FINANCE COMPANY LTD REDEEMABLE PREFERENCE SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
GSBA	£11,000,000.00	100.000	£11,000,000.00	£11,000,000.00
GIBTELECOM	£37,798,895.33	100.000	£37,798,895.33	£37,798,895.33
ROYAL BANK OF SCOTLAND GBP CALL A/C	£17,013,678.59	100.000	£17,013,678.59	£17,013,678.59
LLOYDS BANK GBP CALL A/C	£409,937.76	100.000	£409,937.76	£409,937.76
BARCLAYS BANK PLC	£76,797,790.38	100.000	£76,797,790.38	£76,797,790.38
NATIONAL WESTMINSTER OFFSHORE LTD	£20,243,616.41	100.000	£20,243,616.41	£20,243,616.41
JYSKE BANK	£21,350,293.37	100.000	£21,350,293.37	£21,350,293.37
	£966,539,430.49		£958,367,341.12	£958,367,341.12
CASH	£6,064,000.00	100.000	£6,064,000.00	£6,064,000.00

DEPUTY CHIEF MINISTER

Q438/2015

**Northern Defences regeneration scheme –
Cost of phase 1**

Clerk: Question 438, the Hon. D J Bossino.

1840

Hon. D J Bossino: Is the Deputy Chief Minister in a position to now state what the exact cost of the phase 1 of the Northern Defences regeneration scheme will be?

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

1845

Deputy Chief Minister (Hon. Dr J J Garcia): Yes, Mr Speaker, the cost of phase 1 of the Northern Defences regeneration scheme was £214,735.69.

1850

Hon. D J Bossino: Mr Speaker, presumably there if there is a phase 1... Thanks for the answer, but if there is a phase 1 there is a phase 2, and in that regard is he able to give me an estimate of what the costs are in relation to phase 2; and also if he could also give me details of what phase 2 is likely to entail in terms of the projects?

1855

Hon. Deputy Chief Minister: Yes, Mr Speaker, there is an estimate in the Estimates Book, which obviously is confidential until we debate it in the House. The hon. Member already has that information in the book itself.

It will entail the clearing up of the next of the King's Lines and the Princess Lines. Work has already started. The Royal Engineers were here two weeks ago and have commenced the second phase.

1860

Hon. D J Bossino: Mr Speaker, maybe if he could assist me and clarify the position for me. There was, I think, in one of the earlier press statements in relation to this particular project, I think an invitation as to expressions of interest. What has happened in relation to that? Were there expressions of interest and have the contracts been awarded? Because the impression I get is that this has been done directly by the Gibraltar Government, as opposed to any other private company. Can he shed any light in relation to that?

1865

Hon. Deputy Chief Minister: Yes, Mr Speaker, there were several detailed expressions of interest put forward to the Government. The Government selected a preferred contractor, shall we say, but really the expressions of interest were more about the management of the site rather than the cleaning up and the physical work that is involved in making the site presentable. So that is what the Government is doing itself at present.

1870

Q439/2015

**Gibraltar Airport –
European Transfer Commissioner's comments**

Clerk: Question 439, the Hon. D J Bossino.

1875

Hon. D J Bossino: Can the Deputy Chief Minister please provide details of the solutions which the European Transfer Commissioner was reportedly referring to as being capable of resolving the current impasse regarding Gibraltar's airport?

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

1880

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the Government is not aware of what solutions the Commissioner was referring to.

Hon. D J Bossino: Mr Speaker, I am sure the Hon. the Deputy Chief Minister is fully aware of what quotes I am referring to. It is reported again – I refer to the *Gibraltar Chronicle* where she is reported to have said:

'It has variously expressed its support'

– this is presumably the Commission that she is referring to –

‘for solutions that could solve the problem and would be consistent with EC law, freeing the way for the adoption of the Acts in question.’

1885 So she seems to be very specific as far as the reply which has been given on the Commission’s behalf. Is the Gibraltar Government making any enquiries in relation to what this particular Commissioner, Miss Violeta Bulc was referring to?

1890 **Hon. Deputy Chief Minister:** Mr Speaker, I met Violeta Bulc in January in Brussels and certainly there were no solutions forthcoming. I think what the Commissioner is saying is that they would like to see a solution as long as that is in keeping with EU law. I do not think they have specific solutions in mind.

1895 The view of the Government is that there was a solution on the table, it had been in effect since 2006 and in 2011 and the solution involved the inclusion of Gibraltar Airport in EU civil aviation legislation, and that position has not changed; that is the view of the Government. And may I add it is also the strongly held view of the United Kingdom, which has actually taken a very tough stand on this issue.

Hon. D J Bossino: And just by way of clarification, if I could give the Deputy Chief Minister the opportunity to set out the position, presumably what he is referring to by ‘the Gibraltar solution’ is the Cordoba Agreement of 2006.

1900 Certainly my position is that we should, as a jurisdiction, be able to enjoy these rights as a matter of right in any event, quite outside the terms of that particular agreement, but certainly the Kingdom of Spain agreed to Gibraltar’s inclusion, or at least not to object to Gibraltar’s inclusion in relation to any future measures post the agreement. But if I could just give him the opportunity to clarify that position.

1905 **Hon. Deputy Chief Minister:** Mr Speaker, yes, the solution that Spain... Spain signed up to a solution in September 2006 and our view is that Spain must therefore honour what they signed up to. It is really as simple as that. Our view, and indeed the view of the UK, is that the exclusion of Gibraltar... There is a list of the areas of community law which do not apply to Gibraltar in Articles 28 and 29 of the UK Act of Accession – things like the Customs Union, like the Common Agricultural Policy. Aviation is not one of them, therefore the exclusion of Gibraltar from the civil aviation legislation would be contrary to the Treaty and would be illegal.

Q440/2015
EU Parliament Petitions Committee Chairman –
Recent visits

Clerk: Question 440, the Hon. D J Bossino.

1915 **Hon. D J Bossino:** Can the Deputy Chief Minister provide a report to this House of the recent visits by the EU Parliament’s Petitions Committee Chairman?

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

1920 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the recent visit by Cecilia Wikström MEP, the Chair of the EU Parliament’s Petitions Committee, followed on from a number of petitions about Gibraltar that the Committee is dealing with. It was a fact-finding visit designed to learn more about the issues at first hand.

1925 **Hon. D J Bossino:** Again, Mr Speaker, there was a very interesting report of the visit in the local press which referred to the number of petitions which she has been in receipt of – I think there was a reference to 3,000 and approximately 100 related to Gibraltar. Is the Hon. the Chief Minister able to provide any breakdown in relation to those statistics? For example, there is another factual issue which was aired in the report which says that currently around 20 of these are open petitions that are being investigated by the Committee. I would be interested to know what happens, for example, in relation to the remaining 80. Have they gone by the wayside? And why is it that the Petitions Commission is only looking at these particular 20 and what they are related to? Does he have that information to hand?

1935 **Hon. Deputy Chief Minister:** Mr Speaker, I do not have the details or a list of the petitions here, but certainly the Chairman of the Committee indicated to us that they were mainly to do with the border and people complaining about the length of time they were made to wait at the Frontier. Others were to do with environmental matters, but essentially the point made to us was that they were mainly to do with the border delays.

1940 **Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may just make an observation in relation to the issue of the Airport which the hon. Gentleman was putting to the Deputy Chief Minister a moment ago. I just wanted to confirm it, but I think it is important that it should be in the record of the House in respect of the question that the Hon. Mr Bossino and the Deputy Chief Minister were debating a moment ago, that paragraph 19 of the Cordoba Agreement in relation to the Airport, contains a statement which we have certainly brought to the attention of the Commission on a number of occasions, and of course so has the United Kingdom, which is this:

‘The commitments in this Statement’

– and this is the statement in relation to the Airport; this is not the framework, this is specifically the statement on the Airport –

‘The commitments in this Statement will be fully implemented unless the three participants agree to the contrary’

which is a way of ensuring that one participant cannot wheedle himself out of this. Of course, that is an important part of what the Deputy Chief Minister was saying was the insistence of the Gibraltar and United Kingdom governments as to Spain’s obligations under that particular aspect of the agreement.

1950 They have not sought a renegotiation of those issues, which would have been of course an acceptable way of dealing with things – if you agree something with the other parties and you need to change it, you sit round the table and you try and negotiate a way out. They have unilaterally, as the hon. Gentleman knows, withdrawn from that, and paragraph 19 I think is the most pertinent in respect of the position of Spain today and what the position of the Commission should be as a result.

Q441/2015
Gibraltar House, Brussels –
Cost and staffing

Clerk: Question 441, the Hon. D J Bossino.

1955 **Hon. D J Bossino:** Can the Deputy Chief Minister please confirm what the costs of the purchase and any associated fitting-out expenses of the Gibraltar House in Brussels amounts to, together with the details of the staff which is manning such office?

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

1960 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the financial information is in the Draft Estimates of Revenue and Expenditure 2015-16, which has already been made available to the Opposition.

The office is managed by five persons. In addition to Sir Graham Watson it is manned by one legal officer, one administrative officer and two interns.

1965 **Hon. D J Bossino:** Mr Speaker, I think I have identified the particular place where I can find that in the Budget Book, but in terms of staffing levels is there any intention to further recruit new staff members to that particular office? Because obviously its task is quite onerous and really we need people there who have the analytical capability of identifying (*Interjection and laughter*) the trouble spots in the horizons so that they can therefore be dealt with as quickly and effectively as possible. So the question is that: does the Hon. Deputy Chief Minister have any intention of recruiting more staff to that particular office?

1970 **Hon. Deputy Chief Minister:** Mr Speaker, there is no intention to do so at present. The office is supported from Gibraltar by my own office and by Michael Llamas, the Attorney General’s EUID as well. So at the moment it has this level of backup. It maybe that this changes in the future but at the moment we are quite happy with the position and we are waiting to see exactly how it works and how it operates.

1975

Hon. D J Bossino: Yes, Mr Speaker, of course, and I made the point recently in the 'Viewpoint' programme, where I think all three of us – well four of us, actually – were interviewed, and that is that Sir Graham Watson will undoubtedly provide tremendous support and, I am sure, very good and sound advice in relation to these matters.

1980 Mr Speaker, is he able, in terms of pounds, shillings and pence – borrowing the Minister for Business Development's phrase earlier – what the expected annual costs, running costs, of the office will be?

Hon. Deputy Chief Minister: Mr Speaker, that detail is in the Estimates. Again, I do not think we can debate those figures until the Budget debate has taken place, but it is in the Estimates Book.

CHIEF MINISTER

Q442/2015

Moneylending licensees – Provision of mortgage facilities

1985 **Clerk:** Question 442, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Chief Minister please advise how many moneylending licensees are providing or intend to provide mortgage facilities?

1990 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as discussed at the last meeting of the House, I provided the hon. Member with a list of the moneylending licensees in confidence. The Government is not aware of how many such licensees already provide or intend to provide mortgage facilities.

1995 **Hon. D J Bossino:** Yes, Mr Speaker, I can confirm that the Hon. the Chief Minister has provided me with a copy of the list, which I will consider and once I have done so I may revert to, with the Speaker's permission, to this particular question.

2000 Is that information, the one which is set out in the Order Paper there, information which the Chief Minister, as the Minister responsible for these things, is able to provide?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman and I are both lawyers, so we both understand, but just for the purposes of members of the public... what it is that a mortgage is. A mortgage is the security given over money lent if that security is over immovable property. And therefore, the companies that we are dealing with have a licence to lend money. What security they take in exchange for that money is a matter really entirely for them; it is not something which the legislation requires them to inform the licensing authority on. So, in the same way as many of these companies, as the hon. Gentleman will know, lend in respect of motor vehicles, some of them take a charge over the vehicle, others take guarantees from the individuals who want to purchase the vehicle, some of them take both. In relation to a mortgage, they would be taking security over property. There is no requirement that they report back to the Government on what type of security they intend to take and whether their moneylending extends to that. So, short of calling each of them up and asking them whether they intend to provide such facilities, it would not be possible for the Government to provide the information. If they advertise that information then that would be publicly available information.

2015 When a bank is licensed by the Financial Services Commission they do not have to tell the FSC that they are going to give or not give mortgages. It may or may not form part of their business plan, but it is not something which is separately allowable. You do not need a licence to grant a mortgage and the same is true in respect of companies that are moneylenders – they do not need a specific permission and therefore the Government does not have the information in a way that we can look it up and give it to the hon. Gentleman.

2020 **Hon. D J Bossino:** Mr Speaker, I am grateful for the answer. What I will do is I will mull over and consider the answer that he has just given to me in relation to the point which is the subject matter of a question, but I also want to take the opportunity of considering with greater care the list that he has provided to me this afternoon. So I will just repeat the point I made earlier: I may just go back to this point if I feel it is appropriate and adequate. I am grateful.

2030 **Hon. Chief Minister:** Mr Speaker, I am grateful for that statement from the hon. Gentleman. As he knows, I have granted him the list on the basis that it is confidential at this stage. We discussed last month that I saw no reason why that should not be a list that is publicly available and he and I, I am sure, can discuss how we progress that. I think just making it public in an exchange across this House would not be fair. I think it would be proper that that list should be publicly available somewhere where the public can access it, perhaps on the Government website, and renewed every year as the licences change or do not change.

2035

Mr Speaker: Next question.

2040 **Hon. D A Feetham:** Mr Speaker, the hon. Gentleman, as I understand it – and I could be corrected if I am wrong – he is the licensing authority for these moneylenders and therefore presumably he would have seen any business plan that would have been provided by anybody when they come to apply for a moneylending licence. Can he recall whether, in relation to any applications that he has seen during his tenure in office, whether there is an intention by the applicant to offer, effectively, mortgages to members of the public?

2045 **Hon. Chief Minister:** Mr Speaker, the process which is followed is that an assessment of the business plan is made by the Office of the Financial Secretary, that then recommends approval of the licence application to the Chief Minister. I perused the documents filed and none of them indicate a desire to grant mortgages – but they do not need to. Anybody who has a licence can now grant mortgages without having to have included that as part of their business plan.

2050 Many of the licensees, as the hon. Members will see from the list I provided to them, have been licensed long before we were in office, most of them in the past 20 years or so and some of them even further than that. I think the hon. Gentleman and I were remarking privately earlier that there is one from the 1970s and one so early that there are no records available of the date when the application was made.

Q443/2015

Sunborn Floating Hotel – Nature Group claim against Government

2055 **Clerk:** Question 443, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, have the Nature Group made any claim, directly or indirectly through third parties, against the Government in respect of any work done directly or indirectly in respect of the works to enable the *Sunborn Floating Hotel* to be berthed in its current location?

2060 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government received a contractual claim for additional costs in relation to the disposal of material dredged for the berthing of the *Sunborn Floating Hotel*. This claim has now been settled.

2065

Hon. D A Feetham: Yes Mr Speaker, can the Hon. the Chief Minister provide us the sum in respect of which this claim has been settled with the Nature Group?

2070 **Hon. Chief Minister:** Mr Speaker, £274,000.

2075 **Hon. D A Feetham:** Mr Speaker, was there, in that £250,000 – I do not know; I am asking the question – any credit given for the payments that were made to the families of, unfortunately, the deceased who died in the accident when the sullage plant actually blew up a number of years ago... whether there has been any credit to Nature Group provided for the settlement of their claim by taking into account that money that was paid to the relatives of the deceased?

2080 **Hon. Chief Minister:** Mr Speaker, without meaning to be obstructive in any way, can the hon. Gentleman explain to me what he means by ‘credit of’? Because I really do not understand what he is getting at.

2085 **Hon. D A Feetham:** What I mean is, Mr Speaker, the Nature Group is owed x amount by the Government of Gibraltar, or makes a claim, let's say, for £500,000, for argument's sake, just taking a round figure; and then the Government settles it for x amount, but it is giving credit, but the Government has effectively... or in the negotiations or settlement with the Nature Group the Government has paid the deceased's family in respect of the fines that the Government basically got from... in respect of the accident, and that somehow is worked into the settlement. I am just asking whether that has been factored in; whether any credit has been given in respect of that.

2090 **Hon. Chief Minister:** Mr Speaker, the two are entirely different and not linked in any way whatsoever. Not linked in any way whatsoever.

Q444/2015
Naturalised British in Gibraltar –
Number; Government housing

Clerk: Question 444, the Hon. D A Feetham.

2095 **Hon. D A Feetham:** Mr Speaker, how many people have been naturalised British in Gibraltar from 9th December 2011 to 31st May 2015 and (a) how many of those have applied to join the housing waiting list and (b) have obtained Government housing?

Clerk: Answer, the Hon. the Chief Minister.

2100 **Chief Minister (Hon. F R Picardo):** Mr Speaker, further to my reply in Question 273 of March 2015, a further 35 persons have been naturalised up to 31st May 2015. Of these, two have applied to join the housing waiting list and one has obtained Government housing.

2105 **Hon. D A Feetham:** Sorry Mr Speaker, can he say how many have been naturalised British from 9th December to 31st May 2015? I did not quite get the figure.

Hon. Chief Minister: Mr Speaker, I have told him that this is a figure of 35 people further to my answer in March 2015. I gave him an answer in March 2015 – he needs to add 35 to that.

2110 **Hon. D A Feetham:** Yes, Mr Speaker, but the answer to the question in... Well, the question was different in the way I previously asked it earlier on this year, and it was about that 1,000 had been naturalised and around 200-odd had applied to join the housing waiting list. But what I did not ask then was how many people of those naturalised had actually been awarded Government housing, had been allocated Government housing. Now, is he saying that out of the 1,000 – and remember that this goes back to the time that they first got elected. Is he saying that, from 9th December 2011 to 31st May 2015, of the 1,035
2115 people who had been naturalised during that period only two have obtained Government housing? Well, I will accept that is the answer. But otherwise, if he is giving me the answer that as from the last time that he answered this two have been awarded Government housing, well that is an incomplete answer because it does not take into account the other 1,000 where I did not ask the question. You see, this last part, 'have obtained Government housing', did not form part of the question when I first asked it in I think it was
2120 January or February.

Hon. Chief Minister: Mr Speaker, it was in March. The figure I gave him then was 992, the total is therefore 1,027; 192 had applied to join the housing waiting list then, a further two have applied so it is 194.

2125 The answer I have is that one has obtained Government housing. It is not clear to me from the answer I have available whether it is one of the two or one of the 194. I am quite happy to write to the hon. Gentleman and try and clarify that for him.

2130 **Hon. D A Feetham:** No, that will not be necessary. If the Hon. the Chief Minister says that out of the 1,002 only one has obtained Government housing, that is the answer that I am looking for. What I do not want is any confusion that effectively it is only out of, since March, only one. We are very clear that it is, out of the 1,002 that have been naturalised during the time that they have been in Government only one person out of those 1,002 have been awarded Government housing.

2135 **Hon. Chief Minister:** No, Mr Speaker. We are not clear on that: 1,027, not 1,002, 1,027 people have
been naturalised. Of those, 194 have joined the housing waiting list. Right? Are we clear that there are 800-
odd who have not applied to join the housing waiting list; 194 have applied? Now, what I am telling him I
am not clear about is whether there is only one out of the 194 who have applied, or one out of the two who
2140 have applied since March, and what I am offering him is to get back to him to clarify whether it is one out
of two or one out of 194. Because the way he has put the question now it is clear that that is what he is
interested in and I am quite happy to write to him and clarify that.

Mr Speaker: Or how many out of the 194.

2145 **Hon. D A Feetham:** Mr Speaker, that is the question that I am asking, because of course whether it is
one out of two or one out of 194 is neither here nor there to me, it is one. What I am asking is: out of the
194 forming part of this pool of 1,027, but out of the 194, how many have obtained Government housing?
If the answer is one out of 194, that is it, I do not need any further information from the hon. Gentleman.

2150 **Hon. Chief Minister:** Okay, Mr Speaker, so – (*Interjection*) Yes!
Mr Speaker, I understand what the hon. Gentleman is asking. I do not have that information as
supplementary information, so therefore I am happy to write to him and tell him whether it is one out of two
or one out of 194; and, if it is not one out of 194, give him the figure out of 194.

2155 **Hon. D A Feetham:** Well, I am happy with that. It is the latter that I am asking, not whether it is one
out of two or one out of 194.

Questions for Written Answer

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written
Questions W73/2015 to W81/2015 inclusive.

ADJOURNMENT

2160 **Chief Minister (Hon. F R Picardo):** Mr Speaker, and I have the honour to move that the House do
now adjourn to Monday, 22nd June at 11.00 a.m. to consider as its first order of business the debate on the
Appropriation Bill.

2165 **Mr Speaker:** I now propose the question which is that this House do now adjourn to Monday, 22nd
June 2015 at 11.00 in the morning. I now put the question, which is that this House do now adjourn to
Monday, 22nd June 2015 at 11.00 in the morning.

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

The House will now adjourn to Monday, 22nd June 2015 at 11.00 in the morning.

The House adjourned at 6.45p.m



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.00 a.m. – 1.45 p.m.

Gibraltar, Monday, 22nd June 2015

Business transacted

Order of the Day.....	2
Government Bills.....	2
First and Second Reading.....	2
Appropriation Bill 2015 – First Reading approved.....	2
Appropriation Bill 2015 – For Second Reading – Debate commenced.....	2
<i>The House recessed at 1.35 p.m. and resumed its sitting at 1.45 p.m.</i>	29
Appropriation Bill 2015 – For Second Reading – Debate continued.....	29

The Gibraltar Parliament

The Parliament met at 11.00 a.m.

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

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

Order of the Day

GOVERNMENT BILLS

FIRST AND SECOND READING

Appropriation Bill 2015 – First Reading approved

Clerk: Meeting of Parliament, Monday, 22nd June 2015.

Order of the Day. Bills – First and Second Reading.

5 (1) A Bill for an Act to appropriate sums of money to the service of the year ending on 31st day of
March 2016 and further sums of money to the service of the year ended the 31st day of March 2014.
The Hon. the Chief Minister.

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to
appropriate sums of money to the service of the year ending on the 31st day of March 2016 and further
sums of money to the service of the year ended 31st March 2014 be read a first time.

15 **Mr Speaker:** I now put the question which is that a Bill for an Act to appropriate sums of money to the
service of the year ending on the 31st day of March 2016 and further sums of money to the service of the
year ended the 31st day of March 2014 be read a first time. Those in favour? (**Members:** Aye.) Those
against? Carried.

Clerk: The Appropriation Act 2015.

Appropriation Bill 2015 – For Second Reading – Debate commenced

20 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a
second time.

Mr Speaker, this is my 12th budget session as a Member of this Parliament and my fourth budget
address as Chief Minister, and I now have the honour to present the Government's revenue and expenditure
estimates for the year ending 31st March 2016. I will also report to the House on the Government's revenue
and expenditure out-turn for the year ended 31st March 2015, which marked the third full financial year of
a Socialist Liberal administration since we took office in December 2011.

25 Mr Speaker, as has been traditional since Joe Bossano first grasped the economic nettle for us as a people, this budget address will include *not just* my report to the House on the Public Finances of our nation and the state of our economy generally, but also a review of many other pertinent matters affecting our economic outlook, making this very much more than just an address on the Second Reading of an Appropriation Bill, but a ‘State of the Nation Address’.

30 I will also, of course, outline the Budget Measures that this Government will introduce this year in pursuance of its manifesto commitments and in order to continue to address the social and business needs of our community.

This year, Mr Speaker, I will also be undertaking a review of the work we have done in the time since we were elected, highlighting how the Budgets I have introduced in this House have helped deliver a stronger, more prosperous and more secure nation.

35 Mr Speaker, in terms of the quality of our democracy, we have now had 34 meetings of the House since our election. We have demonstrated our commitment to democratic reform not least in opening up our debates to video cameras, which has transformed the way the public interacts with this Parliament when in session. But we have still some work to be done, and some of it will shortly be introduced, but the work of this Parliament has advanced and modernised hugely and people know, see and feel that.

Perhaps the most exciting development to come shortly, Mr Speaker, will be the debate on a Freedom of Information Act, which will fulfil one of our important manifesto commitments.

40 Last year, during the course of this debate, I spoke of my decision to introduce legislation to create a Chief Minister’s Consultative Council. After the intervention of the Hon. Backbencher, I agreed that it should be called the Gibraltar Consultative Council. Mr Speaker, the legislation has already been published as both a Command Paper and now as a Bill, and can be proceeded with by the Parliament before the summer. I look forward to leading the debate on that Bill also.

Indeed, Mr Speaker, no-one can argue that we have not delivered anything other than root-and-branch parliamentary reform, adopting already many of the key proposals of the Commission on such reform which you presided over. Even the reference to ‘Command Papers’ demonstrates how things have changed and the level of consultation which there now is where possible in relation to legislation in new areas.

50 This year the Parliament has been involved in the preparation of a new register of electors. Already much work has been done in this respect and the year will see a General Election held. This will as ever require huge organisational effort and on behalf of all Members, I want to thank the members of your team for the work they have done and do to support us in our work as Parliamentarians whilst they also do the hard work of delivering a new register ready for the General Election. Thank you all very much indeed for your assistance.

55 Mr Speaker, I want in particular to congratulate Ms Frances Garro for her receipt of the Gibraltar Award for her services. Frances is a joy to work with and always a huge help to all of us who need her. She is blind to what side a Member sits on or to partisan affiliation, and she is selfless in always being ready to go above and beyond the call of duty for Members of this House, other public officers indeed or any member of the public who may need her assistance as a servant of this House. Her award is well deserved. (*Applause*)

60 Mr Speaker, the World Bank Outlook on Global Economic Prospects considers that developing countries face a series of tough challenges in 2015 which will result in a fourth consecutive year of disappointing economic growth this year. Developing countries are now projected to grow by 4.4% this year, with a likely rise of 5.2% in 2016, and 5.4% in 2017.

World Bank Group President, Jim Yong Kim said, as part of that report, that the World Bank Group

‘believes that countries that invest in people’s education and health, improve the business environment, and create jobs through upgrades in infrastructure will emerge much stronger in the years ahead.’

That is exactly the sort of investment we are making Mr Speaker. Because we face a period of some uncertainty in many respects, where the greatest certainty is offered by our own determination.

70 It is not clear, Mr Speaker, whether the Eurozone will end the week with Greece as a member or not. In Spain, the effects of a chaotic departure of Greece from the Euro could create major economic problems once again. The EU referendum is now a reality and we ourselves are going to see this Parliament have to transpose legislation to provide for the vote in Gibraltar. Mr Speaker our future is in Europe, in access to the single market, but what will that market look like in two years and what will be the shape of the renegotiated proposals put to us as British people?

75 Mr Speaker, we have seen the effect of the past seven years of crisis in Europe. In Spain, some children still only eat at school because their parents are unable to provide nutrition at home. As ever, Mr Speaker, we can but wish to see positive developments for the economy of our neighbouring nation. The less a Spanish Government might consider that it needs to deflect attention away from economic woes at home, the less likely we are to be the defamed scapegoat.

In this respect, Mr Speaker, I was – as most Gibraltarians will have been – unsurprised to hear Spanish Tax Minister Sr̄ Montoro once again nonsensically suggesting that Gibraltar should be on the EU’s tax haven lists. He was sorely disappointed, Mr Speaker, and expressed his bitter disappointment in such media as were prepared to listen. I am writing to him again, despite his failure to respond to my previous letter, setting out in black and white the many reasons why he is wrong in his analysis. The open letter will go later today, depending on what time we adjourn the House.

More locally, Mr Speaker, there has been a change of political parties in the municipality in La L̄nea, but we have already established contact with the new mayor and trust that we will be able to enjoy a cordial and mutually beneficial relationship for the good of both cities.

For the UK, Mr Speaker, the reputable accountancy practice PWC reflects that economic growth was around 2.6% in 2014, the fastest in the G7, but is projected to slow to around 2.5% in 2015. This would be behind the US and Canada, but still the strongest of the large European economies.

Last night, Mr Speaker, I was at the opening of a second US trade mission to Gibraltar, organised by the American Chamber of Commerce in Gibraltar, where I was pleased to see that you and your lady wife were also present. I was very happy indeed to see that our initiative in spreading Gibraltar’s business and political influence is bearing fruit. Fourteen US companies are visiting Gibraltar on this occasion. As we will see, the economic performance of Gibraltar is strong, and in great measure, despite the difficult times facing Europe and attempts by those outside of Gibraltar to strangle our economy and the efforts of some inside to talk it down, we have prospered because we continue to spread our wings as a Government. We are leading the private sector in opening new avenues for trade and new routes into Gibraltar for international businesses.

But the world, Mr Speaker, is not just a place which we open ourselves to in business terms. It is also an increasingly dangerous place these days, with transnational terrorism being a constant danger to peace-loving communities such as ours. We are not far enough from the disturbing problems in North Africa and we must remain ever vigilant and support our law enforcement agencies in the work that they do to keep us safe, giving them the physical and legislative resources they need to do so.

Mr Speaker, as with my Government’s last three Budgets, this budget has been designed to support our working families, to support our youth and our students, and to support our senior citizens and our disabled.

In personal terms, this is a budget for those who put their hands out to work and not for those who unfairly put their hands out to receive. Mr Speaker, we are as ever setting out to protect those who cannot work and not those who will not work.

In corporate terms, this is a budget designed to encourage business, to encourage start-ups, to encourage our entrepreneurs, to improve our public services and to deliver sustainable growth in our economy.

In short, Mr Speaker, it is a budget that reflects my Government’s mission to improve the quality of life and standard of living of all our citizens.

Mr Speaker, let me first start then by undertaking a detailed analysis of our own economic performance.

Inflation in Gibraltar averaged at 1.8% in 2014 compared to 2.1% in 2013. Over the lifetime of this Parliament, the average rate of inflation has been in the region of 2.75% a year.

The Government’s Statistics Office reports that the largest contribution to the slowdown in the rate of inflation in April 2015 came from food, alcoholic drinks as well as tobacco and fuel prices and the slower price rises in clothing and footwear. These were partially offset by upward contributions from other travel and transport, the services industry and housing. Falling prices are however expected to be short-lived and prices are forecast to rise towards the end of the year or early next year, when the effect of the fall in oil prices and import prices with the weak Euro, begin to drop out of the annual rate.

Mr Speaker, the inflation rate is therefore expected to remain below 1% during 2015, rising towards the 2% target in 2016.

Mr Speaker, last year I was able to tell the House that the figures then available in respect of GDP Estimates prepared by the Statistics Office reflected that Gibraltar’s Gross Domestic Product for the financial year 2011-12 was £1.17 billion and that the GDP figure for 2012-13 was estimated at £1.28 billion and the forecast for 2013-14 was £1.41 billion. These figures, as hon. Members know, are annually recast as more reliable information comes in and the estimate becomes a firmer calculation.

Mr Speaker, I am today able to provide the House with firmer figures in respect of each of those years with the latest information available from the professionals at the Statistics Office.

The information available confirms our estimate at the time, an estimate made by the Hon. Mr Bossano from the Opposition benches, that the GDP for the year 2010-11 was £1.082 billion, i.e. literally just £18 million shy of our estimate of £1.1 billion. An incredibly accurate prediction on the part of Mr Bossano, the Father of this House, demonstrating in clear and tangible terms why so many in this Community rightly have such a high regard for his ability to understand our economic model, one that he has largely been responsible for developing almost single-handedly. He loves it when we talk positively about him, Mr Speaker! *[Laughter]*

Mr Speaker, the latest data available also reflects that for the financial year 2011-12, the first full year of this GSLP/Liberal administration, the GDP estimate of £1.17 billion must unfortunately be revised. Unfortunately, however, for those who would wish ill on this nation of ours, the revision is one to be made *upwards* to a now more reliable figure of £1.2 billion. This represents a growth of 11% on the first year's GDP.

For the financial year 2012-13 the estimate last year was that GDP for that year had reached £1.28 billion, as I told the House a moment ago. In fact, that estimate also fell short of where the actual figures appear to be pointing. The final GDP estimate for the financial year 2012-13 is now more accurately stated by the Statistics Office, with the more real and up-to-date data available to them, as being *higher* and in the region of £1.32 billion.

Mr Speaker, that represents an impressive growth in GDP terms for that year of 10%.

The GDP figure forecast last year by the Statistics Office for 2013-14, as I told the House a moment ago, was then £1.41 billion. In fact, Mr Speaker, the more accurate preliminary estimate now requires a further *upward* revision of £83 million, giving an estimated GDP for the financial year 2013-14 of £1.484 billion. Mr Speaker, that yields a GDP growth for the year 2013-14 of 12.7% in money terms.

Mr Speaker, the figure that hon. Members and the public will most want to know, however, is the forecast GDP for 2014-15, i.e. the last financial year which ended on 31st March 2015.

Mr Speaker, it gives me great pleasure and satisfaction to announce that the forecast of the Statistics Office for the Gross Domestic Product for the last financial year 2014-15 is now £1.64 billion. (*Banging on desks*)

Mr Speaker that represents a GDP growth of 10.3% in money terms for that year! Another year, Mr Speaker, of *double digit* economic growth. Another *major thrust forward* for the Gibraltar economy.

My pleasure, Mr Speaker, is enhanced by the fact that our manifesto commitment to the people of Gibraltar had been to grow the size of our economy from £1.1 billion in 2011 – where we accurately predicted the GDP to be – to £1.65 billion in 2015-16.

In fact, Mr Speaker, we have reached £1.64 billion in the early estimates for the financial year 2014-15. As we have seen in the figures I have just been able to provide the House, it is likely that this figure will in any event be revised upwards next year as more detailed information is received by the Statistics Office. We have, in effect, reached the target that we believed was reachable in four years in just over three and a quarter! A truly remarkable achievement Mr Speaker, although I expect our opponents will now want to airbrush aside their scepticism when we embarked on this ambitious endeavour three and a half years ago.

Most importantly, Mr Speaker, we have reached in three years the target that many of those who oppose us said could *not* be reached in four. Ironically, Mr Speaker, it is those who said we could not reach our GDP targets who continue to make the mistake of saying that we cannot achieve other things we propose for the benefit of our community. They should learn the lesson of our *constantly* proving them wrong!

I am sure, Mr Speaker, that during the course of his address in reply, the Hon. the Leader of the Opposition will want to congratulate us for this massive success in achieving our ambitious growth targets a year early.

And that of course means, Mr Speaker, that these GDP figures demonstrate that by the end of the next financial year – that is to say, the end of 2015-16 – we will not just have comfortably reached our target of £1.65 billion, requiring only a growth of £10 million in our economy to achieve that, but that we will have comfortably exceeded our prediction, achieved our target and delivered for our people even greater economic growth than we had predicted. And to think, Mr Speaker, that they said it could not be done!

This increased level of growth in our economy during the past three years, with an average growth rate of over 10% per annum in nominal terms means that Gibraltar continues to rank among the fastest growing economies in the world. That is the product of our collective effort as a Community. That is the effect of our hard work as a nation. That is another reason for us all to be proud of our iron determination as a people.

Let us now break down per capita, Mr Speaker, because the GDP per capita of an economy is often used as an indicator of the average standard of living of individuals in a country, and economic growth is therefore often seen as indicating an increase in the average standard of living.

Mr Speaker, per capita on a GDP of £1.64 billion, that gives us an estimated GDP of £50,941 per person using the latest published figure of population of 32,194 people, which was published last week in the Census.

In US dollar terms, taking the monthly average US dollar rate for the calendar year 2014 which is US\$1.64 to the pound sterling, the GDP per capita stands, in dollar terms at US\$83,544.

Mr Speaker, together, what we have achieved with the leadership of this GSLP/Liberal administration is to maintain Gibraltar once again in third place on the International Monetary Fund, World Economic Outlook Database of GDP per capita rankings. *Third place* out of 187 countries. We trail only Luxembourg with a GDP per capita of US\$92,000 and Qatar with a GDP per capita of US\$143,000.

I tell the House each year, Mr Speaker, that my view is that these measures are not entirely scientific because of differing methodologies and fluctuating exchange rates; but they are the measures that the rest of the world relies on. And I am reminded that the Hon. the Backbencher used to put great store by this measure when he used to make the announcement. (*Laughter and interjections*)

205 Mr Speaker, when we took over in December 2011, Gibraltar had placed *ninth* on that index. Ninth I am very proud indeed that we have risen to third in the time of my leadership of our small nation. Indeed, I know the whole of my ministerial team feels huge pride in this respect, but I would also call on the wider community to feel that pride too. Because this is at the achievement of all of us combined. The product of the work of us all as a people.

210 As was the case last year, the main drivers for this positive growth, Mr Speaker, are primarily the continuing increased employment and turnover in the online gaming and financial services industries, and the very increased levels of construction now evident in our economy, with the private sector taking more and more of the lead in that respect. Mr Speaker, one of the most exciting things that is happening in our economy is now the rise of the private sector as the main driver of GDP growth for the future.

215 Well, Mr Speaker, having almost entirely delivered our main manifesto commitments and being in the process of delivering those still not finalised, we can now see that the private sector is in fact starting to work on developments that were previously just not taking off.

The World Trade Centre is now becoming a reality. Two new blocks of flats at Ocean Village are likely to start construction in the next 12 to 24 months. Quay 29, alongside King's Wharf, is expected to break ground in the same timeframe, with the public benefiting from our insistence as a Government in the reduction of the height of that development.

220 The same developers are already talking to Government about the development of the site at Coaling Island where there may shortly be an announcement of another interesting development involving further reclamation, which will also provide a huge boost to GDP and will involve positive effects on Government revenues by way of premium.

The MidTown development is already underway. This development, importantly, Mr Speaker, will *not* benefit from the Government investing £20 million in the equity of it, as the previous administration had planned on doing. But it is going ahead, reduced in size after we pushed for a better deal for the taxpayer.

230 The area of Victory Place is also slated to begin development in the next 12 to 24 months, and Rooke is shortly to be handed over and will be the subject of a request for expressions of interest for its development also. A number of potential uses could provide major economic value for Gibraltar beyond the simple redevelopment as flats or offices, and there may be an interest in combining it also with some social or community uses.

235 But Mr Speaker, the *best* example of private sector investment is the recent announcement made by the Deputy Chief Minister and myself in respect of the Eastside.

Mr Speaker, Blue Water Resort will equate to an investment in Gibraltar of a total of £1.1 billion of outside investment into Gibraltar. The largest amount of money ever invested in our nation: £1.1 billion represents a huge boost for our GDP, not funded by the Government and the Taxpayer, but from investors from outside Gibraltar. In addition, Mr Speaker, the developers will be building affordable homes on the Eastside plot and in the area currently occupied by the Customs Department at Waterport. They will be financing the development of the affordable homes with the Government being only a purchaser in partnership with the homebuyer at the end of the building period, should the purchaser require. Mr Speaker, the Ombudsman states, in the introduction to his recently tabled report for 2014, when referring to the 900 affordable homes about to be delivered, that:

‘without doubt, this development has done away with the huge pressures that the Housing Authority has historically been subjected to and that Judging by present trends we could for the first time see housing issues being removed from the top of the complaints league.’

245 Well, Mr Speaker, the Government believes that the development and delivery of these additional 1,700 homes, which we announced last week, will achieve exactly that.

250 Of course, Mr Speaker, the decision to invest £1.1 billion is also a huge statement of confidence in our economy, in our public finances and in our parties' stewardship of our nation's affairs. It demonstrates in real terms that whatever else might be said about public finances and our economy, when we are X-rayed by outside investors, they see what they like and give no credibility to the hell and brimstone being preached by others.

Another great driver of economic growth for our future, Mr Speaker, will be the establishment of an entirely safe Liquefied Natural Gas storage, re-gasification and bunkering facility.

255 The Government's discussions with interested parties suggest that the facility is likely to be financed entirely by third parties, giving the Government the option to invest in such a facility but not requiring us to do so. This will be the beginning of a new industry for Gibraltar which, given current predictions, is likely

to dominate the maritime transport industry in coming years. Recent statements from Carnival Corporation demonstrate that even the maritime leisure industry see LNG as a safe and less polluting fuel which is the future.

260 Mr Speaker, Gibraltar needs to be at the forefront of these developments if we want to continue to be the largest bunkering port in the Mediterranean. I know Gibraltarians are proud to say that we are such a port and will not want to see the bunkering industry disappear from Gibraltar, as diesel slowly disappears as the fuel of choice in that market.

265 Ill-informed comment and opportunistic scaremongering will not blind the people of Gibraltar to the importance of developing our bunkering industry in that way. In fact, Mr Speaker, the Government expects that the mature proposals it will put before the people of Gibraltar in respect of the LNG facility will be markedly safer than the operation of aircraft within the distances currently relevant between the airport and residential areas.

270 Indeed, Mr Speaker, we confidently believe that the risk analysis to be put before the people will show that there is a greater chance of an airline pilot or an air traffic controller making a human error and landing or directing an aircraft onto Waterport Terraces, or Marina Bay, or Glacis or Laguna than the risk of anything going wrong with the operation of an LNG facility. Indeed, Mr Speaker, members of the public will know that operations with aircraft fuel, known as JET-A1 are hugely more dangerous than operations with LNG. And yet JET-A1 re-fuelling operations are carried out each day within spitting distance of

275 millions of airline passengers, outside of Gibraltar and here, within metres of residential facilities like Laguna, Glacis, Devil's Tower Camp and Four Corners.

Nuclear powered submarines have long been made welcome in Gibraltar and berthed within short distances of established residential areas, and very welcome they are too, Mr Speaker. Indeed, air traffic controllers at Gibraltar reputedly land large and unwieldy military aircraft, loaded with missiles and war-heads to refresh those on board those nuclear powered submarines, and they think nothing of it. Never mind the potential consequences if something went wrong once in a hundred million years with one of those, Mr Speaker. But there are some who will not face the facts and nothing will get in the way for them of a spurious argument when they are not the ones making the decisions, Mr Speaker.

285 And it is not just the Government of Gibraltar and most responsible governments and organisations around the world that are working on the basis of the safety of LNG as a fuel, as we have seen from the Carnival announcement two weeks ago. Indeed, Mr Speaker, in years to come, the LNG bunkering facilities at Gibraltar are likely to make us attractive not just as a bunkering port, but also as a cruise port, given that the Carnival lead is likely to be followed by other cruise operators.

290 In a nutshell, Mr Speaker if an American cruise corporation, risk averse and litigation averse as they naturally are, is prepared to have 6,000 passengers sleeping on top of a gas storage and re-gasification facility, then we can understand that with proper planning and technology, we can operate a safe LNG storage, re-gasification and power plant.

But Mr Speaker, we all in this place know that. It is just that some just do not know what else to say to try and scare a few more people into voting for them. But anyway, let us move on to other matters.

295 Mr Speaker, one of the largest components of our GDP growth is of course the growing levels of employment in our economy. The number of jobs in our economy is at a record high of 24,422. This represents almost a 16.4% increase since 2010.

300 In comparison with October 2011, the last survey relevant to the time the hon. Members were in office, the growth has been huge in particular in terms of Gibraltarians in jobs. Year-on-year growth, Mr Speaker, in respect of this hugely important figure, the number of our compatriots in full-time employment has been superb.

305 In terms of all Gibraltarians in employment, whether full or part-time, once again we are breaking records. In October 2011 when we took over, the total number of Gibraltarians in employment had suffered a huge decrease under the previous GSD administration. The figure had *sunk* by 4.5% from the year before under the previous administration. In fact, in October 2011 the total number of Gibraltarians in employment was 10,220, having fallen by 486 in just one year.

310 In just our first year of administration, the figure of Gibraltarians in employment, full or part-time *jumped* by a huge increase of 511. That is to say, Mr Speaker, in one year we were able to see more Gibraltarians find jobs than had lost their jobs in the year before. 486 had lost their jobs in the last year under the Members Opposite, whilst 511 found jobs under us, even though we had to stop all the Government projects because the Members Opposite had left us almost no useable cash reserve.

315 In percentage terms, Mr Speaker, what the GSD saw diminished by 4.5%, we increased by 5% in just one year. A *stunning* reversal, Mr Speaker of the bad fortunes many had suffered, losing their jobs during the last days of the previous administration. The final figure of Gibraltarians in employment in 2012 was thus 10,731.

In the following year, reported in the survey of October 2013, the number went up again from 10,731 by a further 126, to 10,857 or 1.2%. Another record year – the *highest figure ever* of Gibraltarians in employment at the time.

320 And this year, Mr Speaker, I am delighted to be able to inform the House that the total number of Gibraltarians in employment has risen *again*, and is up by 134 jobs or 1.2% in the year from October 2013 to October 2014, taking the total from 10,857 to 10,991. *Another record year*, Mr Speaker! (*Banging on desks*)

325 *Again, Mr Speaker*, more Gibraltarians at work than ever before, and as socialist and liberal parties, Mr Speaker, this is the part of our record of which we are proudest: creating sustainable employment; putting people to work, Mr Speaker; real jobs bringing real dignity to the lives of real people.

The people, Mr Speaker, who Members Opposite used to say were ‘unemployables’, because they could not understand how to make the job market work for our people as well as it works for others. Indeed, Mr Speaker, Members Opposite used to say that 300 registered unemployed would constitute ‘full employment’.

330 Actually, Mr Speaker, as with so many of the ‘hostages to fortune’ which one can see developing in Gibraltar politics these days, that phrase lies on the lips of the now Leader of the Opposition who uttered the phrase on a television programme with the Hon. Mr Bossano, as I understand it.

Well, the latest unemployment figures available to the Ministry of Employment tell us that the number of unemployed in Gibraltar is now 190. Not 300, Mr Speaker; not 200, Mr Speaker; but 190!

335 I therefore would expect that the Hon. the Leader of the Opposition will also want to congratulate the Government for that remarkable achievement during the course of his address. By *his* standards, Mr Speaker, we have achieved ‘full employment’.

And we have done so despite 486 Gibraltarians having lost their jobs in the year up to October 2011, two months before Members Opposite were themselves dismissed by the great Gibraltarian public!

340 But one Gibraltarian unemployed, Mr Speaker, who genuinely wants a job is one unemployed person too many, as far as we are concerned. We consider any person’s unemployment to be a tragic issue for that person, for his or her family and a matter which we must work with them to resolve. So we will not rest on our laurels, Mr Speaker, and we will not just be there to help people find jobs. We are also here to help people improve themselves and to better themselves. That is why we are providing continuing education for those who want it, because we want to help people also to develop.

And the two Ministers who have been involved in the Ministry of Employment since our election deserve praise in this respect. The brilliant Joe Bossano broke the back of the... I think he would rather I attacked him than praised him, Mr Speaker, I think he would enjoy it more! (*Laughter*)

350 The brilliant Joe Bossano broke the back of unemployment, and the efficient and disciplined Neil Costa demonstrated his great ability by improving even further on Joe’s huge achievements over the three years in the post. I am proud indeed to share a Cabinet with both of them – and I promise Mr Bossano, I will say nothing nice about him for the rest of the speech, just to ensure he is not uncomfortable!

Mr Speaker, let us look also at what has happened to the earnings of those in employment in the time that we have been in office.

355 Mr Speaker, average annual earnings in Gibraltar were £23,575 in 2010. By 2014, average annual earnings in Gibraltar had grown to £28,244. That amounts to a 19.8% *increase* in average annual earnings under this administration. Almost exactly 20%, Mr Speaker.

Inflation for the same period is 13.5%, giving earnings an inflation-busting headroom in that period of 6.3%.

360 So we are delivering, Mr Speaker, double-digit GDP growth, alongside double-digit growth in the job market and double-digit growth in average annual earnings. A *double whammy* of growth, Mr Speaker, in respect of every positive economic indicator! (*Banging on desks*)

I don’t see them clapping Opposite, Mr Speaker. Are they not happy for these developments for the people of Gibraltar, I wonder?

365 Mr Speaker, the level of Gross Public Debt as at 31st March 2015 was lower than last year at £448 million. This sum is already £72 million lower than the level we inherited of £520 million.

The level of cash reserves is estimated to have ended the financial year at around £72 million. That means that we have exceeded the estimate for cash reserves which the Government had anticipated would have been £70 million by £2.3 million. Another very positive development of the estimate being exceeded by better than expected economic performance.

370 Our current estimate is that cash reserves will hit £85 million next year. Mr Speaker, in effect, this reflects a Net Public Debt at £375 million, or 22.8% of GDP.

Mr Speaker, our borrowing level continues to be low in relation to the size of our economy and, as a percentage of GDP, is currently among the lowest of the countries in the European Union. This is so even if we were to include the borrowing of some Government-owned companies, which as hon. Members know, is not and never has been deemed to be part of the Public Debt, since borrowing by Government-owned

companies is secured solely against the assets held by those companies and is serviced directly from income derived by the Government-owned companies.

380 As a percentage of annual recurrent Government Revenue in the previous year, Net Public Debt carried forward to 1st April 2015 was 65%. This leaves a clear margin of 15% – around £82 million – of further borrowing capacity, or permissible drawings from useable cash reserves, under the Public Finance (Borrowing Powers) Act. This compares very favourably indeed with usable cash reserves of just £20 million when this Government took office on 9th December 2011 and just 2.5% – £2.5 million, sorry – at the end of March 2012.

385 Mr Speaker, I was pleased to be able to table in the House at the beginning of this session, in the context of the management of our Public Debt, the renewal that the Government has managed to agree in respect of the £50 million Revolving Loan Facility with the Royal Bank of Scotland for a further period of five years up to 31st March 2020. The interest payable on the loan is LIBOR plus 0.875%.

390 Mr Speaker, I would like to commend the Financial Secretary for having negotiated and arranged this excellent loan facility, which will provide the Government with additional flexibility in the management of the Public Debt. Mr Speaker, the low margin agreed on this loan is also a reflection of the increasing level of confidence by international financial institutions in our economy and Government – and this, Mr Speaker, despite a backdrop of locally engineered negativity. Which serves to demonstrate that international institutions are not following the lead set by those ill-informed and self-serving commentators who peddle a negative story about the state of our Public Finances.

395 Mr Speaker, in fact the Government continues to be fully committed to reducing the level of Public Debt and we expect that in the coming months in particular, with exceptional income expected, this will fall to in the region of half the level that it was when we took office. Indeed, just the sale of some apartments will provide a considerable payment to Government from the purchasers, given the numbers of them.

400 However, Mr Speaker Public Debt is expected to edge upwards again in the latter part of the financial year – given that there will be at some stage a new administration, with new projects to start – to end the year with a Gross Public Debt at around £400 million – down approximately £50 million – and Net Public Debt at about £314 or £15 million, representing a further significant reduction during the financial year.

405 Mr Speaker, it is hugely important to recall that at the time we took over as a Government, the Gross Debt, which is the measure used in every serious measure of debt, was at £520 million. The Gross Debt of our nation had peaked at over half a billion pounds on a GDP of £1.1 billion. In other words, Mr Speaker our Gross Debt under Members Opposite was 47% of GDP. And that was without including company debt, which is not and never has been included as part of the Government debt.

410 Today, it is clear, Mr Speaker that the Gross Debt is considerably lower than it was under the GSD. Indeed, let us do the exercise, Mr Speaker, together in this House of looking at the debt in the context of the past seven financial years since 2008 – the first financial year after the 2007 General Election – so that we look together at the lifetime of the last two Parliaments and the life time of this Parliament until now. What does the history of two full Parliaments tell us?

415 In 2008, Mr Speaker, the GDP was £898.7 million. The Aggregate Public Debt, or the Gross Debt, the measure which really matters and which is the internationally accepted measure, was then 21.3% of GDP. So, 2008 – £898.7 million; 21.3% of GDP. Net Debt was 6.9% of GDP.

420 The following year, the GDP was up to £1 billion – 2009. That was the time that Members Opposite went on the largest spending spree in the history of Gibraltar politics, Mr Speaker. Before their term was up, they would from this moment go on to spend more in the three financial years that followed than they had spent in the previous 13. Unlucky for some.

That year the Gross Debt jumped to an astonishing 38.4% of GDP. Yes, Mr Speaker a growth in Gross Debt in one year from 21.3% of GDP to 38.4% of GDP. That means that Gross Debt, Mr Speaker more than *doubled* in one financial year in respect of GDP. The Gross Debt actually increased by 80.3%.

425 The most astonishing thing, of course Mr Speaker, is not just that the party Opposite were in power at the time, but that the Hon. now Leader of the Opposition was Minister for Justice in that Government! He expresses concerns about debt these days, Mr Speaker, and yet he was a member of the Government that more than doubled Gross Debt as a measure of GDP.

430 In Net Debt terms, the debt went from 6.9% of GDP to 13.8% of GDP. It *exactly doubled*, exactly doubled, in Net Debt terms. A 100% increase in the Net Debt, Mr Speaker. And not over the lifetime of the Parliament, but in one financial year!

So it is really quite incredible, Mr Speaker, to see that the person who was a Minister in such a Government might now be concerned when Gross Debt is actually down at least to below the levels which they left it at £520 million.

435 But let us continue the exercise of looking at the debt as a percentage of GDP, because hon. Members on this side of the House will be very interested to hear how things pan out and Members Opposite will no doubt on this issue also question the Leader of the Opposition's wisdom in having made debt such a central issue of his criticism of this Government.

By 2010, Mr Speaker, GDP had grown to £1.08 billion. Gross Debt as a percentage of GDP continued to shoot up to 44.4% of GDP.

440 Mr Speaker, that is the high point of GDP to Gross Debt that our nation has ever had to labour under. The highest point of GDP to Gross Debt ratio. Not today, under this Government. *Then*, under the GSD, Mr Speaker – 44.4%!

That means that for every pound that went to the calculation of the size of our economy, 44½ pence was Government debt, Mr Speaker. Quite incredible, really.

445 Mr Speaker, for those who might have just started listening, they might think that this is the situation now, given the hell and brimstone argument we hear constantly from the Leader of the Opposition. But no! This was the position in 2010, when he was spending on courts and prisons, and his then Leader was spending on airports.

Gross Debt, Mr Speaker had shot up to £520 million – and there is a moment, Mr Speaker, in that Leaders' debate, which I had with the hon. now the Backbencher, then the Chief Minister and Mr Azopardi, where I think the sharp intake of breath from Mr Azopardi and me, when the Hon. the then Leader of the House announced that debt had shot up from the £480 million that we had been told to expect it should be in the Estimates, to £520 million, over half a billion pounds, I think may even have been audible at home.

455 From 21.3% of GDP – Gross Debt went up from 21.3% of GDP – to 44.4% of GDP in 700 days! In two years. That means that Gross Debt had grown by 108% in two years under the GSD, when the Hon. the now Leader of the Opposition was Minister for Justice.

I know it makes uncomfortable listening for them, Mr Speaker, but it is important for our nation to understand how the party that the Hon. Mr Feetham now leads approached debt when they were in Government, despite what they are saying now.

460 Net Debt, in that year, 2010, went up to 19.1% of GDP, up from 6.9% two years earlier. A 13% increase, Mr Speaker!

Mr Speaker, our people need to understand that in those two years, the GSD, the Members Opposite, Mr Feetham, the Hon. now Leader of the Opposition amongst others, presided over an increase in Net Debt, not of 1.7%, not of 17%, but of 176.8%! One hundred and seventy-six percent increase in Net Debt in two years!

Mr Speaker, talk about unprecedented growth, but perhaps of the wrong type!

470 Imagine, Mr Speaker, if we had grown Debt by 176%. The Hon. Leader of the Opposition would have made an application to court to have me burnt at the stake! Never mind, Mr Speaker, their steak is about to get even better cooked. Although I do like mine rare, Mr Speaker, theirs is about to get very well done indeed!

In their last year in office, Mr Speaker in 2011, GDP had grown to approximately £1.2 billion. That is the latest revised figure that has been made available to me by the Statistics Office who do such a magnificent job of like-for-like calculations, and which I mentioned earlier, Mr Speaker.

475 Remember, Mr Speaker that for the first three quarters of that year, Members Opposite had been in Government. For the last quarter of the financial year, the great New Dawn of the morning of the 9th December 2011, which had swept in a new broom into power – the GSLP/Liberal Administration which I proudly lead was in power.

Mr Speaker, confronted by the memo from the then Financial Secretary, telling us that we had only £20 million of useable cash reserve – the hon. Members might recall that memo, Mr Speaker; I think I referred to it in shorthand terms as the 'Doomsday Memo', from Mr Daryanam Tirathdas last year – which told us that usable cash reserves would fall to £2 million by the end of that financial year, the lowest it has ever been, we had to take some very painful decisions indeed.

485 The position, Mr Speaker, of the former Chief Minister, the Hon. the Backbencher, Sir Peter Caruana QC, at the Ceremonial Opening of the House, was to invite me to bring a resolution to the Parliament so that I would be free to borrow more, accepting in that way that the debt ceiling was to be reached if we continued to spend or burn money at the rate that we inherited.

490 The most important decision we took was to stop all Government projects which were still ongoing under the previous administration. Despite that third quarter of strict financial control, the year ended with a Gross Debt, Mr Speaker of 43.1% of GDP. Gross Debt was 43.1% of GDP. Our full, full quarter of financial control resulting, Mr Speaker, only in a reduction of 1.3% of Gross Debt to GDP – but it was at least a start.

The Net Debt, Mr Speaker, continued to rise that year to 25.3% of GDP. Imagine where it would have gone if we had not stopped the projects. That means that the Net Debt of our nation had gone up in the last three years of the administration by Members Opposite from 6.9% of GDP to 25.3% of GDP. That increase, Mr Speaker is an increase of 266%! Two hundred and sixty-six percent increase in the Net Debt. Not now, when we hear all this criticism of debt, but in the final year, that Members Opposite were in power.

So, Mr Speaker, the Net Debt as a share of GDP increases from 2009 to 2011 under Members Opposite, with the Hon. the Leader of the Opposition then in Government spending on prisons and courts –

500 overspending in fact, as we will come to – by 266%! Mr Speaker, how can the people who presided over such increases in ratio terms now be preaching concern about Net Debt under this administration?

The ratio element, Mr Speaker, is hugely important of course because it is about comparing the debt to the size of the economy. But that is how they left things.

505 Now, let's look at the position today. The debt is decreasing and the economy is growing. After three and a half years of GSLP/Liberal administration, where are we taking Gibraltar in debt terms? Have we cured things or has the debt gone up? Mr Speaker, in doing this analysis, we will look at the cash position, real terms and ratio terms.

Mr Speaker, the GDP estimate at the moment for this year is, as I told the House a moment ago, £1.64 billion – just below the position we anticipated it would be at the end of the 2015-16 financial year. I have said more about that already, Mr Speaker.

510 But Gross Debt is *down* to £448 million and will be going down even lower by the time of the election. That means a cash terms reduction, Mr Speaker from £520 million of Gross Debt by a total of £72 million already.

515 Now, in ratio terms, as a percentage of GDP, Gross Debt is *down* from 43.1%, as it was under the GSD, to 27.3%. Mr Speaker, that is a reduction in Gross Debt of 36.6%. Mr Speaker, that is a very creditable reduction in Gross Debt of almost 40% in just three and a half years.

And this is a percentage that has been reducing year on year. In 2012 the Gross Debt to GDP ratio had been a massive reduction from 43.1% to 28.5%. In 2013 a reduction to 29.6%, and ending as I said a moment ago at 27.3%. Mr Speaker, if I may say so, exactly the right direction of travel!

520 And the same is true of Net Debt. From the GSD historic high of 25.3% Net Debt to GDP ratio of their last year in office, Mr Speaker the Net Debt to GDP ratio has now been reduced to 22.9%. And as debt has reduced, revenue has increased and expenditure has fallen as a ratio to revenue.

525 Mr Speaker, I am, in fact, delighted to announce to this House that during the last financial year 2014-15, we have once again achieved a budget surplus which is amongst the highest on record. The amount of the surplus this year is higher than any surplus ever predicted. It is higher than the surplus predicted last year. We have therefore once again exceeded our income by our expenditure to a greater extent than predicted.

Mr Speaker, the estimate had been for a surplus of £34.65 million. In fact, I am very happy to report, both to the House and to the nation, that we have exceeded that estimate by a surplus of almost 50%.

530 Mr Speaker, all will be, or at least should be, delighted to note that this year's Budget reflects a surplus of revenue over expenditure standing at a staggeringly high £51.3 million, (*Banging on desks*) and let me add, Mr Speaker, that this surplus is calculated *after* the deduction of £25 million as a contribution to the Government Companies.

535 Mr Speaker hon. Members will be aware that the systematic contribution to the Government Companies was a process commenced by this administration when we found ourselves, just after our election, staring at a black hole in the company structure of £100 million, and with the Government Companies losing money every year which had to be made up from the Consolidated Fund and for which there was no provision made by the previous administration.

540 This year's contribution to the Government Companies is, as I have said, £25 million. If we had followed the model of the previous administration – that is to say, if we were comparing like for like our calculations with those of Members Opposite when they were in administration – if I had dealt with the surplus and the contribution to the Government Companies as the previous Leader of the House, Sir Peter Caruana, who some have even described as the greatest Gibraltarian of all time – we would have been declaring this year, a surplus of £76.2 million. That would have been the highest surplus ever on record, Mr Speaker. But instead of recklessly failing to fund the Government Companies as they did, we prudently set aside £25 million above the line and thereby reduced the surplus to a nonetheless record breaking £51.3 million, still the second highest actual surplus on record only after last year.

Another GSLP/Liberal record year, Mr Speaker. One after the other, Mr Speaker, another record year of growth. One after the other, Mr Speaker, another record year of surpluses.

550 But we are prudent Mr Speaker. We do not fund the Companies to fill in the black hole of expenditure left by the previous administration – we make sure that the money is there. And even then, we declare the second largest surplus in the history of our nation.

555 And so that the public can understand the huge scale of this surplus being declared today, Mr Speaker, it is more than *twice* the size of the biggest surplus *ever* declared by the GSD when in office. More than twice the size! And that, Mr Speaker, despite the fact that they did not make above the line contributions to fund the Government Companies.

Mr Speaker, as in previous Budgets and in line with our manifesto commitment to allow Gibraltar Community Care Trust to build up its reserves so that it can once again be totally independent of Government grants, I am delighted to inform the House that, out of this record budget surplus for the year, a further sum of £30 million has been earmarked by the Government as a contribution to this Charity. This

560 brings the total contributions made by this Government to Gibraltar Community Care Trust, during the past three financial years, to £134 million. (*Banging on desks*) One hundred and thirty-four million pounds, Mr Speaker.

In this respect, Mr Speaker, I note statements from the Hon. Leader of the Opposition on television when asked questions by journalists, in which he said he would not fund Community Care. I am very grateful to him, Mr Speaker for having made his position so clear. We entirely disagree with him on that, as on so much else.

565 Because Mr Speaker, once again, a GSLP/Liberal Government is ensuring that Community Care is properly funded. Once again, Mr Speaker, a GSLP/Liberal Government is protecting our elderly. And once again, Mr Speaker, a GSLP/Liberal Government is honouring the generations that came before and that built the Gibraltar that we have today.

570 Mr Speaker, Government revenue during the last financial year exceeded the original budget by around £24 million. As a reflection of the continuing growth in our economy, income tax receipts were up by around £8 million over the budgeted figure and Company Tax receipts were up by around £9 million. In fact, year-on-year growth in respect of income tax and Corporation Tax amounted to 6% and 7.8% growth respectively.

575 Indeed, Mr Speaker, in relation to both income tax and corporation tax, I want to highlight the remarkable growth that we have been able to achieve and how it has been achieved.

In respect of income tax, for example, we have gone from a collection of £122 million in 2010-11 to a collection of £144 million this year. That is an increase of £22 million or 18%, whilst at the same time the tax rates have been decreasing.

580 In the Insurance Industry we collected £2.87 million of PAYE in the last full financial year when Members Opposite were in administration compared to £4.3 million this year. This represents an increase of 50% just in that sector. Indeed, Mr Speaker, if we look at financial services generally, the growth in PAYE receipts is being led by a growth in employee numbers. In October 2011, the number of employees in the industry was 3,109. By October 2014, the number has risen to 3,388. This represents a percentage growth of 9% in an already mature industry.

590 In the Gaming Industry, Mr Speaker, we collected £16.3 million of PAYE in their last year compared to £22.5 million this year – an increase, Mr Speaker, of almost 40%. It is worth noting, Mr Speaker, that behind these collections in PAYE are the rising numbers of employees in the industry also. These can fluctuate in some measure, depending on the corporate fortunes of one company or another, but the growth in the time since we were elected has been remarkable and resilient. Open contracts recorded by the gaming regulator as at 31st October 2011 – the date of the annual Employment Survey – reflects a total of 2,665 employees in the industry. October 2011 that number has now risen to 3,423, representing a growth of 28%, more than a quarter more employees in the industry in the time that we have been in administration!

595 Mr Speaker, before I move on to an analysis of Corporation Taxes, I want to report to the House that I have recently received the recommendations of the Committee I established to advise on the Personal Tax offering of Gibraltar. I want to thank Nick Cruz, Peter Montegriffo, Peter Isola, Stephen Reyes, Freddie White and Melo Triay for their hard work and diligence in the preparation of these recommendations. The Government is presently considering their very detailed recommendations and expects to be in a position to work on the implementation of some of their more high level proposals very shortly. They have produced an excellent report and some very sensible recommendations which we will further stress test, in order to be ready to progress matters in the direction I indicated would likely be necessary given recent international initiatives in respect of corporate taxes.

600 Indeed, the effects of FACTA and other international measures may already be to affect individuals ability to plan their tax affairs as much as those of the affairs of corporations, especially given the moves towards more and greater tax transparency. And that transparency agenda means not just that individuals from large economies will see information provided to their home exchequers, but also individuals from small economies will see their information shared with their tax authorities also. I will later introduce a measure today to address these issues also.

610 Mr Speaker, that is a convenient moment to move onto the analysis of Corporate Tax receipts.

In relation to Corporation Taxes, Mr Speaker, the growth has been even more remarkable in our time in office.

615 In Insurance we collected £1.8 million in 2011, growing to £22.6 million now, a growth of 1,155%. One thousand, one hundred and fifty-five percent growth in the corporate tax receipts from the insurance industry!

In the Gaming Industry, we collected £7.98 million in 2011, compared to £33.42 million in the last financial year. That represents a growth of 318%. Three hundred and eighteen percent growth, Mr Speaker, in corporate tax receipts from the gaming industry!

620 Indeed, in corporation tax generally, Mr Speaker, growth has been steep. From £29 million collected in 2011 to £89 million collected last year. That is a growth of 206%, Mr Speaker.

And it is that growth, Mr Speaker, of 206% in Corporation Taxes and approximately 40% growth in income tax that is principally delivering our economic growth and funding Government expenditure.

I would just add, Mr Speaker, that this has been achieved whilst not in any way scrimping on rebates. We have paid approximately, Mr Speaker, £28 million by way of rebates to personal and corporate taxpayers in the past four years. We, Mr Speaker, are not hanging on to people's money!

Importantly, Mr Speaker, these increased collections of Corporation and income taxes have occurred in the context not just of lower rates at the personal level, and increased allowances throughout, but also in the context of taxation reducing as a share of GDP. In fact, tax as a share of GDP has been reduced under this administration from 13.5% in 2010-11 to 10.6% today.

As Gibraltar has repositioned itself as an open and transparent financial services centre with a competitive rate of tax acceptable to the OECD, the International Monetary Fund and other objective international institutions, we are reaping the rewards of seeing real business done from here which accrue and derive their profit here and are taxed here. That is one of the principal drivers of sustainable economic growth.

Too often people think growth is just in import duties, Mr Speaker. People think of our economy as growing because of revenue from tobacco sales. Well, Mr Speaker, they are wrong. In fact, import duty receipts are down 2.7% against the estimate from £170 million estimated to £165.4 million of actual collections. In fact, the total for Duties, Taxes and other Receipts at Head 2 of the analysis of Consolidated Fund Recurrent Revenue is actually up from an estimate of £178.492 million to £180.831 million or a growth of 1.31%. But there is therefore no need to have concern as to overall revenue, but the import duty element is down as I have indicated.

Departmental Expenditure, on the other hand, has been contained and has ended the year at less than £7 million over the original budget.

Mr Speaker, I am very happy to be able to share that figure with the House and with the Community as a whole as that demonstrates excellent and indeed remarkable control of expenditure which has brought in the forecast outturn to within 1.6% of the estimate. So we have hit the target within 1.6% of the estimate.

Indeed, Mr Speaker, if we are to hear from anyone about that not being anything other than an absolutely excellent figure demonstrating real control of expenditure, let us not forget that control of spending was not the *forte* of those who might now preach to us.

In respect of Capital Projects, for example, Mr Speaker – I&D Expenditure – remember the 236% overspend on the airport, which went from £24 million to £84 million; or the New Prison, the now Leader of the Opposition's own project, which started life as a £5.2 million project and then came in at £8.1 million – a 55% overspend. And the Courts which resulted in an 82% overspend.

So Mr Speaker, a 1.6% overspend in departmental expenditure, although in respect of recurrent and not capital expenditure, reflects remarkable spending discipline which the Members Opposite have shown that they could not deliver. So the public will not want us to be taking any lessons from them on spending control, Mr Speaker.

Indeed, Mr Speaker, the recent Chamber of Commerce Report suggested that the public finance debate might actually benefit from the adoption of some external measure or standard, as if none applied. In fact, Mr Speaker, the many statistics I am disclosing in the context of this debate delivers the indicators which are internationally recognised as relevant in measuring Public Finances and the performance of any economy. I recently met with the President of the Chamber, Mr Christian Hernandez in order to consider with him his organisation's wishlist for this year, something which I have done since elected with both the Chamber and the Federation of Small Businesses. Christian has since confirmed that his position is that adequate comparators are available in order for a proper analysis to be reliably undertaken, making like-with-like comparisons with past years and that the adoption of new standards would potentially distort the ability to compare like with like. I agree with his conclusions, but we will continue to work with the Chamber in identifying any appropriate new measure which may assist the public in clearly being able to see through the distortions peddled by some in order to try to obscure the outstanding success of our economy and the remarkably strong and resilient performance of our public finances.

Mr Speaker, I now move on to the Revenue and Expenditure Budget for the current financial year.

Estimated recurrent revenue for the year is budgeted at £559 million. This takes account of the significant increase in recurrent revenue achieved in the previous year but is nevertheless a conservative estimate going forward. Mr Speaker, just to ensure that everybody in our community understands the growth of revenue we have presided over in our public finances in clear terms since we took over, let us look at the exact growth in revenue.

Mr Speaker, revenue estimated by Members Opposite when in Government for the year 2011-12 was £393 million. Today, at £559 million, the growth is of £166 million more. That is a percentage growth of 42.2% in respect of Government revenue in the time since we were elected.

Perhaps the Members Opposite can now start to understand why the Government *does* have the money to carry out all its projects.

The overall recurrent expenditure budgeted for the year is £541 million, which reflects a modest increase over the previous financial year of around 4%.

685 Mr Speaker, the Government is therefore taking a very prudent course and conservatively projecting a recurrent budget surplus for this financial year of around £18 million. In this respect, Mr Speaker, we always definitely prefer to under promise and over deliver, as we have since we were elected, so that we are never caught short!

690 Mr Speaker, in the financial year 2014-15 the Government invested around £104 million on capital projects funded by the Improvement and Development Fund. Around £21 million was invested on 'Works and Equipment' and a further £83 million was invested in specific capital projects, including £10.2 million on the conversion of the refurbishment of the Old Naval Hospital Dementia Facility; £11.5 million on the demolition and conversion of the Old St Bernard's Hospital into two new schools; £4.1 million on the St Bernard's Catering Facility; £12.2 million on the 700-berth Small Boats Marina. A total of £9 million was also provided as Equity Funding for the initial share requirements of the Gibraltar International Bank.

695 Mr Speaker, the expenditure budget of the Improvement and Development Fund during this financial year is around £95 million. The capital investment in Works and Equipment is estimated at around £19 million and investments in other Government projects totals £75 million. This includes equity funding of £15.9 million for the Gibraltar International Bank, which has already been contributed; equity funding of £5 million for the University of Gibraltar; and funding to complete ongoing projects including £4.8 million for the continuing works on the 700-berth Small Boats Marina; £4.8 million for the demolition and conversion works of the Old St Bernard's Hospital into two new schools; £3.1 million for the St Bernard's Catering Facility and other projects include the development of Wellington Front with provision for a new Bathing Pavilion; investments in infrastructure for our housing estates; and the relocation of a large number of MOD estates to enable the continued release by the MOD of further land and properties for use by our community. That, Mr Speaker, relates to lands agreements done before we were elected.

700 All of this, Mr Speaker, represents, a huge investment in our community for the long-term benefit of current and future generations and for future prosperity. And two new schools, Mr Speaker – not one; two. And in only three and a half years.

710 Moreover, Mr Speaker, that is more schools, Mr Speaker, than Members Opposite provided in the time that they were in office for 16 years. So it would be foolish, Mr Speaker, for anyone on the other side of the House to suggest that we should have prioritised new schools over other projects, when we clearly have already done so. We took the two schools that needed most work and immediately have re-provisioned them.

715 An excellent track record on its own in respect of education, before even starting to talk about the mandatory postgraduate degrees that we now provided, the 47 new teachers, the arrangements with the Washington Centre and, of course, the crowning glory in respect of our achievements in education in this first term – the new Gibraltar University, which will open its doors in September.

720 The Hon Minister for Justice has done an incredible job in respect of education. He really has been able to show his remarkable dedication in delivering a project that has eluded so many others in the past in being now on the cusp of opening the University of Gibraltar, as well as delivering those two new schools *and* a 700-berth marina. What a record for any Minister in less than four years – an achievement indeed, especially whilst also shouldering the burden of his Justice Ministry.

725 Mr Speaker, there is also continued positive news in respect of the Gibraltar Savings Bank. As hon. Members are aware, when this Government took office, the reserves of the Savings Bank had fallen to almost zero with the actual reserves of the bank at the end of March 2011 having fallen to just £1,444!

730 The £17 million the bank had built up over the years had been taken into the Consolidated Fund by the previous administration. And Mr Speaker, let me preface this part of my intervention by saying that I can understand why, because the Hon. the Backbencher, when he did this, explained his logic to the House. As the bank's deposits are guaranteed by the Government, there is no need for it to have a reserve like a credit institution, he told us. He is right Mr Speaker, because the Savings Bank is *not* a credit institution and does not need to behave like one. But we are nonetheless, Mr Speaker, of the view that it should have a fund in the bank for its reserves.

735 Mr Speaker, I am therefore very pleased to report to the House that the reserves of the bank have continued to grow during our term in office and now stand at £20 million as at the end of the last financial year. More importantly, Mr Speaker, the reserves are now estimated to grow further to reach almost £27 million by end of this financial year.

The Deposit Base of the Bank has also grown from around £330 million when we took office to almost £1 billion – yes Mr Speaker, *one thousand million!*

740 Last month, Mr Speaker, was a record month. I am informed that the Savings Bank took more deposits last month than in any other month in its history. It was, of course, the final month in which some very attractive rates were available. But I am further informed, Mr Speaker, that this month deposits continued to run at a very high level also, despite the reduced rates.

Indeed, Mr Speaker, in this respect, it would appear that the prophets of doom are not prophets in their own land!

745 Mr Speaker, the Gibraltar Savings Bank will continue to provide a good range of savings products to our community, as indeed it has been doing since it was established over 130 years ago.

These developments will complement the services that will be offered by the Gibraltar International Bank Ltd, which will be providing a range of retail banking services to members of our community, including mortgage finance to prospective home-owners and commercial lending to local businesses.

750 Mr Speaker, this is an appropriate place to pause and thank Dilip Dayaram for the work he has done on the Savings Bank through the years as Financial Secretary and indeed to congratulate him on his recent recognition of his work by Her Majesty in the award to him of an MBE.

755 It is also now the work of Albert Mena, the new Financial Secretary, to work on issues relating to the Savings Bank with Minister Bossano. Both are doing an outstanding job. And the increased deposits demonstrate that the public continue to have huge confidence in the Gibraltar Savings Bank as an institution and in the administration of its affairs by Financial Secretary Mena and Minister Bossano, as both men are renowned for their integrity and ability in respect of financial management. Both are equally highly regarded in this field and their reputations have sustained the most unsavoury attempts to discredit them and the important job that they do.

760 Many elderly members of our Community have in fact contacted the Government to express their concerns about the level of disinformation which is being put in the public domain by some who should know better. In fact, it is very easy to scare elderly people with reckless statements, but those who do so demonstrate their own lack of respect when they do so.

765 Indeed, Mr Speaker, the Government has maintained the interests previously available for deposits in the Savings Bank for pensioners because this is one way of honouring the generations who have come before us and built the Gibraltar we enjoy today. The previous Leader of the House established that principle and we have continued it. And in doing so, and in delivering those interest payments without fail and investing the monies in the Savings Bank wisely under the auspices of titans in their respective fields, like Mr Mena and Mr Bossano, we honour the generation of people who have given us all so much.

770 And Mr Speaker, let me say that the depositors in the Savings Bank include very close relatives of mine, whose life savings I would never want to see in any way endangered. And I am satisfied, Mr Speaker, that they are not only safe, they are safer than ever! And anyone who suggests otherwise simply does not have the understanding of the workings of public finance to realise how wrong they are in their analysis. They simply do not understand the difference between an investment and a loan. They simply do not understand how to make a bank grow from £300-odd million to almost a billion pounds in just over three years. They simply do not know how to grow a profit from a thousand pounds to what will be £27 million by the end of this financial year. And of course, Mr Speaker, they simply do not care if they scare an elderly person with talk of funds not being available for repayment.

780 But people do see through that, Mr Speaker, and quite quickly. And they have voted to demonstrate how they feel. They have voted with their monies, Mr Speaker. They have voted with their confidence, Mr Speaker. And when they vote with their votes, they will deliver the same verdict; no doubt punishing those who have been reckless in setting out to create panic and fear when there is only reason to rejoice and celebrate in a fantastic performance by those now directing the affairs of the Savings Bank.

Finally, Mr Speaker, I want to move from the Savings Bank to the International Bank.

785 I want to thank the team that has helped to establish the Gibraltar International Bank so quickly. They have done a *sterling* job – if you will excuse the pun! Of course there are problems and today's customers want glitch-free operations from the word go, and are entitled to that. They are entitled to demand that and the bank *must* deliver that. But when you see an established entity like NatWest labour under technological problems, we have to understand what a superb job has been done by the independent board of directors of the bank, by the hands-on managing directors of the bank, by the builders that delivered its premises, GJBS, as ever brilliant at what they do, and by the staff of the bank, who already show they have tremendous pride in the institution they have actually themselves been partners in creating. So from Albert Langston, the Chairman, who did not hesitate when I asked him to serve in this hugely important role for our nation, to the teller who deals with basic queries, all have done an absolutely fabulous job.

795 I must also pause there, Mr Speaker, and reflect on the brilliant job done by Albert Isola, the Minister for Financial Services, who in the short time available has galvanised everyone to deliver with him – not under him – on this fantastic project. There is of course a lot of work to be done, but Gibraltar now has its own bank and we are all in this Community justly proud. Another building block of nationhood firmly established, Mr Speaker. Another milestone achieved. Another strong foundation laid.

800 Mr Speaker, the Government has already awarded the tender for Gibraltar's new power station. We will shortly also be in a position to make an announcement about the choice of option for an LNG storage, regasification and bunkering facility. This is one of the biggest capital projects for the Government and will guarantee Gibraltar's power needs for the next three decades.

805 As has already been reported to this House, and as I referred to earlier when setting out the commercial opportunities which may arise from it, the new power station will be located in the North Mole and will be a dual fired, by liquid natural gas-fired engines, as well as being able to burn diesel, should gas supplies not be available at any time. It would be criminal, Mr Speaker, to burn diesel if LNG were available.

This is a highly important project for our Community that cannot be mired in blatant electioneering. Indeed, Mr Speaker, delivering sustainable power to our nation is one of the most important things we do, 810 finally undoing the failure of the previous administration to do so in their time.

This is an *essential* project. All economies rely on the ability of each to provide energy to its businesses and people, and Gibraltar is no exception. Gibraltar's long-term energy needs have not been catered for by the previous administration. Gibraltar is reliant on what, in a home or business, would be classified as 'emergency' generators – or for spin purposes, were called 'skid' generators.

815 Without power, Mr Speaker, Gibraltar has no economy. That is why we must undertake this new, less polluting project and do it quickly and in a cost-effective manner, which means that just the savings in the cost of the type of fuel will fund the ability – and indeed the ability to stop paying the costs of those 'skids' or emergency power I referred to – will enable us to finance the cost of the station in great measure. The previous administration has the prime responsibility to explain itself on this core policy failure during its 16 820 years in Government, Mr Speaker. This omission could have disastrous consequences for Gibraltar on its economy, but we will ensure it does not. We will not allow it to do so and have planned to ensure that we are able to deliver the power we need with a modern, clean and safe plant. The previous administration, Mr Speaker, left us a massive legacy problem for Gibraltar. It will be resolved in the best interests of Gibraltar.

825 Mr Speaker, the decision to use liquid natural gas-fired engines for the new power station will result in very significant savings in the cost of fuel, which now represents almost 60% of the total recurrent costs of the Gibraltar Electricity Authority. These savings will generate enough additional cashflow to meet the cost of any finance that may be required to meet the investment to fund this project – that alone, Mr Speaker.

This is also in line with the Government's manifesto commitment to investigate alternative sources of energy and eradicate the noise pollution and emissions in residential areas.

830 Another important Government project is the tunnel or underpass under the runway. Work continues in this respect of delivering that project, although the litigation process has slowed us down. De-watering has or is about to start and the road and roundabout south of the runway will actually shortly be finished, Mr Speaker.

835 And we will continue to defend that litigation and seek a substantial payment of damages to cover the extra over costs of completing the tunnel and related works. As we will continue to fight the complex Bruesa litigation, where claims against the Government now exceed €26 million, as well as the litigation by the OEM liquidator which seeks damages of £4 million from the taxpayer, which I believe Mr Speaker does not include the £4 million loan made by the previous administration to OEM.

840 Mr Speaker, all of these are the so-called 'golden legacy' of the previous administration, which we have been left to deal with.

Mr Speaker, this might actually, in fact, be an appropriate place to do something much more pleasant than go through this allegedly golden legacy, and congratulate Michael Gil, the previous Chief Technical Officer of the Government for the work he did with the inter-ministerial team on these projects before his retirement. His work also has recently been recognised by Her Majesty in the very richly deserved award to 845 him also of the Order of the British Empire.

Mr Speaker, a number of further projects continue to be developed by the Government in order to make use of alternative energy sources and in order to reduce energy consumption where possible. This includes the use of solar energy for street lighting and Government buildings and the replacement of high-consumption lighting in Government offices and buildings for more energy-efficient LED lighting.

850 In respect of the Income Tax Office, in the financial year 2014-15 the office has continued to develop a programme of improvements aimed at providing a more efficient assessment and collection of taxes in Gibraltar. In this connection, the introduction of amendments to the new legislation introduced in 2011 is in its final preliminary stages.

855 In relation to assessments made on taxpayers, the Income Tax Office is currently issuing assessments for the tax year ended 30th June 2011, in respect of those individuals paying tax under the PAYE system, and assessments for the year ended 30th June 2014 in respect of self-employed individuals. In the course of this financial year, the Income Tax Office intends to issue PAYE assessments up to the year ended 30th June 2013.

860 In relation to tax arrears, the Income Tax Office continues to take a very serious view of employers who do not comply with their tax-paying obligations and the Commissioner will shortly be 'naming and shaming' employers who are not up to date with their PAYE payments by publishing their names in the Gibraltar Gazette – and I have no doubt all Members of the House will want to support him in that.

The Income Tax Office has, as part of its programme of improvements, introduced a more streamlined, accessible and user-friendly service to the general body of taxpayers in Gibraltar. In line with other

865 Government Departments, counter hours have been extended to provide a continuous uninterrupted service from 8.30 a.m. to 3.00 p.m.. In the implementation of HM Government's e-Government and modernisation, the Income Tax Office has now a new webpage including user friendly portals – for example, with question and answer sections.

870 And indeed, the ongoing modernisation of systems within the Income Tax Office has commenced with a comprehensive streamlining review of taxpayers' files aimed at improving back-office administration efficiency for the benefit of taxpayers whereby time spent re-filing and accessing files has been significantly reduced. The objective of the Income Tax Office is to continue this process as a phased project to scan the contents of all taxpayers' files and moving towards the digitisation of all records.

875 In conjunction with the new Office of Fair Trading, the Income Tax Office is actively involved in the introduction of the 'single point of contact' scheme through which businesses will be able to register on-line.

Improved systems for payment of tax via debit cards has already been introduced and refunds directly credited to taxpayers' bank accounts will be introduced shortly. Indeed, Mr Speaker, the House will be interested to know that 15,000 taxpayers have already submitted their bank details.

880 As part of its multi-faceted, user-friendly strategy to make taxation easier to understand – and, Mr Speaker trust Mr Frank Carreras to believe that that is actually *possible!* – the Income Tax Office has ambitiously embarked on a public awareness initiative with the publication of information leaflets. These initiatives also include advertising in the local press – for example, reminders on important payment-on-account dates – Business Support Unit Seminar presentations in August 2015, which are coming, and on Understanding Corporate Tax & Self Employed status, organised by the Office of Fair Trading. And it is intended to extend these outreach initiatives further to the public.

Mr Speaker, as the House has seen in respect of these fabulous figures on collection of personal and corporate taxes, the work being done by the men and women of the Income Tax Office is really superb and I wish to thank them for it on behalf of the people of Gibraltar and this House.

890 I will turn now Mr Speaker to my various departmental responsibilities beyond finance. I will start with matters relating to immigration.

895 Mr Speaker, the backlog of applications for exemptions from immigration control to enable persons to be granted British Overseas Territories citizenship – British citizenship – has now been eliminated. From April 2014 to date, we have processed a total of 135 applications, bringing the total number of applications that have been processed since December 2011 to 1,027. Of these there are 769 Moroccan nationals, 42 Indian nationals and 62 Spanish nationals, most of whom have been resident in Gibraltar for well over 25 years. Almost all of these applicants have also opted to register as British citizens and to help them to achieve this we have conducted 25 British citizenship ceremonies since December 2011.

900 The House will be pleased to hear, Mr Speaker, that Ms Dorian Reyes, long of the Civil Status & Registration Office has actually moved to physically work from No. 6 Convent Place in order to assist with the ongoing work that is created in relation to the day-to-day applications coming in so that we do not fall into backlog territory again. I welcome Dorian to my team.

905 Mr Speaker, in March 2015, we opened the 'One-stop shop' under the banner of 'Tell us once... we'll tell the others'. This has enabled the public to conduct their business related to the registrations of births and deaths from a single office without the need to visit other Government Departments and Agencies throughout the town. Registration of births averages at approximately 40 per month – I am only responsible for one this year, Mr Speaker! – and to date we have attended to over 150 families who have registered the births of their new-borns in these new offices.

910 Registration of deaths averages at approximately 20 per month and a total of 72 deaths have also been registered since opening.

915 In an effort to further improve the service, an appointment system has been started for the registration of births whereby persons are now able to pre-arrange the time and date that is most convenient for them to register the births of their children. The aim of this initiative is to minimise the waiting time for members of the public once they get into the office. With the co-operation of maternity staff in the GHA, our officers are advised of births together with a contact name and telephone number of the parents. The men and women of the CSRO then proactively call to arrange the appointments for the registrations.

The total cost for all of the above has been approximately £30,000, of which £28,393.53 has been spent on capital works.

920 This year we hope to further enhance the service with the introduction of an appointment system for the registration of deaths with the further co-operation of the GHA and funeral directors, and on-the-spot production of birth and death certificates for all new registrations. Too late for Oliver though, Mr Speaker!

925 Since the introduction of the Civil Partnership Act in March 2014, we have seen conducted a total of 35 civil partnerships – 18 in 2014, all of which were same-sex couples; and 17 from January 2015 to date, all but one of which were same-sex couples. At the moment, Mr Speaker, we also have five civil partnerships which have been booked in advance for later this year.

Mr Speaker, the fact that there has been one opposite-sex couple that has entered into a civil partnership demonstrates that we were right to listen to the initiatives of Unite the Union that sought that we should include opposite-sex couples in the right to enter into civil partnerships.

930 Mr Speaker, on the marriages front, we have conducted a total of 1,229 marriages from April 2014 to March 2015. That represents 288 more than in 2011-12, or a 31% increase, despite the introduction of the requirement for those who come from outside to spend a night in our hotels.

Mr Speaker, even the *love* indicator is up under the GSLP/Liberal administration! (*Laughter and banging on desks*)

935 Since the introduction in June 2014 of the reduction in the qualifying period for Gibraltar status from 25 to 10 years, we have received a total of 167 applications under section 9 of the Gibraltar Status Act and of these 51 have already been approved.

In March 2015, we finalised a three-year negotiation to seamlessly introduce the centralisation of the printing of all passports to mainland United Kingdom – which was not a policy initiative of the Gibraltar Government, or indeed of any government of any UK Overseas Territory. The total cost of this project to date has been £621,664 including the cost for a contingency stock of passports to last until 2020 – which has cost £413,000 – and £120,000 in capital costs. We still have an outstanding balance to pay of approximately £158,000 in respect of uncompleted milestones for that project.

940 As part of the negotiations, we have been able to retain our status as an issuing authority; guarantee the 10-day maximum turnaround period in the production of the passports; maintain the same cost for the passports to the public, with no increase; and retain the ability to print passports locally in emergency situations. Later this year and in par with the United Kingdom, we hope to introduce a new-generation passport which will incorporate extra security features together with wet signature and an on-line smart application form. The cost of this is as yet not known.

945 The first of the new e-ID cards will be issued at the end of June and will continue to be a validated travel document throughout the EEA. The new e-ID card will also incorporate many enhanced security features to form the back-bone of HM Government's e-Government initiative. It is envisaged that during the switch-over, the new e-ID cards will be issued without cost for a limited period of time and the existing laminated cards will be phased out during the course of the year.

The total estimated cost of this project is £1.9 million, of which £1.4 million has been spent to date.

950 Mr Speaker, I want to thank Paul Balban for the work he has done in assisting me in delivering this very exciting project which is the new e-ID card project, given the experience he had garnered in delivering the new driving licence project when we were first elected. I am very grateful indeed for his consistent help in delivering on this important project, not just for those wishing to travel with the new e-ID card but also because of the importance the card will have in respect of interaction with the Government's e-Government services.

955 Mr Speaker, I will now address my responsibilities as Chairman of the Borders and Coastguard Agency.

The Agency is now in its fourth year and continues to respond and adapt to the significant changes in demand. This year it is facing increased but welcomed challenges at the airport where the number of flights have increased, as well as at the port where throughout 2015 we will see the number and size of visiting cruise ships increase. At the frontier it works tirelessly with the current threat level to balance the very difficult challenge of fluidity versus risk and is being particularly challenged this summer as works on the Spanish side, scheduled to be completed this month, are delayed and expected to go on through the summer. No surprises there, Mr Speaker.

960 The Government continues firmly committed to providing opportunities for professional development for all staff, and as such continues to support the Agency's training and development initiatives. It embarked last year on the process towards Investors in People recognition and managers at different levels continue working towards Chartered Management Institute professional development qualifications.

965 Mr Speaker, by developing its staff and setting challenging objectives, the Agency continues to work hard to become the focal point for a more centralised immigration service in Gibraltar, working in partnership with other Government Departments and Law Enforcement Agencies to improve the level of immigration service Gibraltar provides. In the last year alone, the Agency has processed approximately 12 million people at our borders.

970 In addition, Mr Speaker, this Government's initiative to introduce amendments to the Immigration, Asylum and Refugee Act, granting Tourist Visa Waivers to Moroccan, Russian, Chinese, Indian and Mongolian nationals in possession of Schengen visas, continues to prove extremely successful, and close to 13,000 visitors, whom would not otherwise have been able to visit Gibraltar, have done so to date.

975 Mr Speaker, the Agency continues to develop its international links and works very closely with the RGP, with whom it continues to operate in partnership a very successful Ports Policing initiative. Internationally, it works closely and shares information with HMG's Home Office and Border Force – with whom it is in the process of signing an MOU – Spain's *Policía Nacional*, Interpol and more recently with Morocco's *Direction Générale de la Surveillance du Territoire*.

In addition to their immigration duties, the Agency continues to carry out aviation and maritime security duties at the airport and port, and have been subject recently to a thorough and exhaustive inspection by the Civil Aviation Authority to ensure compliance with HMG's Department for Transport and strict EU legislation. The aviation industry is thankfully highly regulated, and I am happy to report that despite the challenges, the Agency continues to meet the high standards set by the DfT and the EU.

The Agency Mr Speaker, has continued to prove that it remains committed to making a significant contribution to the security of Gibraltar and acting as a facilitator and working in partnership with the private sector, keeping Gibraltar open for business.

The Borders and Coastguard Agency goes from strength to strength, Mr Speaker, and I am working with Union colleagues in understanding and addressing concerns of some staff members there. What is clear is that this is an organisation which is professionalising what it does, under strong leadership, in a way that Gibraltar can be proud. They deal daily with an extraordinary number of visitors to Gibraltar at all our entry points and do so with discretion and nous. Recently we have seen how they and the Royal Gibraltar Police have worked with other international agencies all over Europe and even in Spain in order to stop a people-trafficking scam which sought to involve Gibraltar being used as a transit point. I extend our Community's sincere congratulations to all in the BCA and the RGP for that excellent result.

I turn now, Mr Speaker, to my responsibilities for Customs.

At the 2014 Budget Session, the Government announced the successful completion of negotiations with HM Customs Management, staff and the unions to implement what we called a 'roadmap for a change programme' to be introduced in the Department. Throughout this year we have been working closely with all stakeholders to introduce individual points of this agreement, as and when these were ready to come into force.

We have already seen the introduction of a new structure to bring the Department in line with modern operational needs. This has included the creation of 66 new posts to man the new marine section, commercial control units that will deliver timely revenue collection, statistics, trade facilitation and improved import/export controls, dedicated rummage teams for commercial activity, and a drug detector dog section to enhance import and export controls. An increase of the shift workers to deploy staff according to operational needs whilst maintaining core manning levels at entry points, the Training Unit to deliver in-house recruit and continuous development training and the IT Section to introduce new electronic modules.

The final recruit class of 2015 will start in September, and all induction training programmes run for 11 weeks. It is expected that the completed structure will be in place by December.

Gibraltar Customs have been around since 1750, when the then Governor, Lieutenant General Humphrey Bland made certain appointments. This year, however, was the first time that an official 'passing out parade' in recorded history of new recruits was held in the presence of their families and dignitaries.

All officers up to and including the Collector of Customs are now wearing a uniform to demonstrate the transition to an acknowledged, disciplined, law enforcement department. As a result, we have lowered the retirement age and years of service in line with other law enforcement or essential services.

This is a real success story of restructuring a department that was riven by division and is now unified in purpose. And I want to thank John Rodriguez and all the unions and the individual members of the Department for the way that they have responded to the Government's initiatives to develop the Customs Department in this way.

We have worked to resource the Department with adequate equipment and vessels. The Government has already procured two fast RIBs, which will enable HM Customs to safely conduct chases and patrols in Gibraltar's waters. These are the first new vessels acquired for Customs in nearly 20 years and have advanced safety features, thermal imaging and night vision cameras. Customs officers previously had to rely on forfeited vessels to do their work, Mr Speaker.

Moreover, works at Four Corners Station were completed, including the addition of two further incoming vehicular lanes to enhance searching facilities and traffic flow. An enclosed purpose built search bay with car lift was also built and we have recently finalised the installation of CCTV and ANPR cameras administered by Customs near to the frontier to monitor and tackle illicit activity.

Mr Speaker, this Government has demonstrated to all objective observers that we are determined to curtail illegal tobacco activity. In addition to the legislative measures already announced in this respect, we have also provided for the introduction of security gates to restrict access to the Commercial Gate during silent hours.

Outgoing vehicular barriers are now deployed which can allow us to carry out non-systematic checks on vehicles and persons. Changes to the Tobacco Act have included extending Special Zones which give additional powers to Customs to stop and search and limit the possession of cigarettes on persons, especially in the area adjacent to the frontier. We have seen the closure of tobacco retailers in Laguna and Glacis Estates, provisions to suspend tobacco retail licences or wholesalers who are in breach of the Tobacco Act, extended concealment and forfeiture powers, to the limit quantities of cigarettes to be kept in

shops, limit the hours of sale of cigarettes. The Collector of Customs, Mr Speaker, does not now consent to a change of director or shareholder of a body corporate if any person associated with that body corporate has been charged with an offence under the Tobacco Act.

1050

Moreover, Mr Speaker, a Direction to the Trade Licensing Authority, published in the Gibraltar Gazette on 14th August 2014, which I referred to during the course of my Budget address last year, to strongly discourage the TLA from issuing any new retail tobacco licences unless an existing retail tobacco licence is surrendered has been issued.

1055

In the final paragraph of that Direction, Mr Speaker, I have told the TLA that the Government expects it to keep HMGoG's policy on what is in Gibraltar's public interest at the forefront of its considerations and that a deviation from these directions will be an extremely rare and exceptional occurrence.

The investment in respect of the recruitment and development of Customs is already reaping benefits, Mr Speaker. Drug searches and arrests are up, including for Class A drugs. Tobacco operations to curtail illicit activity are on the increase and detections of commercial evasion of duty are on the rise. Very shortly, we will see the completion of the new EPU to house all officers dealing with commercial imports and exports, and we will be constructing new 'fit for purpose' premises for the Shifts, Marine and Dog Sections. What is particularly significant is the new buoyant mood within Customs, who have embraced this change programme. All see the exciting developments taking place and want to be a part of these and contribute to them.

1065

Mr Speaker, I turn now to my responsibilities for broadcasting.

I am pleased to report that this financial year has been another successful period for GBC. This Government has made substantial investments in broadcasting over the past three years, and the results are there for all to see and hear. Better television, better radio and better online services – it is what the public expects, and I pay tribute to all those at GBC who have made it happen – although there is no doubt still a long road for GBC to travel.

1070

That investment, Mr Speaker, has resulted in a number of additional media professionals being recruited, not only providing improved programming, but also enjoying quality careers in journalism, in radio and TV production, and in the technical professions too. And I am pleased to say that the feedback I receive is that the vast majority of GBC's employees are happy in their workplace and look forward to rewarding careers within the Corporation. This has all been possible due to the funds required having been made available by this Government, as well as the drive and determination of GBC's new management to introduce and develop the changes required. A big difference to the sorry situation endured by GBC in previous years.

1075

The enhanced budget now available to the Corporation has allowed the introduction of further improvements on air. On GBC TV, *Newswatch* has been revamped, as has the weather forecast. New programmes have been introduced, and the current affairs series, *Viewpoint*, is now scheduled on a weekly basis.

1080

The Corporation has rightly directed its resources to the type of programming that according to a recent survey is preferred by viewers, with continuity sequences also brought up to date, giving GBC a much more professional feel that is befitting of the community in which we live.

1085

On Radio Gibraltar, Mr Speaker, programming has been extended on some evenings, taking advantage of new technology that our improved funding has allowed to be acquired.

GBC's online services have been totally updated, with a brand-new website providing on demand programming, as well as a continuously updated local news section seven days a week.

1090

The GBC News and Radio Gibraltar apps have also been updated, with these having already been downloaded by thousands of users, with many others also following the news and radio services on social media too.

GBC's Chief Executive is ensuring that programming remains of the best possible affordable standard, for which a policy of long-term planning has been introduced at Broadcasting House. A number of specials are planned for the summer, as well as several new series starting in the autumn, other specials at Christmas, and with pre-production already having begun for programmes planned for 2016.

1095

Mr Speaker, I am also glad that after some very tough negotiations GBC acquired 'affordable' rights to screen all of the UEFA European Qualifier 'Gibraltar' matches as an official host broadcaster. These have so far been hugely successful, and are scheduled to continue until October. The intention is for GBC to also negotiate the rights for the broadcast of any future UEFA Gibraltar national team matches, as and when these arise. It is right that our national team games should be available on our national TV channel.

1100

Mr Speaker, our investment in local broadcasting has allowed more people to be employed in the industry, and new technology to be purchased. This year the Corporation has ensured that its IT infrastructure is upgraded in order to cope with the demands placed on it by the greater trafficking of digital video files, whilst also introducing a digital video archive, which until now had not existed at Broadcasting House resulting in many historic images being lost forever. It is the Government's intention to provide the

1105

GBC archive on the Gibraltar National Archive, for this continuously growing bank of valuable images to form part of our national heritage going forward.

1110 Despite the positive advances at GBC, there are two aspect of the Corporation that we have not been able to solve so far during this term of office. The first is the withdrawal of GBC from the market in commercial advertising, which in our view can distort the advertising market. I am working on this with the CEO and the Financial Secretary.

1115 The second, Mr Speaker, is the relocation of Broadcasting House, which is now very much a necessity. With around 80 employees and a greater number of services provided, the Corporation has outgrown its current home in South Barrack Road, where it has been based for nearly 40 years. Although some very necessary works have been carried out to improve the working environment, there is no escaping the reality that it is not fit for purpose.

1120 Accordingly, the CEO and I continue to explore alternatives, having not been able to deliver the ones we had previously identified together and we are confident that in the not-too-distant future we will identify a new location, that could potentially also allow GBC to diversify and attract new forms of revenue. We have many ideas to explore together in this respect, and our joint aim remains a self-financing GBC, using Gibraltar's fiscal advantages as the main draw for others to use GBC's services.

1125 Mr Speaker, I am confident that GBC has a bright future ahead of it. GBC is increasingly attracting more positive feedback, especially in respect of its local productions and coverage of local events. Radio Gibraltar remains very popular within our community, where evidently many listeners like its programming style and choice of programmes, and GBC Online has become the 'go to' website for reliable local news updates 24/7, as well as on-demand programming. Gibraltar deserves a professional and reliable national broadcaster, Mr Speaker, and I am glad to report that this Government's trust in local media talent has paid off, with GBC now being a far cry from what we had inherited three years ago.

1130 In respect of other media, Mr Speaker, I continue to salute all our national print and internet media. I believe we have continued to be fair in our treatment of each of them and all of them. They are our fourth estate and a hugely important part of how our democracy works.

1135 Mr Speaker, the brilliant performance of our economy that I have been able to disclose today is not the product just of my work, and I do not present it as such. It is not the product of just my Ministers' work, and I do not present it as such, although we are clearly the lightning rod for its delivery. This is the product, as I do not tire of saying, of the combined effort of all of us in this economy. The combination of what the Hon. Father of the House called the real twin pillars of our economy: the use of our land and the employment of our human resources in the most efficient way possible.

1140 In this respect, Mr Speaker, Government's relationship with local unions, who represent the labour side of that equation, is an essential ingredient in delivering this great success. In my view, the Union/Government relationship is stronger than it has ever been. Unite, the GGCA and the GTA/NASUWT are our partners in delivering social justice and safe and secure places of work. In my role as Minister for Industrial Relations, I work closely with those responsible representative organisations for the good of their members and our citizens. And believe me, Mr Speaker, no-one sells out to the other, no-one kowtows, but everybody understands the mutual benefit in pulling together towards agreements that work for all sides.

1145 In respect of the Civil Service, we are working well to deliver a new Public Sector Code that has seamlessly implemented new working hours in a manner that has not caused any major issues for businesses.

1150 The progress we are constantly making in respect of e-Government is helping in this respect. There are areas where we progress faster than we expect and others where we do not, the introduction of pensions in the private sector being one, where we are nonetheless making strong progress. That is not to say we do not face challenges with each other or together on occasions, as it could not be otherwise. But the principles of social partnership are the ones we keep in mind, and with this we resolve matters together in a way that is most inevitably mutually beneficial.

1160 I would describe the relationship with the Ministry of Defence, Mr Speaker, in the same positive light and believe that there is much that we can achieve with colleagues in the MOD, as has been shown by the recent announcement of a new Lands Agreement. My Government is particularly happy that we are moving towards a transfer of the Defence Fire Service to Government and we are already talking about talking about the Global Agreement which will become relevant again in 2017. Again, many challenges on the horizon, but none that cannot successfully be dealt with if we are open, honest and frank with each other with a positive attitude to mutually beneficial outcomes.

1165 As we approach the end of our first term in office, Mr Speaker, the results achieved by my Government in the last three years speak for themselves: economic growth of more than 10% per annum; record annual budget surpluses; employment levels up to 24,422 – an increase of 13% or 2,903 since 2012.

And employer and business representative organisations will have been delighted, Mr Speaker, with the annual reductions in the cost of doing business in Gibraltar which we have delivered, including the fact that there have been no increases in electricity charges, which is in effect, Mr Speaker, a discount of the rate of

1170 inflation for the period, namely 11%; similarly, Mr Speaker, no increases in water charges, which is in effect also a discount of 11%; and also, perhaps more importantly, no increases in the employer social insurance contributions, which is also in effect also a discount of 11%. But in addition, Mr Speaker, reductions in import duties on most goods; discounts on early payment of rates; the abolition of salt water charges; and a £250,000 fund established to support start-up businesses.

1175 And support for our working families has also been forthcoming. In the past three years we have already taken important steps in this regard with income tax abolished for those with incomes below £10,500; indeed significant reductions have been delivered in income tax across the board for all taxpayers. A 50% increase in Nursery School Allowance; support on the purchase of the family home – with abolition of Stamp Duty on the first £250,000 for first-time and second-time home buyers. And we have delivered increases in Maternity Grants and we have led increased levels of death-in-service gratuities to afford protection and security for working families in the Public Service. All, Mr Speaker, in just over three and a half years.

1180 Mr Speaker, support for our senior citizens has also been strong. We have made donations of the surplus to the independent Trustees of Community Care, having discovered it empty of all its own resources. The Old Age Minimum Pensions and Minimum Income Guarantees have been increased every year. The Pensioners Utility Grant has been increased every year; and the Widows and Orphans Pension Scheme has been re-introduced, with an option for existing pensioners who were in it to re-join the scheme. In this respect, Mr Speaker, in line with our manifesto commitment, we will re-activate the Widows and Orphans Pension Scheme and to give those officers who opted out of the scheme in the late 1980s, as I have said before, the option to come back in. The required amendments to legislation have now been drafted and a Bill is due to be published shortly. The effective date of the amendments will be backdated to 9th December 2011 and all officers in service, retired officers who have expressed an interest in re-joining the scheme also since that date will be able to re-join upon payment of their arrears of contributions.

1185 And support for our youth has also been forthcoming, with increased levels of scholarship grants for all our university students; increased numbers of teachers in our schools; and increased investment in school infrastructure.

1190 Support for our disabled has already been outstanding with 50% increased rates for sponsored patients, significant increases in income tax allowances for our disabled; reductions in import duties on goods used by our disabled and elderly community.

1200 Well, Mr Speaker, building on those foundations of social justice and fairness already delivered in our first three and a half years in office, I now turn to the Budget Measures for this financial year 2015-16.

1205 Mr Speaker, in my Budget Speech last year, I announced that the Government were considering the introduction of a Payroll Giving Scheme which would allow tax-free charitable donations to be made regularly and automatically through employment earnings. I am now happy to report that following a study carried out by the Commissioner of Income Tax, Government will soon be announcing the introduction of the Scheme. Mr Speaker, Gibraltarians are an extraordinarily generous and charitable people. Many I know give out of religious conviction. Many give out of sheer generosity. And many others give simply because it is in our culture to provide for those who have less or need help at any particular time.

1210 We as a Government are helping with the magnificent new Calpe House at Norfolk Square, but the foundations of that brilliant establishment were laid by the generosity of our community's charitable giving and, of course, Joe Bossano's courage in matching the public's donations. But as philanthropy is more and more professionally associated with Gibraltar, we must also make it easier for our professionals to give money regularly and easily in a more modern way. That is why I am going to be leading a review of our Charities legislation alongside this very positive introduction of facilities for payroll giving. It will be a hugely exciting project and I am very much looking forward to it in the coming weeks and months.

1215 Mr Speaker, in order to further stimulate the retail sector and to make Gibraltar a more attractive place for national and international purchasers, the following reductions in import duty will be introduced, with immediate effect.

1220 Import Duty on flooring, carpets and construction materials will be reduced for trade imports by half from 12% to 6% in order to assist local retailers in these products to be competitive, as individuals set out to decorate the almost 900 affordable homes that will shortly be conveyed to purchasers, as well as the almost 1,700 new affordable homes that are shortly to be marketed. In this respect also, a new mechanism will be introduced, on which I am already working with the Collector of Customs, the Commissioner of Income Tax and the Financial Secretary, to ensure that those who sell services into our Community from outside our frontiers will do so in a way which is fair to those who are established here. We envisage that all services being provided here will be subject to pre-notifications to the Collector and Commissioner and will therefore be subject to withholding taxes on payments. This will in particular apply to the sale of services into the home such as the sale and installation of kitchens, bathrooms and other fitted furniture. All of this presently comes blatantly through the frontier and only import duty is paid.

1225

1230 The new system being devised will be a simple one to operate for the consumer, who will no longer
 even have to come down to the frontier to pay for an importation. All will be able to be paid for online, with
 a credit card and a notification e-mail of duties paid and works value declared will be sent to the Customs
 and the Income Tax Offices and payments of duty and withholding taxes made on line. We do not want to
 hinder cross border services, Mr Speaker. Consumers must have choice and if they want to buy a kitchen, a
 bathroom or a fitted wardrobe from retailers outside our borders, they must have the choice to do so. But,
 1235 indeed Mr Speaker, that is the single market we reap so many rewards from ourselves.

But the work done in Gibraltar, which is taxed in the hands of national retailers, must be executed by
 those from outside on the basis of a level playing field if they come here to do it, paying all taxes and duties
 that an established Gibraltar business also pays. Only in that way will a product or service provided in
 Gibraltar genuinely be subject to comparison with a similar product or service provided by a business
 1240 outside of Gibraltar. This is a genuinely exciting development that e-Government will deliver and one that I
 know the business representative organisations will very much welcome.

Mr Speaker, trade imports of white goods rated A and above are reduced from 6% to 3%.

1245 Import duty on the following items for the elderly, disabled and infirm is reduced to 0%, namely,
 hearing aids, walking aids, wheelchairs, glasses and frames for prescription spectacles, contact lenses and
 dentures.

Import duty on toys is reduced from 6% to 3%.

1250 Import duty on hybrid vehicles by those with a valid trade licence is reduced from 2% to 0% and for
 private imports the import duty is reduced from the current range of between 12.5% and 17%, to a flat rate
 of 5%. In addition, Mr Speaker, the hybrid & electric vehicle new car registration cashback is increased
 from £750 to £1,000.

Import duty on inboard and outboard marine engines and marine engine spares is reduced from 6% to
 0%.

1255 In line with import duty on televisions, which was reduced to 0% in our first budget in 2012, import
 duty on television spares is now also reduced to 0%.

The duty on suitcases is reduced from 6% to 0%.

A one-off tax deduction is introduced against assessable income, with the percentage to be verified and
 subject to the discretion of the Commissioner of Income Tax, on the investment made by an individual,
 company or business that makes a significant improvement to the EPC rating of their premises.

1260 In keeping with our manifesto commitment, electricity and water charges will again not be increased
 this year, despite the increasing costs of providing these public utilities.

1265 Mr Speaker, our social insurance benefits will need to be funded, as far as possible, from the income
 receivable in social insurance contributions, with less reliance on Government contributions. As I
 announced last year, the Government continues to study a number of proposed innovative reforms to our
 social insurance scheme in order to make this self-financing for future generations of our community. An
 announcement in this respect will be made when the study has been completed. However, there will be no
 increases in social insurance contributions this year, meaning that in real terms, social insurance
 contributions have now been reduced in effect by 11%.

Mr Speaker, I will now deal with various changes to import duties which take effect as from midnight
 last night.

1270 Mr Speaker, in support of this Government's continuing efforts to address the problems arising from
 tobacco and smoking generally, we will once again raise the import duty on rolling tobacco from £42 per
 kilo to £45 per kilo.

1275 In line with our policy to encourage the use of LED lighting, including LED bulbs and LED torches, the
 import duty on which has already been reduced to 0%, the import duty on filament bulbs and other non-
 LED lighting is increased by double, from 12% to 24%;

Mr Speaker, the import duty on appliances as well as domestic appliances, known as white goods, with
 a C or D rating was doubled last year from 6% to 12%. This year we will also double the import duty on
 white goods with a B rating from 6% to 12%.

1280 Two stroke motorcycles will see the duty levied on the importation rise from 30% to 50%, making the
 less polluting four stroke motor cycles more attractive since duty on those will remain at 15%. This
 measure will not apply to two-stroke motor cycles already held in bond in Gibraltar.

Mr Speaker, the import duty on wines, beers and spirits has remained unchanged for a number of years,
 in some instances for over a decade. These will be marginally increased this year but ensuring that the
 selling prices of these products in the market remains competitive.

1285 Import duty on wine is increased from 39p to 50p per bottle; import duty on beers is increased from 27p
 to 30p per litre; and import duty on spirits is increased from 80p to £1 per bottle.

Mr Speaker, in order to assist working families with the purchase of their homes, as well as those
 families who may need to move to alternative accommodation as their family composition changes, no

Stamp Duty will be payable by first-time and second-time home buyers on the first £260,000 of the cost of their property, irrespective of the total cost of their homes.

1290

In addition, purchasers of new Affordable Homes will benefit from a Rates Holiday, so that no Rates will be paid in the first full Rates year, then increasing by 10% every year until 100% is reached on the 11th year. Additionally, the Rates Holiday will commence on the 1st July following completion of the purchase of an affordable apartment so that no rates will be paid for that portion of the year earlier.

1295

Maternity Grants are increased from £600 to £700.

In order to further assist our senior citizens, the Annual Pensioners Utility Grant is increased from £100 to £120. This represents an increase of 100% in this grant since the Government took office.

Old Age Pensions will once again increase this year as will the Minimum Income Guarantee in line with increases in the Index of Retail Prices.

1300

In order to assist our pensioners with their investments, and address their need for instant access to their investments together with a reasonable rate of return, the Gibraltar Savings Bank will issue a new Savings Bank 'Instant Access – 5-year Pensioner Bond'. This five-year bond will pay monthly interest at 2% per annum; will allow our pensioners to have instant access to their investments whenever they need it with no early redemption penalty; and will pay an additional 10% bonus on maturity on any amount that remains invested for the full five years.

1305

In addition to any other pension contributions to an Approved Pension Scheme and in order to encourage our community to save for their retirement, a new 'Retirement Savings Bond' will be issued by the Gibraltar Savings Bank. Investments will attract interest at 2% above the Bank Base Rate – currently 0.5% – and these will be redeemable on the investor's 60th birthday. Contributions to the GSB's Retirement Savings Bond can also be made by employers on behalf of their employees, with such employer contributions being allowable as a business expense for tax purposes. Up to £1,000 of contributions by the investor will also be deductible from the individual's assessable income for tax purposes, under both the Allowance Based System and the Gross Income Based system.

1310

Mr Speaker, in pursuance of the Government's commitment to reduce the level of personal taxation for every taxpayer in Gibraltar, and having already complied with all our manifesto commitments in this respect, the following reductions in income tax will apply, with effect from 1st July 2015:

1315

In relation to taxpayers on the Allowance Based System, the following reductions will be applied to the tax bands, namely: the first £4,000 of taxable income, currently taxed at a rate of 15% is reduced by 1% to 14%. The next £12,000 of taxable income, currently taxed at a rate of 18% is reduced by 1% to 17%.

1320

The remaining taxable income – that is to say, income exceeding £16,000 – currently taxed at 40% is reduced by 1% to 39%.

In relation to the Allowances in the Allowance Based System, the following measures will be applied, namely: the Personal Allowance was £2,812 when we were elected and was increased to £3,100. This year it is further increased by £100 from £3,100 to £3,200, representing a total increase since our election of 13.8%, almost 14%;

1325

The Spouse or Civil Partners Allowance was £2,632 when we were elected and was increased to £3,100. This year this allowance is further increased by £100 from £3,100 to £3,200, representing a total increase since our election of 21.6%;

The One Parent Family Allowance was £2,632 when we were elected and was increased to £4,000 last year. This year this important allowance is doubled from the figure we inherited from Members Opposite and is therefore further increased to £5,264 representing a total increase since our election of 100%, or 200% of the allowance;

1330

The Nursery Allowance was £1,023 when we were elected and has been increased steadily to £4,000 over the years since we were elected. This year it is increased by a further 25% or another £1,000 from £4,000 to £5,000, representing a total increase since our election of approximately 500%, Mr Speaker.

1335

The Child Allowance has not increased for some years. It is now increased from £997 to £1,100;

The Child Studying Abroad Allowance has not increased for some years either. It is now increased from £1,105 to £1,250.

The Dependant Relatives Allowance is increased from £190 to £300 where the relative is resident in Gibraltar; and from £139 to £200 where the relative is resident outside of Gibraltar.

1340

Mr Speaker to further assist the many working families and young people who will be buying affordable homes from the Government and who complete on purchases after 1st July this year, the House Purchase Allowance will now be increased for the first-time homebuyers. This will be an increase for the first time since 2001. The allowance is increased by £500 from £11,500 to £12,000.

1345

The Medical Insurance Allowance, which was £1,120 when we were elected, has steadily risen to £4,000 over the years since we were elected. This year it is increased by a further 25% or £1,000 to £5,000 representing a total increase since our election of approximately 450%;

Mr Speaker the Disabled Individual's Allowance was £2,724 when we were elected and was increased to £6,000 over the years since we were elected. This year it is increased by a further 50% from £6,000 to

1350 £9,000, representing a total increase since our election of the Disabled Individual Allowance – an important allowance for those who have a disability – of 330%;

The Blind Person’s Allowance was a lowly £627 when we were elected and was massively increased by us to £4,000 over the years since we were elected. This year it is increased by a further 25% or £1,000 from £4,000 to £5,000, representing a total increase since our election of approximately 800% of this hugely important allowance.

1355 The Special Deduction for Senior Citizens, which has not been increased for some years, is increased from £10,887 to £12,000.

Mr Speaker, at present, persons who are aged 60 years or over and need to carry on working because they have no occupational pension receive a tax credit of up to £4,000 in respect of their earned income. However, this tax credit is not available to persons who have commuted their occupational pensions for a lump sum or are in receipt of or are entitled to receive an occupational pension in excess of £2,000 per annum. In order to assist such persons, the £2,000 pension cap is, with effect from 1st July 2015, increased to £6,000. This means that all persons who are aged 60 years or over and remain in employment to supplement their income will receive a tax credit of up to £4,000 so long as their pension does not exceed £6,000.

1365 Mr Speaker, at present, new life insurance policies or increases to existing policies currently attract tax relief at 17%. We are today removing this cap and will now allow premiums paid in respect of new policies and increases to existing policies to attract tax relief at the taxpayers’ personal rate of taxation.

In respect of taxpayers on the Gross Income Based System, the following increases in Deductions are introduced.

1370 An increase, Mr Speaker, in the private medical insurance deduction from £2,500 to £3,000 in respect of premiums paid for such cover with effect from the tax year commencing 1st July 2015; an increase in mortgage interest deduction from £1,000 to £1,500.

In order to further assist working families with the purchase of their first-time home, a deduction from assessable income of £6,500 will be made to taxpayers under the Gross Income Based System in respect of approved expenditure incurred towards the purchase of their home if completion on the acquisition of the property occurred after the 1st July this year.

1380 And an increase in deduction for contributions to an approved pension scheme from £1,200 to £1,500 is introduced in respect of any such pension contributions made with effect from the tax year commencing 1st July 2015.

Also in the Gross Income Based System, we are reducing the high-end tax band from 10% to 5% for all income exceeding £700,000. This measure will affect very few taxpayers at present but is an important part of starting to have one uniform personal taxation code across the board as we harmonise our system of personal taxation away from special statuses into one uniform code applicable to all residents.

1385 Mr Speaker, a number of other measures are introduced in respect of taxation which are designed to assist individuals and businesses alike.

In relation to individuals, the Government will shortly be publishing the details of a *tax amnesty*. Mr Speaker, I believe this is the first in our history that a tax amnesty has been introduced. As I said earlier, the international initiatives on transparency and information sharing that Gibraltar has signed up to will mean not just that we will have to provide information to other states, but also that other states will have to provide information to us. That will mean that our tax office will see if some taxpayers have failed to declare income in past years. It is time to allow people to rationalise their tax affairs *before* they are caught out.

1395 In order to do so, for a period of six months from midnight last night, individuals who repatriate monies held abroad which are the product of income accrued and derived in Gibraltar, or which on remittance to Gibraltar would have otherwise attracted taxation, will be able to wipe the slate clean on payment of 5% of the total amount remitted to Gibraltar and deposited here. Any individual who fails to avail themselves of this amnesty and in respect of whom the Commissioner of Income Tax subsequently finds taxable income abroad will be subject to a penalty charge in respect of the totals of such monies of 100% of the tax that would have been due if properly declared at the time.

1400 Also in relation to individuals, Mr Speaker, currently, the income received by students from employment during vacation is exempt from tax. This only applies to students who are in full-time education and will continue in education following the vacation period. There are a number of full-time students who work the whole year round – part-time and weekend jobs – and are being taxed on the income earned outside the vacation period. It is proposed that the tax exemption be extended to the income earned by a full-time student outside the vacation period.

1405 Not in relation to tax but also to social insurance, Mr Speaker, currently where an individual has a secondary employment both employers are required to pay social insurance contributions. It is proposed that the employers’ contribution in respect of an employee’s secondary employment be abolished, and it so is hereby, Mr Speaker. This is subject to the full contribution having been paid at least once in Gibraltar.

1410

In relation to corporate tax, Mr Speaker, I will be commencing a detailed consideration, with the Gibraltar Society of Accountants and other business representative bodies in order to agree the treatment of capital allowances for intangible assets and the potential for the introduction of an Allowance for Research and Development Expenditure. This exercise has to be carefully undertaken to ensure that EU State Aid Rules are not in any way infringed.

1415

In order to further incentivise new businesses to set up in our thriving economy and generate even more economic activity, companies, partnerships and self-employed individuals shall be able to claim 100% of its eligible Capital Allowances in the first year of trade. This will provide new businesses with maximum cash flows in their first year of trade, which is when they most need it, by providing immediate set-off of their start-up costs, thereby increasing their chances of success. This measure will apply to all *bona-fide* new activity for new businesses in Gibraltar on the purchase of new equipment. The provisions will not apply to restructures of existing businesses seeking to take advantage of this initiative.

1420

Also in relation to corporation tax, and following proposals from ATCOM, in order to incentivise training in the workplace, training costs will be allowed as an expense against the profits of a business or a company at the rate of 150%. In other words, a company that invests £1,000 in training its employees with a view to them obtaining a qualifying qualification, will now be able to claim £1,500 as a deduction against its profit for the accounting period in its tax computation. As professional trust and company managers face the burden of continued training and retraining in new transparency initiatives such as FATCA and the like, this will help ensure that our professional intermediaries are able to provide the training their staff need. This allowance will nonetheless be valuable in many other sectors also and will no doubt stimulate further training being available to employees in diverse industries.

1425

1430

Mr Speaker, the audit threshold – that is to say the level of turnover beyond which audited accounts are required, is raised by a quarter of a million pounds from £1 million to £1.25 million, although a discretion is retained to the Commissioner of Income Tax to require an audit should he consider it necessary.

1435

Also in order to assist small-scale start-ups, a capped 200% credit is introduced in respect of the cost of any architect's fees incurred in respect of successful planning applications under the Town Planning Act, and any fees charged by Government in respect of any such planning application, made by such a company in respect of its own property in the first 24 months of operation of any new company. The credit will be available to be deducted from tax liabilities in the first three years of operation of any such company. The cap will be at a total of £5,000 as this is *not* designed to be a measure to help large scale developers of land, but to assist small scale businesses who may be incurring planning fees in remodelling business premises.

1440

Mr Speaker, to further encourage and assist small businesses and start up companies, a Social Insurance Credit is introduced of £100 per employee in respect of the employers' contribution for companies who have who have 10 or less employees. The credit will be made only against the final payment of the year and companies will only be eligible if the required payments have been made on time throughout the year.

1445

For a new company, the credit will apply to companies with up to 20 employees in the first year of operation.

I turn now, Mr Speaker, to the annual consideration of Public Sector pay and the Minimum Wage.

Mr Speaker, despite the continuing pay restraints in the United Kingdom public sector pay over the last few years, the Civil Service and Public Sector pay in Gibraltar has continued to rise over the years and has kept up with the increases in the cost of living. The Government will once again increase Civil Service and Public Sector Pay under the 2015 Pay Review.

1450

In order to give certainty to members of the Public Sector, many of whom will also be purchasing affordable property in the coming months and years, the Government is today committing itself to a three-year pay deal. The rate will see a pay increase linked to average rates of inflation of the past four years.

1455

Mr Speaker, the average inflationary rate for the past four years amounts to, approximately, 2.75%. The Public Sector will therefore benefit from a pay increase of 2.75% per year for the next three years of pay rises of the rate of inflation in any one of those given years, whichever is the higher.

Let me just make that clear: it is 2.75% per year for the next three years, or the rate of inflation in any one of those years, whichever is the higher, should inflation go above 2.75%.

1460

That means that public sector pay will rise *by a minimum*, by a minimum of 8.25% over the next 36 months, starting with effect on 1st August 2015.

Mr Speaker, in the Royal Gibraltar Police, the Prison Service, Her Majesty's Customs and the Fire & Rescue Service, an additional quarter of a percent will be added to the annual increases in the next three years.

1465

Mr Speaker, the Government has been in negotiation with members of the Prison Service for some time now, in view that no meaningful review had been undertaken since the introduction of the Fresh Start Agreement in 1988. The Government values the service delivered to the general public by this highly professional body and we are committed to improving their terms and conditions. We have already undertaken an important step in modernising their working conditions with the abolishment of TOIL in November last year. Now every additional hour worked by a Prison Officer is paid for, and as from the

1470

1st July weekend premiums will also be paid, bringing them in line with the rest of the Service. In addition to this, I am today able to announce that the present 3% abatement applicable to their pay is henceforth eliminated.

1475 In relation to the Royal Gibraltar Police, I am also very happy to announce that last week the Government and the Police Association agreed a way forward for the establishment of the new Gibraltar Police Federation, which I certainly believe will be an important step forward for the representation of the men and women of that force.

1480 And now, Mr Speaker, to the lowest paid in our Community who deserve our consideration as much if not more than any others.

Mr Speaker, before New Labour in the United Kingdom and before many other nations around the world, the first GSLP administration introduced the Minimum Wage in Gibraltar. We are justly proud of that achievement and our pioneering move in that respect. We were right to introduce the Minimum Wage and we are right to ensure it is kept under annual review.

1485 Therefore, Mr Speaker, in line with this Government's commitment to keep the National Minimum Wage under constant review, the statutory Minimum Wage was increased in our first Budget from £5.40 to £5.70 in August 2012; in our second Budget from £5.70 to £6.00 in August 2013; and in our third Budget from £6.00 to £6.15 with effect from 1st September 2014. Mr Speaker it was important that the Minimum Wage should have caught up with the cost of living as it now has.

1490 The Minimum Wage will now be increased further – in line with the increases in Public Sector Pay – by the average rate of inflation in the past four years, which amounts to approximately 2.75% and which equates to a Minimum Wage rise of 10p from £6.15 to £6.25 with effect from 1st September 2015.

Mr Speaker, the Minimum Wage will therefore have risen by 15.7% since our election, whilst inflation has risen 11% and nothing can make us prouder on this side of the House.

1495 Finally, Mr Speaker, in order to help the lowest paid in our Community, the tax-free threshold is increased from £10,500 to £11,000 for low earners. Mr Speaker this means that anyone who earns less than £11,000 will now pay no income tax. A fair measure by a fair Government that is fair to the lowest paid in our Community.

1500 Mr Speaker, there is a Bill before the House to amend the Income Tax Act. I have not proceeded with it before so that, by giving written notice of the amendments necessary to give effect to these Budget measures, when it is passed it will be up to date with the latest changes in our tax laws. Probably the first time that we are entirely up to date in many years.

1505 Well, Mr Speaker, before I sit down I will share with you that last year, as the year before, I was very disappointed indeed that the Hon the Leader of the Opposition did not actually provide any meaningful reply to my Budget address. I have this year, again, made a very large number of announcements about increased allowances, about GDP growth, about the important reductions we have seen in Gross and Net Debt as a share of GDP. All of these things are massively important for our Community. I have provided the detail behind the important figures that demonstrate that the criticisms we have heard throughout the year from our political opponents have been entirely unfounded. The falling debt, the growing rate of
1510 Government Revenue, the tight control we have demonstrated on recurrent expenditure – all of these things are good for Gibraltar and demonstrate that our economy and our public finances are strong and resilient.

In the circumstances, and given it is an election year, I wonder whether the hon. Member Opposite might be prevailed upon to actually reply to what I have said, instead of simply reading a speech he prepared earlier and which he reads out now with little regard to what I have to say. Maybe, Mr Speaker because it is an election year he will treat us to a detailed response? But, of course, I won't hold my breath!

1515 On a more positive note nonetheless, Mr Speaker, I want to thank the unions who have worked with me this year, the Chamber, the Federation of Small Businesses, ATCOM and the Finance Centre Council for their input. As usual, it is not possible to give effect to all of their mostly sensible recommendations in their entirety, but the responsible feedback that they provide certainly helps me and my team to better calibrate
1520 this appropriation and to make innovative changes for business. I look forward to continuing my full engagement with them.

It is also right of course that I should, on behalf of the whole of Gibraltar, also thank all public servants of Gibraltar without whom Government cannot operate and who, I will never tire of saying, are in the great measure as responsible for these great results as any of the 10 of us on this side of the House.

1525 In particular, Mr Speaker, our thanks go to you, the Clerk and the staff of the House for bearing with us this year. This year we have concluded the work of refurbishing the areas of Parliament behind the Speaker's Chair and the effect I think has clearly been favourable to you all in particular, as the environment in which you now work is more modern and dignified than it had been for many years. And I thank you again, Mr Speaker for the work being done on establishing the new register of electors. The
1530 installation of the lift to make the Chamber accessible remains outstanding, pending a further round of consultation which I sincerely hope will happen quickly and be resolved positively so that we can finally make the Parliament an accessible building.

1535 Mr Speaker, I must now also pick out for particular tribute and thanks the people who work with me in my corner of the Public Service at No. 6 Convent Place. According to some of the more short-sighted, it is wrong that we have invested in bringing our offices up to scratch. According to some, you are not entitled to the modern types of offices delivered to others at even greater cost. Well, you have my warm thanks extended to you all on behalf of all of the Government and a special acknowledgment, of course, to the staff of No. 6 Convent Place; amongst in the public service especially the team that works on my corridor of the building immediately to me.

1540 It seems incredible to think that it is three and a half years ago that the Deputy Chief Minister and I walked into No. 6, with our wives, excited but with trepidation, feeling almost as if we were walking into someone else's domain. From the car to the desk and through to our modest corridor of 'power' as it might be called, all of those at No. 6 have made us feel at home and they have enabled us to deliver the best of ourselves for the benefit of our people.

1545 And, Mr Speaker, I must tell you the truth: when the chips are down and Gibraltar is under attack, those people at No. 6 ensure that I feel surrounded by support and by the most effective team on the planet at the most emblematic address in our small nation that has finally being transformed into a representation of the modern Gibraltar. Because at the craziest moments, at the time when the world around us seems to be going mad, the people at No. 6 keep me sane. And now, Mr Speaker, after the short time that we have been in Government they have made us become and feel more than just colleagues. They are friends and I thank them sincerely not just for their work this year, but in particular for their friendship. I thank them for these first four years as we seek the people's confidence for four more years.

1555 Mr Speaker, in this final Budget opening address of the lifetime of this Parliament, I want also to continue the tradition I established in my first year, when I addressed the House as Chief Minister for the first time, and which I think is particularly fitting in the system of real Cabinet Government such as the one I lead, and that is of thanking all other members of the ministerial team for their effort and determination in the course of the past financial year.

It is our work and the work of the public servants who so tirelessly work alongside us and the work of the rest of the nation each in their own sectors that delivers these excellent results.

1560 Because the numbers in the Estimates Book, the growth in our economy, the increases in allowances and wages are just the metaphor of the success that our nation is enjoying under this administration.

This is a Budget that has confirmed that what so many called a mission impossible when we embarked on it, has become a mission accomplished in economic terms.

What they said could not be done, we *have* done.

1565 This Budget demonstrates to our Community that we have mapped out the right long-term plan for our economy and our public finances: with Community Care having received £134 million; with the Savings Bank reserve estimated to be at £27 million by the end of the year; with a GDP of £1.64 billion and likely to reach between £1.75 billion to £1.8 billion next year; with debt down by £72 million; with average earnings jumping up; with more jobs than ever before.

1570 Mr Speaker, this is the Socialist Liberal Government's fourth Budget, and for all of those reasons it is one to go forth and brag about – because this Budget delivers for those who work harder because they aspire to more. This is a Budget for the hard-working men and women who are the backbone of our economic success story as a nation.

1575 Because this Budget shows that we work first for the people who cannot pay their bills and who cannot afford the cost of living, and we care about those businesses that need help to better establish themselves as the employers that drive our growth.

This is a Budget for the start up businessman and the working man. A Budget like all we have delivered before, not for those who put out their hands just to take; it is a Budget for those who put out their hands to work and for those who genuinely cannot work.

1580 And we are delivering exciting opportunities for businesses in Gibraltar: working on the side of business and not setting out to hinder business; understanding the needs of those who want to create wealth and in that way spread wealth; a Government that wants to work to stimulate continued growth extending to every sector of the economy; a Government that is committed to seeing each taxpayer as a shareholder in this common enterprise that we call the nation we are building; a Government which is maximising shareholder value, delivering innovative solutions and making real the dreams of previous generations of leaders.

1585 Creating an International Bank and a University; finishing off 900 new affordable homes and starting work on 1,700 others; turning our backs on a culture of professional mediocrity; and demanding higher standards of ourselves and others; and that is delivering growth in jobs and revenue and demonstrating the confidence of the diverse sectors of our economy that are not allowing the negative narrative of a desperate few to get in the way of the positive work of this dynamic executive team.

1590 From the gaming industry to the financial services and from the Chamber and the Federation to the Unions in each sector, we are working together with all to deliver better ideas than just one of us might produce. Joined up Government. Joined up ideas. Joined up delivery.

1595 And in the same way as we have worked with all sectors, we have worked with people of all partisan opinion because we put Gibraltar first always and we make no apology for that!

A Government for *all* of Gibraltar, as we pledged to be. A Government delivering a Budget for low earners and for high achievers in equal measure. A Budget that delivers social justice for all of our people, as we will always seek to do in every Appropriation Bill we bring to this House.

1600 A Budget, Mr Speaker, that evidences why we have been right to pursue the course we set and take no lessons from those who left us an empty Community Care, an empty Savings Bank kitty and an empty useable cash reserve kitty. Because as will always be the case with us, this is the Budget of a Government that will always put country before party, people before politics and service above self.

1605 This is the Budget of a nation coming of age, Mr Speaker – the Budget of a Government delivering estimate busting surpluses; a Government presiding over a record high in Gibraltarians in employment; and Gibraltar maintaining and consolidating its position as third in the international rankings of GDP per capita.

Mr Speaker, more reserves, more jobs and more cash surplus. And not a pre-election give-away Budget, not a Budget of goodies but a responsible Budget, delivering an adjustment and rebalancing of allowances where it is fair and equitable to do so.

1610 Breaking records in employment, Mr Speaker. Breaking records in average earnings, Mr Speaker. And breaking the broken record of negativity that a disgruntled few have made their mantra.

And we can show, Mr Speaker, that we have not cynically held back in previous budgets. We have been generous throughout the four years in increasing allowances and deductions, so that no-one can reasonably suggest that we are doing so only this year.

1615 So, Mr Speaker, it is therefore as ever with both great pride and equal humility in having been allowed by colleagues the honour of presenting once again the fruits of the work of our whole team in the opening address of this debate, that I commend the Bill to the House.

(Banging on desks)

1620 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. the Leader of the Opposition.

1625 **Hon. D A Feetham:** Mr Speaker, the Leader of the desperate few request just a five-minute adjournment, just to use the bathroom, if I may, before I come back. If the hon. Gentleman agrees.

1630 **Hon. Chief Minister:** Mr Speaker, this is a highly unusual request, but given...and in most parliaments the Leader of the Opposition prides himself on being able to get up and answer immediately, but given that his request is related to issues related to bladder and not anything else, I propose that the House should recess for a very short two-minute or three-minute adjournment, as long as it may take.

Mr Speaker: The House will now recess for five minutes, which will come very welcome to those who have older bladders! *(Interjections and laughter)*

The House recessed at 1.35 p.m. and resumed its sitting at 1.45 p.m.

**Appropriation Bill 2015 –
For Second Reading –
Debate continued**

1635 **Mr Speaker:** The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, it is an honour for me to rise and deliver my third speech as Leader of the Opposition, and my eighth overall.

1640 I start, Mr Speaker, before I examine the figures, addressing this House on the complete lack of openness and transparency with which this Government, and this Chief Minister in particular, have dealt with the management of our public finances. A lack of openness and transparency that goes to the very heart of whether this Chief Minister deserves the trust of the people of Gibraltar.

1645 And it would be wrong for anyone, Mr Speaker, to assume that issues of openness and transparency simply go to the quality of our democracy, important as that is in its own right. They also impact on the ability of the Opposition and the community that we all serve, to identify emerging financial problems, before they become too big to deal with.

Today the hon. Member, the Chief Minister has said and I quote, ‘Gibraltar is more financially secure than ever before.’ But what we have witnessed over the last four years, is the systematic destruction of parliamentary governance in Gibraltar and, in particular, the deliberate disablement of the ability of this Parliament to scrutinise the public finances in any meaningful way.

Mr Speaker, this Government and this Chief Minister have made an absolute mockery of these annual debates. He can talk all he likes about root-and-branch reforms of this Parliament, but the reality is that the Government is effectively operating two sets of accounts. One set of accounts funded through the Consolidated Fund debated today, and the other funded through the Gibraltar Savings Bank.

The GSB is funding Government owned companies, Government expenditure and manifesto promises to the tune of £400 million, Mr Speaker. None of it appears in these accounts; none of it accounted for to this Parliament.

It is quite simply impossible, to take most of what the hon. Gentleman says about the state of public finances seriously, when he is treating the GSB as the Government’s piggy bank to fund Government expenditure, and more than half of Government spending and Government debt is hidden away in Government-owned companies in respect of which he either refuses to answer questions in this Parliament or when he answers questions, Mr Speaker, he does not provide accurate answers. And I do not use a stronger word than the adjective ‘accurately’, Mr Speaker, because I would fall foul of the Rules of this House.

But this False Dawn Chief Minister, Mr Speaker, does not comprehend, that when he is not open, that when he is not transparent, that when he is not straight with Her Majesty’s Opposition of Gibraltar he is not being open, he is not being transparent and he is not being straight with the people of Gibraltar, Mr Speaker.

Mr Speaker, trust is a word that is often abused in politics but it will feature very highly indeed during the course of my intervention today.

And I ask people of this small but great community, every single person that is listening to this debate today, does the man sitting opposite me deserve your trust, when he was elected on a New Dawn mantra of openness and transparency, and he has done everything that he possibly can to keep from you the taxpayer, from you savers, what he is spending your money on and he has, quite frankly, not played it straight with you?

Mr Speaker, a Chief Minister who is prepared to answer ‘no’ to the question, whether the Government has directly or indirectly provided any loans to the owners of the Sunborn, when in fact a Government-owned company had provided a loan of between £30 million and £40 million – we do not know how much because he refuses to tell us – a company which he had incorporated in secret and had hundreds of millions of pounds of savers’ money transferred into it.

Mr Speaker, for a Government that issues press releases like confetti at a wedding, Mr Speaker, he forgets to announce the fact that hundreds of millions of pounds of savers’ money has been poured into Credit Finance Company Limited, which he was using to provide loans to nameless third parties and to pay for Government expenditure.

Imagine the outcry if a government minister in the United Kingdom had decided to incorporate a Government-owned company, had hundreds of millions of pounds of savers’ money transferred into it, provided loans from the proceeds to third parties and made no announcement to Parliament about it, Mr Speaker. And then, when a question is asked in this House about loans to the Sunborn he answers, ‘No.’

Mr Speaker, there is absolutely no doubt about it, that Minister in the United Kingdom would have been forced to resign, Mr Speaker, and that is what the hon. Gentleman should have done when he answered in the way that he did in this Parliament, in the way that he did, Mr Speaker.

And he denied that a loan had been provided to the Sunborn right up to the day after the by-election, Mr Speaker. He only came clean with the people of Gibraltar the day after the by-election when it could no longer cause damage to his party. And he is going to give me sermons today, Mr Speaker, about putting country before party, Mr Speaker! (*Banging on desk*)

That is the New Dawn Chief Minister we have in front us. A Chief Minister who asked the people of Gibraltar to trust him on his management of these issues, but on 29th May 2014, when I asked him whether the Sunborn had paid that debt on its due date or whether it had been rescheduled he said yes, it had paid on its due date and no, it had not been rescheduled. Then when I asked the same question earlier on this year, he refused to provide me an answer, Mr Speaker.

Well what does he have to hide? What is he trying to keep from the public, Mr Speaker?

A man who refuses to tell me how much consultants are being paid, including the well-known Juan Verde, and whether they have any links, or have had any links, with any commercial entity awarded contracts in Gibraltar.

A Chief Minister, who somewhat surreally, it has to be said, talks about political corruption on the part of the Opposition, because we do not disclose who funded the Lloyds Register report and he does not tell this House and refuses to say whether his one-time business partner in a sunglasses shop who is the owner

of a company that has been awarded a tender for the ‘not fit for purpose’ new buses, Mr Speaker, was the lowest tenderer. That is the Chief Minister we have in front of us, Mr Speaker, who is asking for the trust of the people of Gibraltar on these issues and perhaps whilst he contemplates that, Mr Speaker, he should also perhaps come clean and say how much that individual has paid GSLP coffers over the years, Mr Speaker.
(Interjections)

A man who wants us to disclose who paid for that expert report but refuses to disclose who paid for the US\$110,000 tickets to allow him to take a cropped photograph with President Obama, or whether that person has or has had any interest in any commercial entity bidding, or having been awarded, public contracts – to use Mr Speaker Jesse J’s immortal words, ‘What was the price tag on that, Mr Speaker?’
(Interjections)

We are not using the people’s money; *they are*, and production and disclosure of the Lloyds Register report was in the interests of the people of Gibraltar.

A Chief Minister, who insults the people’s intelligence by appearing on public television, publishing a so-called balance sheet for Credit Finance Company Limited, when anyone with any rudimentary knowledge of these things knows that it was nothing of the sort. Who, in that same broadcast, said that not one penny of the monies in Credit Finance Company Limited were being spent on Government expenditure, but perhaps does not communicate with his Minister for Economic Development who, a couple of months later, comes to this House and in response to questions accepted that £347 million of savers’ money transferred to Credit Finance Company Limited and then to Gibraltar Investment (Holdings) Limited, was being used to allow Government-owned companies to meet their cash flow requirements. Mr Speaker, I never thought that I would live to see the day where the Father of the House, Minister Bossano was more open and more transparent, playing it more straight with the people of Gibraltar than the Hon. the Chief Minister Mr Speaker. (Interjection)

A Chief Minister that allows the unprecedented issue by the Gibraltar Savings Bank of a press release the day before the by-election saying, and I quote, ‘the Gibraltar Savings Bank does not provide any loans’, when that was not true because from 2012 to 2013, the GSB had been lending millions of pounds to Gibraltar Investment (Holdings) Limited, evidenced by Fixed or Flexible Rate Loan Notes, Mr Speaker.

And the fact is that on the issue of the public finances of Gibraltar, the hon. Gentleman has been leading people up the garden path since he became Leader of the Opposition in 2011, and he does not deserve the trust of those listening to him on these issues.

It was the Chief Minister, not Minister Bossano, as the Father of the House, emphasised in his intervention on one of the motions debated here a couple of months ago, that told the people of Gibraltar that the previous administration was addicted to debt; when our debt was three times lower than it is today, as we will see in a moment. Indeed, the Father of the House was at pains to make the point that he had never criticised the level of Public Debt when we were in Government. It was the Chief Minister, Mr Picardo, that had done so when he was Leader of the Opposition – and that is certainly true.

It was the Chief Minister, who when he was Leader of the Opposition, started a relentless campaign, which we described as the ‘Big Lie’, to persuade people that our Public Debt was too high, that the previous administration had exceeded legal borrowing limits and that our public finances were in a ruinous state, whilst promising absolutely everything to everyone. Promises that included £750 million in capital projects, the freezing of rates, rents, electricity, huge increases in the public service and therefore in the recurrent expenditure, to reduce the Gross Debt by half, and to donate every single last penny of Government surpluses to community care.

Talk about trust, Mr Speaker.

I described it last year as a ‘veritable miracle of biblical proportions’.

Well, Mr Speaker, the miracle continued, because on the 18th January 2012, in his very first address to this community, putting on his most serious face as only he can, he spoke, and I quote ‘a serious public finance problem’, ‘a serious Public Debt problem’, ‘an impenetrable curtain’ Mr Speaker behind which he found a ‘£100 million black hole’.

Well, Mr Speaker, despite that ‘serious public finance problem’, despite that impenetrable curtain behind which he found a £100 million ‘black hole’ within a year his Government was spending money as if it were going out of fashion Mr Speaker. No rainy day predicted or rainy day funds needed, whilst the GSLP sun shines over Gibraltar, Mr Speaker. No, Mr Speaker. He was the Bank of England printing money. When a GBC reporter challenged him on Government spending in the light of the statements that he had made a year before, he then said ‘we have cured’ any public finance problems that he had inherited. Another miracle. Mr Speaker the hon. Gentleman’s talents are absolutely wasted in Gibraltar. He should be leading the Eurozone, Mr Speaker, out of a potential double-dip recession, Mr Speaker.

But more importantly, for the purposes of this debate, it is precisely because the hon. Gentleman promised so many things to so many people whilst at the same time saying that our Public Debt was too high when we were in office, that the Government has had to structure the public finances in a way that keeps £400 million away from the scrutiny of this House. He could never in a million years have delivered

1770 on his manifesto commitments by borrowing within the legal borrowing limits or using reserves. And I remind the House that apart from the huge increases in spending, the GSLP/Liberals also promised to donate every last single penny of Government surpluses to Community Care. In other words, all the Government's spare cash was already committed.

1775 Mr Speaker, I will come to Public Debt later, but in February of this year Net Public Debt reached £400 million, very close to the legal borrowing limit of £447 million – just £47 million short of that limit. To pay for their promises, they have had to resort to the use of the Gibraltar Savings Bank, because they could not legally borrow directly what they needed in order to pay for their many expensive promises, and they have taken advantage of the fact that any debentures issued by the Gibraltar Savings Bank, which is what they are using to fund their programme, is a debt of the bank and not a debt of the Government. But what they are effectively doing, is using the money that does not belong to the Government, Mr Speaker, 1780 without accounting for it to this House.

Mr Speaker, the legal borrowing limits have been set by Parliaments in order to ensure that Governments do not borrow in a manner that becomes unaffordable to this community. Parliament has deemed that last year it was only safe and prudent for the Government to borrow £447 million. This year that legal borrowing limit, based on 80% of recurrent revenue, is £457 million. Until Parliament debates the 1785 implications for this community of raising the legal borrowing limits, and approves any increase, the Government should not be manufacturing artificial devices to circumvent those legal borrowing limits, Mr Speaker. And that for us is the bottom line. Leaving aside the fact that the Government could not borrow another £400 million directly, if it had spent that money it would not only have wiped out the surplus, we would be operating under a deficit, Mr Speaker.

1790 How can one trust a Chief Minister that is running the public finances on that basis, and all to cover up his Big Lie at the last election, Mr Speaker?

He should have the courage of his convictions and if he thinks that £800 million – it is over £800 million and I will come to the figure in a moment – Gross Debt is affordable by this community, he should to have the courage of his convictions to come to this Parliament to raise the legal borrowing limits and indeed have this Parliament debate whether it is safe and it is prudent. Not to have artificial devices, all self- 1795 serving, just simply designed in order to circumvent that legal borrowing limit because of all the promises that he made which he knew he could not pay for conventionally at the last election. Mr Speaker, and it is not true to say that they are doing the same thing that we did when we were in Government.

And I now turn to examine the Gibraltar Savings Bank, Credit Finance Company and Gibraltar 1800 Investment (Holdings) Limited in more detail.

What we have been seeing since the Chief Minister was elected in 2011, is a huge increase in debt security – either bonds or debentures – issued by the Gibraltar Savings Bank, which as I have said, does not rank as Government debt because it is legally a debt of the Gibraltar Savings Bank, even though the money is guaranteed by the Government. As at December 2011, the total value of debt security held by the 1805 Gibraltar Savings Bank was £24 million. The total debt security held by the Gibraltar Savings Bank today, excluding deposits, is £738 million. If you take into account deposits, Mr Speaker that figure is close to £1 billion.

Mr Speaker, when we were in Government, money deposited in the Gibraltar Savings Bank had to be invested in cash deposits, or cash deposits equivalents in terms of the protection of their capital value. That was a requirement in the Gibraltar Savings Bank Act. Effectively, monies in the Gibraltar Savings Bank had to be invested in very safe, liquid forms of investments where the money was easily and readily accessible by the Gibraltar Savings Bank.

In March 2012, the Chief Minister moved a Bill amending the Gibraltar Savings Bank Act and took out the requirement that investments of the Gibraltar Savings Bank had to be held in cash or cash equivalents. 1815 We voted against the Bill.

The importance for the purpose of this debate is that it allowed the Government to invest Gibraltar Savings Bank deposits in riskier, non-cash investments. It is the only reason why the Gibraltar Savings Bank is able to invest £400 million in Credit Finance Company Limited, which was incorporated barely a month before that amendment was moved by the Chief Minister. It could not have happened under the GSD 1820 Government.

Admittedly Mr Speaker, I have to say I am not even sure that the Chief Minister really knew the underlying purpose for that amendment that he, himself, moved in March 2012. And I say that, because on 15th November 2012, eight months after he had moved that amendment, in supplementary to Questions 1001 and 1002, the Chief Minister was asked whether he was able, and I quote:

‘to confirm that all the money represented by the issue of debentures by the Savings Bank is held in cash or near cash by the Savings Bank’.

1825

That was the question. The answer was this:

‘Mr Speaker, that is what the Savings Bank Act provides, that investments must be held in. So unless somebody is in breach of the Gibraltar Savings Bank Act, then yes, I can confirm that’.

And later he repeated:

‘As far as I understand it, all investments of the bank are in cash or near cash, which is what the Gibraltar Savings Bank Act requires’.

1830 Well, Mr Speaker, he obviously did not understand it, because he had already amended the law eight months earlier, in order to do away with the requirement that the Gibraltar Savings Bank invest in cash or near cash equivalents, Mr Speaker. Eight months after he moved that amendment to the Gibraltar Savings Bank Act, and he was blissfully unaware that the Father of the House, Minister Bossano, was about to transfer nearly £300 million at the time of savers’ money from the Gibraltar Savings Bank into Credit Finance Company Limited, Mr Speaker.

1835 Mr Speaker, what happened to the much-vaunted communication in his New Dawn Cabinet, Mr Speaker? ‘Oops, I forgot to mention that the purpose of the amendment that you moved in March allowed me to transfer £400 million for the Gibraltar Savings Bank into Credit Finance Company Limited’, Mr Speaker!

1840 Mr Speaker, pre-empting this year, his right-left, right-left jibe – which he uses every single year, Mr Speaker – perhaps it was my Socialist roots and my fondness for the Father of the House, as opposed to his Liberal roots and his rather frosty relationship with his former, and I emphasise *former* Minister for Employment, that made me spot how he was going to fund his manifesto before he did. Because, Mr Speaker, during my maiden Budget speech, during the debate in 2013, as Leader of the Opposition, before I knew anything at all about Credit Finance Company Limited, I said this:

‘Mr Speaker, I have been observing the Hon. the Minister responsible for the Gibraltar Savings Bank, Minister Bossano, for many years now. I may not always agree with what he does or the manner in which he does it, but he does everything for a reason.

I hope, Mr Speaker, that I am wrong and that the Government is not contemplating using that money to fund its capital projects and expenditure simply because it is committed not to borrow or to donate Government surpluses to community care.

The consequences for these annual debates and the transparency of Government finances would be devastating because it would blow a massive hole in the Government’s duty to account to this House at Budget time for expenditure because, as we all know, the Gibraltar Savings Bank expenditure is not reflected in these estimates’.

1845 Mr Speaker, it was the only possible explanation for the huge explosion of Gibraltar Savings Bank debentures, where the Gibraltar Savings Bank was paying between 4% and 5% in interest. No credible bank in the world is paying that kind of interest. Those interest rates are there to attract more debenture holders, so that the Government can then use the money for its own expenditure and its attempts to fulfil the many promises that it made at the last election. That is the reason why there is that huge explosion of debentures in the Gibraltar Savings Bank. The ability to repay depositors and service their interest is something that we
1850 have absolutely no objective basis for assessing, Mr Speaker, because they refuse to provide us with information to enable us to do so.

That is the economic miracle that the Father of the House always spoke about, and that is the real driver behind this Budget, Mr Speaker. Let us spend somebody else’s money without accounting for it as Government debt or Government spending. And it is on that basis that the hon. Gentlemen opposite, and the
1855 Chief Minister, expect the people of Gibraltar to trust him, Mr Speaker and he hails this Budget as a magnificent budget.

If he had had to spend £400 million – which he could not have – but if he *had* had to spend £400 million out of the Government’s own pockets, out of the Government’s own money, he would not be making the surpluses that he is making today, Mr Speaker.

1860 Mr Speaker, I hope that the hon. Gentleman does not, once again, deny that the £400 million invested by the Gibraltar Savings Bank in Credit Finance Company Limited has not been used to fund Government expenditure, when it is clear beyond peradventure, that the reverse is true. If the Government decides to pay the commuted pensions of civil servants or provide a loan to third parties, either to improve housing estates as he has done with Gib 5, or to pay their taxes, or to help people with commercial interest relocate to
1865 Gibraltar, they should do so directly and account for it in these estimates of revenue and expenditure. These items – those that I have just described – account for £108 million of the total spending of Credit Finance Company Limited, Mr Speaker. Those items in themselves would have wiped out the surplus. And even if one credits the expenditure of last year to last year, the expenditure of this year to this year, Mr Speaker, for

1870 reasons that I am going to be explaining in a few moments in the way that he has calculated the surplus, it would certainly have wiped out, just those figures would certainly have wiped out the surplus.

The remainder, now some £321 million, has been loaned to Gibraltar Investments Holdings Limited, which according to Minister Bossano, is using that money in order to fund the cash flow requirements of all Government-owned companies. That, unfortunately, is the extent of the generosity of the Father of the House, because what he will not tell us is either how exactly the money in Gibraltar Investments Holdings
1875 Limited is being spent or what it is being spent on, Mr Speaker. I do not blame him, because I realise that he is probably under instructions from the Chief Minister in that regard.

Gibraltar Investments Holdings Limited is, of course, the company that has historically been used by successive governments to fund the capital and cash flow requirements of all Government-owned companies from the Consolidated Fund. If the Government is no longer funding Gibraltar Investments
1880 Holdings Limited through the Consolidated Fund, it will have more money in its pocket either to spend or by way of surplus and this, as I have been constantly repeating, has huge implications for the public finances of Gibraltar, Mr Speaker.

Mr Speaker, today he said that the debt in companies is being serviced by those companies. Well, Mr Speaker, Gibraltar Investments Holdings Limited makes no money, Mr Speaker. It makes no money. GRP
1885 may make some money, for example, from the sale of the properties, but to actually say that £321 million is going to be serviced from money generated by those companies Mr Speaker, on what planet does the hon. Gentleman live?

These companies will not be able to generate £321 million, if that money is being spent and of course we do not know how much of it is being spent because they refuse to answer questions in this House and to
1890 properly account for it in this House.

Mr Speaker, that is not the only concern we have with the use of the Gibraltar Savings Bank by Members opposite: 70% of all the assets of the Gibraltar Savings Bank as at 31st March 2015, some £738 million is being invested either directly or indirectly in Government debt; £251 million is owed directly by the Government in a Government debenture due by it; £400 million in indirect Government debt via Credit
1895 Finance Company Limited and Gibraltar Investments Holdings Limited. The balance has been used for the purchase of Gibtelecom shares for £37.7 million and £11 million in ordinary shares in something called GSBA Limited.

By way of illustration, Mr Speaker, of some of the points I have been making during the course of my intervention, if the Government had borrowed £37.7 million to buy back the Gibtelecom shares, which is
1900 how the Chief Minister in an interview with GBC sold it to the public – he said, ‘It is the Government that is buying back these shares’ – it would have been £10 million shy of the legal borrowing limit at the time of £447 million. That is the closeness of the margins that we are talking about.

There is not a bank in the world, Mr Speaker, that has so many eggs in one basket, and for the hon. Member to suggest that this is all within approved Bank of England guidelines, as he told Peter Schirmer of the *Chronicle*, is absolutely ridiculous. The hon. Gentleman just thinks that he can make statements of this
1905 sort and expect no-one to pick him up on it. Everyone wants the Gibraltar Savings Bank to succeed Mr Speaker, but the hon Gentleman cannot expect us to keep quiet about the risks associated with their policy particularly when we are faced with an impenetrable curtain, to use his words of January 2012, when we are not told precisely how that money is being spent – and in particular the money in Credit Finance Company
1910 Limited and Gibraltar Investments Holdings.

Mr Speaker, I now turn to an analysis of the Public Debt position.

The Gross Public Debt as per the forecast out-turn for 31st March 2015 stands at £447.7 million and cash reserves stands at £72.3 million. That gives a net debt of £375.4 million – up Mr Speaker significantly
1915 from the £354 million of last year. It is the second highest Net Public Debt figure in the history of this community even without taking the money in Credit Finance Company Limited into account. The highest was in February of this year when Net Debt reached £400 million. Ever since, Mr Speaker, the Government has been scrambling to put a break on spending in order to ensure the Net Public Debt did not increase even further before these debates.

Even without taking Credit Finance Company Limited into account, the Chief Minister who said that the GSD was addicted to debt in 2011, when Net Public Debt stood at £240 million, Mr Speaker, now presides
1920 over a Government where the Net Debt is £125.4 million higher! So much for the myth that everything that has to go up is going up, and everything that has to come down is coming down, Mr Speaker.

Mr Speaker, during a recent Viewpoint debate, the one that we had on the public finances, he told viewers that the Net Public Debt was £325 million Mr Speaker. The Net Debt this year has never been £325
1925 million. He under-estimated in that debate on public television in front of all those viewers, the Net Public Debt of this community, by £50 million. And he expects the people of Gibraltar to trust him on these issues Mr Speaker.

Of course, what is £50 million to the Chief Minister who is the most high-spending, high-maintenance Chief Minister in the history of this community, Mr Speaker? (*Interjections*) What is £50 million between friends, Mr Speaker?

Even if you analyse the Public Debt in Gross Public Debt terms, which is what they spent the last election saying we should do, the forecast out-turn as at 31st March 2015 is £447.7 million in Gross Debt. It is noteworthy that in 2015-16 the Government intends to reduce Gross Public Debt by £47.7 million and yet there is no provision in the Consolidated Fund for that reduction. We can only assume that this money is to come from a sinking fund whose movements we have not yet seen but will include receipts from the sale of property and perhaps even the premium from the Eastside development.

I have asked in the past about this before, and the Government refuses to say how Gross Debt will be brought down in line with their manifesto commitment to £260 million – from £447 million to £260 million.

But, of course, any reduction using a sinking fund will be a temporary fix because unless the Government wants to avoid a cash flow problem in the future, it will need to increase Public Debt yet again. In other words, any reduction in Public Debt using the Eastside Development premium or the proceeds of the sale of properties, will be a political and financial sleight of hand designed to temporarily massage the figures prior to the next election – but it will be very short lived indeed.

Mr Speaker, there is no provision for example, in these estimates, for the new power station which in anyone's view will cost over £100 million. And let's not forget, the Net Debt is £375 million, the legal borrowing limit is £457 million. They cannot spend, they cannot borrow another £100 million, because they would be in breach of those legal borrowing limits, Mr Speaker. Or the sewage treatment plant: how are they going to be paying for that? Government projects have still not been paid in full. And there is only one way that debt is going to go up in the next few years – and that, Mr Speaker, is up.

Mr Speaker, none of this, of course, takes into account the £400 million which the Gibraltar Savings Bank has invested in Credit Finance Company Limited. And if you take that into account, the Gross Debt of this Community is not £447.7 million; it is an eye-watering £847.7 million, Mr Speaker, – 51% of GDP on his own analysis. And if you take into account not only the money that has been invested in Credit Finance Company Limited but also the purchase of the Gibtelecom shares which he said was a purchase by the Government when it is the Gibraltar Savings Bank and the other £11 million that I spoke about earlier, it is £886.7 million, Mr Speaker, – 54% of GDP.

And there is no point, Mr Speaker the hon. Gentleman telling me that he has not spent the money in Gibraltar Investment Holdings, because he refuses to account to this House about the precise way the money is being spent. It is the fact that we are met with an impenetrable curtain, again using the words that he used during his address to the nation on 18th January 2012.

And it is precisely, Mr Speaker, because of all the reasons that he outlined during the course of his speech about crisis in Greece and potential crisis as well, Mr Speaker, in Spain, that the Government ought to be cautious and ought to be prudent – and in my view borrowing at 54% of GDP with a Gross Debt of £886.7 million is not being prudent, Mr Speaker, in the current international climate.

Mr Speaker, I now turn to Government spending.

The reason why we are seeing unprecedented levels of Public Debt, is because the Government is spending at an unprecedented rate. In the year ending 2014, the Government had overspent by £50 million across Government Departments, and this year it has overspent by £28 million. This figure includes £16 million which in previous years had been paid to the Social Security Fund and from there to Community Care and which, since last year, has been transferred to a one-off payment out of surplus to Community Care. In other words, in previous years the money was paid to the Social Security Fund and then from there to Community Care. For the last two years, it has been added to the surplus and from there been paid to Community Care. This not only inflates the surplus but also deflates expenditure both in the Government's favour by £16 million. More smokes and mirrors, Mr Speaker. Importantly, however, that overspend of £28 million comes on the back of an increase in expenditure in this year alone of some £29 million, Mr Speaker.

Such is the level of Government spending that it is giving the Father of the House sleepless nights – and I regret that he is not here today, Mr Speaker, to listen to what I have to say. Because the architect of the rainy day fund, the disciple of budgetary discipline and of not living beyond one's means, Mr Speaker, has left a man in charge of his party that has absolutely no conviction for the core values those of founding fathers of the GSLP as far as these issues are concerned. Would the Father of the House have spent £6 million on a plush extension to No. 6 Convent Place; £1.2 million in travel and entertainment for No. 6 Convent Place; and all those new Mercs that the hon. Gentleman has parked in the Government garage?

And I genuinely felt sorry for the Father of the House, when he was left to explain, Mr Speaker, to Jonathan Scott of GBC that all this overspending, and spending on luxuries that are a million miles away from his core values, Mr Speaker, was due to consultants brainwashing Government Ministers. Mr Speaker that is the excuse that he gave to GBC. It is worth repeating: the Government is spending so much money

and is overspending because mischievous Government consultants are brainwashing Government Ministers into overspending, Mr Speaker.

1990 There is obviously a very serious trust issue going on there in the Government benches. I can just imagine an office at the semi-Venetian palace that has become No. 6 Convent Place, with a plaque outside it: 'Government Hypnotist, Spend without Guilt', Mr Speaker.

1995 Yes, Mr Speaker, I have to say, yes, it is absolutely ridiculous, and at one point during that interview, Mr Speaker, I thought he was going to say, 'I know that I told...' – and it is a shame he is not here, Mr Speaker, because he would recognise his words, in that interview that he gave in 2002: I know that I told Steven Neish in an interview on GBC, that I am not in the business of grooming horses, but the horse that I have in fact groomed to succeed me, Me Speaker, is the most high maintenance horse in the history of Gibraltar politics, Mr Speaker.

2000 At this rate the Hon. the Father of the House – dare I say it – will feel more at home on these benches than on the Government benches, because it is us who are talking about prudence and it is us who are talking about not living beyond your means. In the twilight of his career he is surrounded by Champagne Socialists and Liberals (*Laughter and interjections*) and he knows that when I tell him, Mr Speaker, when I tell him, Mr Speaker, [*Interjection*]... yes, and it is a shame he is not here, Mr Speaker... [*Interjection*] Champagne Socialists and Liberals, that is absolutely right. When I tell him that our ability to stand up to both Spain and, at times, the United Kingdom goes hand in hand with prudent and stable financial management, he knows that I am right; because I am taking a leaf out of his book, the leaf that appears to have escaped the Hon. the Leader of the House, the hon. Gentleman's successor to the post of leader of the Gibraltar Socialist Labour Party.

2010 Mr Speaker, on 31st March 2012 the overall recurrent departmental expenditure stood at £332.7 million. It now stands at £433.8 million. In other words, it has risen by £100.1 million per annum, or 30.4%, or £8.4 million per month. This figure does not actually take into account the change of practice in relation to the Social Security Fund and Community Care payments which I have alluded to before, in the sum of £16 million.

2015 Next year it is expected to rise by 36% from the position it was in March 2012 to £453 million and that is probably an underestimate because this year has seen a huge increase in the public service.

Mr Speaker again, as with last year, there have been huge increases in expenditure and overspending in Government Departments from the levels predicted in the Budget: 23 out of 41 Government Departments have spent more than their allocated budgets.

2020 Mr Speaker, the pernicious effect of those Government hypnotists have been fought more severely at No. 6 Convent Place, the hon. Gentleman's Department, Mr Speaker. No. 6 had an estimated expenditure of £15.6 million for 2014-15 and the actual has exceeded £20.4 million. It is in excess of a budget of £30.8 million in his own department, Mr Speaker. No wonder the Father of the House is having sleepless nights.

2025 No. 6 Convent Place is spending £20.4 million today compared to £7.5 million in March 2012 – a rise of 272% in expenditure! And the increases are across all expenses within his Department. Total payroll for No. 6 Convent Place has increased from £2.2 million in March 2012 to £4.5 million as at March 2015 with a further increase to £4.9 million by 2016. As at March 2014, No. 6 was spending £2.3 million, or a rise of 105% more, in salaries than it was in March 2012.

2030 Legal and consultancy fees for No. 6 Convent Place have increased from £666,000 in March 2012 to £3.7 million in March 2015 – a 560% increase. This, despite the fact that we have seen significant increases in legal staffing levels employed by No. 6 Convent Place during that very same period.

The mysterious Media Monitoring comes in at £450,000; travel and entertainment £1.2 million – it was £427,000 in 2012; Government communication, information and lobbying £1.25 million – it was £308,000 in March 2012; grants and donations came in at £1.84 million – it was £369,000 in 2012.

2035 Are some, Mr Speaker, of those expenses justifiable when there are schools in Gibraltar that have a huge and urgent need for attention?

2040 Mr Speaker, more is spent on travel and entertainment by No. 6 Convent Place than on books and equipment in all our schools combined – and the figure there is £980,000. Some of our schools are in dire need of refurbishment. Does he not feel a sense of embarrassment, Mr Speaker, that Bayside School is in the shabby state that it is today and that he has plush offices at No. 6 Convent Place that have cost the taxpayer £6 million? Does he not feel a twinge, Mr Speaker, of embarrassment in the contrast of those figures?

And this, Mr Speaker led by a Socialist – a so-called Socialist, Mr Speaker – a Liberal converted to Socialist, but a Socialist Government nonetheless, Mr Speaker.

2045 The Government has shown an abysmal lack of priorities in other areas too. The Marrache legal aid, £10 million: where is the priority, Mr Speaker, of spending £10 million in legal aid and legal assistance which is a combined of both, Mr Speaker, (*Interjections*) – why would he change the law which would benefit only a handful of defendants, when Bishop Fitzgerald school is in the state that it is today, Mr Speaker?

2050 They can laugh all they like, Mr Speaker, but I will be judged by a jury of the people of Gibraltar and I ask the people of Gibraltar to compare those figures; (*Interjections and banging on desks*) £10 million for a handful of defendants where Bishop Fitzgerald school is in the state that it is today, Mr Speaker.

And £3.6 million spent on the Dr Giraldi home, the conclusions of which the Government then spent its time systematically trashing... not forgetting the way that they also trashed the reputation of a highly reputable judge of the United Kingdom and of our present Court of Appeal.

2055 Mr Speaker, Gibraltar is still suffering power cuts as a consequence of the failure of the hon. Gentleman opposite to prioritise power supply, Mr Speaker, which I shall return to in a few moments – but, of course he has a plush extension to No. 6 Convent Place to show for it.

2060 Mr Speaker, turning now to recurrent revenue: recurrent revenue increased by 25% since March 2012, from £454 million to £571 million whilst as I have already said that expenditure has increased in the same period by 30%.

2065 Mr Speaker I was quite astonished when during the course of his intervention he said this – and I do not want to mis-quote him, he said: ‘Recurrent revenue increases explain why the Government can spend so much money.’ Mr Speaker, that is a complete and utter nonsense. That cannot explain... rises in recurrent expenditure cannot possibly explain why the Government is spending so much money, when the current expenditure, Mr Speaker, is increasing by more than the current revenue and the Government is spending nearly £700 million, Mr Speaker in capital projects, most of which we say – certainly Government expenditure – we say, he is tapping into money that has been transferred to Credit Finance Company Limited.

2070 So therefore, from March 2012 recurrent revenue has increased by £117 million. Of that, Mr Speaker, £48.9 million, or 41%, was accounted for by an increase in import duty, the bulk of which is of course tobacco revenue, Mr Speaker.

2075 Mr Speaker, as I said last year, increases in recurrent expenditure are expected to continue to outstrip increases in recurrent income in percentage and monetary terms next year. In fact, there is an expected decrease in recurrent revenue next year of some £11.6 million and departmental expenditure is expected to rise by £19.5 million. That is a worrying trend, Mr Speaker, that I have been alluding to and pointing to for the last two years.

2080 I now turn to economic growth. The forecast Gross Domestic Product for the financial year 2012-13 was £1.32 billion, and the forecast GDP for 2013-14 was £1.484 billion. Today the Chief Minister has said that economic growth for the year ending 31st March 2015 was estimated at £1.64 billion, an increase of 10.3%.

2085 These figures are very good figures, and yes, I have no hesitation in saying that. But that growth, as the Chief Minister readily admitted in an interview with Peter Schirmer of the *Chronicle*, is being driven almost entirely by Government projects which we would say are funded by direct or indirect Government borrowing. So it is not the case as he has said today that the main driver of economic growth is the private sector, and there is an inconsistency yet again, one of many, between what he said to Peter Schirmer at the *Chronicle* and what he has said today during the course of his intervention.

Indeed, that growth is being funded by direct and indirect Government debt, is what the Father of the House said – Mr Bossano – in a debate on one of the motions in relation to my Magazine interview a couple of months ago, when he said – and I quote:

‘The entire global economy is engaged in quantitative easing. Engine of growth is government selling debt to central banks. The entire global business community also does gearing by which they invest more than they have and they make a profit because the result in borrowing and investing at a margin means the equity holders get a better return. Without borrowing we would be living like Neanderthals in Gorham's Cave. It is true that in Opposition the GSLP criticised the level of debt but it is also true that I never did.’

2090

– and that is the point that I made earlier before–

‘I always said the important thing is not how much you borrow; the important thing is how you use the money that you borrow. If you use the money to invest profitably it allows you to service the debt and pay the loan and have money for something else. If you borrow £100 and you waste it that's bad borrowing. And if you borrow £1,000 and make a lot of money that's good borrowing. So the judgment has to be if the money borrowed is going to result in the creation of growth. What you don't do is borrow to create pay rises because then you can never escape that debt trap’

2095 Well, Mr Speaker, he is absolutely right. Government growths in the economy are being driven by increases in debt by what the Government is borrowing both directly in the £347 million Net Debt, £447 million Gross Debt, and also the money in Credit Finance Company Limited.

But, of course, at some stage the £886.7 million gross will have to be repaid and we cannot judge the ability of the Government to do so from the information that he has provided. So we cannot say, we cannot

judge whether it is good borrowing or bad borrowing to use the Minister for Economic Development's words. It is certainly *not* economic growth generated by huge investment and that is why it is important that the Eastside Development commences as soon as possible. It cannot come too soon, Mr Speaker.

The Hon. the Chief Minister has been promising inward investment since he was Leader of the Opposition when in an interview with Gerard Teuma in May of 2011, he said that he had investors up his sleeve and all that he has been able to show for it so far, has been a coin-minting company from Austria.

That is why, Mr Speaker, we welcome the Eastside Development. But it is also fair to say that we have been here before on the Eastside Development. The first GSLP Government in the 1990s came very close to concluding a deal, and in 2005 the then Chief Minister, Peter Caruana, and the then Trade and Industry Minister, Joe Holliday, signed an agreement with the Reuben brothers and Multiplex Construction Limited, Australia's largest construction company and a leading property developer in the United Kingdom, for an investment in the Eastside worth well over £1 billion. Unfortunately the economic slump post-2007 prevented the project from prospering.

The GSD hopes, in the national interest, that this latest project prospers and wishes the Government every success in that regard. Anything that creates jobs and economic development in Gibraltar will be welcome and will be supported by the GSD.

Mr Speaker, there are a number of further issues that I want to touch upon before I conclude, that do not relate to the figures in this year's estimates and expenditure.

I start in this regard with the LNG power station. I remind the hon. Gentlemen opposite that it was their manifesto commitment that they would honour any binding agreements that we had signed in respect of Lathbury Barracks Power Station if they won the 2011 election. And of course we had signed binding agreements with the French company for a power station at Lathbury Barracks; and if they had honoured that contract, then power cuts would have been a thing of the past because that power station would have been built by now. There is absolutely no doubt.

So when he talks about power cuts being the responsibility of the GSD Government, he is talking absolute nonsense and I do not understand how on earth he can make that point. That power station would have been built by now and the decision to scrap it is entirely theirs.

And it is not only the fact the power cuts would have been a thing of the past had they built that power station, it is the safety that concerns the GSD Opposition, because what they have done is not only do away with a contract that we signed for the Lathbury Barracks but to plunge headfirst into plans to build an energy power station at the North Mole, without having any safety reports at all that tells them that it is safe to do so, Mr Speaker. The timeline, that we know from press releases, that the hon. Gentlemen opposite had themselves published, is that the first time that they went to the Health and Safety Executive in the United Kingdom, that they first made contact, was on 7th June 2013 and the Health and Safety Executive came to Gibraltar for the very first time in January 2014.

The policy decision for the LNG power station was made in 2012, it went out to tender at the beginning of 2013 and tenders closed in August 2013. It is just simply impossible for the hon. Gentlemen to have had any safety reports of any kind of cogency, before they made that ill-fated decision to locate an LNG power station at the North Mole. And if I am wrong, I challenge him in front of all the people of Gibraltar in these debates to publish the expert reports that he had in 2012 and 2013 when he made those decisions. He cannot, because he had no expert reports, Mr Speaker, and he still does not; and when he gives his personal guarantees that he has given today about having a mature operation for LNG, a risk analysis that will be put to the people, there is going to be less risk than an aeroplane crashing, he is talking without having the tools at his disposal because he has no expert reports at his disposal – and if I am wrong let him prove it, let him publish it.

And before I go from this particular issue I should say this: over the last couple of weeks when there have been renewed power cuts, the GSLP Party machinery has gone into overdrive, claiming that somehow all those power cuts were due to sabotage on behalf of the GSD. (*Interjections*) Well, yesterday there was a power cut of some 10 minutes and I have a cast-iron alibi, Mr Speaker, because I was at the American Chamber of Commerce conference with the hon. Gentleman and he saw me there. But of course I cannot account for the movements of Mr Netto (*Interjections*) who may have been spotted wearing a balaclava with wire cutters, jumping fences into the Spark's generators, pulling the plugs so that we had the power cuts of yesterday. (*Interjections and laughter*) What an absolute nonsense, Mr Speaker, what an absolute nonsense, and it just reeks of absolute panic on the part of the gentlemen opposite!

Mr Speaker, I, too, want to pay a tribute; I, too, want to thank all the members of staff of this Parliament for the assistance that they gave to the Opposition during the course of these last four years. If it was not for the assistance that your staff provide, Mr Speaker, our job which is already a difficult one would be doubly difficult.

I also want to congratulate Frances Garro, on her award, it is a very well-deserved award indeed (*Banging on desks*) and I have no hesitation in joining the Leader of the House in his voice in that regard.

2160 Mr Speaker, I also want to pay tribute to a man who has spent 23 years in this Parliament, 16 of which he served as Chief Minister of Gibraltar, 22 years as leader of the party that I have the privilege to serve. It is his last budget and I want to say to him that it has been an absolute privilege for me, an absolute privilege, and an honour to form part of his Executive for the last 11 years, eight of which he was the leader, four years as his Minister for Justice. I have described him as the greatest Gibraltarian of our time and without denigrating anybody, I do not resile a single word from that description. (*Interjections*)

2165 I want to thank him, [*Laughter*] I want to thank him for giving me a political home, Mr Speaker, [*Laughter and interjection*] and for taking me under his wing nearly 11 or 12 years ago. And I wish him, on behalf of the GSD – and I am sure that I do so on behalf of this entire House – all the best, all the success for the future in his legal practice and whatever else he decides to do. Anything away from politics is well-deserved for all the service that he has given the people of Gibraltar. (*Banging on desks*)

2170 Mr Speaker, in the final analysis, and to conclude, this Chief Minister is leading a Government that does not deserve the trust of the people of Gibraltar: a Government that is going to extraordinary lengths to keep half the Public Debt and spending from the scrutiny of this House and from the public that we are all here to serve; a Government that is effectively using the Gibraltar Savings Bank to circumvent legal borrowing limits established by this House in order to prevent any Government from borrowing in a manner that becomes unaffordable for this community; a Government that has shown itself to be the most opaque in the history of this House and through that opaqueness is in practice preventing this House from spotting emerging financial problems before they become too big to deal with.

2175 A Government that, even when one excludes hidden spending and hidden debt, is spending money as if it were going out of fashion and has saddled this community with the highest levels of Net Debt we have seen, in circumstances where the Chief Minister told the people of Gibraltar that we, the GSD, were addicted to debt when Net Debt stood at a fraction of what it is today. A Chief Minister that prioritises expenditure in his own Department and luxuries rather than on schools; a Government and a Chief Minister, Mr Speaker, who in short, does not deserve the trust of the people of Gibraltar. (*Banging on desks*)

2185 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, I hope at least his friends and family tell him that was a good speech.

I propose that we come back at 4.30 p.m. to hear something much more insightful from the Deputy Chief Minister.

2190 **Mr Speaker:** The House will now recess until 4.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.30 p.m. – 5.51 p.m.

Gibraltar, Monday, 22nd June 2015

Business transacted

Order of the Day.....	2
Government Bills.....	2
Appropriation Bill 2015 – For Second Reading – Debate continued.....	2
The House adjourned at 5.51 p.m.	16

The Gibraltar Parliament

The Parliament met at 4.30 p.m.

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

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

Order of the Day

GOVERNMENT BILLS

Appropriation Bill 2015 – For Second Reading – Debate continued

Mr Speaker: The Hon. Dr Joseph Garcia.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, this is my 17th contribution to a Budget debate in this House, my fourth as a member of the Government. It is also the last Budget before a general election takes place later this year. I have been collating data for these debates therefore for the past 17 years.

It is important to make the point, once again, that there is a vast improvement in the volume of information that is available and in the accessibility to such information compared to what was the case when I first started. This improvement benefits both sides of the House but it is particularly beneficial to the Opposition. Indeed, as I have remarked before, sixteen years ago *Hansard* was not available until nearly a year after the event. This severely curtailed the ability of the then Opposition to do its work – how things have changed Mr Speaker!

The existence of something as simple as a Parliament website means that a considerable amount of information is now placed in the public domain automatically. These changes reflect the Government's commitment to the democratic agenda. That democratic agenda listed 28 points. Twenty of these have been finalised and the remainder are in progress. *Hansard* is now produced far quicker than before and it is placed online. The proceedings of this House are now televised.

We have delivered on a more inclusive form of politics. Collective decision-making through the Cabinet is now the norm. A Command Paper on Freedom of Information legislation has been published. The Chief and a Bill Minister has answered questions from the electorate once a quarter. A 20-year rule for the release of documents is in place. A Public Interest Disclosure Act has been adopted. A Ministerial and Parliamentary Code are nearly finalised. There have been more meetings of Parliament than ever before with no limit on the number of Opposition questions. More economic and financial data is published by the Government automatically on-line than ever before. These are not cosmetic changes, Mr Speaker. The way in which Gibraltar works has been transformed.

The Opposition should not belittle what has been achieved. We have gone as far as the pledges in our manifesto allow. This is, after all, what we were elected to do. However, in some cases we have gone even further than the manifesto itself.

The reforms which have been introduced go to the very heart of the way in which Parliament places information, including its proceedings, before the press and before the people. It is a fact that the system in place now is therefore far superior to what was there before. The GSD, Mr Speaker, had plenty of time to reform the system over a period of 15 years and they did not. The plain fact is that in a quarter of the time we have already gone much further than they ever did.

Mr Speaker, moving on, the House knows that this year is the 75th anniversary of the wartime evacuation of the majority of the civilian population of Gibraltar. The Government has set out to honour that generation of Gibraltarians.

40 A series of activities to commemorate this landmark in the political development of Gibraltar and its people have already taken place and more will follow. A set of stamps was issued last year. A dedicated website on the Evacuation has been set up by the National Archives in Gibraltar. The Archives have used the website as a focal point for the creation of a register of former evacuees. The number of persons who have registered on-line and in person has exceeded all expectations. The result of the success of the project was that a memorial event had to be moved from the Evacuation roundabout to Casemates Square quite simply because there was not enough room at the former location to accommodate everyone.

45 There are now over 700 people in the register of evacuees and they will be invited to the events that are being planned for later on in the year.

The House will know that a very successful exhibition on the subject took place at the John Mackintosh Hall last month. This included photographs and memorabilia showing evacuee life in Madeira, Jamaica, Northern Ireland and London. The exhibition generated considerable interest. There were always groups of people browsing over the photographs and over the other exhibits. I had the pleasure myself of seeing groups of young schoolchildren being taken around the different exhibition rooms. The Government would like to thank Mr Joe Gingell who very kindly donated the majority of the material to the Archives for this purpose.

55 Mr Speaker, given the success of the exhibition, I am happy to report that the exhibits have been converted into digital format and that the Government intends to place everything on-line. Therefore the whole collection will be available electronically all day every day to anyone in Gibraltar or indeed in the whole world.

60 The highlight of the Evacuation commemoration so far was the memorial event which took place on Friday, 22nd May. This was the anniversary of the exact day when the first evacuees sailed for French Morocco on the Government scheme 75 years ago. It was a pleasure for the Government to have marked the occasion in a way which clearly touched those people who were forced to leave our shores under threat of war so many years ago. The memorial event and the reception which followed were both very well attended, as was the earlier talk by Dr Suzanne Francis-Brown from the University of the West Indies.

65 The Chief Minister has already announced that Monday, 7th September this year will be a Public Holiday known as Evacuation Commemoration Day. This is a fitting tribute to the sacrifice made by many thousands. The day will serve to remember further those evacuees who are no longer with us and at the same time to again honour those who remain. The details of forthcoming events will be announced nearer the time.

Mr Speaker, it is important to commemorate the Evacuation at this juncture for a number of reasons.

70 Firstly, because the sad reality is that the number of evacuees will have regrettably diminished by the time the 100th anniversary comes round. Secondly, because younger generations of Gibraltarians should learn about this watershed in the political development of Gibraltar. The Government considers that it is essential that young people come to understand and to appreciate the sacrifices made by their forefathers, without which Gibraltar as we know it would not exist today. Indeed, it is the understanding and appreciation of our history and of the struggles of the past that prepares us best for the challenges of the future. Mr Speaker, I would like to take this opportunity to thank everyone who was involved with the exemplary organisation to date of the Evacuation events. This includes the Archivist and his staff, the Ministry for Culture, the Protocol Section, the press team and finally my own personal staff in No. 6. *(Banging on desks)*

80 In the same vein, Mr Speaker, last year a very successful seminar on 'self-determination' was held at the Garrison Library. A number of high-profile international and local academics looked at the concept from different angles. There was considerable debate and discussion. The right to self-determination of the people of Gibraltar featured specifically in the presentations that were delivered and in the questions afterwards. There was also discussion on the subject of devolution and regional identity, with an examination of the case studies of Scotland, the Basque Country and Catalunya. The imposition of direct rule on the Turks and Caicos and self-determination in relation to the Falkland Islands were also raised. I know that my friend and colleague Joe Bossano contributed to these debates.

85 Mr Speaker, this year, a follow-up seminar will take place from 22nd to 24th October at the Garrison Library. The subject matter will cover the Second World War and the subsequent progress towards decolonisation through the principle of self-determination. In this way, the World War II theme will tie in very well with the parallel commemoration of the wartime evacuation of Gibraltarians. I would like to thank the Director and staff of the Garrison Library for their continued assistance with this project.

Mr Speaker, I move on now to Europe.

95 In December I was formally allocated the portfolio of European Affairs and political lobbying. This formalised the work which my office had already been doing for some time. Indeed, it was already taking up an ever increasing amount of that time. It will be recalled that in August 2013 the Prime Minister, David Cameron, formally requested the involvement of the European Commission after the unacceptable and deliberate delays generated by Spain at the border.

100 The Government continues to actively bring the situation at the border to the attention of the European Commission. Reports are compiled in my office every month and sent to the Commissioner responsible in Brussels. The Chief Minister and I held several meetings with Commissioner Malmstrom, who handled the Home Affairs brief in the Barroso Commission and more recently I have met with Commissioner Avramopolous in the Junker Commission who is responsible for Migration and Border Management.

105 There have been two inspection visits to the frontier. The first took place in September 2013 and the second in July 2014. The House knows that the Commission made a number of recommendations following on from those visits. The Commission saw in July 2014 that Gibraltar had complied with the recommendations that had been made to us.

110 They also saw, as was clear to the Government and to any impartial observer, that Spain had not complied by the due date. This was reflected in the tone of the Commission's subsequent letter to Spain of 30th July 2014. The Commission took up a number of issues with Spain. This included the exit checks that Spain was then conducting on persons and vehicles leaving that country. The Commission called for the intensity of these to be reduced or eliminated completely. The waiting times, then up to five hours to enter Spain, the Commission described in that letter as 'disproportionate'.

The Commission also told Spain that the period of time during which 100% of vehicles are checked were not compatible with a sound risk-based approach and that such checks should be eliminated.

115 Spain was also asked to increase the planned number of lanes going into the country from two – one red and one green – to three – one red and two green. The Commission expressed concern that Spain had not discussed the programmed temporary works with Gibraltar, and although a *note verbale* had been sent to the United Kingdom late in the day, they urged that there should be direct engagement between Gibraltar and Spain as well. There has, to this day also been no formal direct engagement with Gibraltar and our information is that the *note verbale* was never received.

120 Mr Speaker, it has probably not escaped this House that the works on the Spanish side of the border appear to have been designed to cause the maximum disruption possible at different points in time. There is no doubt that with better planning, organisation and coordination it would have been possible to carry out these works with a minimum of inconvenience to those crossing the border in either direction. Sadly, this has not happened.

125 On 2nd February 2015 the European Commission met Spain in order to discuss the implementation of their technical recommendations. This meeting confirmed that the works relevant to frontier flow will be ready by the end of June 2015 and that the works that remain would take until the end of the year. The House knows that this information was released by the European Commission in response to probing from the Petition's Committee of the European Parliament. It is significant to note that the Commission, from studying the data supplied by Spain itself, has concluded that although the number of checks on persons have decreased, 'it is still high'. The Government takes note that the Commission has acknowledged that Gibraltar has:

135 'Progressed in adopting the relevant measures to address the recommendations [that they made]'

In the case of Spain, however, they make it clear that:

'Further efforts are needed in order to balance the intensity and the frequency of checks with the objectives being pursued.'

140 Mr Speaker, it is a just recognition of the efforts made by Gibraltar that the European Commission has now acknowledged just how seriously we take these matters. Whether the infrastructural changes on the Spanish side will be completed in the timescale given remains to be seen. These changes must be accompanied by different procedures in order for there to be any real and sustained improvement in the flow rate of traffic across the border. Mr Speaker, we will wait and see.

145 It is certainly very useful for the Government to be able to engage directly with the European Commission and with other institutions in Brussels. The House will recall that thanks to the hard work of the EUID and the Ministry of the Environment, the Spanish complaints against the artificial reef, the bunkering of vessels and the land reclamation on the Eastside were all dismissed. That is to say the Commission found that on examining these cases, there had been no breach of EU law on the part of Gibraltar.

150 It is also significant that a complaint about pollution in Western beach, caused by illegal sewage connections to a storm drain in Spain, has finally been addressed. This complaint was first made many years ago by the Environmental Safety Group and Sir Graham Watson. It moved at snail's pace for many years until we raised the issue directly during a meeting in Brussels with the relevant Commissioners. Finally, Spain has accepted liability for the problem and we now await a programme of works to see when they intend to rectify it.

155 Mr Speaker, it is important to stress that results will not always go our way, nor will they be to our liking, but at least this is a positive start.

160 In the area of taxation, for example, the Government continues to be concerned at the way in which Spain is manipulating the European institutions with a totally political agenda. This is one of the reasons why my friend and colleague, the Chief Minister, addressed the TAX Committee of the European Parliament during our visit there in May. The fact that Gibraltar chose to appear before the Committee at our own request was not lost on the Chairman.

165 In this context, it is important to note that Gibraltar was not included in the list of 30 tax havens published by the European Commission last week. However, Mr Speaker, we have seen Spanish Commissioners, Spanish Members of the European Parliament and even Spanish judges adopt questionable positions on Gibraltar in the past. Spain continues to push and we must push back.

170 Therefore the Government continues to raise Gibraltar's profile in Brussels in different ways. This year I have visited the EU institutions three times, on one of those occasions with the Chief Minister. In each visit we have chosen to concentrate on specific issues like the border, taxation or aviation. In January a very successful exhibition was held at the European Parliament. The location of the stand on the main third floor concourse worked very well and many MEPs and officials approached us to learn more about Gibraltar. Indeed, it also led to the ire of a senior *Partido Popular* MEP who brought television cameras to the stand and denounced it as a provocation to Spain. The result, Mr Speaker, was an increase in the number of visitors as a consequence of the additional publicity!

175 I also took the opportunity to meet with two Commissioners, Violeta Bulc who is responsible for Transport, including aviation, and the Regional Development Commissioner Corina Cretu.

At the end of May, Gibraltar House in Brussels was officially opened by the Chief Minister. The building will serve as the nerve-centre for the Government's enhanced operations in Brussels. Indeed, it had been used as a base before it was officially opened by both the Financial Services Commission and the Citizen's Advice Bureau.

180 The Government was delighted with the interest in Gibraltar shown during the opening by Ambassadors, Members of the European Parliament, Brussels-based think tanks, and the media. The Government's activities in Brussels are guided and directed by Sir Graham Watson whose commitment, energy and network of connections have already proved to be extremely useful. A lawyer from the EUID Daniel D'Amato has been seconded there. There are two interns recruited locally in the same way as happens in the EU and one original member of staff who has served Gibraltar for more than 10 years, continues to do so. Mr Speaker, the Government is confident that this team, supported from a legal perspective by the Attorney General, Michael Llamas, and politically by myself will assist in putting across the Gibraltar message across in Brussels.

190 I must also at this stage express the gratitude of the Government to the United Kingdom Representation UKREP who have been very helpful during the period of the establishment of the office and with whom we continue to work closely.

Mr Speaker, on aviation the Government welcomes the position taken by the United Kingdom in relation to the inclusion of Gibraltar Airport in EU civil aviation measures. The Government has been assured that this remains a red-line issue for the United Kingdom.

195 In a written statement to Parliament earlier this month, the Parliamentary Under-Secretary to the UK Department of Transport Robert Goodwill said that the UK will continue to press for the extension of air passenger rights legislation to Gibraltar Airport in line with the EU Treaties.

200 The House can rest assured that this Government will continue to lobby at every opportunity, particularly in Brussels, to ensure that our position is fully understood. We cannot do more than is being done at present.

205 In January, as part of this strategy, I addressed the European Policy Centre, which is one of the main think tanks in Brussels, precisely on the subject of aviation coupled with an explanation of our position as part of the European Union. The hall was packed with diplomats, officials, MEPs and journalists. This helped to get across the Gibraltar point of view. In March of this year I was able to meet with a number of Vice Presidents on the Transport Committee of the European Parliament and with different spokespersons from different political groups. It is important that Gibraltar's message should continue to be heard face to face.

210 For the first time, I also met with the coordinator of the European People's Party, EPP, which contains Spain's *Partido Popular*. The House will recall that the EPP voted against Gibraltar's inclusion in civil aviation legislation as a block. It was a lively meeting but nonetheless a very useful one.

Mr Speaker, the position of the Government is that Gibraltar is entitled to inclusion in EU civil aviation legislation as of right. The UK Act of Accession lists the areas of Community policy which do not apply to Gibraltar. Aviation is not listed among them. Therefore the exclusion or suspension of Gibraltar Airport from such measures would run against the Treaty and would be illegal.

215 The Government continues to argue that there was already a wording agreed at Cordoba between
Gibraltar, the United Kingdom and Spain for the application here of EU law on civil aviation. This was a
clause which stated that such legislation would apply without prejudice to the positions of the United
Kingdom and Spain as to the sovereignty of the land on which the airport is situated. The acceptance by
Spain of this language between 2006 and 2011 meant that EU civil aviation law was extended to Gibraltar
220 during that time. However, it is important to point out that this principle was applied going forwards and in
relation to new and amending legislation but it was not applied going backwards.

In other words, Cordoba required the UK and Spain to seek the inclusion of Gibraltar in pre-2006
measures as well. This did not materialise and has further complicated the situation. Mr Speaker, the House
knows that at the end of 2011, a new Spanish Government chose to dishonour what their predecessors had
225 agreed and we are where we are today as a result of that. In other words, progress on EU aviation dossiers is
not being held up by Gibraltar and is not being held up by the United Kingdom. It is important that the
blame for this impasse is placed roundly and squarely upon Spain.

Mr Speaker, the House will know that Gibraltar will be included in the Referendum to determine
whether the United Kingdom should leave the European Union or remain within it. The United Kingdom
230 and Gibraltar Governments are now engaged in discussing the detail of the legislation that will be required
to make this happen as well as the timing.

The Chief Minister has asked the Attorney General, Michael Llamas, and I to represent Gibraltar in the
working group that has been created between the two Governments. Good progress is being made.

Mr Speaker, the Government welcomes the political decision to include Gibraltar in the UK
235 Referendum because we are part of the European Union, and clearly have something to say on the subject.

It is no secret that the view of the Government is that both Gibraltar and the UK should remain in the
EU. This is the case for both political and for economic reasons. We all know that our experience with the
European Union over the years has been far from perfect. For years many of us have urged the EU to be
more robust when it comes to calling Spain to account over its behaviour towards Gibraltar. Very often we
240 play by the rules of the club and we do not enjoy the benefits of the club. I have told them this in Brussels
myself to their faces.

However, the harsh reality is that without the framework of rules provided by the European Union,
Spain would and could do much worse. Who can forget the reports that early on the *Partido Popular* had
commissioned a study to see whether they could close the frontier? Who can forget Mr Margallo's plan for
245 a frontier toll which was scuppered by the European Commission? Things are not perfect in the EU, Mr
Speaker, but we can work together to make things better.

Before I close on the subject of Europe, I would like to welcome the recent visit to Gibraltar by Cecilia
Wikstrom MEP, who is the Chair of the Petition's Committee of the European Parliament. The Government
is convinced that there is no better advertisement for Gibraltar, no better advocate for Gibraltar, than
250 Gibraltar itself. We have nothing to hide. It was a very useful visit.

This week a group of Parliamentary Assistants to MEPs arrive in Gibraltar on a fact-finding visit. They
come from Estonia, Hungary, the United Kingdom and Poland. It is important to make sure that the
Assistants are well-briefed of the reality of Gibraltar because very often MEPs depend on them for advice.

The Government intends to continue visits to Gibraltar by relevant MEPs and also by Parliamentary
255 Assistants. I would like to take this opportunity to thank Michael Llamas and the EUID for their assistance
and support to this new Ministry. I would also like to thank Sir Graham Watson and the staff of Gibraltar
House in Brussels.

Mr Speaker, I move on now to my responsibility for Civil Aviation.

260 Within the UK, responsibility for the conduct of aviation security inspections in all UK Airports,
including those of the Crown Dependencies and Gibraltar, has passed from the Department for Transport to
the Civil Aviation Authority. In common with other European airports and in response to European
legislation that will come into effect on 1st September 2015, the Airport is preparing for the increased use
of Explosive Trace Detection equipment in the screening process. Although already used in the screening of
hand luggage, the legislation will, for the first time, allow the use of the Explosive Trace detection
265 equipment in certain circumstances for the screening of passengers in lieu of the standard hand search. The
use of this equipment will be less intrusive for passengers and should help to speed up the screening
process. To meet the requirement the Airport is in the process of procuring one additional Explosive Trace
Detection equipment.

Mr Speaker, during the course of the last financial year, as a part of the ongoing work in preparation for
270 the Tunnel project, the Government has significantly upgraded the security fencing along almost the entire
length of the airfield's northern boundary. The only remaining area of the northern boundary without
fencing is the part at the very eastern end of the airport, which cannot be completed until after the tunnel
works there have been finished.

Mr Speaker, on aviation safety, the Gibraltar Airport Emergency Orders have been completely rewritten
275 during the last year. The air terminal was fully exercised as part of these new Orders, which incorporated

new roles that had not been previously practised before. There was a very positive feedback from the staff that participated. Indeed, two full-scale exercises have taken place at the Airport to test the integrated response from both the Airport and Gibraltar Emergency Services. The second exercise was observed by a specialist inspector from the United Kingdom Civil Aviation Authority and received very favourable comment.

The continuing efforts made by all Departments including in the plan to take ownership of their respective areas and to suggest improvements deserves recognition and I would like to record my thanks for all their efforts.

Mr Speaker, my colleague the Minister with responsibility for Tourism, Samantha Sacramento, will deal with airport issues in more detail. I simply want to congratulate her and her predecessor, Neil Costa, for the growth of 8.1% in the number of passengers handled through the air terminal. There has also been a growth of 4.7% in aircraft movements. The two new services provided by Royal Air Maroc to Tangiers and easyJet to Bristol have no doubt contributed to this growth. I continue to take a close interest in these matters having shadowed tourism in Opposition for more than ten years.

Mr Speaker, I welcome the fact that work has continued to improve the passenger experience at the air terminal with all staff now receiving disability awareness training specific to the aviation industry and again I congratulate my colleague for that.

I take this opportunity to thank the Director of Civil Aviation, the Air Terminal Director and the management and staff of the Borders and Coastguards Agency.

Mr Speaker, I now move on to my responsibility for Town Planning.

The Government is satisfied that the commitments it made in relation to Town Planning are either in place or in progress. The Town Planner is the Chairman of the Development and Planning Commission, DPC. The meetings of the Commission now take place in public. Objectors and applicants are heard at DPC meetings as a matter of right. A sub-committee of the DPC has been set up in order to expedite minor works. The Environmental Safety Group is now a valued voting member of the DPC. The minutes, decisions and agenda of DPC meetings are published on-line. A new Town Planning Act is about to be published as a Command Paper. A part of the planning process is now available on-line. The rest is to follow. Government projects are subject to the planning process using a mechanism which has worked very well. The details of all Government applications are available on-line.

There can be little doubt, Mr Speaker, that by any objective analysis, the planning process is now light years ahead from where we found it. No system is perfect, but what we have today is certainly a huge improvement compared to the system that we inherited. The level of public participation and the level of public debate and interest in the planning process has exceeded all expectations. This is a good thing. It is often standing room only for the public and the media in the DPC. The Opposition continue to be obsessed with turning the clock back to the system that they used to preside over. We have replaced that secrecy with transparency. We have replaced a closed system with an open one. We have let the public into the planning process, when they shut them out.

Mr Speaker, there were 1,645 planning applications made from January 2012 until the end of May 2015. Two hundred and fifty of those applications related to Government projects. The policy of the Government continues to be that under the new legislation the views of the DPC must be taken into account by all applicants including by the Government itself.

Mr Speaker, it is important to highlight the fact that there is already more information available on-line automatically about planning applications than ever before. As I have indicated, the ultimate objective of the Government remains to make the whole planning process of any application available on-line. I am pleased to tell the House that the development of this policy is now in its final stages. Mr Speaker, e-planning will make the planning process even more accessible and interactive with the public. This is in line with the overall policy of the Government to increase contact with the public electronically. It is important to stress once again that at the same time as the improvement in electronic interaction between the department and the public, there has also been a reinforcement of staff on the ground.

The system that we inherited was unsustainable, Mr Speaker. There was no proper structure which allowed for succession planning and for smooth internal operation. There are now two young assistant town planners who were locally recruited in place. There are town planning technicians with proper job descriptions that they lacked when we came into office. This has resulted in improvements for the staff and in improvements for the public. There are also more administrative grades in place.

Mr Speaker, at a meeting of the Urban Renewal Committee earlier this year, it was decided to commence the review of the Gibraltar Development Plan. This will be a work in progress and it will take time. The last plan dates back to 2009. The traditional practice was for these plans to be renewed every 10 years which means that the 1991 plan should have been reviewed by the then GSD Government on or around 2001. It took eight more years for this to happen, until 2009, when the new plan was finally formally put in place.

Mr Speaker, the number of Building Control applications received continues to increase with an all-time record of over 500 applications processed in 2014. There has also been a record number of Approval Notices issued which now stand at over 400. This was reflected in another all-time record with respect to the revenue generated by the department of £289,225. The Government has recently advertised for the post of TG1 in the Building Control Department, where the intention is to also provide, over a period of time, a similar succession chain as in Town Planning.

I would like to take this opportunity to thank the management and staff of the Town Planning and Building Control Department for their continued positive and professional approach. It is public servants like them who are instrumental in the successful delivery of the policies of the Government. The Town Planning and Building Control Department is at Head 12 and the total amount of estimated expenditure for this financial year 2015-16 is £1.127m.

Mr Speaker, I will say something briefly now on Urban Renewal and Land. A new urban renewal officer is now in place at the Town Planning Department. There are a number of useful projects that the department has now embarked upon as a result. This includes the compilation of a database which will show all vacant properties in Gibraltar particularly in the Upper Town area. This work will culminate in the long term in the creation of an action plan for the areas of the Upper Town that most need work and where action is most critical. It is important to make the point that in many cases buildings are not owned by the Government. This means that there will be a need to work closely with private sector landlords when the time comes. It is also relevant to point out that Land Property Services Ltd and the Ministry for Housing are now engaged in identifying those Government-owned properties that can be put out to tender in the Upper Town. This has already happened both with individual dwellings and with building clusters. It is clear to the Government that there is a demand for these properties and the policy will remain to regenerate the Upper Town and bring it back to life in this way.

Mr Speaker, during the financial year 2014-15, 19 residential properties were advertised and sold by tender. In addition to this, seven commercial properties have been advertised for tender during the same financial year. A number of sites have been advertised for expressions of interest. This includes the old air terminal, The Mount, Lathbury Barracks Parade Ground, the KGV Site, part of the Victualling Yard and Central Police Station. A number of these are still open for applications or are pending assignment, further discussion, or completion.

I would like to take this opportunity to thank the management and staff of Land Property Services Ltd and at the Lands Office in Convent Place for their assistance and support throughout the year.

Mr Speaker, the House will recall our commitment in Opposition to ensure that prime plots of land were not permitted to continue to lie idle. We wanted to ensure that developers developed. This is a policy that we have pursued in Government. It has turned out to be very successful. We had been critical of the terms that the previous Government had negotiated with the Ocean Village group when we were in Opposition and we vowed to change these. Those changes were made. The result is that the World Trade Centre project has finally got off the ground. This is an example of a project that had been stalled for a number of years that is now finally moving. There will be others, Mr Speaker.

The Government also came to an agreement with the developers of the Mid Town site whereby part of the plot was handed back to us. The remainder of that plot, as the Chief Minister said earlier, is now finally being developed. The announcement made last week in relation to the Eastside also falls into this category. The Government negotiated and agreed to buy back the plot of land from its original owners for £28 million after the plot had been allowed to lie idle for many years. It will be sold for £83 million by way of cash premium and will lead to the development of the Blue Water resort. There are plenty of public gains from this project. This includes over 1,000 affordable homes, a car park, a public pool on the Eastside and a law enforcement marine base. Mr Speaker, the total development value of the project will be an investment in Gibraltar in the region of £1.1 billion. This will deliver considerable economic growth and opportunities for employment.

The Government looks forward to the progress of these and other developments. It is important to point out that the estimate from the Building Control Department is that private sector capital investment in Gibraltar has grown to £106.8 million in 2014.

Mr Speaker, by way of conclusion I would also like to say a few words on the delivery of the GSLP/Liberal manifesto which has been our programme of Government over the last three and a half years. Time has gone by quickly. We have taken our commitment with the electorate extremely seriously. In the recent past, other Governments have regarded their manifestos as little more than a 'wish list'. We took the view in Opposition that this was not good enough. A manifesto is much more than a vague idea or a rough indication of the way in which a Government intends to proceed. A manifesto is a commitment with the electorate. It is a commitment that this Government takes seriously.

It is true that sometimes the best Government plans can be thrown off course by unforeseen circumstances. This has happened to all Governments and it will happen to us too. There are areas where we have had to accommodate the commitment at a different location in Gibraltar, due to technical or other

considerations. Therefore the car park in the centre of town was moved the short distance from beneath Commonwealth Park to above Reclamation Road. The bathing area at Mid-Harbours has now been provided in the GASA area and so on.

400 However, the number and proportion of manifesto commitments which are complete, in progress or on-going is without precedent in Gibraltar and the Government takes considerable pride in this achievement. From Commonwealth Park, to affordable housing, to the small boats marina, to the University and the new schools, to improvements in health and elderly care, this is tangible and there for all to see.

405 Mr Speaker, there are those who will nonetheless still choose to nit-pick no matter what the Government does. In many ways the arguments that those people parade are often inconsistent or contradictory. For example, those who held two or three meetings of Parliament a year now call for greater democracy. Those who practised a closed system of town planning call for greater transparency. Those who used to carry out capital works using Government companies, complain when others continue the same practice. Those who presided over 16 years of traffic chaos mock the positive solutions that we have started to roll out. Their approach is one of 'do as I say and not as I did'.

410 Mr Speaker, this is not a credible way for an Opposition to conduct their business. Having said that this is also clearly a matter for them. However, the electorate will see through this. They will also see through the second pillar of their strategy which is the well-worn tactic of scaremongering. This is sadly the approach they have chosen to adopt on matters like the LNG power station, on public finances, or on the savings bank.

415 The reality is that by any objective analysis this Government has improved Gibraltar for the better. We have progressed forward with the physical fabric of Gibraltar, with improvements to administrative practice and with important additions to our legislative framework as well.

420 Mr Speaker, the Government knows that everything is not perfect and that there is still plenty of work to be done. No Government can be perfect. However, it is clear nonetheless as we approach an election that we have taken Gibraltar huge strides forward in a positive direction.

Mr Speaker, I conclude by thanking you, the Clerk and the staff of the House for your support throughout the year. I also want to publicly thank my personal staff in my office at No. 6 Convent Place.

Thank you. (*Banging on desks*)

425

Mr Speaker: The Hon. Mr Paul Balban.

430 **Minister for Transport, Traffic and Technical Services (Hon. P J Balban):** Mr Speaker, it is an honour to stand here today to deliver my fourth Budget address. The last before a General Election, when the people of Gibraltar will be able to take account and analyse exactly how, in their minds we have fared, as a Government.

435 It is my honest opinion, Mr Speaker that we have done well. (**A Member:** Hear, hear.) It is impossible to please everyone, but I sincerely think that we have managed, via our thorough manifesto promises, to steer Gibraltar well into the future. Our successes across the board have been noteworthy indeed, two new schools, a University for Gibraltar, almost 1,000 new affordable homes already close to completion and a new 1,700 recently announced, the refurbishment of the once forgotten housing estates, public meetings of the DPC, a new small boats marina, a draft traffic plan, a new psychiatric unit, Commonwealth Park, achieving the lowest levels of unemployment ever seen locally, a new bank for Gibraltar, the Gibraltar Mega Music Festival, a new ID Card, the list goes on and on, Mr Speaker.

440 I am very proud of being part of this team, working together for what we believe is for the good of Gibraltar. Clearly, not all will agree with us, not least the hon. Members sitting across the floor. Mr Speaker, clearly they would have done things differently, of course they would have, but they had their chance for almost 16 years in Government. Now it is our turn.

445 Mr Speaker, I sincerely think that most will agree and I am very confident that this will become evident when the time comes for the electorate to choose the way forward, that we have done very well indeed.

450 Mr Speaker, I will now turn my attention to my Ministerial responsibilities and start with Technical Services, a Department that often goes by without sufficient mention, as they quietly are responsible for providing all the technical advice and know-how to the vast majority of Government projects. I wish to put on record that I am most grateful for the assistance provided by such a professional and hard-working Department. I can still recall my first briefing meeting when the one thing that rung out most clearly was that the Department felt that they were not being put to their full use. Too much outsourcing was being done then and the Department felt that they could do so much more. Today, TSD is at the heart of most Government projects.

455 During the past Financial Year, the Department has been involved in a number of projects covering a large variety of areas such as coastal protection works and rock fall prevention as well as works in relation to their defined responsibilities such as highway maintenance and works to the main sewer amongst others.

On the coastal works side, Technical Services has been directly responsible for the delivery of two major projects. The Sandy Bay Beach protection and regeneration project was completed in time for last year's bathing season and has seen a major transformation with the creation of a wide stable beach, (Banging on desks) something that has not been the case for a number of years now. This project was one of our manifesto commitments.

The Department has also led on the North Mole Reclamation project, which is currently underway. This project will see the existing Western Arm extended northwards by just under 120 metres. In all, nine concrete caissons have been sunk to create the perimeter of the new reclamation. Approximately 80,000 tonnes of rubble from the Eastside will be processed as fill material and a new landmass of approximately 10,000m² will be created. These works are earmarked for completion in July this year.

For the incoming year, Technical Services will continue to develop various other coastal works projects including regular maintenance of the existing coastal defences.

Turning now to cliff stabilisation and rock fall prevention projects; Following a tender award, the Department carried out slope stabilisation works above Windmill Hill Road in an area, which had suffered from a major landslide. In addition, assessments and designs for further rock fall protection measures at the Eastside slopes and Green Lane were commenced and are currently on-going as part of the Government's cliff stabilisation and rock fall prevention programme which will continue during this Financial Year.

Technical Services Department have also been fully involved with the need to relocate the Motorcycle Club from Brian Navarro Way to a new site within the Governor's Cottage Industrial Park. The original motorcycle club suffered extensive structural damage following a major rock fall in November 2012. Given the rock fall hazard that exists in this area a new site for the motorcycle club was identified within the Governor's Cottage Camp Industrial Park. The Department acted as project managers at all stages of the design, including the procurement and construction of the club. I am pleased to announce that this was completed in November 2014.

Mr Speaker, with regard to highway maintenance, the works programme has once again been successful over the past year with on-going repairs to roads, footpaths and retaining walls. Resurfacing works have been carried out during the past year to a stretch of Europa Road to the south of the '1772 Club' where a new footpath has also been constructed to improve pedestrian safety in the area. Additionally, resurfacing works has also seen the extension of the Catalan Bay car park to provide better parking facilities for beach users and the resurfacing of a new temporary coach park on the site of the old air terminal.

The replacement of pelican crossing lights and equipment has been undertaken in a number of locations working jointly with the Gibraltar Electricity Authority. This year saw the introduction of countdown timers at the Line Wall Road crossing. This was as a direct result of the recommendations of the Sustainable Transport, Traffic and Parking Plan – the STTPP for short.

Yes, Mr Speaker, the plan which has received much attention of late, often mocked at by the hon. Members Opposite, (**Two Members:** Shame!) a plan that they themselves would have been proud of, a plan that they would not discard through their own admission and that is clearly a very good thing, a plan that the Members Opposite would wish we rushed for who can imagine what reason.

It is this Government's General Policy as part of this Plan that we encourage people to adopt alternative and more sustainable modes of transport, the most basic of which is walking itself. In order to do this, it is this Government's view that we must provide the necessary infrastructure and facilities to make walking safer, more comfortable and hence acceptable to the population at large. These countdown timers will help to do exactly that. They inform the pedestrian of the time that they have left to cross and therefore give them confidence, feeling less rushed when crossing the road. Pedestrians can therefore now take an informed decision as to whether they will have enough time to cross and there is no confusion between cars and pedestrians as to who has right of way. The programme to improve our existing pedestrian crossings will continue during the coming year with the installation of further countdown timers at some of our busiest pedestrian routes. Importantly, there will also be important new pedestrian improvements at the Trafalgar Interchange, by way of a new puffin crossing at Ragged Staff, something very much needed and was very obvious, and that came across loud and clear as part of the public consultation process of the STTPP. This new crossing at Ragged Staff is earmarked for completion shortly. (**A Member:** Hear, hear.) (Banging on desks)

Mr Speaker, as in previous years, the Department continues to successfully manage road closures and diversions on the Public Highway, both for its own in-house works and for all utility companies and contractors, in a manner that balances the need to undertake works against allowing vehicles to circulate. The increased construction activity generated by new projects makes this task increasingly difficult. In order to reduce the impact of road closures works are only carried out avoiding peak times wherever possible, and after-hours and weekend work, as always, is the default condition imposed on contractors in order to minimise inconvenience to the public.

As stated in my last Budget speech, Mr Speaker, a comprehensive major resurfacing programme was commenced by the Department last year in an effort to tackle the under-investment in road maintenance in

past years. Major resurfacing works were undertaken along Rosia Road and also along Line Wall Road. Over the coming year the major road resurfacing programme will continue with the resurfacing of the southern section of Queensway from Ragged Staff Roundabout until the Mid-Harbours roundabout. Additionally, the roundabout at Europort Avenue, adjacent to the fuel station, which is colloquially known as Morrison's roundabout, has been completely resurfaced. These works were undertaken at off peak times and weekends, thus avoiding the traffic disruption that would inevitably ensue should these works be carried out during normal working hours.

Mr Speaker, as many will have by now noticed, walking along certain stretches of Main Street has become safer for ladies wearing high-heeled shoes. We are pleased to announce that works to repair the joints in the paving on Main Street have now commenced. These works entail the lifting and relaying of the stone blocks along Main Street and the filling and stabilisation of all joints using a special polymer resin. Presently a stretch of Main Street from its junction with Engineer Lane to its junction with Cooperage Lane has been completed. These works will be extended to other areas during the course of the year. These works were another one of the manifesto commitments for which the appropriation of funds was sought last year and this should see a vast improvement to what was an area of concern to many.

Mr Speaker, works to install a new fire-fighting main and emergency telephone line along the full length of Dudley Ward Way Tunnel in line with our manifesto commitment have also been recently completed. During the coming year mobile phone coverage and ventilation requirements will be designed with a view to improving the current situation as much as possible, working within the constraints imposed by this ex-military tunnel. The measures in place now make the tunnel a far safer place making it possible for the essential services to attend to any accident within the tunnel expeditiously.

Mr Speaker, although I have already touched upon and mentioned the Sustainable Transport, Traffic and Parking Plan earlier, I will now turn to this major Government project and indeed Manifesto Commitment. The STTPP has been a truly inter-ministerial and inter-departmental project which has seen involvement of Technical Services, including Highways and our Traffic team, the Ministry for the Environment, the Bus Company and our consultants Mott MacDonald, who are market leaders in Traffic and Transport Plans across the world for many years. Mr Speaker, Although my shadow has complained about the time that this project has taken, he must understand that for a project of this magnitude, one that cuts across the whole community and affects all of us whether we choose to drive or not, walk or take the bus or not. This plan is not something that should or indeed can be rushed in any way, shape or form. One cannot spend taxpayer's money on ideas dreamt about one lazy Sunday afternoon having then to back track when it fails through a lack of proper research. Mr Speaker, this plan is a comprehensive document, which will form the blueprint for traffic and transport for at least the next 10 years. Already the plan has churned some very well thought out ideas, which are within the very comprehensive draft document already published.

Mr Speaker, I am very proud to have delivered a major manifesto commitment in the form of this draft Sustainable Traffic, Transport and Parking Plan for Gibraltar. As part of this plan and with the use of digital modelling, we now have the means to be able to put certain potential scenarios to the test. We can now compare before and after scenarios to compare what real effect a change has on traffic flow. This draft document was open to public consultation until the end of March this year and our consultants are presently compiling a database of all responses received. This database will set out the issues and suggestions raised by members of the public and how these will be considered and addressed as part of the work to complete the final version of the plan, which is earmarked for completion before the end of this year.

Mr Speaker, as part of the work carried out so far a number of pilot schemes have already been introduced including a new drop-off zone outside St Joseph's Middle and Primary Schools as well as the introduction of a temporary roundabout at the junction of Glacis Road and Bayside Road. The changes at St Joseph's School have brought about mixed comments ranging from the very positive from parents picking up and dropping their children off with much greater ease, to the negative of residents who are unhappy about the loss of permanent parking in their area. Parking still exists all day except for three hours each day and parking is restored at all times during weekends, public and school holidays.

Change, Mr Speaker, especially when it comes to parking, is something that is difficult to come to terms with and any traffic plan will be faced with these issues at every single step of the way. We are currently working very hard with the tenants of the South District to try to find solutions to these in conjunction with other historical issues, which have surfaced as a result of these new changes. We are clear that for any plan to work, we have to be brave to enforce change that will hopefully bring about the long-lasting positive changes that will benefit Gibraltar as a whole, including the environment.

Mr Speaker, Gibraltar has one of the largest vehicle ownership rates in the world. The easiest thing politically would be to do nothing until one is forced to do something in the future. It takes a forward thinking Government to try to bring about positive change in this respect. To be able to see the whole benefit of the plan one needs to wait until all of the parts of the puzzle are in place. This will come about once the final document is read and discussed in order to prepare a plan of action based on the recommendations received. Until then the picture will be incomplete.

580 Mr Speaker, on traffic matters the Department has continued to make good progress this year and has
 seen a number of other improvements and initiatives. Speed Indicator Devices have been installed on
 several of our main arterial roads. These Speed Indicator Devices are vehicle-activated signs, which detect
 and display real time vehicle speeds as vehicles approach them, in order to advise drivers of the speed they
 are travelling at. The aim of these devices is to provide information, which will allow drivers to change
 585 their behaviour towards speed and are one of several measures that form part of a wider speed management
 plan. In this respect the Department is also carrying out a full review of the speed limits on all of Gibraltar's
 roads and has commenced a programme for the installation of speed cameras on some of the roads which
 statistically have the highest accident rates in Gibraltar in an effort to make our roads safer for all our users.
 The Ministry for Traffic has been working closely with the Royal Gibraltar Police to ensure that the speed
 cameras are placed in the most strategic of locations throughout Gibraltar, especially in accident hotspots.
 590 There have been other road calming measures also set up using speed ramps within densely populated areas
 For example, Prince Edward's Road, Lower Castle Road, St Joseph's Estate and at the entrance of Camp
 Bay.

Mr Speaker, other initiatives have included the installation of a new pelican crossing at Queensway by
 the area of King's Bastion and the upgrading of the zebra crossing on Glacis Road to a pelican crossing.
 595 Apart from the new pelican crossing at Ragged Staff the Department is currently carrying out a review of
 crossings at the Trafalgar Interchange with a view of making changes to improve circulation routes for
 pedestrians in this busy junction, which has historically neglected the needs of those travelling on foot.

More initiatives will continue until the final plan is printed and beyond. Mr Speaker, this plan is not
 short term but a plan for the foreseeable future.

600 In relation to assisting the Bus Company with improving their service to the public, Technical Services
 identified a means to allow buses to turn around within the area of Brian Navarro Way. This area is
 relatively narrow and in the past prevented buses from safely turning around without the need to manoeuvre
 and cause an obstruction and danger to other road users. A purpose built lay-by was constructed within an
 area of waste ground bordering the main road to allow the safe turning circle of buses. This has meant that
 605 there is no longer the need of having an extra minibus to service this route and hence a saving may be made
 to the public purse. These works were completed at the start of the year at a cost of £57,848.83.

Mr Speaker, moving onto the sewers section, during the past year flood prevention measures along the
 southern end of Fish Market Road and at Wellington Front were completed, meaning that the historical
 problems of flooding in both of these areas during periods of concentrated heavy rainfall will now be a
 610 thing of the past.

The condition and upkeep of Gibraltar's main sewer and storm water drainage networks continues to be
 a matter of great concern for the Government, arising from a lack of investment and neglect to what is
 arguably the most important and essential part of our local infrastructure. To this end, works were carried
 out to desilt large sections of our drains at a number of locations. These have included the main sewer along
 615 Rosia Road, the Main Street sewer from Bell Lane to King's Street and the main storm water culverts from
 Reclamation Road to Bishop Caruana Road. Further desilting works will progressively be extended to other
 areas.

Other works carried out have included the relining of the Main Sewer along Line Wall Road from the
 junction of King's Street up to Bomb House Lane, the relaying of a collapsed storm drain along the
 620 Europort and the laying of new storm water culverts at Marina Bay.

Funding is once again being provided this Financial Year for the purchase of equipment to allow the
 sewer infrastructure sections to continue to provide an efficient service in respect of its inspection of the
 sewers network.

625 Mr Speaker, this is also the case for the Garage and Workshop where funding for new equipment is also
 being provided. They will continue to provide a service to maintain the fleet of Government vehicles,
 including the refuse collection vehicles. The situation within the Garage and Workshop is also under
 review, given the previous administration's hurried signing of a Collective Agreement only a few weeks
 before the Election last, which placed them in a Government owned Company as an interim measure that
 would allow them to receive a 12% pay increase.

630 Mr Speaker, the Technical Services Department is one of those Government Departments who are
 rarely in the limelight but they work tirelessly behind the scenes to deliver on their defined responsibilities
 maintaining public infrastructure and to support and provide technical advice to other Government
 Ministries and departments. As can be seen, they will continue to do so this coming year in all manner of
 projects in order to deliver on the Government's extensive and comprehensive programmes.

635 Mr Speaker, turning now to Public Transport, late last year, an amalgamation of the Ministries of
 Traffic & Public Transport took place following a reshuffle of Ministerial responsibilities. The Ministry is
 now responsible for the Gibraltar Bus Company together with the local taxi service. Within public transport
 there are many challenges that one is faced with in an attempt to improve the provision of such an important

640 service to the community. Furthermore, in order to be truly successful in the policies surrounding the STTPP, an efficient public transport service is essential.

The Government by way of the Ministry is continually looking for ways to improve the taxi service within Gibraltar. Clearly there are a multitude of issues that can affect the taxi service as indeed the bus service, the greatest of which are the traffic problems associated and surrounding the frontier and also the airfield barrier crossings. These, on a Sunday during the summer schedule, close to allow no less than nine
645 scheduled flights to land and takeoff. This added to any potential private or military aircraft and runway-cleaning operations inevitably lead to great delays and an unavoidable deterioration in service. With the barrier down at least 20 times on a Sunday, clearly we have a problem. No doubt, a victim of our own success in attracting more flights to Gibraltar, something which we can only be totally proud of, but unfortunately this will affect other operations in such a small place like ours. It is at the airport arrivals
650 terminal that we see the effect of this traffic build-up together with the frontier taxi rank itself. Hence, it is inevitable that this has a bearing on the taxi and bus service.

Mr Speaker, Government by way of the recruitment of five transport inspectors and the installation of the taxi GPS tracking system has managed to improve the taxi service in some areas, but we continue to work hand in hand with the GTA in order to jointly identify strategies to continue to better the taxi service
655 throughout Gibraltar.

The new MAN buses have provided Gibraltar with a much-needed improvement to its aging fleet. The previous bus fleet was in fact not so much aged, as in fact simply showing the strains of being driven in an environment such as ours where we are faced with very steep hills, high temperatures and narrow, winding roads. They have clearly not provided the taxpayer with the years that were promised when they were first
660 purchased. The old blue buses were fitted with American supplied gearboxes which when the service provider in the UK stopped supplying spares for, spares became almost impossible to acquire. Therefore a minor fault in a gearbox meant having to adapt a completely new gearbox from another manufacturer. Once this occurred the buses' performance was critically diminished leading to their steep decline. The new buses are fitted with powerful six-cylinder engines, which will amply provide them with sufficient torque to
665 remove all historical issues associated with the previous buses, already mentioned. Users can enjoy travelling in air-conditioned comfort. These new buses are fully compliant with all the legal provisions applicable to all Public Service vehicles. Hence Gibraltar can now be proud of having a state of the art, eco-friendly and modern bus service, which will ensure an efficient, scheduled service for passengers for years to come.

Furthermore, Mr Speaker, Government is also looking into purchasing several extra minibuses to service the Upper Town area. Several models have been identified and negotiations with the relevant vehicle dealers are underway. These will also provide an accessible service to all of its users. The present buses are also insufficiently capable of negotiating all of the roads within the Upper Town area and especially at the junction between Gardiner's Road and Europa Road, the present buses' lack of clearance
670 due to its very protruding overhang is causing much damage to the underside of the bus leading to a great ongoing maintenance cost.

Mr Speaker, I now turn to the Driver and Vehicle Licencing Department. This Department is working closely with the Driver and Vehicle Standards Agency (DVSA) for the introduction of the tachograph cards for our drivers. At an administrative level, a Memorandum of Understanding has already been drafted and the DVLD is awaiting DVSA's comments. The Department is working forcefully to try and find a workable
680 solution for our few local HGV drivers.

The European Commission has adopted rules for linking national electronic registers of road transport undertakings. This linked-up database is called the 'European Register of Road Transport Undertakings' (ERRU). ERRU allows a better exchange of information between Member States, so that the competent
685 authorities can better monitor the compliance of road transport undertakings with the rules in force. Undertakings that do not respect the rules when operating abroad will face the consequences in the Member State where they are based. This creates fairer competition conditions in the road transport market. The set-up of the national registers and their interconnections are required under the legislation on the access to the profession of road transport undertakings. It is in line with this Government's commitment that we
690 introduce and comply with all EU legislation, Mr Speaker, I can safely say that all the necessary procedures to link up to this database are now in place and are up and running.

Mr Speaker, as part of Government's initiative to provide personalised support and to assist applicants and transport undertakings wishing to complete the new driver Certificate of Professional Competence (CPC) initial qualifications and periodic training, training is being provided by the DVLD and will be on-
695 going. In the past year, 21 drivers have successfully passed the Bus Certificate of Professional Competence and 18 drivers have successfully passed the Lorry CPC initial qualification. Moreover, the Government, in an effort to ensure that all Directive requirements are met will continue to deliver the 35-hour periodic training for existing drivers during 2015-16. Presently, 151 bus and 71 lorry drivers have successfully attended the CPC periodic training. With this initiative both transport undertakings or individual applicants

700 who take advantage of the possibility of completing the 35 hours of periodic training over the five-year period will be able to spread the training costs over the full five-year period.

Mr Speaker, the carriage of dangerous goods by road carries the inherent risk of accidents. Taking into account the safety requirements of vehicles in Gibraltar that carry dangerous goods, and in accordance with the Transport (Carriage of Dangerous Goods by Road) Regulations 2010, Government will continue to provide training to the DVLD's technical staff in order to qualify them for the issue of an authorisation certificate to these vehicles. This year a further course will be held by qualified persons from the Driver and Vehicle Standards Agency (DVSA), in UK in order to train the newly recruited vehicle testers. This course will be held in Gibraltar.

710 Mr Speaker, the introduction of the Motorcycle Compulsory Basic Training Course for riders continues to be a tremendous success. Feedback from the public at large has been extremely positive. Due to the fact that demand surpasses supply, Government is working with the DVLD and looking into possible measures to increase the delivery of these courses.

The demand for the issuing of the new photo card driving licences continues to be on the increase, and the waiting times for the issuing of these driving licences continues to be at an all-time low, between five to six working days. This combined with the success of an extra business counter being provided at the MOT offices is ensuring an excellent service for businesses and the public at large.

Mr Speaker, notwithstanding the above, the Driver and Vehicle Licensing Department continues to use information and communication technology as a tool to achieve better customer services. The general public is now able to access a number of online services and applications via the new e-Government portal; for example, roadworthiness test bookings – MOT bookings and driving test and theory test bookings. Furthermore, the Department is also working on a service to purchase personalised number plates online. These services will allow people to access and pay for such facilities 'at any time' and from the comfort of their own homes. This comes as a wealth of new market footprint coverage opportunities for the DVLD that will appropriately cater for market demands and service requirements.

725 Mr Speaker, further to and in keeping with our manifesto commitment, I am satisfied that all the relevant outstanding EU legislation and amendments have now been transposed. Furthermore, in anticipation the Department is now working closely with the EUID and studying all future directive proposals in order to expedite their swift implementation as and when the need arises.

Moreover, the Department together with the EUID, is looking to update all existing national traffic and transport legislation and determining ways that will make both Acts more user friendly.

730 The Traffic and Transport Commission continue to meet on a monthly basis; The Traffic Commission is constantly working to assist our citizens in all matters relating to traffic, while the Transport Commission works hand in hand with all the transport undertakings and the GTA in order to mutually find strategies to continue to better the Public Services in Gibraltar. To this effect, I am very satisfied that both these bodies have been able to promulgate all traffic and transport regulations successfully. From here, I would like to thank all the members of both Commissions, many of which are appointed volunteers.

Mr Speaker, E-Reg is the Association of European Vehicle and Driver Registration Authorities. It is a European co-operative made up of all the European registration authorities dealing with subjects concerning registration and documentation of vehicles and drivers. The main objective of E-Reg is to bring together all the European registration authorities to be able to share knowledge, experience and good practices and also identify, follow and influence European developments and regulations. I was proud to announce that from 3rd to 5th June 2015 the E-Reg General Meeting & Annual Conference took place here in Gibraltar. Government is positive that having held this conference here will further strengthen existing liaison procedures between European authorities and Gibraltar making this beneficial not only to the Driver and Vehicle Licensing Department but to Gibraltar as a whole.

745 To this end, I can proudly state that to date the DVLD has successfully completed and surpassed all the Commitments as set out in our Manifesto.

Mr Speaker, Gibraltar Car Parks Limited continues to manage all covered and non-covered parking within the assigned car parks throughout Gibraltar. They are responsible for keeping the car parks in check for maintenance issues and for their cleaning. Gibraltar Car Parks Limited have assisted the Ministry for Housing with the parking schemes within Chilton Court and Albert Risso House. Recently Gibraltar Car Parks Limited has also been working within Mid-Harbour's Estate to bring into use the much needed parking barrier system within the estate, controlling access to those not from within the estate. This will go a long way in keeping such a large car park more secure.

755 Mr Speaker, this year, in fact barely months ago construction began on the 1,000 space multi-storey car park within the Mid Town – close to the city centre, on the site of the old Naval Football Grounds. Three hundred parking spaces have been sold to members of the public almost immediately. This building will house 700 public parking spaces together with the Coach Park. The expected completion for this car park is within autumn 2015.

760 Coaling Island is another area that has been designated as a parking area for private vehicles. This area was full of derelict vehicles and boats. The area was cleared and on the 16th October 2014, this free car park was officially opened to the general public, affording two disabled parking bays; 40 motorcycle bays; 88 motor vehicle parking bays; and 11 parking bays for GHA/CMHT employees from the Community Mental Health Team. There is a second phase expected in this area once the works related to the mid
765 harbours new boat marina is complete.

Mr Speaker, I now turn to my responsibility for the port.

During the course of Financial Year 2014-15 the Gibraltar Port Authority spent a total of £5,650,323, including Capital expenditure, from a budget of £5,762,000. Under recurrent revenue, the Gibraltar Port Authority made a total of £4,812,863.

770 Looking at developments, the new electronic Vehicle Management System is now fully operational and is allowing ships' agents to input data remotely in order to provide the most recent information on a vehicle's movements, further streamlining port operations. Feedback suggests that local agents in general are very satisfied with this new product; nevertheless, the Gibraltar Port Authority continues to develop the programme to facilitate further the smooth running of the port.

775 Mr Speaker, in fulfilment of further manifesto commitments, work continues to improve port facilities and infrastructure, including the provision of enhanced facilities for operational personnel. As part of this commitment HM Government of Gibraltar continues to invest in the port. It also pleases me to announce today that work on the new port administration building, incorporating improved facilities and a better location for the Vessel Traffic Service, the VTS office, the GPA's nerve centre, is well underway. The
780 concrete framework is fully complete and the first walls are starting to go up. Mr Speaker, we are also considering the possibility of replacing the VTS equipment itself, de-risking the move and building in improved performance, functionality and resilience for years to come, in the system which underpins safety of navigation in our busy waters. It is envisaged that the project will be completed towards the end of this year, representing a substantial injection of capital investment in the port in order to fulfil yet another
785 critical manifesto commitment.

Mr Speaker, the process of tendering for a new port launch is also well underway and it is anticipated that a new vessel could be ordered within the next 12 months, to considerably enhance this important capability.

790 On security, Mr Speaker, in addition to the new closed circuit television system that was introduced at the port two years ago, enhancing both safety and security, the Government in conjunction with the GPA and Technical Services will be modifying the restricted area within the port estate to comply with the Department of Transport UK's recommendations. Linked to this, a new traffic management plan for taxis and coaches will be implemented shortly to assist with passenger flow.

795 Mr Speaker, the first stage of the Small Boats Marina, which will accommodate 700 small boats, has now been completed with the main perimeter quay having being laid. The second phase is well underway, along the main quayside, housing the infrastructure for all required services. Plans are also being considered for the use of the long outer berths for super yachts. It is expected that the Marina will be completed by September 2015 and the allocation process for berths is currently being considered and will be announced shortly.

800 The GPA, in close consultation with other Government Departments and Port Operators, has recently revised its Oil Spill Contingency plan. As a result, we now have a modern, up-to-date plan that reflects both the local environment and operations, and investment in equipment, by this Government. The new plan encapsulates the provision of the additional 600 metres of oil spill containment boom purchased last year, already pre-positioned at both harbour entrances to the west of Ocean Village. Mr Speaker, this delivers a
805 significant improvement in the response time to successfully mitigate any impact of pollution to these areas. The revised plan also includes the Vikoma Alligator Skimmer purchased the previous year. Looking ahead, the tender process for the delivery of a specialised Oil Spill Detection radar to provide full-time dedicated coverage of all British Gibraltar Territorial Waters is almost completed – a state-of-the-art, low-profile system, adding an invaluable tool to the arsenal at the disposal of the Port Authority to continue protecting
810 our maritime environment. Mr Speaker, further enhancements to the monitoring tools of the Port Authority, such as portable thermal imaging equipment, are also being considered.

Mr Speaker, the Environmental Health and Safety Advisor is doing an excellent job in raising health and safety awareness throughout the port community, ensuring compliance with safety regulations and marine environmental legislation. I am pleased to say that this is resulting in a positive shift in the port
815 workers' culture and behaviour in this area of critical importance.

More generally, it is pleasing to see that activity levels in the port are showing a positive trend across the board. The port continues to go from strength to strength. The recent doubling of VTS operators, together with the introduction of a number of initiatives aimed at further improving efficiency, are bearing fruit in commercial terms. Safety, of course, remains our top priority and our professional crew members

820 continue to play a pivotal role, providing a vital search and rescue capability in our busy waters, 24 hours a day, throughout the year, often in challenging and hazardous conditions.

Mr Speaker, I would like to conclude my contribution to my Budget address thanking all my staff that have worked so hard to see our commitments become a reality. Thanks goes not only to those who ensure the rolling out of our commitments, my senior members of staff, but also to all those who do not go by
825 unnoticed, who perform all the valuable functions within the service throughout all the various Departments and offices.

I also wish to reinforce my appreciation to all the staff here within Parliament who work tirelessly to ensure that proceedings run as smoothly and efficiently as they do.

In particular, I would finally also like to thank my personal ministerial staff for all of their help and
830 support during the past year. It has been a very busy year and they have lived up to the expectation, as usual. Thank you. (*Banging on desks*)

Chief Minister (Hon. F R Picardo): Mr Speaker, I move that the House do now adjourn until tomorrow morning at 10.30 a.m.

835 **Mr Speaker:** Before we do that, I had intended to raise a small matter to digress for a moment, before I called upon Dr John Cortes.

The budget session is an occasion when there is a particular Rule that becomes more relevant than on any other occasion and that is Rule 45(3). In my mind – I will be very blunt – it is a stupid Rule.

840 It is a Rule that forbids Members from reading their speeches. (**A Member:** Ah, yes.) Of course, what is implicit is that they are able to do so with the permission of the Speaker, which the Speaker obviously readily gives.

But why does that Rule have to be there in the first place? Is it because that is a Rule in the mother of Parliament? But it is a pretence, because even in the mother of Parliament, they do read their speeches,
845 though the Speaker pretends that they just have copious notes – nonsense! They have got speeches written out and they read them. And that is what I did for 20 years that I was in the House. So this Rule is a nonsense, to my mind.

The House should have a Standing Rules Committee. Do we have one? (*Interjection*) I became Speaker in October whereas the House started in January. There may or may not be, I am not sure whether there is.
850 If there is a Standing Rules Committee, it would be the easiest thing in the world to circulate a round-robin proposing that Rule 45(3) be deleted completely, I would suggest and the other sub-paragraphs be renumbered, that is all it takes. But I cannot for the life of me understand the sense behind this Rule, which is never observed, and as I say, I think it is nothing more than a pretence.

855 So if hon. Members agree with my sentiments, perhaps they can take some action in the future. They are going to be here longer than I am.

Hon. Chief Minister: Mr Speaker, thank you very much for pointing that out.

I have always found it something which is remarkable in the sense that it is a Rule observed in its breach in the time that I have been here.

860 I believe there is a Standing Rules Committee, which is appointed immediately after the election and the then Backbencher and I nominated people who had been on it from the beginning and that you should rightly refer the matter to them, and I think the proposal that you have made is the right way to deal with it.

865 **Mr Speaker:** And so, you are proposing that the House adjourns until tomorrow morning at...?

Hon. Chief Minister: At 10.30.

Mr Speaker: At 10.30. The House will now adjourn until tomorrow at 10.30.

The House adjourned at 5.51 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.27 a.m. – 2.05 p.m.

Gibraltar, Tuesday, 23rd June 2015

Business transacted

Order of the Day.....	2
Government Bills.....	2
Appropriation Bill 2015 – For Second Reading – Debate continued.....	2
<i>The House recessed at 12.10 p.m. and resumed its sitting at 12.20 p.m.</i>	20
Appropriation Bill 2015 – For Second Reading – Debate continued.....	20
<i>The House recessed at 2.05 p.m. and resumed its sitting at 4.00 p.m.</i>	37

The Gibraltar Parliament

The Parliament met at 10.27 a.m.

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

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

Order of the Day

GOVERNMENT BILLS

Appropriation Bill 2015 – For Second Reading – Debate continued

Mr Speaker: The Hon. Dr John Cortes.

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Good morning, Mr Speaker.

In your intervention at the end of yesterday's session I for a moment wondered whether I would have to memorise this speech overnight, so I am very glad with your leave that I didn't have to!

Mr Speaker, as I start my Budget address, my fourth, and my last before an election, I do so with an overwhelming sense of achievement and pride. And I do so also in my capacity as Gibraltar's first Minister for Climate Change, a title which I also carry with pride.

For this Government has delivered unprecedented change in environmental governance, sustainability and climate change adaptation and mitigation, a level of change that has placed Gibraltar in a position of leadership within the UK Overseas Territories and small island states.

Sound environmental governance includes government, business and civil society, and views natural resources as collective public assets that are not diminished when they are shared, thereby allowing communal benefit from clean water, air and biodiversity. Gibraltar's environmental policy has changed considerably to this effect over these past few years. This change, Mr Speaker, has been specifically recognised by the United Nations Environment Programme, major international NGOs, the Global Island Partnership and others.

These last four years have seen the Department network in Europe where we have proudly flown the flag of environmental governance and leadership, leaving our mark in the international arena. Organisations such as the United Nations Environment Programme, the United Nations Economic Commission for Europe, the Climate and Clean Air Coalition and of course the European Commission are now far more aware of Gibraltar and how we strive to lead by example in all that we do.

Mr Speaker, to further prove the point, last summer we hosted an expert group meeting on sustainability that included representatives from around the Mediterranean, from universities, Government Departments and also from the European Union and the United Nations. Networking at the wider Mediterranean level is where we now propose to focus, having as we do a great deal to contribute and to learn from our counterparts at a regional level.

Perhaps the biggest testament to our increased presence in the environmental arena was the UN Climate Change Summit held at the UN headquarters in New York where I had the honour and privilege of being invited on behalf of the Secretary General to represent Gibraltar, in the General Assembly Hall with world

leaders from countries large and small, as we focused on our collective global ambitions to halt climate change and mitigate its impacts. It has been an inspirational year on the environmental front, Mr Speaker.

35 The icing on the cake came in December when the Department of the Environment and Climate Change was admitted as a member of the International Union for the Conservation of Nature (IUCN) – the world’s largest global environmental network. This is a ground-breaking achievement for the Department given the international reputation and role of the IUCN, which acts as a United Nations observer and has consultative status on several international conventions on nature conservation, biodiversity and climate change. I had
40 the pleasure of paying a visit to the IUCN’s Secretary General in Geneva last month and was rightly proud of the positive reputation Gibraltar already has in these circles.

Mr Speaker, environmental civil servants and advisers continue to be involved in discussion and decision-making at all levels of Government, working not only for my Ministry but for all other Ministers who call upon their input and advice on a regular basis.

45 The green filter continues to work well, with Department officials playing an increasing role in planning, as well as in the EIA process. Departmental scientists attend all DPC meetings and work hard to ensure that planning conditions are met. The Government’s green procurement policy, which was instrumental in changing the environmental dynamics within the local market, is being reviewed and updated. By continuing to apply and direct the public sector’s purchasing power towards green alternatives,
50 we continue to stimulate the market and create niches for green initiatives, employment and economic regeneration.

Staff at the Department continue to work across the public sector through their involvement in numerous committees, ranging from transport to noise, planning, to climate change and infrastructure projects. In this context a number of policy documents are currently being updated, the most notable being
55 the Environmental Action and Management Plan and the Climate Change Programme. These will be published in coming months and will be based on research and data that allow for informed policy decisions. This is how we work, Mr Speaker; we do not produce reports stating wishful policy without hard facts and substance. Policy in this Government is based on sound science.

I am pleased to say that while Gibraltar continues to develop, I see no imminent conflict with or danger
60 to its environment or its biodiversity. For example, the new Mons Calpe and Eastern Beach developments will be ready for smart metering, for fitting of electrical car charging points, will have low consumption water heaters and renewable energy sources. And the 1,700 new affordable homes and related developments on the Eastside will not be a threat to our environment either. They are on brown sites, will be energy efficient, incorporate renewables, and contain large landscaped areas.

65 Mr Speaker, I am pleased to inform Parliament that the 2015 figures on recycling have already seen an increase of approximately 38.5% in mixed packaging waste on cans and plastics, 15% on glass, 21% on cardboard and 60% on paper. This has been possible due to the combined efforts of the Department, Master Service, and of course, the general public, clearly and increasingly fulfilling its role in improving recycling practices at home and in the workplace. Additional pink bins have been provided this year to further
70 increase the recycling rates of waste electrical and electronic equipment. In fact, we are already half way through the year and have nearly surpassed the amount of these items recycled in the whole of last year.

Our recycling campaign continues to expand and this year’s World Environment Day saw the launch of yet another kerbside recycling service, the recycling of waste cooking oil in the new orange bins.

75 Mr Speaker, I take this opportunity to announce the upcoming delivery of yet another environmental manifesto commitment in relation to waste management – the creation of Gibraltar’s first dedicated eco-park. This new facility will be a one-stop shop for recycling all household waste streams and will be fully operational this summer.

Looking ahead in terms of our long-term waste strategy, we re-issued the tender for a waste treatment facility since none of the initial tenders submitted met the required technical specification. This project is
80 going through a renewed tender process in order to ensure that we get the best value for money and just as important, the best possible environmental option.

Mr Speaker, one of the successful outcomes from the Litter Committee, which continues to meet on a regular basis with stakeholders and includes NGO membership, is the designation of dedicated litter wardens. These officers have received the necessary training and patrol Gibraltar daily, creating awareness,
85 educating and deterring people from irresponsible tipping. No-dumping signs will shortly be going up in litter hotspots to further remind the public that in Gibraltar bins are only a short distance away and there is no excuse for the illegal dumping of refuse.

Works continue on refuse cubicles around Gibraltar, with four cubicles being completed last year and three new temporary cubicles installed.

90 I once again take this opportunity to thank all the members of the litter committee for their hard work and dedication. It really is a pleasure working with them and I very much look forward to continuing to do so.

Collaboration with NGOs continues. Regular meetings take place between Government officials, and myself, and a number of organisations such as the GONHS, ESG, and Housing Estate Committees.

95 The Nature Conservancy Council continues to be consulted on issues associated with the protection of Gibraltar's natural environment in line with my statutory obligations under the Nature Protection Act.

Mr Speaker, this past year has seen a concentrated effort by the Department to raise awareness of a whole array of environmental issues in schools. This included, once again, their involvement in World Environment Day, which this year also saw involvement from NGOs and environmentally friendly
100 businesses. A lot of effort has gone into both energy-efficiency and marine awareness and you may have seen the episodes on GBC on the work carried out by the Department in respect to our waters. Perhaps the most popular awareness initiative has been the launch of Gibraltar's underwater camera, the first of its kind in Europe. This underwater camera forms yet another element of the wider marine surveillance programme carried out by the Department to monitor the status of marine habitats and species within British Gibraltar
105 Territorial Waters. A dedicated website has been created on the Department's Thinking Green website to provide all with real time footage of Gibraltar's rich underwater environment.

This pioneering project is proving to be successful for many reasons. It is continuously providing scientific data on Gibraltar's marine diversity and water quality and perhaps more importantly, Mr Speaker, from the point of view of delivering a mindset of sustainability within our community. Children and adults
110 alike, entertain themselves in the wonders that underwater Gibraltar has to offer. The appreciation of nature and the realisation that sustainable management is essential can best be achieved through visual appreciation and understanding. Our marine environment is too often remembered for the wrong reasons, or forgotten due to its inaccessibility, and this programme thrusts the marine realm into our daily lives, in a non-intrusive yet highly exciting and educational manner. Once again, Mr Speaker, this initiative has been
115 recognised far and wide.

Mr Speaker, the Government's online geoportal also continues to work well and is being used widely, here and abroad. The interactive map of Gibraltar, produced by the Technical Services Department together with the Environment and IT, is continually being updated. The increasing use of GIS among the public and private sectors is yet another success story in the Environment portfolio. An interesting point of note is that
120 in the last two months the number of hits from USA has increased significantly to the point where the USA is currently the number one country in terms of page visits to our geoportal.

I am also pleased to say that for the second time running, the Department of the Environment attended the UK Overseas Territories Workshop on the Environment and the use of Geographical Information Systems. The workshop was funded by the Foreign & Commonwealth Office and took place in Turks and
125 Caicos in February last year, where the Department took the opportunity to showcase how Gibraltar is making use of GIS and 3D modelling tools for environmental research and planning purposes. Gibraltar's participation in these workshops is important in fostering collaborations and strengthening links with the UK's Overseas Territories and Environmental Research Institutions.

Mr Speaker, in order to stress the importance that this Government places on building partnerships with our colleagues from the Overseas Territories, Gibraltar will host an international environmental conference
130 in July this year with a focus on the UK Overseas Territories, Crown Dependencies and other small islands.

The conference will provide a forum for government environmental bodies, NGOs and commercial organisations to discuss key conservation issues and highlight success stories, exchange ideas, and forge
135 partnerships. Overseas Territories, Crown Dependencies and other small island communities that share similar environmental problems and possibilities will benefit from learning about one another's history and experience of planning and conservation initiatives.

Mr Speaker, both the Gibraltar Electrical Authority, which I now chair, and the Department of the Environment and Climate Change have been working extremely hard on other fronts regarding Gibraltar's
140 Energy and Climate Change Strategy.

The Department of the Environment and the recently created Climate Change Task Force, chaired by the Deputy Chief Minister, have already addressed key aspects of Gibraltar's strategy during the course of the year. The strategy will be elaborated further in the revised Gibraltar Climate Change Programme and is
145 divided into four main overarching themes which include: Adapting to climate change by building Gibraltar's resilience; facilitating the transition towards a low carbon economy; improving our understanding of climate change science and raising climate change awareness and changing consumer behaviour through educational initiatives.

This follows the strategic approach adopted by the United Nations Environment Programme for combating climate change. Some of the key measures that form part of the strategy are being implemented already and include: Developing and encouraging the uptake of solar energy; developing and
150 encouraging the uptake of marine renewables and improving end-user efficiency.

The ongoing programme by the GEA to replace public building lighting and street lighting with solar powered devices and/or LEDs is proving particularly successful, as proven by the figures released by the GEA which shows a considerable reduction in energy use. The reductions represent 19% in street lighting

155 from 2012-13 to 2014-15, 50% in floodlighting from 2011-12 to 2014-15 and 22% in traffic light
consumption from 2012-13 to 2014-15. These represent a reduction both in carbon emissions and in cost to
the Government.

160 Other key initiatives that have been carried out recently include: the introducing of financial incentives
to increase the uptake of solar technologies such as the Solar Energy (Deductions) Rules 2015; protecting
local carbon sinks – the extent of the Nature Reserve has been increased; an energy-efficiency awareness
campaign, currently underway, and an energy awareness website which is being developed to be launched
later this year.

165 Mr Speaker, that is not all. This year I also commissioned and published our first ever city level
inventory of greenhouse gas emissions for Gibraltar which provides an accurate understanding and picture
of the major sources, activities and contributors of these emissions.

170 Work on other day-to-day energy issues continues to take place. In relation to energy performance of
buildings, the Government has completed a Building Renovation Strategy which sets new cost optimal
levels of energy performance for new and existing buildings as well as defining nearly zero energy building
standards as we move towards 2020. The assessment of the energy performance of public buildings is
ongoing. In the last financial year, approximately 267 Energy Performance Certificates have been issued
and 37 EPC site visits have been carried out by staff of the Department.

The Department has also participated and been actively involved in a number of other EU conferences
and workshops.

175 Mr Speaker, where does all of this leave us? Well, the total amount of carbon dioxide emitted from
power generation fell by 24% from 181,182 tonnes in 2013 to 141,936 tonnes in 2014. Clearly our energy
and climate change policies are not only taking shape, but showing results.

Our coastal water, bathing water and groundwater monitoring programmes continue to operate smoothly
with samples being collected on a monthly basis from all our beaches, offshore locations around Gibraltar's
coastline and from Gibraltar's freshwater aquifers. The Department also continues to collect and monitor
marine sediment, phytoplankton, fish and bivalve tissue samples.

180 Data collected is used by the Department to help meet its reporting obligations under the Bathing Water,
Water Framework and the Marine Strategy Framework Directives; these are key pieces of EU legislation
that have an important role in the management of our territorial waters.

185 Mr Speaker a notable development in this aspect relates to Western Beach, already covered at length by
the Deputy Chief Minister in his address yesterday. What I can add is that potential outflows to all the other
beaches have over the past two years been systematically blocked or diverted, so that there can be no
danger now of any sewage outflows in any of them. The Department closely monitors all discharges to the
sea.

190 The importance given to the quality of our waters and our beaches is clearly enshrined in the
announcement I made earlier this year regarding new wastewater treatment plant; a project that should
have taken place many years ago, but which the previous Government ignored despite the fact that it is an
EU Directive requirement.

The tender process is now nearing completion and I will be making an announcement soon. This will
ensure that Gibraltar is finally compliant with the EU's Urban Wastewater Treatment Directive.

195 Mr Speaker, the Department of the Environment and Climate Change is also making steady progress
with its support of the artificial reef programme, with new additions to the reef network such as the
Sunswale which was recently deployed in the vicinity of the Rosia Marine Conservation Zone. This project
has been warmly welcomed by local conservation groups, recreational divers and fishing associations.

200 It has now been nearly two years since the artificial reef programme was re-invigorated by the
Department with the creation of the North West Artificial Reef and I am very pleased that, as I had
anticipated, the reef has proven to improve marine life in the area.

Work is also being carried out on other marine ecosystem restoration. This facet of the marine
programme draws on historical sources and local expert knowledge to inform the re-introduction of species
that were known to exist in the Bay such as fan mussels, oysters and sea grasses, the latter species being a
tremendously important source of food, oxygen and habitat as well as an excellent carbon sink.

205 Mr Speaker, in line with this Government's manifesto commitment to regulate fishing, diving and other
marine activities in British Gibraltar Territorial Waters, it gives me a great sense of pride to be able to say
that this past year has seen the publication of the Marine Protection Regulations and the Tuna Preservation
Regulations. These are probably the most significant pieces of local environmental legislation published for
20 years. They set to regulate a myriad of activities that take place in our waters such as fishing, diving,
210 scientific research and the activities of dolphin tour operators.

Some of the key measures introduced in the regulations include the licensing requirements, minimum
fish sizes, the creation of Marine Conservation Zones and the ability to implement designated fishing
seasons and yearly quotas for species requiring additional protection such as Atlantic bluefin tuna. No-

215 anchoring zones have also been designated and included in the regulations to protect the seabed, particularly reefs.

Mr Speaker, the regulations are a very significant step in the long road of regulating marine activities in our waters. The Department has had to make key changes to the way it operates to be able to administer the functioning of the regulations. A dedicated counter has been created to process all licence applications and queries and a number of guidance documents published to better inform the public on how the regulations work. A marine species identification booklet has been produced and is made available to all applicants to highlight some of the common fish and mollusc species found in Gibraltar, along with their corresponding minimum sizes.

220 Both regulations were subjected to a lengthy consultation process encompassing a wide variety of stakeholders, including but not limited to, recreational anglers, divers, marine biologists, cottage and big game fishermen, spear fishermen, diving and dolphin tour operators and sports fishing enthusiasts.

225 In line with the spirit of co-operation and continued consultation, the Marine Protection Regulations also provided for the creation of a statutory working group, which I chair. This working group meets on a regular basis and serves as a platform to discuss relevant issues such as sustainable fishing activities in BGTW.

230 Mr Speaker, this fulfils many of the recommendations of the 2013 Fishing Report. And it has stopped, virtually overnight, the past problem of non-resident anglers along the shores with multiple rods not allowing space for others and littering the shoreline. I cannot but stress the immensity of this task and achievement, involving tremendous dedication from the Department's staff and wide-ranging discussion with many people, to arrive at what are workable pieces of legislation that achieve the dual purposes of safeguarding the marine environment for future generations while allowing all responsible activities to continue in an organised manner.

235 The Tuna Preservation Regulations, in particular, show the world that Gibraltar has stepped up to assume its international obligations and is well capable of being entrusted with legislating for the protection of its marine resources within the whole of BGTW, much of which falls within a European Special Area of Conservation. The closed season for tuna, for example, now follows the provisions of ICCAT, the International Commission for the Conservation of Atlantic Tuna. Any bluefin tuna that is now caught within British Gibraltar Territorial Waters during the open season needs to be reported. A dedicated office and landing point has been created where anglers are able to dock against the jetty to weigh and report any tuna catches. Alternatively, anglers may also submit the required forms electronically. An awareness campaign on sustainable fishing practices will also form part of this landmark initiative along with a tuna-tagging programme. The programme builds on the ongoing work carried out by the Department together with local fishing clubs on species that are commonly found in Gibraltar such as the white bream.

245 Mr Speaker, Gibraltar has never ever had this level of responsible regulation, which looks after the interests of nature, those who fish, and those of us who enjoy eating fish, sustainably. In this way we can clearly refute any allegations from others that we are illegally exploiting or failing to protect our marine resources.

250 Mr Speaker, in terms of environmental health, the Environmental Agency, with its dedicated team of environmental health professionals continues to work on many fronts and expand its work in environmental monitoring including control, building control, waste regulation and food import controls. In addition to the developments mentioned in my speech last year, the Agency has also: incorporated the issuing of ship sanitation certificates into its work; become the main entity liaising with the UK's Health and Safety Executive on major projects such as the new power station; continued to liaise with pollution specialists; continued to expand its GibEnviro app; continued to provide specialised waste management training to staff and to waste industry representatives; established a partnership with the University of West England to provide practical Environmental Health training; continued expanding its anti-dog fouling campaign; and delivered food hygiene courses to organisers and participants of outdoor events such as Calentita, the Fair and it has also revamped its annual Christmas campaign.

255 The Agency does a tremendous amount of excellent work for the community that often goes unnoticed, but is nevertheless absolutely essential for maintaining the level of Gibraltar's environmental governance.

260 Mr Speaker, works on the improvement of the North Front Cemetery are progressing. In the past 12 months, walls have been plastered and painted, toilets refurbished, signs and information panels erected as well as paths cleared. We will be installing CCTV cameras in order to combat any future spouts of vandalism as was, unfortunately, the case recently. Mr Speaker, I am also pleased with the recent publication of a Command Paper on the revised Cemetery Act, the old Act dated from 1889, bringing this legislation in line with modern times and allowing for more efficient management. Another important development that I am pleased to share with this House is the digitisation of cemetery records using GIS.

270 Mr Speaker, we all know how important green areas are for our well-being. Between April 2014 and 2015, we have therefore continued with the urban planting programme and planted a total of 158 trees around Gibraltar. At the same time, the Department has worked extensively on the maintenance and

275 improvement of existing green areas. And what better showcase of the value of green areas and the benefit they bring both environmentally and socially to the community than Commonwealth Park. The park continues to be enjoyed by very many and has now become one of Gibraltar's prime recreational areas.

How many in this House doubted! How many questions were asked suggesting it would be a waste of money, or impossible to achieve or maintain! Mr Speaker, people have voted with their feet, and their feet
280 are now firmly in the grass. And to think that the Opposition could not find a way to support the Act that guaranteed the protection of what is now one of Gibraltar's most cherished assets.

Work will now shortly start on the first of the new dog parks, which is expected to be completed in September. The Gibraltar Botanic Gardens have also been improved. Their work is expanding beyond the purely recreational to an increasing role in taxonomy, ecology, conservation and education. Indeed, this
285 capacity building has facilitated the integration of the Botanic Gardens as a key associate partner of the University of Gibraltar's Institute of Life and Earth Sciences, which will allow the gardens to continue to develop as a key player in research and conservation in the region, and promote Gibraltar internationally.

In addition, there have been many improvements to planted areas and a much greater outreach to involving young people. April next year sees the 200th Anniversary of the opening of the Alameda
290 Gardens, and a number of improvements and events are planned to celebrate this historic date.

I move now to the Gibraltar Nature Reserve, an area that as you know I hold very dear. The Government remains committed to restoring Gibraltar's natural assets in a sensitive and environmentally friendly manner for the enjoyment of residents and as an improvement to our tourist product. No one can deny that the Government, through its Environment, Tourism and Heritage Ministries has pumped more
295 investment and done more to revitalise this natural treasure in three years, than the GSD did in 16 years in Government. (*Banging on desks*)

The revitalisation of the Nature Reserve was well overdue. The gravitational pull of such new attractions to cruise liners to Gibraltar cannot be underestimated. To assist in the marketing process, a nature reserve app for smartphones has been launched and is available for both Apple and Android devices.
300 Another application that is currently being developed is an interactive encyclopaedia of Gibraltar's rich wildlife.

Mr Speaker, formerly derelict areas of historical interest continue to be renovated and reopened to the general public. The project also includes upgrading the various paths in the nature reserve with an all-round enhancement of safety and accessibility features. Innovative attractions and facilities for the general public
305 will be provided as part of the project including a spectacular new suspension bridge at Royal Anglian Way and a glazed lookout, or 'sky walk' at Mount Misery.

Mr Speaker, the launch of the Gibraltar Nature Reserve Management Plan is imminent. The new plan contains a wide range of recommendations for the Upper Rock and other areas of ecological importance in Gibraltar that were afforded protected status under the Nature Conservation (Designation of Gibraltar
310 Nature Reserve) Order 2013.

A large number of measures being included within the new plan have already been implemented or initiated in different parts of the reserve during the past year such as: improving visitor access and restoring paths within the Upper Rock and the Northern Defences; improved firebreak clearing programme including the creation of new firebreaks; installation of nature reserve demarcation and traffic awareness signs along
315 with interpretation panels; installing new balustrades and restoring road barriers; re-populating key species such as the Barbary partridge and the wild rabbit.

Mr Speaker, I have to pause here, given the fact that I was accused by Members of this House of being responsible for the decline in the numbers of the secretive Barbary partridge, and was blamed for its imminent disappearance. Ongoing surveillance has revealed that not only have the imported partridges
320 acclimatised well to their new environment, but more importantly, hatched young in several locations within the Nature Reserve. I would like to acknowledge and thank GONHS for their support and for the monitoring that they do, providing the Department with vital scientific information without charge, and to also thank the Upper Rock management team for their increasing role in improving this wonderful natural asset.

There are other measures being carried out including: increasing resources for the Department's Environmental Protection and Research Unit; increasing human resources for the Upper Rock Management Team; increasing security in the Upper Rock with dedicated environmental security guards patrolling day and night; creating new picnic areas; securing, restoring and improving access to heritage assets within the Upper Rock such as Genoese Battery and Royal Anglian Way; the continued systematic removal of
330 invasive and alien species, largely through the astounding voluntary work by Bart van Thienen and continued installation of bird and bat boxes within and outside the nature reserve, particularly in the town area.

Mr Speaker, the export of a group of Barbary macaques to the Blair Drummond Wildlife Park in Stirling, Scotland, grabbed international headlines in October last year. This was the first large scale export of macaques since the 1990s. The exportation followed a period of extensive research and discussions with
335

park officials which allowed for the relocation of approximately 30 macaques from the Middle Hill troop, that was frequenting Laguna and Catalan Bay. The macaques were flown to the UK on a chartered aircraft and then transported by road to the safari park. They were accompanied at all times by two experienced Gibraltar keepers from the macaque management team with additional support provided by officials from the Department.

340

The selection of this particular group was facilitated by the tracking work carried out last year by a team of US researchers from Notre Dame University together with the macaque management team, GONHS, the Veterinary Clinic and the Department of the Environment, sponsored by National Geographic. The exercise was carried out flawlessly since all the animals were trapped with minimal disruption and I would like, once again, to thank all those individuals involved for I know how hard they worked to execute this task to perfection.

345

Mr Speaker, Members and the public will have noticed that, since October last year, the trouble caused by macaques in built-up areas is hugely reduced. Mr Speaker, as they are free-ranging animals they do of course have the ability to turn up anywhere in Gibraltar of their own free will. They will surely do so, and there are still one or two areas where this is the case, but the situation is very much improved, thanks to both the exportation and the increased resources which we have provided which allow movements to be better tracked, problems pre-empted, and response and action to drive them away to be much more effective.

350

Mr Speaker, a year ago I was repeatedly condemned in this House by Members Opposite for what they claimed was a total failure in the management of the macaques. I would reply then that the problem dated from before my time as Minister, that my former advice to the former administration had been systematically ignored, and that nature takes time to respond. They did not want to hear. Well, Mr Speaker, while we can of course in future have a resurgence in macaque activity in some areas – and we will of course respond – I think that I have so far been proved right.

355

Work on the management of our macaques has continued on numerous fronts. New personnel have been employed to tackle on the ground situations and new ponds created in different parts of the Upper Rock such as Prince Phillip's Arch, Royal Anglian Way and Middle Hill. All the macaque feeding sites are being given a facelift and I am very pleased to say that works are now nearing completion. The end product will result in a significant improvement for our macaques and our tourist product.

360

Mr Speaker, the new Macaque Action Plan will be published this summer although once again, numerous measures are already well underway such as: providing new facilities for food storage and preparation; clearing of scrub in different areas of the reserve; the provision of new watering points; and developing of a macaque education and awareness application for mobile devices.

365

We have also embarked on a revitalised macaque awareness initiative in collaboration with the GONHS, the Gibraltar Veterinary Clinic and Monkey Talk Gibraltar, thus bringing all stakeholders together for the first time.

370

Mr Speaker, the Environmental Protection and Research Unit goes from strength to strength. During this past year, the section has more than doubled in size and I am proud to say that there are now six officers working on a shift system. A new vehicle has been procured in addition to the two marine vessels and environmental patrols are now being carried out every single day of the week, both on land and at sea. The fact that our own environmental protection vessels are now regularly patrolling Gibraltar's marine protected areas is clearly sending the right signals. The section continues to work hand in hand with the Royal Gibraltar Police.

375

Mr Speaker, the Gibraltar Air Quality Monitoring Programme has continued to operate smoothly during this past year and has once again achieved levels of data capture above 90%, thanks to the efforts of the Environmental Agency and Government appointed air quality consultants.

380

As always, there is still room for improvement and a five-yearly Monitoring Regime Assessment is being carried out to inform the configuration of the network over the life of the next air quality monitoring contract. This will consider what additions we may have to make to monitoring units and how these will need to be relocated following the commissioning of the new power station, which may include a monitoring unit in the North District.

385

Other notable developments that have taken place in this field during the year include: investigating the implementation of an air quality forecasting service for Gibraltar; the expansion of the monitoring site at Bleak House which is now monitoring heavy metal concentrations in air; upgrading the air quality compliance dashboard to optimise the page for visualisation on mobile devices; and participating in an EU project aimed at evaluating the impact of marine tourism on air quality and climate change.

390

Mr Speaker, the Department of the Environment has been transformed. It is now what it deserves to be, and its staff in all the disciplines – scientists and administrators, wardens and divers, as well as all its various contractors – work tirelessly to improve the environment in Gibraltar and our environmental performance on the world stage. It is a pleasure to have them all as colleagues. (*Banging on desks*)

395

Mr Speaker, 2014 was a very challenging year for electricity production in Gibraltar when on Easter Sunday one of the Waterport engines suffered a major mechanical failure, which subsequently led to a huge fire that took out Gibraltar electrical power supplies and extensively damaged poor old, battered Waterport Power Station. Government was quick to react and within a period of one week it had arranged for the delivery of additional rental plant to replace the generating plant that had been lost in the fire in order to ensure that there was sufficient installed capacity to deliver the electrical energy demands of Gibraltar.

This led to seven months without power cuts – the longest period since at least 1995. Even with the three power cut episodes that we have suffered recently, the average number of power cuts is infinitely smaller for this year than for as many years as I have been able to go back – which is more than 20 – and why? Because we have a tremendously professional team at the GEA, and because this Government cares.

The Authority will continue to improve the reliability of the system to minimise the likelihood of generation power cuts and reduce emissions during this interim period, while the new power station is being designed and constructed. To this end we have already started the process of decommissioning the ex-OESCO engines in the South District Power Station and this will be followed by decommissioning GMES Power Station as both of these power stations had ageing plant that have been major contributors to NOx emissions in the South District.

The failure of Waterport last year sadly led to a brief increase in NOx emissions, reversing the trend that we started in 2012, although happily these levels started to fall once again this year.

Mr Speaker, there is no doubt whatsoever, whatever the Leader of the Opposition might say, that all the problems that we have been facing in relation to power, stem from the former administration's crass and irresponsible failure to act on advice, recommendations and reports that the Waterport Station and the distribution system were on the point of collapse about a decade ago. I am not at all convinced that their horrendous, polluting, carbon-belching eyesore of a power station would have been ready by now. For one thing, Mr Speaker, *they* are the ones who were having trouble finding the money for it.

And Mr Speaker, minutes after his speech claiming that it would have been finished, the Leader of the Opposition said to GBC that ours would take more than four years to complete. Even though the new plant will require much less infrastructure, being close to Waterport, and cause much less disruption being as it will be in an essentially industrial area and accessible by sea. What lack of knowledge of the subject, Mr Speaker! He did not mention the problems they were encountering with storing the diesel in the old MOD tanks, having to set up a new docking operation that would have poured diesel from tankers into pipes by GibDock. No concern for the flammability of diesel – which is much greater than LNG – or the smells that would have affected the residents of the South District in the event of a leak. Nor how long would all that take.

Perhaps more extraordinarily, Mr Speaker, the Leader of the Opposition made allegations of inside information, claiming that the project was 'beset' by problems. What problems, Mr Speaker? Are his informers letting him down? Or maybe he has seen something I haven't when he's been there at night with his wire cutters? (*Laughter*)

But in any case, it was too little, too late. Or perhaps too much too late, when you consider the huge price of their proposal and their secret promise to increase the cost of electricity by 5% per year for 20 years! (**A Member:** Oh!) If an air terminal quadrupled in price, what price a power station?

Mr Speaker, *the* biggest headline last year from the point of view of improvements to the environment and quality of life in Gibraltar was the award of the contract for a new power station to the French construction giants Bouygues. This state-of-the-art power station will be capable of using both gas and light fuel in order to be as efficient and environmentally friendly as is technologically possible. It will deliver a potential 80 megawatts of power, plus an additional 4 megawatts through heat recovery – a tremendous environmental plus – about 20 megawatts more than the GSD's planned station. Moreover, it will guarantee energy self-sufficiency for Gibraltar for the next 30 years and more, if not quite 'to infinity and beyond' as Buzz Lightyear would have said.

We were absolutely right not to proceed with the previous administration's contract for a power station that would have burnt more polluting fuel and would have cost more and incurred huge fines for Gibraltar in respect of carbon emissions. This was not just the right decision; it is the right investment for our nation's future.

Mr Speaker, it may not be wise for me, as a politician, to publicly reveal one of my biggest weaknesses. Let's call it a 'rookie error', Mr Speaker, but here it goes. I have a weakness for science fiction. I enjoy moving into a fictitious world of technological fantasy, ridden with fantastical dangers which at once excite and terrify you, but with the comfort of knowing that they will never really happen. It is with some knowledge of the genre, therefore, that I must attribute to the Opposition one of the worst examples of science-fiction writing that I have ever read. Fiction certainly, although it verged in fact on science comedy, because, at least true science fiction tends to be well researched. Mr Speaker, their leaflet on the, 'Dangers of LNG' was a veritable disgrace. From the photograph of a burning tank which had burnt on their watch, and in any case was of a totally different fuel, to their mathematically incorrect analysis of comparative

cost, it was an insult to the community. Fortunately it has already been almost forgotten, which shows, thank goodness, the maturity of the electorate.

460 Mr Speaker, the true figures show that even allowing for costs of cancellation, relocation of businesses from the North Mole, reclamation and temporary supply, this Government's power station will cost about £26 million less than the former administration's. When you take into account that ours will be able to produce 84 megawatts as opposed to their 64, the cost per megawatt capacity for their station would have been over £2 million and ours just over £1 million, nearly half the cost. And this still does not factor in the cheaper fuel for our station, savings from discarding rental plant, nor the clear environmental benefits in the emissions of virtually no particulate matter, no sulphur, and much less nitrogen dioxide.

465 Let me reiterate, Mr Speaker, that LNG is just about the safest fuel around – LNG, Liquid Natural Gas, not LPG, Liquid Petroleum Gas, which is the one that causes explosions. The few googled reports of LNG burning that the GSD have used are none of them in the kind or size of plant that we are planning for Gibraltar. The plant being designed for Gibraltar will be a world leader in safety.

470 Seriously, Mr Speaker, the people from Lloyds went on the information that they were given. This information was incomplete and inaccurate. In good faith they prepared the best possible report based on the worst possible quality of information. (*Interjection*) No-one is questioning their calibre, but you can only work with the information that you have, and the GSD just did not have it. So Lloyds, I repeat, in perfectly good faith, made assumptions on conjecture. Such important decisions cannot be based on inaccurate information. Mr Speaker, the Opposition has abused the name of Lloyds Register and has tried to manipulate their honest report to suit their own scheming ends. The report points out potential difficulties that need to be overcome, these in many cases being precisely the difficulties that our potential providers are succeeding in resolving.

475 Mr Speaker, the Lloyds report concludes that some of the risks are:

480 'Significantly greater than those found to be acceptable for conventional LNG marine storage terminals.'

I repeat the key words, 'conventional marine storage terminals.' This one will not be conventional. The report does express concerns that the port is, at this point in time, not equipped for handling LNG. Well of course it isn't. It isn't equipped for handling herds of stampeding elephants either. We've had no need to deal with either up to now! (*Laughter*) But all the necessary adaptations will be made in order to be able to do so – to handle LNG, Mr Speaker, not to handle stampeding elephants – although there is just about as much danger of a significant incident in our LNG plant as there is of a stampede of pachyderms suddenly disembarking in the port and taking our fair city by storm.

485 Mr Speaker, I am certain that Lloyds Register would not recommend boiling water being poured over anybody's head. They would point out that you have to be aware of the potential dangers of boiling water and the need for it to be handled carefully, and for there to be safeguards in place to avoid scalding. But that does not mean you cannot make yourself a cup of tea! You must ensure you use a safe kettle and that you are trained in how to pour, and how much to put into a cup before it overflows.

490 Mr Speaker, the Government and the GEA are doing things responsibly. The UK's Health and Safety Laboratory have advised that an LNG power station and storage in Gibraltar are doable – provided it is done correctly. Therefore we are awaiting the detailed designs – which we are on the point of receiving – in order for them to finalise the detailed assessment. That is the time when we will, responsibly, share these with the public. Lloyds has essentially said nothing different to this.

495 Mr Speaker, the matter is one over which the Opposition should be showing a responsible approach and be willing to wait until all the studies have been completed and all the science is clear before resorting to spreading fear. Is this too much to ask? Their failure to do so, their rushing into the fray only betrays their real lack of confidence in their own position.

500 Mr Speaker, the GSD does not care about power, or clean air, or safety. They do not care who they scare with their misinformation and fabrications. Their approach is not about genuine concerns, but a vile attempt to inject needless fear into our community. It is an absolute disgrace. (*Banging on desks*)

505 Mr Speaker, the Opposition will very soon find all its arguments come tumbling down. As the author Gonzo Arzuaga, paraphrasing none other than Albert Einstein, said:

'A smart person knows how to fight a battle. A wise person knows which battles not to fight.'

510 Mr Speaker, the Opposition, are not smart, and, most certainly, they are not wise. They have lost this debate even before it has really started. As Members will know, and the Chief Minister made reference to this in his address, cruise ship giants Carnival Cruises have just ordered four brand new cruise liners, with a capacity for 6,600 passengers each, all powered by gas and carrying LNG storage tanks. And to quote the President and CEO of Carnival, Arnold Donald, speaking recently to Bloomberg TV:

515

‘We certainly wouldn’t be doing anything we didn’t think was perfectly safe.’

Mr Speaker, I have spent my entire life fighting for a safe environment –I am not about to change now. I can confidently say that the new power station will be safe, clean, virtually non-polluting, with enough capacity to cover our energy needs for years, and will be supplemented by renewable energy as we develop this.

520

To return to the more mundane, Mr Speaker, I can report that during the last financial year a total of 179.2 million units were billed and the amount collected was £24.6 million.

The number of consumers rose slightly to 19,411, an increase of 138 from the previous years.

525

The total installed generating capacity at the end of the year stood at 95.48 megawatts as new rental plant replaced the ageing plant. Once this plant is decommissioned and the turbines removed from site to make way for the new power station, the installed capacity will be 75.08 megawatts which is more than sufficient to meet the forecast peak demands until 2017 of approximately 42 megawatts, until the new station is commissioned.

530

The price of fuel supplied during the last financial year has decreased substantially to levels that had not been seen over the last 15. It started the year at £559.40 per tonne in April 2014 going down to £358 at the end of December, before going slightly up again to £368.94 per tonne in March 2015. These low oil prices have not had a huge impact on our fuel expenditure on account of the Authority having entered into a hedging arrangement which has been in place for the last six years. I must add here that the cost of LNG remains lower.

535

Mr Speaker, the Authority continues to upgrade and expand the network and the supervisory control and data acquisition that is used to monitor the generation and main distribution system, thus providing a better and faster response when dealing with power outages. This year we have installed the fibre optic link through No 7 High Voltage ring in preparation for the full automation and monitoring of all the substations as part of the new power station infrastructure works.

540

Improvement works also continue to the electrical supplies to Laguna and Moorish Castle Estates as part of the block refurbishment and lift programme.

545

Improvements to the public lighting network continue with replacement of existing street lights with LED and /or low energy lanterns. This year Waterport Road, Queensway and Catalan Bay village have been done. As I mentioned earlier, this has seen a reduction in the street lighting electrical consumption of 15.3 % compared to 2013-14 and 18.7 % compared to 2012-13. These are true savings in energy and money.

550

We continued also replacing our Christmas lights with LED lights and again received very positive feedback from the public of last Christmas’s lights, and in particular the switching on ceremony that was organised in conjunction with the Ministry of Culture.

555

Training and development of technical staff of the GEA continues. This year we arranged specialised training courses to introduce modern jointing techniques that reduce the down time in repairing low voltage joints by more than 50 %. This was in addition to the refresher health and safety and fire training that is part of the continuous development of Authority staff.

560

During 2015-16 in addition to the day-to-day maintenance and repairs, work will continue on the new power station infrastructure and we will see the start of the associated infrastructure new distribution centres at Waterport and Mid Harbours.

565

The design of the new power station will gain momentum with the EIA and the technical review of the engineering design by Bouygues that will be carried out by the Authority technical team supported by Mott MacDonald as technical engineering consultants.

570

Work is also programmed to continue on the replacement of substations which were procured this last financial year and which now will be replaced to increase the reliability and robustness of the high voltage network.

575

Mr Speaker, as you know, my portfolio was extended by the Chief Minister last December to also include responsibility for water production, as Chair of AquaGib Ltd. During the period AquaGib has maintained and improved on its levels of service and performance indicators in respect to the provision of potable and seawater, and sewerage services. In order to achieve this level of service AquaGib had an expenditure of £12,115,000.

580

In addition, AquaGib Ltd has continued to invest over the period on capital projects as part of its asset replacement plan aimed at maintaining and improving the water infrastructure assets in Gibraltar as included for in their contract with Government. During this period a total of £730,000 was spent on capital projects, which included: the replacement of potable and seawater mains; replacement of customers’ water meters, meter cupboards and manifolds; improvements to the reverse osmosis desalination plants by the building of new chemical dosing equipment and a second pass RO polishing unit at the Waterport Plant; also phase 1 improvements and upgrading to the Scada system of remote monitoring and operation of the

575 RO plants, pumping stations and reservoirs; IT upgrading to handheld remote meter reading equipment; and the replacement of the pumps at the Varyl Begg Sewage Pumping Station.

The form of electricity and water bills has been changed in order to provide more information and encourage efficiency. Indeed, this reflects AquaGib's policy and new energy efficiency measures are constantly being reviewed in all the company's activities.

580 The approved budget set by the Company for the provision of potable and seawater supply, and sewerage services in Gibraltar next year is £11,100,000. This reduction in budgeted cost follows the resolution of the ex MSF employees employment issues as a result of the Collective Agreement between the Government, AquaGib and Unite the Union.

585 The approved budget set by the company on capital projects as part of its asset replacement plan in Gibraltar has been set at £638,000. This includes the following projects: replacement of more potable and seawater mains; replacement of water meters; replacement of RO membranes at Governor's Cottage Plant; rock stabilisation works at Governor's Cottage; phase 2 improvements and upgrading to the Scada system; and IT upgrades to the Sage 200 system.

590 As you can see, Mr Speaker, there has been tremendous activity in all my non-health-portfolios, much of interconnected, and reveals a logic and forward thinking linking all of these within one Ministry.

And so, Mr Speaker, I turn to my health related portfolios.

In relation to the Ministry of Health and the Gibraltar Health Authority and now Elderly Residential Services, let me set the scene, Mr Speaker, by quoting a cruise passenger who sadly had to be hospitalised in Gibraltar. He wrote to the Authority saying:

595

'I was a patient in your hospital for two weeks and I do wish to express my gratitude to all concerned with my treatment. The medical and nursing care was first class with a general standard of efficiency. A high standard of training coupled with effective organisation shone in every way. So thank all of you for your share in getting me fit enough to return home. I count myself very lucky that the ship docked where such a fine hospital is available.'

(A Member: Hear, hear.) Mr Speaker, this Budget speech will primarily highlight the improvements made to our health service during the last financial year.

600 Mr Speaker, there is of course much more to do. I continue to listen to the people I represent and realise that there are no easy answers to some of the problems which have built up over many years, just the painstaking work of putting right what was wrong. But I am as determined as ever to deliver a health service of which to be proud.

605 Mr Speaker, in previous presentations to this House I have made reference to the need to change the GHA's management structure. I am now pleased to report that this has now been completed. This has allowed the team to start setting up essential groups and committees such as the Clinical and Corporate Governance groups which are essential and will ensure we address issues such as patient safety, staff training and development, audits, learning from clinical incidents and accountability.

610 Mr Speaker, as we know, the GHA provides a comprehensive range of health services for the people of Gibraltar. This includes Primary, Secondary, Mental Health and the Ambulance Service, together with arranging care in the UK or Spain for those patients whose medical condition requires that to be done.

615 Mr Speaker, we are extremely fortunate to have the high calibre of professionals delivering these services for a relatively small population. People now want to be informed about their care, and want to be involved in decisions about their care. Patients also expect to be active participants in developing plans for their own care. The public is more aware than ever before about health care. Therefore in order to continue building on our reputation and respond to the challenges of the future, the values that underpin healthcare practice must reflect what the public expects of us.

620 Mr Speaker, I gave a commitment over three years ago and with the assistance of all at the GHA, we will continue to seek ways of improving all areas. We have a vision of the kind of organisation we wish to be and the service we wish to provide, and our strategic plan sets out that vision and how it will be achieved.

Mr Speaker, in its strategy, we have identified five key objectives which are: (1) prevention rather than cure; (2) provision of care and services; (3) training, development and succession planning; (4) governance, quality of care and safety; and (5) communication and engagement.

625 Mr Speaker, I will now turn my attention to specific areas of our health service, what has been achieved and what is in the process of being introduced.

630 In the field of public health and health promotion, health promotion is one of the key ways to improve the health and quality of life in our community. We promote the comprehensive childhood immunisation programme, but at the same time we also look to the more senior members of our community, for which the GHA has introduced a new vaccine against shingles, which will be of great benefit. Shingles is more common in people aged over 70 years, and complications are also more likely in older persons. For this

reason as of this year the shingles vaccine will be available to all persons during their 70th birthday year, or if older than 70, on their 79th birthday.

635 Mr Speaker, during this period, Government also introduced vaccinations against meningitis C for students who were starting university as a means of protection against the disease. Meningitis vaccination has been routinely given to infants in Gibraltar for many years. However, research has shown that the protective effect of the vaccine may decrease as the child grows older. Young persons who enter into higher education for the first time usually move into areas where people live close to each other, such as university halls of residence and shared accommodation where they are exposed to unfamiliar bacteria. They will benefit from the protection offered by a single dose of the meningitis C vaccine.

640 We have also requested the necessary vaccine stocks to be able to introduce meningitis B vaccination in the autumn at the same time as the UK.

Mr Speaker, the colorectal cancer screening programme was formally commenced on 1st April last year. During the first year of the programme a total of 2,159 invitations were sent and 2,204 test kits were dispatched. In response, 849 samples were received, of which 638 or 75% were negative. During this year, 645 the screening programme picked up two cancers.

Mr Speaker, as promised last year, the GHA introduced a new screening programme to detect aneurysms of the abdominal aorta from 1st March this year. This programme aims to detect such aneurysms in older men who have a higher risk of the condition, which can be fatal if not detected and treated in time.

650 Mr Speaker, our ability to screen the hearing of neo-natal babies is also progressing even further, with staff being trained and new equipment procured.

Members will be aware of recent UK news reports where consideration is being given to a 'new', safe and non-invasive system of genetic screening for unborn children. Well, I am proud to say that we introduced that system almost a year ago – the first national health service provider anywhere in the world to do so! This has greatly reduced distress to mothers and also reduced unnecessary referrals to the UK. We have also acquired the services of a visiting consultant geneticist to advise on any issues that arise. 655

Screening programmes remain one of my priorities. The breast screening programme is expertly run and regularly improved upon, but I have discovered that the cervical screening programme that I inherited is far from satisfactory and this year we will work on bringing it up to the required standard.

660 Mr Speaker, another commitment from last year was to undertake the second Health and Lifestyle survey. The creation and successful completion of such projects highlights the commitment by this Government and the GHA to even closer understanding of the health of our people.

The 2015 survey will once again aim to find out the levels of perceived health in the resident population, as well as gather information on eating, drinking, physical activity and other lifestyle parameters. It will also be able to make comparisons with the earlier survey and examine trends. The information from this second survey will be valuable in determining future health priorities for our community. 665

Mr Speaker, in keeping with another of the commitments made last year, the GHA has set up for the first time ever a specialist microbiology service which will be delivered by Hampshire based Gibraltarian Consultant Microbiologist, Dr Nicholas Cortes – no relation, Mr Speaker.

670 Dr Cortes is providing advice to GHA doctors throughout the year, as well as making regular visits and training staff. He is providing guidance on clinical practices and expert advice on matters related to infection, something that is increasingly important with the emergence of organisms that are resistant to antibiotics.

675 He also provides advice on specific patients and conditions, as well as support in developing policies and protocols and in improving clinical governance. This service will support the work of our health professionals, but most significantly benefit our patients and our other service users.

680 Mr Speaker, on Health Promotion and Public Education, the Department has been busy throughout the year with the following programmes delivered: Skin Cancer Screening Day; Autism Awareness; Breast Feeding Awareness Day; World Asthma Day; World Blood Donor Day; Noise-Induced Hearing Loss; Dental Health Awareness Day; Dementia Awareness Day; Mental Health Week; Heart Health; No-Smoking Day; the Well Child; and Hand Hygiene Day.

685 Mr Speaker, one of the greatest Public Health challenges during 2014 was addressing the Ebola crisis. The Authority took the lead in building up preparedness for a response to the threat posed by the potential arrival of Ebola Virus disease into Gibraltar. Gibraltar's Port protocols were strengthened with specific measures applied to ships or persons having visited from affected areas. The Borders and Coastguard Agency, Pier Masters, HM Customs, the Airport and the Police were all similarly prepared.

A comprehensive 'Viral Haemorrhagic Fevers Policy' covering preparedness, disease recognition, personal protection, infection control, investigation, clinical management, specialist advice and waste disposal was prepared.

690 A dedicated reception and isolation unit within St Bernard's Hospital for admitting potential suspected cases was swiftly and safely created, together with a comprehensive training programme delivered by our excellent Infection Control Nurses to healthcare workers.

Two simulation exercises were successfully held on 5th November and 11th December 2014 to test these plans. We were well ahead of the game.

695 Mr Speaker, as I have mentioned already, the management structure review that I initiated in 2012 is now complete and we are now adapting to this and streamlining operations.

As part of its new services, the GHA HR department will shortly be introducing and conducting exit interviews with all employees who leave the organisation. The benefit to the organisation of encouraging staff to complete the exit interview process is that important information can be obtained which can be used to support other initiatives and policies such as health and well-being, stress management and equality.

700 Mr Speaker, in order to support the HR function of the GHA, we have entered into a formal agreement with the UK's NHS Employers, which will allow us access to the various services provided by the organisation. These provide access to publications which include guidance and case studies, access to seminars and webinars on topics such as health and wellbeing at work, staff engagement, organisational development, raising concerns at work, equality and diversity, just to mention a few.

705 Mr Speaker, the GHA will benefit immensely from this arrangement, from the experience and expertise that can be obtained from NHS employers. We are working hard in becoming the exemplary HR department of Gibraltar. Mr Speaker, staff are the most important asset a health service has, and we aim to provide practical support on all aspects of managing human resources, which in turn promotes better care to patients.

710 Mr Speaker, the GHA held its seventh annual Staff Awards Ceremony this year. Around 140 members of the staff and their guests came together to celebrate the long and loyal service of staff who have worked for the GHA for more than 25 years and a range of individual and team acts of outstanding performance in the last year. Special mention needs to be given to Mr Stephen Mascarenhas and Mr Francis Mauro who work as GHA messengers and were joint winners of the GHA's prestigious 'Employee of the Year Award'.
(Banging on desks)

Mr Speaker, on the issue of the consultant contract, I can report that we are in the final stretch to full resolution, with just some minor details being worked out between the negotiating teams of the GHA and Unite. We are also reviewing the contracts of our Non-Consultant Hospital Doctors (NCHDs).

720 Mr Speaker, in keeping with a manifesto commitment on the subject of General Medical Council (GMC) registration, doctors will in future need to be registered and licensed to practice by the GMC in order to register under the Medical Registration Board in Gibraltar.

725 The new procedures follow extensive discussions with private and public sector doctors in Gibraltar, as well as with the UK Department of Health and the GMC. We are working with doctors to ensure a smooth transition, to guarantee that currently registered doctors are reassured, and to resolve any issues that may arise without prejudicing anyone's ability to practice legitimately.

730 Mr Speaker, this process has required the enactment of further rules establishing the role of Responsible Officer who will oversee the licensing of doctors in Gibraltar. There will also be a comprehensive programme of Continuing Professional Development (CPD) and regular appraisals to a standard acceptable to the GMC in order to be revalidated. This process has already commenced in the GHA with the support of the Health Education Wessex Training Board.

735 Mr Speaker, the process will provide comfort in the knowledge that all our doctors will be validated by the greatly respected GMC and is already serving as a catalyst leading to improvements of standards of practice and good clinical governance. I look forward to working with the MRB and the doctors in making this a working reality.

Mr Speaker, in the same vein, new regulations to govern Allied Health Practitioners are also in place. The benefits of this arrangement also include improved standards of practice and good clinical governance.

Mr Speaker, this Government, as none ever before, is committed to a quality service and safe professional practice.

740 Mr Speaker, the School of Health Studies (SHS) is at the heart of healthcare provision in Gibraltar, providing health care education to a range of staff in various settings, and maintaining close links and working with Kingston University and St George's University of London.

745 Mr Speaker, the school has over the last year introduced a range of new initiatives. The Enrolled Nursing Programme has had over 40 pupil nurses taking part. Enrolled nurses registering with the Nurses, Midwives and Health Visitors Registration Board Gibraltar have and will take up employment with the GHA in various care settings. This is a joint award with the Pearson/Edexcel's Qualification and Credit Framework (QCF) level 3. This was an innovation of this Government and is an opportunity not available in the UK. It has opened the possibility for nurses to train through all the different levels while staying in Gibraltar.

750 The first ever degree programme delivered fully in Gibraltar is due to render its fruit this year. Eleven students are expected to graduate in autumn 2015, and existing posts have been earmarked for all the students. The school is looking forward to offering joint degrees and working closely with the new University of Gibraltar.

755 The part-time MSc in Leadership and Healthcare has entered its second year. Senior managers from across the GHA are participating in the first ever programme of study at this level. A number of other training programmes have received considerable school input – for example, QCF levels 2 and 3 for health care assistants and Ambulance Service personnel, and assisting the ETB with their Care Training Programme in co-operation with the Care Agency.

760 The school is also assisting with the Clinical Governance aspects of the Ambulance Service ensuring that this service is patient centred, safe and effective.

Mr Speaker, in order to improve the learning experience and environment, there has been investment in the refurbishment and additions to the IT facilities within the school, which will offer staff and students further resources in the form of a 20-seater computer suite.

765 Mr Speaker, to show this Government's commitment to healthcare education, an unprecedented year-on-year BSc Nursing programme is to run in September 2015 as opposed to the alternate year intake. This will allow more local residents to fill registered nurse posts.

770 Mr Speaker, I am pleased to reveal that the school's programme have received an exceptional External Examiner report from the Southbank University of London regarding the academic quality of the BSc (Hons) Adult Nursing programme. The school has also received two further outstanding external reports from 'Pearson/Edexcel' regarding the support candidates receive from the school, as well as practitioners in the field.

Mr Speaker, finally on Health education, two GHA teams were shortlisted for the prestigious awards of Innovation Nurse of the Year and Lymphoedema Nurse of the Year by the 'British Journal of Nursing'.

775 The last 12 months have seen significant steps being taken by the GHA Ambulance Service to raise the pre-hospital care to current UK standards. Most GHA Ambulance staff have over 10 years' experience, reflecting the high staff retention, extensive experience and strong motivation for the job. The recent designations of a Clinical Development and Training Officer and a Resilience and Special Operations Officer have allowed these leadership roles to focus, develop and expand into their respective specialties.

780 Mr Speaker, Paramedic Service practice was introduced successfully on the 1st December 2014, and already the benefits of using these advanced skills are clear, with out-of-hospital pain management demonstrating to be a prevalent area of practice. Advance Life Support can be delivered out of hospital, providing lifesaving interventions at the incident site.

785 The Paramedic Response Vehicle (PRV) has proved to be at the sharp end of Gibraltar's pre-hospital response. Furthermore, attendance of a paramedic allows the possibility of triaging incidents, thus ensuring that resources and skill are used more effectively.

Mr Speaker, our multi-agency relationships are getting stronger, and our professional interactions are now providing reciprocal benefits. During this period, Gibraltar has exercised two multi-agency aircraft disaster exercises with many lessons learned by all agencies and at all levels.

790 Mr Speaker, Sponsored Patients and Visiting Consultants: the number of referrals to tertiary centres outside Gibraltar continues to rise, with over 3500 cases managed during this past year. Mr Speaker, this Government will continue to be committed to the programme and ensure patients with complex clinical needs get the best possible care and outcomes. It is for this reason that we have just two weeks ago entered into an agreement with St George's Hospitals Trust which will provide a range of treatments both in London and in Gibraltar, by way of visiting consultants and specialised nurses, which will not only ensure the best possible treatment, but also result in more efficient use of funding. This will improve such services as neurology, neuro-surgery, spinal issues and back conditions and gastro-enterology. The agreement with St George's will include the use of in-hospital accommodation for families. Moreover the acquisition of the new, expanded Calpe House will, when complete, also provide for much more economical accommodation for our patients.

800 Still in relation to sponsored patients, Mr Speaker, I am pleased to announce that we have now completed the review of sponsored patients allowances and that, from the 1st of July, the weekly maximum allowance will be increased from £427 to £504, with a corresponding percentage increase in the allowances for those staying at Calpe House. Other improvements include greater flexibility in arranging return dates and escort conditions for the children and the elderly.

805 These are much overdue changes that have been discussed with and welcomed by patient groups.

Mr Speaker, I will now summarise developments in various other departments:

In Radiology: commencement of the Abdominal Aortic Screening programme which they run; and a premium ultrasound machine has been purchased, which includes an advanced foetal heart tool, which facilitates and enhances the foetal heart investigation.

810 Mr Speaker, the most significant investment in this department this year will be the replacement of the CT scanner which is currently 10 years old. This is further evidence of this Government's commitment to enhancing medicine in Gibraltar, and to ensure that there is proper upkeep and updating of equipment. This new scanner will increase the GHA's diagnostic capability, together with a better and safer service, particularly with regards to dose-saving software, reliability and image quality. This package has also
815 included the training for staff in the department. It will be the most advanced CT scanner in use in the whole of Europe.

The possibility of bringing an MRI service to Gibraltar is now actively being pursued, as we continue to make plans to expand the St Bernard's campus to cater for growth and a distribution of our services.

820 Mr Speaker, this year has seen an increase in the requests for many tests across all of our Pathology services. This is related to workload increase and a greater dependence on laboratory tests in disease diagnosis and patient management, with a significant number of tests, including those for tumour markers having increased by over 300%. The department continues to work with service users to fine-tune test repertoire, as well as implementing tests that reflect best practice and modern approaches to diagnosis and management.

825 Mr Speaker, in conjunction with the UK, the GHA has introduced a new-born baby screening test. The GHA's Department of Pathology has been involved since 2012 in the pilot study, which was run by Sheffield Children's NHS Foundation Trust for the testing of Heel Prick samples taken from babies between five and eight days old, for certain genetic conditions in addition to those already checked. We can now identify these rare genetic disorders at a much earlier stage.

830 All these inherited conditions are those where babies have problems breaking down amino acids. Knowing about these conditions early allows dietary advice to be given to prevent the build-up of harmful proteins in the system and thus reduce the impact of the disease.

835 Mr Speaker, the move to a purpose-built facility at the St Bernard's Hospital catering site is planned to take place during this summer. This will change the way meals are served to patients, and quality above all will be the main benefit. Already the process to improve the patient meal experience has commenced with the successful pilot introduction of bulk food delivery in John Mackintosh Ward. Excellent feedback has been received from patients and relatives.

Great thought has gone into the design of the facility in terms of energy efficiency which will reduce running costs.

840 The new facility together with the changes to be made in the way that meals are served will give a wider choice of meals to our patients.

Mr Speaker, the GHA's estate is spread across multiple sites that include St Bernard's Hospital, Primary Care Centre, Ocean Views, Community Mental Health and the Catering Facility. There is also an increasing amount of equipment maintained for patients in the community.

845 During this last year, a total of 2,833 work requests and emergency call-outs were attended to. This is a significant increase in workload, which mirrors the increase in assets now being managed. The clinical engineering team has also been engaged in numerous major projects as part of an ambitious programme of improvements across the GHA, including: the expansion of clinics in the Primary Care Centre; a new Dermatology Clinic; expansion of the Blood Department; of the Community Mental Health Facility; relocation of the Hospital's liquid oxygen tanks; installation of a new lift for St Bernard's Hospital; and a new vital signs central monitoring system for A&E.
850

Mr Speaker, over this financial year, we have made substantial progress in our medical devices lifecycle replacement plan and continued to invest in equipment, upgrading critical medical devices that are nearing or at the end of their specific lifecycles.

855 Mr Speaker, I would like to stress the importance of investment and maintenance of equipment. The GHA repeatedly demonstrates its professionalism and dedication to ensure that St Bernard's Hospital and other sites remain operational.

860 Mr Speaker, in keeping with the Government's policy for promoting e-Government, the GHA reached an agreement with EMIS/Ascribe, a leading UK based company, for the provision of a full integrated electronic patient record (EPR) for Gibraltar. This follows a European tender process that started in 2013. The introduction of an electronic patient record was well overdue.

Mr Speaker, I am glad to say that we are now in a position to introduce this and that it will mark a huge milestone in the development of Gibraltar's healthcare, probably one of the most significant ever.

865 Mr Speaker, the GHA and EMIS/Ascribe have been working together to deliver a unique, world-leading product combining all areas of healthcare, the most integrated system anywhere, and will be jointly branding the product. As this develops, patient records will be electronic, so that wherever you go within the system, your clinician will be able to access all of your records. No more lost notes or referral letters, Mr Speaker.

870 Your GP at the health centre will be able to see your record of interventions in the hospital, X-rays, scans and other results, and your hospital doctor, at A&E or in the clinic, will be able to see your health

centre records. At the end of the process, a GP on a house call, on a mobile device, will be able to access your notes, as will a consultant doing a ward round in hospital. There will be alerts that appear on screen for certain conditions or medications, increasing patient safety even further. Prescribing and dispensing tools will also be greatly improved.

875 Mr Speaker, the preparation for this has been huge, with intensive training sessions, here and in the UK, and a great deal of organisational work being done by several teams, including the clinicians who will be using the system, and administrators, as well as the GHA's own IT and IS experts who have been commended for their expertise by EMIS/Ascribe. This has been an initiative like few that the GHA has seen, and the whole team and everybody involved there have to be congratulated.

880 I am pleased to state that the EPR Programme Board, which I Chair, and which includes Gibraltar and UK representation, last Friday gave the green light to go live for the Primary Care and A&E modules ahead of schedule tomorrow. (*Banging on desks*) Further modules will follow in phases, with full implementation expected in 18 months.

885 Mr Speaker, EPR will modernise and transform the way we deliver healthcare. It will bring many benefits to both staff and patients by significantly improving the management of information, allowing us to extract important statistics, and most importantly, making the patient journey smoother and more efficient – a true game changer.

890 Mr Speaker, the IMT team has otherwise had quite a busy year. Apart from the work done in supporting the EMIS team on the EPR project, other significant projects have included installing all of the IT systems and equipment and network infrastructure at Ocean Views, Community Mental Health and the new clinics at the Primary Care Centre. The team has also engaged in the installation of a hospital Wi-Fi network, a centrally managed digital dictation system for medical professionals and the British Sign Language online translation services.

895 Mr Speaker, the Day Surgery Unit continues to expand its services and the number of procedures undertaken. The unit continues to undertake on average between 85% to 90% of all elective patients requiring surgical procedures of all specialities. This is way above the UK mean. During 2014 a total of 2,666 surgical procedures were undertaken within the Day Surgery Unit.

900 Mr Speaker, the continued success of the Day Surgery Unit which allows a reduction in demand for inpatient beds with an estimated freeing-up of over 1,200 bed days on wards, together with the use of the newly refurbished and equipped third theatre, improved utilisation of theatre time, improved bed management, the recruitment of surgeons in Orthopaedics and ENT, extra surgical initiatives and the transfer of long-stay elderly patients to the newly refurbished John Mackintosh Wing have resulted in minimum elective surgical cancellations due to beds not being available, despite the increased bed occupancy experienced during this last winter.

905 Mr Speaker, all of this has contributed to the drastic reduction in the size of surgical waiting lists in St Bernard's Hospital to what is now the lowest in years. Mr Speaker, from a total surgical waiting list hovering around the 1,000 mark, in May this year it stood at just 387 patients, about a third, and this despite the fact that more clinics and more activity actually identify more cases. As one example, the plastic surgery waiting list was 154 in March 2013; it is now 80. The list for ENT was 125 and is now 49. And for
910 Ophthalmology, it was 140 and is now zero. (*Banging on desks*)

The number of operations carried out has also increased, with the figure from January to May this year being 1,432 compared with 1,282 for the same period last year.

915 Mr Speaker, this is an unbelievable achievement in such a short time after so many years of the same old story. It goes to show that this Government's policy of empowering and encouraging clinicians and other stakeholders, and supporting them, produces results.

Mr Speaker, we are now planning extra initiatives in Plastic and Orthopaedic Surgery, to reduce the waiting lists even further.

920 Mr Speaker, the GHA continues to explore opportunities of repatriating services. Even though in the short-term this represents a greater cost, these costs will be recovered in the long term. The quality of the service is maintained and there is less disruption to patients who do not need to travel abroad. Services repatriated so far have included: Cardiology Service – by increasing the Cardiology Service agreement with a visiting consultant to allow more work to be done locally; upper limb surgery – thanks to the specialisation of the new orthopaedic surgeon, the GHA is now able to offer certain upper limb surgery locally, thereby reducing the need for referrals to the UK; ENT Services – the GHA will now be able to
925 offer a variety of otology and laryngology surgical procedures locally, reducing the need of tertiary referrals to the UK and reducing the need to bring a visiting consultant over.

930 In oncology, the GHA is close to an agreement that will see cancer treatment carried out in Gibraltar by way of chemotherapy, consultant support and a multi-disciplinary approach to cancer treatment. In line with developing the strategy for cancer services, the first step has been the recruitment of the Cancer Services Co-ordinator, with whom I look forward to working very closely in the future. (*Banging on desks*)

Mr Speaker, I am pleased to report that we now have an Associate Specialist in Accident and Emergency who, together with a new 24 hour administrative presence, is reforming the way we work in this front-line department.

935 On Primary Care, Mr Speaker, an area where we still need to continue to improve, especially with respect to access to services and availability of GP appointments. It is a challenge that we are overcoming and developments this year have included: four new clinics for use by the GPs have been developed; three and a half extra GPs are now working in order to reduce waiting times by increasing the availability of appointments. The increase will also provide GP cover for palliative care at the Cancer Centre.

940 Dermatology Service: a GP with special interest in Dermatology will support the Visiting Consultant service and carry out procedures locally. This will avoid delays in having to wait for the visit by consultants from the UK. To further support this service, a new dermatology clinic has been built, designed by the team as a bespoke dermatology unit, allowing the service to have an established base and provide a better service.

945 Works on the fifth clinic in the Dental Suite is currently being completed to allow for extra clinical sessions for both Orthodontics and general dentistry, with the aim of reducing waiting lists.

There is also a repeat prescription box, with relevant request forms that has been set up to facilitate patients obtaining a 'last prescription appointment'. This service has allowed the release of extra GP appointments.

950 A British Sign Language Video link Service was introduced this year for patients with hearing impairment. This will fill a communication gap which was missing and will allow this client group to access the services with no barriers. Initially this has been installed at the Primary Care Centre to allow clinicians and service users to communicate, but it is planned to roll out this technology to secondary care. A text service for the profoundly deaf has also been introduced.

955 I can report, Mr Speaker, that these improvements have resulted in the famous queue for appointments on the first of the month having been cleared in June in just 15 minutes.

960 For Dementia and the Elderly, Mr Speaker, in line with the completion of the GHA Strategy, the drafting of the Dementia Strategy for Gibraltar is also nearing its completion. Part of this strategy is the development of the Dementia Day Facility which will be ready in a few months. The new Bella Vista Day Centre will offer services for up to 90 users and will provide much-needed rehabilitation care to clients and support to family members. Some of the services provided include current services which will be re-located to the new site.

Mr Speaker, I would like to give a special mention here to the Gibraltar Alzheimer's and Dementia Society which through their work, commitment, dedication and financial contribution through fund raising – as well as choosing the name for the centre – have been key stakeholders in making this project a reality.

965 As members know, in December last year I was entrusted also with the residential services for the elderly. Of relevance here is the new Dementia residential facility, also due to open in a few months and which will look after 52 residents. I must also mention the opening during the past year of John Mackintosh Wing, thanks to the hard work of the former Minister for the Elderly, my friend and colleague, Samantha Sacramento, also as a residential home for the elderly.

970 During the coming year we will be building up on these developments to improve provision of elderly services, including of course Mount Alvernia, and we will continue to work closely with the Care Agency to ensure smooth transition between home and residential care.

975 Mr Speaker, as we all know, the GHA has the largest Government budget. The financial year 2014-15 saw the budget top the £100 million mark. The main challenges to controlling expenditure correspond to clinical demand-led items, mainly GPMS prescriptions, Drugs and Pharmaceuticals and Sponsored Patients. The GHA is studying ways of becoming more efficient in these challenging areas.

980 Mr Speaker, on the element of Capital Expenditure, however, with the creation last year of the GHA's CAPEX committee, we continue to deliver tight budgetary control, with capital expenditure being well within budget this financial year. Necessary major works have been completed, new equipment procured, and a phased, planned and co-ordinated asset replacement programme is in place. This is thanks to a more informed prioritisation of expenditure and controlled capital replacement programme as a result of improved communication with all stakeholders that has clearly identified budget holders, and greater participation from user areas – all part of the streamlining resulting from the management restructure.

985 Mr Speaker, I now turn my attention to Mental Health, and I have deliberately left this to near the end of my budget speech since it is most definitely one of this Government's greatest achievements during these three years.

990 Mr Speaker, as related in my first Budget speech to this House, there were tears in our eyes when the Chief Minister and I first visited KGV on being elected. I had returned after 20 years and could not believe the state of the building and the horrendous conditions that patients had to live in and staff had to work in, being the clear result of years of neglect and lack of investment by the previous administration, together with their lack of vision and sense of priority.

Mr Speaker, both the Chief Minister and I vowed to create a centre that Gibraltar would be proud of, and never again would Mental Health be the Cinderella of our Health Service. We achieved this. (*Banging on desks*)

995

Several Members: Hear, hear.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Very proud – very good.

1000

Hon. Dr J E Cortes: Mr Speaker, the Leader of the Opposition in his address yesterday asked Members of this side of the House whether they got a ‘twinge’, presumably of guilt about the state of a school. Well, Mr Speaker, it is not a twinge the opposite side should be feeling, but a cramp of the most bone-twisting kind. Nay, Mr Speaker, they should shrivel in shame for having created and maintained a mental home with such inhuman conditions and kept it going in its Victorian decadence well into the 21st century, condemning some of our less privileged citizens to a life of squalor – indeed, forcing some of them to live out the end of their lives in the old KGV. Thank God, Mr Speaker, for the professionalism of the staff and the care that they provided so that at least they could maintain as much of their dignity as possible.

1005

Mr Speaker, the main focus of work in mental health this year has therefore been in preparing for the opening of the new facility, Ocean Views. The 7th February 2015 saw the long awaited migration to this site, a 52-bedded, state-of-the-art, modern facility and a bright new chapter in Mental Health. A historic and truly memorable day for Mental Health in Gibraltar.

1010

Mr Speaker, I pay tribute to all the members of the Mental Health team at every level, who worked diligently for many months in partnership with all stakeholders including service users, carers, support groups, relatives and the general public to ensure the transition was carried out with precision, safety and causing minimal disruption to patients.

1015

Mr Speaker, this is not just about a brand-new facility, but a new philosophy of care. This will reflect a holistic approach in the diversity of the therapeutic programme which will be available. The new treatment plans currently being introduced are comprehensive and based on a recovery model approach, as many of the patients treated demonstrate difficulties in a variety of life circumstances.

1020

Ocean Views will now offer a Psychiatric Intensive Care Unit, a multi-functional suite which will cater for specific cases such as adolescents, vulnerable adults, mother and baby and forensic cases. The other wards will cater for acute admissions, rehabilitation, elderly mentally ill, together with two male and female rehabilitation flats.

1025

There are improved clinical areas, an Activity and Rehabilitation Centre, together with ample open spaces and gardens. This provides a good balance of residential and recreational areas in an environment which is conducive to healing.

Mr Speaker, this new facility and approach to mental health care has already started to show its benefits. The patients absolutely love the new facility and they are benefiting from the large investment which has never before been made.

1030

Mr Speaker, critical to the overall Mental Health Service and clients has been the need to review and update the current Mental Health Act. A multi-professional group has been working on this piece of work for the past two years and I will have the satisfaction of bringing the Bill to this House later this week.

Mr Speaker, keeping in line with the commitment to improve Mental Health Services, this year has seen the completion of a full refurbishment programme to the community mental health department based at Coaling Island, achieved with minimal disruption to the running of clinics and services provided by this excellent team. Following from the official opening on 24th September 2014, very positive feedback has been received from service users, relatives and members of the public embracing the new therapeutic and welcoming environment.

1040

Mr Speaker, this huge investment in our Mental Health Services is aimed at offering more effective clinical care pathways that are integrated across acute, community and residential care settings. This has been necessary to ensure that patients and service users are supported at all stages of the care journey and in a setting that is most appropriate to their needs.

I will now summarise, Mr Speaker, a few other key developments during the year. The new Complaints Procedure: in line with our manifesto commitment, we reviewed the Complaints Procedure, with the relevant legislation completed and published. The process has now been moved away from the GHA and is now managed by the Complaints Handling Service which works under the umbrella of the Office of the Ombudsman. The new scheme commenced on 1st April 2015 and aims to provide a more independent and fairer process in managing complaints.

1045

Mr Speaker, even though there was a bilateral agreement between the UK and Gibraltar which had been in place since 1974, where patients referred by Gibraltar had the benefit of transplantation services in the UK in the past, for many years our patients had been denied access to the UK’s transplant services. Thanks

1050

1055 to the joint work done by the Gibraltar Dialysis Patients and Friends Association, by the Chief Minister and myself, these difficulties have been resolved. The GHA is in the process of signing a Memorandum of Understanding with the National Health Service Blood and Transplant Service to ensure access for our patients who require transplants.

1060 Mr Speaker, I am pleased to report that, in keeping with our philosophy, clinicians now play a greater role than ever before in the running of the GHA. After decades of inaction, the Medical Advisory Committee (MAC) has been reconstituted and now meets regularly with the management team and with me. One of the first initiatives being planned together with the MAC is a sexual health policy, an area where we need to progress.

Other areas which we are planning to develop this year and where progress is already being made, include stroke management, child health, and telemedicine.

1065 There is also a great deal of working together with health-related NGOs, including general users' groups such as the Health Users' Forum, and also, but not exclusively, those relating to sponsored patients, breast cancer, prostate cancer, multiple sclerosis and other neurological conditions, maternity and child issues, breast feeding, sexual health, mental health, and autism. All these groups have my full support and encouragement and I am grateful for their commitment and energy.

1070 In relation to autism, the GHA has advanced tremendously in its work in support of autistic children and young people, and their families. There is now a highly trained and motivated multidisciplinary team – including members of other Departments such as the Education Department and Social Services – and very successful courses have been held for parents. We are at last filling a huge gap that existed in this area just three short years ago.

1075 The Government will also shortly be entering into an agreement with Cancer Relief in relation to a hospice in Gibraltar, showing how willing we are to work with charities and support groups.

1080 Mr Speaker, to finish I would like to thank all at the GHA, without whom these achievements would not have been possible. I am incredibly proud of nurses, medical staff, AHP's and the administrative, secretarial and other support staff – from labourers to domestics and everybody else – for their professionalism, dedication and commitment to ensure the GHA provides a quality service. I am grateful too to my new colleagues in the Elderly Residential Services with whom I have now had the pleasure of working for some months.

1085 Mr Speaker, I want to thank all the hundreds of members of the public who come to see me, or write to me, for bringing problems to my attention that I invariably try hard to solve. Without this feedback, we cannot improve.

1085 And I want to thank the Trade Unions, with whom I work regularly and closely, for the constructive, effective and tireless way in which they carry out their essential and legitimate duties in supporting all our employees.

I would also like to thank all those public servants and any other employees in so many departments that I am involved in for their incredible commitment and work, including of course the staff of this House.

1090 And of course my own personal staff, based at Environment and at the GHA, some of whom will sadly be retiring soon. They are lovely people, an incredible group of professionals, dedicated, supporting, loyal and great fun to work with, even during the times when we are under pressure. You have made all the difference to me over the past three and a half years. *Thank you.*

1095 Mr Speaker, I will never be satisfied that I have done enough. We clearly have some way to go still in providing the standards of excellence that we all aspire to. But I can confidently say, for example, that never in the history of the Gibraltar Health Service has so much progress been made in such a short space of time. The same can be said, Mr Speaker, in other areas of my portfolio.

Mr Speaker, I have absolutely no intention of slowing down. (*Banging on desks*)

1100 **Hon. Chief Minister:** Mr Speaker, before you ask for the next speaker, I wonder whether people want a five-minute comfort break before we move on to the next speech? I propose a recess for five minutes.

The House recessed at 12.10 p.m. and resumed its sitting at 12.20 p.m.

1105

**Appropriation Bill 2015 –
For Second Reading –
Debate continued**

Mr Speaker: The Hon. Jaime Netto.

1110 **Hon. J J Netto:** Mr Speaker, it is with great pleasure that I stand to deliver my 20th Budget address and by my own free will the last one that I will be doing, given that I will not be offering myself for re-election at the forthcoming General Election. (*Banging on desks*) I am grateful, Mr Speaker, to all hon. Members.

In today's speech I will commence with matters to do with Utilities, then Social Services, followed by the Environment, Health & Safety and finally some minor issues with regard to matters that I have had the pleasure of contributing through my passage in local politics.

1115 Mr Speaker, the overriding issue as far as Utilities is concerned has to be the need to have a new power station, to provide a reliable and stable production of electricity to meet the needs of our community and for business to execute work in a smooth and efficient way. Here it is obvious that the present Government inaction on this vital project for Gibraltar has been shambolic to say the least. (**A Member:** Hear, hear.)

1120 Three and a half years ago the party opposite produced a 'False Dawn Manifesto' in which it stated among other things, 'We will ensure that Gibraltar's power needs are provided for and any binding agreements entered into in respect of the new power station will be respected'. Yet the very opposite has happened to this commitment as stated in their manifesto. The very first thing that the new incoming Government did was to cancel the contract for the construction of the power station, which was signed by the previous Government. In order to do so, as if money was no problem whatsoever, it had to pay some £5
1125 million to compensate the company for the cancellation of the contract and works already carried out.

Following the cancellation of the contract, the Government entered into a period of dilly-dallying in order to see what alternative to the existing power station they could come up with. During the last three and a half years the Government has provided, in this Chamber and outside, dates for commencement and completion of the new power station, only to be superseded by new dates, endlessly.

1130 Whilst this was going on, power cuts kept occurring, and to this effect the Government went on overdrive to smear the GSD with an incessant number of press statements to say that the power cuts were due to the 'creaking infrastructure' inherited from the period of the GSD Government. In fact we heard it this morning from the Hon. Minister himself. This distortion and manipulation of the facts was proved wrong when I placed a number of questions in Parliament, which showed that the majority of times in
1135 which there had been power cuts was due to the interim generators brought by the present Government.

From the very beginning of this term of office by the current Government, I have stated unequivocally that the GSD Government policies to have a diesel power station, given Gibraltar's specific circumstances was the right one even if that meant that because of health and safety consideration we should have to pay a higher price for the plant.

1140 Mr Speaker, we should not forget that the GSD project for a power station was based on a 'best available technology' at the time, and it was also approved by the Pollution, Prevention and Control Regulation with the necessary permit issued; therefore, completely safeguarding the environment within the context of European and Gibraltarian law, even if the Minister this morning would want us to believe otherwise.

1145 A project that if the new Government would have honoured its manifesto commitment would have meant that the new power station would have been finished by now with the necessary infrastructure to go with it, and having power cuts being something of the past. (**A Member:** Hear, hear.)

1150 Despite this, the current Government has tried to tarnish the project with a number of pseudo-arguments that do not stand to scrutiny. On the one side it argued that natural gas is a clean source of fuel, whilst diesel is not. The reality is that both are fossil fuels, and both pollute – even if the Hon. Minister for the Environment and the Chief Minister want us to believe otherwise.

1155 The fact remains that with today's technology the criticism of diesel power stations have largely been overcome by the use of selective catalytic reductions systems and exhaust catalyst. On the other hand, natural gas is a fossil fuel composed mainly by methane, and has a high fugitive escape from the extraction and transportation of the fuel giving rise to the biggest cause of greenhouse effect on the ozone layer – something the Hon. Minister for the Environment keeps silent on. (*Banging on desk*)

1160 Another false argument by the Government is to state that the GSLP Government project will cost half the price of the GSD one. This brings me to the despicable innuendo stated by the Chief Minister when he stated in a GBC interview, 'One is tempted to ask who was going to pocket the half of the extra amount it was going to cost' – the inference being that someone somewhere must have been profiting from it, quite an outrageous and scandalous statement from someone who holds the office of Chief Minister.

1165 I also notice that a year ago the Chief Minister actually said that their project was going to cost half the price of our project. Today, this morning, the Minister for the Environment said it was going to cost £26 million less. At this rate, by the time that their power station is done, it is either going to be the same or even more, at the rate they are changing their tune.

Yet Mr Speaker, we know from answers in Parliament that the overall cost of the present project by this Government, as I said, will be almost on a par with the one that would have cost under the GSD Government or more. Under the contract of the GSD it would have been around £120 million for the power station inclusive of the installation of a new dual distribution network all around Gibraltar with five new

1170 distribution centres. Yet this compares with answers given in Parliament for some expenditure so far as
 1175 October of last year to be around £90 million, whilst there remain other unquantified expenditure in relation
 to the reclamation – pipelines, LNG storage tanks and the so-called 17 years of infrastructural works
 announced by the Government. So, this is another false dawn argument.

Then we have the cheaper cost to run the gas power station than the diesel one. Yes, it is true that gas is
 1175 cheaper today than diesel given the over-abundance of gas in the world markets due to the new
 controversial process of fracking to extract gas. However, we do live in a volatile world with scenarios in
 which pricing is changing so fast that no-one can predict with absolute certainty the price of fossil fuels
 within the next 12 months, let alone in 10 or 30 years' time. Proof of this is that no-one saw the drop of oil
 in the last 12 months. Still, it will remain to be seen if fracking will be permitted to stringent regulations to
 1180 come, and what will this do to the current practice and cost.

Mr Speaker, what is totally improper for this Government to do is to spend hundreds of thousands of
 pounds of public money in the acquisition of consultants' reports on how to proceed with the power station,
 and for the Government to refuse time and time again to provide Parliament with copies of all relevant
 documents inclusive of health and safety ones. Clearly this would be inadmissible in democracies that do
 1185 not provide genuine accountability and transparent standards in order to allow a fair level of information
 and debate on important matters. Yet here, the Government operates in a secretive and opaque manner in
 order to avoid being scrutinised by Parliament in the hope to accomplish its objective in a *fait accompli*
 without having proper accountability over its decision to implement policy, more so in what is a very
 sensitive project.

Despite the delay in the Government to construct a new power station, today not a single brick has been
 laid in respect of this or even the provision of LNG storage tanks to supply the power station at the North or
 Detached Mole. Furthermore, it has not even determined whether it is possible to store large enough
 quantities of LNG safely in order to make the project economical. In addition, the Government has still not
 worked out – nor reached an understanding with the RAF – on how the new power station can be run
 1195 without exhaust plumes disrupting flights, which we know is a matter of concern. In short, it is a project
 that is beset with problems and, at this rate, it is unlikely to be completed by 2020. (*Interjections*)

The fact remains that the GSD has been expressing concerns about the use of LNG so near populated
 areas since the beginning of Government intentions on this matter. However, when the Government made a
 decision to locate the LNG Installation in the Detached or North Mole without having all the necessary
 1200 safety reports beforehand that this raised alarm bells given the cavalier way in which it was proceeding.
 This haphazard manner in which the Government is operating is a result of a post-tender decision to have a
 private entity to build the facility at no cost to the Government in exchange for bunkering rights.

The current situation is that while a contract has been awarded for an LNG power station, none has been
 awarded for the construction of the LNG storage facility which is required to supply the power station.

1205 It is obvious from the Government's own communiqués that all the necessary health and safety reports,
 including gas cloud models and blast risk assessments, were not obtained before the decision to build an
 LNG installation at the Detached or North Mole was made.

On 17th February when the Government said the 'the rigorous risk assessment process...is now
 underway' and when we pointed out that these assessments post-date the decision to locate and build an
 1210 LNG installation so near urbanised areas, they said on 18th February that, 'the original contract with
 Bouygues was for the design, build and all safety reports associated with the proposed power station' and
 that they were 'not in a position to be able to publish these reports at this time due to commercially-
 sensitive information they contained'.

There is a huge distinction between safety reports associated with the power station and safety reports
 1215 associated with the supply of it via an LNG storage installation. It is clear that no report has been obtained
 prior to the decision to locate an LNG storage installation at the Detached or North Mole. To the extent that
 the Government relies on reports produced by Bouygues, the latter have a commercial interest in the project
 and are not independent: no responsible Government would make a decision to build an LNG installation so
 near a densely-populated area based on the reports of those who are going to build the power station and
 1220 therefore have a commercial interest in the... post-dates the decision to build the power station at the North
 Mole and build the LNG installation at either the North or Detached Moles. (*Banging on desk*)

The Government has committed itself to a project and awarded a multi-million pound contract, whilst
 on its own admission not fully understanding the full safety implications. It now wishes to stifle debate to
 avoid having its position further compromised. At no point has our community had an opportunity to hold
 1225 an open and frank debate on the issues with all the facts to hand because the Government admits that those
 facts are not yet available. The GSD will not take the Government's hopes for outcomes on trust and
 remains unwilling to accept the same level of risk which the Government appears to be willing to accept
 when faced with the potential catastrophic consequences of an accident at this facility to our community.

Mr Speaker, the Government may be content to proceed in this adventurist and amateurish way, but the
 1230 GSD is not prepared to go along with what is one of Gibraltar's most important projects. Hence the reason

why it went out of its way to have a world-leading authority to make a report to determine the safety aspect of the Government policy on LNG plans for the power station and the proposed bunkering facilities. Even if the Minister for the Environment wished to rubbish the report, I am sure that the mantra of science is not going to be one that is going to cover him that much.

1235 In its executive summary it states that the proposed LNG terminal options within the Port of Gibraltar have been assessed on their suitability to handle major hazards and based on the findings of the HAZID study are judged to present high risks, some significantly greater than those found to be acceptable for conventional LNG marine storage terminals.

1240 Furthermore, both the North and Detached Mole have been evaluated for suitable terminal locations and based on typical safety criteria and project are seen as not suitable for the purpose the Government is considering. No doubt the Government has moved – and is moving – to spin the conclusion of the report, as we have seen this morning by the Minister, with all sort of smokescreens and personal character assassination aspersions to divert public attention from the authority of Lloyd’s Register, but the fact remains that the GSD Opposition has contributed further to having a proper transparent debate where the
1245 Government has been caught severely neglecting this community’s real concerns. What is clear is that the GSD is not alone in our concerns over the use of LNG given the press statement issued yesterday by the Environmental Safety Group which also points to the unacceptable risks being taken by the Government.

In concluding this aspect of my Budget address, Mr Speaker, the GSD remains convinced that this is *not* a safe location for our community to have an LNG bunkering facility and power station. We would not
1250 build such a facility at the present location. The outgoing Government is hell-bent in doing this regardless of the safety considerations that should come first, for them the commercial interest of bunkering companies comes first.

Mr Speaker, there are many good reasons for the electorate deciding to kick out the present Government from office at the forthcoming General Elections, but the manner in which it has failed to address the needs
1255 of providing the new power station is a monument to their incompetence and a good reason for the community not to trust them ever again.

Mr Speaker, I now turn to Social Services. At the end of her last year’s Budget address, the hon. Lady the Minister for Social Services, stated, ‘We will not take our feet off the pedal. It is full speed ahead for us as we continue to meet our manifesto commitments’. Yet in measuring the strength of the feet on the pedal,
1260 one has to come to the conclusion that either the feet or the pedal requires a major overhaul in order to get the manifesto commitments completed.

Take as examples, the commitments on ‘Life Planning for Disabled Persons Programme’, or the ‘Disability Action Plan’, both manifesto commitments. Here throughout the last three and a half years what we have heard repeatedly by the hon. Lady is an amount of waffle enough for Parliament staff to provide a
1265 file on its own in *Hansard*. The double-talk and beating around the bush is colossal. Once one has stripped all the excuses and pussy-footing, what we have is the fact that the commitments have not been done, regardless of the dressing-up by the Minister in the form of, ‘This does not mean that the work has not been done in different strategies that will form part of the plan as it is developed’. In other words, having failed to deliver, the Minister described what social workers have been doing for years, long before the hon. Lady
1270 arrived at the Ministry.

Another failure on the part of the hon. Lady to deliver is on the transposition of the UN Convention on the rights of disabled persons. Here again, the excuses by the hon. Lady are considerable, such as it has taken her three and a half years to consult all stakeholders, or that the matter has been ongoing, or that it is near completion, etc. It is really quite pathetic. The fact remains that their manifesto commitment on
1275 page 82 states, ‘We will legislate to further protect disabled people within our first year in Government’... and I say that again, ‘our first year in Government’, ‘using the terms of the UN Convention as a model.’ On this score the hon. Lady has failed – and failed miserably.

Mr Speaker, even in the quite easy task of establishing an Equal Opportunities Commission as provided for in the existing Equal Opportunities Act – that there is in place thanks to the GSD Government – and for
1280 which it is a manifesto commitment under the GSLP/Liberal party, the hon. Lady has miserably failed to deliver on such a minor assignment. Good job that at least the primary legislation on Equality was done by the GSD, because if this too had to be done by the hon. Lady, judging by her non-performance in this matter, it would have taken the hon. Lady some 20 years to do, based on the excuses of, ‘It is ongoing’, ‘It is being considered’, ‘We are consulting’, etc.

Another area where the ‘feet on the pedal’ have had a lacklustre performance is in the completion of the Dementia Care Unit. Three and a half years ago, the hon. Lady inherited a project from the GSD which had already spent close to £10 million in converting the Old Naval Hospital and refurbishing the buildings with
1285 just £1 million for completion under the first GSLP budget. Yet it has taken the hon. Lady all this time to complete something that was four-fifths done. The hon. Lady may try to claim that the delay was necessary because, according to her, one room was too small for having a resident, despite that such a room was not.
1290 Therefore the delay in delivering this GSD project is another sign of incompetence and lack of willingness

to prioritise such a project over other fanciful ones like the extension to No. 6 Convent Place. Another issue of concern in this matter is that in the new Estimate Book it does not have an added provision for recurrent expenditure for the staff that will be necessary to man the new Dementia Unit, despite the fact that the intention is now – at least now – to open the facility sometime this summer.

Mr Speaker, the Minister for Equality, in her maiden speech in June 2012, she stated that by having a Minister dedicated for this, for the first time to equality issues, that this will be an important step by this new Government. She also stated that this will mean that ‘vulnerable people will be given priority’.

Despite the fanfare by the Minister for Equality about how she will now be the saviour of minority groups, one has to say that not once in three and a half years she has said anything about the plight of the Moroccan Nationals in Gibraltar, let alone done anything positive to contribute to solving the long-standing grievances by them. Here we do have to mention that in solving their problems this has been thanks to the work done by the late Bernard Linares when he reversed the decision of the GSLP to forbid Moroccan children access to our schools; (A Member: Hear, hear.) my own decision to give Moroccan Nationals equality of services in the then ETB – something of which I will have to say more later; or the commencement to naturalise the Moroccan Nationals for which I thank the current Chief Minister for completing this process from the initiation of this process by Sir Peter Caruana QC. It beggars belief that the Minister for Equality should have been silent on such an important matter throughout this term of office.

It also beggars belief that the Minister for Equality should only answer my question about conducting a survey to determine any discrimination against female employees in relation to obtaining less income for work of the same grade or profession as male colleagues, with the standard answer of, ‘It is ongoing’. This is an initiative that has been important for Unite the union which has been putting pressure on the Minister who seems to be unconcerned about the petition of the union. The fact remains that whilst the hon. Lady is too busy in having photographs of herself published every other second day in the press, she has forgotten that during her tenure of office that female participation in statutory bodies is less now than when the GSD was in office – quite an indictment for someone who said in her maiden speech that equality issues will be placed at the heart of policy decisions. (*Banging on desk*)

It is obvious that the Equality Minister has not yet understood that an Equality Minister needs to take positive steps to end discrimination. One good example from where the hon. Lady could learn a lot is from the positive action taken by the GSD Government in providing professional courses to female civil servants so that the glass ceiling of not allowing such employees access to middle and higher management be broken from the situation *we* inherited by the previous GSLP Government. (*Interjection*) I think they are starting to like me, Mr Speaker, it is nice to hear some background music to... (*Laughter and interjections*)

Mr Speaker, the GSD legacy closed the gap between men and women through the introduction of social policies, such as maternity grants and equalisation of pension rights; the support of working parents, with school lunches and family-friendly hours; and encouraging upward social mobility for women through training within the public sector.

This Government has failed to provide a concerted effort to positively encourage more women to participate in bodies linked to influencing policy-making and the introduction of further meritocratic policies, such as equality legislation. And even today, it is pathetic for a so-called socialist government to wait for a European Directive in order to implement paternity leave in the private sector. If they were real socialists, they would have had the boldness to do it right now. They could even adopt the very successful legislation on maternity leave as a model, brought about by the GSD Government, as a tool to emulate and implement the paternity leave. (*Interjection*)

As expected, the Minister for Social Services will claim that thanks to this new Government they have brought about a new dawn in which they will have advanced the rights of minority groups. Well, the only thing to their credit in this area was the legislation on civil partnership, although we do notice the existing tension between the Minister and the Equality Rights Group due to the slow pace in advancing their overall rights. The hon. Lady’s slow pace in advancing disability issues rests in the fact that in three and a half years we still do not have a lift to allow disabled persons access to this Chamber, although I did notice that the Chief Minister justifying this inaction in this matter on the basis that they still need to consult further – three and a half years and they *still* need to consult further!

Where, Mr Speaker, have we heard these words before? Is it the standard answer given by the Minister for Social Services which are, ‘It is ongoing’, or, ‘It is that people are being considered’, or, ‘We are consulting’ – excuses for not delivering on their promises.

Mr Speaker, at our last month’s session the hon. Lady refused to provide Parliament with a copy of the Care Agency Training Programme. Quite apart with the disdain in which this false dawn Government treats the legislature in blocking access to information, there are only two reasons why the Minister refuses to provide me with the reasonable request to such information. The first is that it would expose her to having to acknowledge that the majority of the training delivered in this term of office is a natural development of the training and objectives under the previous Government, like when the hon. Lady stated that the Training

Officer had been employed in *her* period of office, when this actually happened in *my* term of office. Alternatively, the decision stems from the blocking of the Opposition's role in Parliament to scrutinise the validity or priority of the training provided, as set against the objectives of the Care Agency. Well, the hon. Lady may wish to overtake the Father of the House in terms of refusing to provide information, but the Minister cannot claim to be open and transparent in the execution of her responsibilities in this House.

Mr Speaker, this year we finally had the release of the Sir Jonathan Parker Report on the Dr Giraldi Home Inquiry. (*Banging on desk*) (*Interjections and laughter*)

It seems everyone is getting very excited, Mr Speaker. (**Mr Speaker:** Order! Order!)

There can be no doubt that Sir Jonathan's findings completely vindicated the position of the GSD throughout this unfortunate saga: namely, that all allegations of abuse in the Dr Giraldi Home – including those contained in the witness statements obtained by Ms Hernandez, when the Chief Minister was her lawyer, for her unfair dismissal claim – were properly investigated by the Social Services Agency at the time; and that those of a criminal nature were referred to and investigated as appropriate by the Royal Gibraltar Police. And that neither the Chief Minister nor the Minister for Social Affairs at the time – Sir Peter Caruana QC and Yvette Del Agua respectively – in any way attempted to cover up or prevent any allegation from being investigated properly and in accordance with due process and the rule of law.

Sir Jonathan could not have been more categorical in his findings when he states: 'I accept, without qualification, the evidence of Yvette Del Agua, Jaime Netto and Sir Peter' and also when he states that Joe Bossano's suspicions were 'unfounded in every respect.' (**A Member:** Shame.)

The fact that the GSD has been vindicated, however, is not something that the Opposition wishes to gloat or give more importance than is merited. What the Opposition does consider unfortunate and an utter disgrace, however, is the refusal by the then GSLP/Liberal Opposition to believe the words of Gibraltar's highest authorities, including the RGP and the Chief Minister at the time.

It will be recalled that the GSLP/Liberals, purely for their own cynical and partisan political ends, relentlessly propagated and exploited the allegations publicly, both locally and in Spain. As a consequence, the names and reputations of many hard-working employees at the Dr Giraldi Home were dragged through the mud unnecessarily, causing them, the residents of the Home and the families of employees and residents, undue suffering and anguish. (*Banging on desk and interjection*)

The Opposition is of the view that those Members of the Government who participated in the programme '*Espejo Publico*' in Spain, in which the Dr Giraldi Home was described as 'The House of Horrors' should have done the decent thing and inform *Antena 3* of the outcome of the Inquiry. It is shameful that those who made untold damage that was inflicted on the Home, its residents and its employees, did not restore the reputation in Spain of the RGP and the Attorney General, whose respectability and professionalism were called into question during the programme, remain shamelessly silent now that the conspiracy to tarnish the Home, its employees and the GSD Government has so miserably failed in the Courts.

We also note Sir Jonathan's findings regarding Joanna Hernandez, and find these to be highly revealing, apart from the fact that many of Sir Jonathan's descriptions of Joanna Hernandez's shortcomings as manager serve to exonerate the decision of the Social Services Agency in not renewing her contract. Sir Jonathan found that 'Joanna Hernandez' bullying manner often resulted in members of staff not turning up for work or taking time off due to stress'.

The inexplicable delay, of over a year, in relation to the investigation into claims of bullying against Ms Hernandez by 35 trainees is a cause of great concern to the Opposition and, no doubt, to the 35 trainees themselves. It is regrettable that the Chief Minister, who was personally responsible for calling the Dr Giraldi Home Inquiry, and who had no apparent qualms in getting personally involved in the recent investigation into allegations of bullying against the RGP, is now so reluctant to get involved in the bullying allegation against Joanna Hernandez and, instead, persists in a perfunctory passing of the buck to the Chief Secretary.

The very least the Chief Minister could do in this regard is to ensure that the investigation into the claims by the 35 employees is conducted in a timely fashion and in a manner consistent with the principle of fairness and natural justice. Whether it is acceptable or, indeed, proper for the Chief Minister to pretend to wash his hands of any overseeing or monitoring responsibility in relation to the bullying allegations against Joanna Hernandez, is a matter for the electorate to decide, particularly in the context of the Dr Giraldi Inquiry.

Finally, we conclude that the £2.6 million Dr Giraldi Inquiry was an unnecessary, politically-motivated exercise that could have easily been avoided had the GSLP/Liberals not demonstrated such utter disregard and contempt for the unequivocal and categorical confirmation by the highest authorities in Gibraltar, that all the allegations had been investigated and appropriate action been taken at the proper time.

The electorate will be able to decide for itself whether the damage and detriment to the Dr Giraldi Home, its employees, its residents and Gibraltar as a whole, precipitated by the GSLP/Liberals wilfully

ignoring of the truth and preference for a cynical, politically expedient exploitation of the Dr Giraldi affair, was worth it.

1415 Mr Speaker, I now turn to the Environment. In my last year Budget address I started by congratulating the Minister for making a commencement in relation to the use of renewable energy in a number of areas, such as the solar photovoltaic panels and the solar water heating sets installed at the Tercentenary Sports Hall, the GASA Municipal Swimming pool and in the housing estate of Tangier Views. The materialisation of these projects based on the consultant's reports that have been commissioned over the last few years is generally to be welcomed.

1420 However, what concerns me is the slow pace in which the Minister is proceeding with Gibraltar's renewable energy action plan in accordance with the EU target dates for Gibraltar's compliance. It should be noted for the benefit of those listening to this debate that the EU targets set for the European Countries is to produce 15% of energy consumption from renewable energy sources by 2020, and 27% by 2030. At the moment we are only producing 0.061% of the total energy generated in Gibraltar; this is a long way short of the EU targets.

1425 If we consider that within the Government strategy we have constant delays in the construction of the new power station, and despite a more recent statement that the plant will be operational by 2017 – although we believe that it will be by 2020 is a more likely scenario. In addition to this we have more and more delays in the commencement of both the Waste Treatment Plant and the Municipal Waste Treatment Plant which are integral parts in the package to produce renewable energy. This means that our readiness to meet our EU targets for renewable energy for 2020 is starting to be seen as difficult to meet.

1430 Yes, the continuation of solar photovoltaic and solar water heating projects are good things in themselves, but they do not contribute to the extent that we all would like to see, at least not in the short term. Also, the vertical axis onshore wind turbines will not produce the amount that will help us to meet our targets. Nor will the private company which will convert wave movements into renewable energy, again another project which has experienced delays in getting started. In relation to the power purchase agreements that investors or developers might contribute, this requires further details to see if the estimates of producing 10 megawatts are realistic or not, inclusive of the details of the project and duration.

1440 One needs to consider that photovoltaic electricity-generating schemes do require large areas of unshaded south-facing surfaces on rooftops and/or vertical facades to work correctly. A typical flat in Gibraltar with a couple, with two kids as average, consume typically 7,000 kilowatts per hour per annum, to provide this requires 6 kilowatts of photovoltaic array occupying 72 square metres. Therefore, I look forward having the details of this scheme.

1445 In addition to this, the use of marine currents and other micro-technologies welcome all as they are, are items that still need to be quantified and produced before we can realistically place them within the overall package of measures to meet the EU requirements in this matter.

1450 Just to make it clear, Mr Speaker, I am not at this stage saying that it is unachievable, the attainment of 15% by 2020, I have chosen my words carefully by saying that I am concerned about the delays in starting some of the more important projects that will contribute to a greater extent towards our targets, although a clearer picture will emerge in the next two years to determine if hopefully we do achieve the objectives. What is true, though, is that had the GSD won the election in 2011, our programme of co-generation between the power station, the waste water treatment plant and the new incineration plant would have given us, by 2016, 4% of renewable energy which means that these projects plus the use of all other practical measures available today, would have given us a lead in the attainment of the 2020 targets from the low levels in which we find ourselves today.

1455 Mr Speaker, yesterday the Hon. Chief Minister introduced a number of measures within the overall environmental objectives that should be welcomed without reservation. The fact that LED lighting is to remain at 0% of import duty, and filament bulbs are to go up from 12% to 24% is what I would call a progressive measure. In this vein, import duty on two stroke motorcycles from 30% to 50% is to be welcomed too. Also, the move on hybrid cars going from 2% to 0% in import duty is a further good measure; this alone with having used hybrid cars down to a flat rate of 5% is also a good move.

1465 That said, Mr Speaker, the Government is certainly not leading by example when it comes to the purchase of Government vehicles for its own fleet of vehicles. The figures provided last month in term of the cars bought for Government Departments, authorities, agencies and Government-owned companies, shows that when we exclude the purchase of the G1, or the hybrid cars for official use, then the vast majority of cars purchased are rated as excessively polluting, very polluting or quite polluting under the categories applied by the EU thresholds. Here we have again another example where the environmental filter has not worked again.

1470 Therefore, in this score, the Government has certainly not meet its manifesto commitment when he states on page 32, 'The whole of Gibraltar's transport fleet is powered insofar as possible by non-polluting engines'.

Mr Speaker, moving on to the sewage treatment plant and the municipal waste treatment plant. The Government had a manifesto commitment on page 33 in which it stated:

‘We will develop a sewage treatment plant, the absence of which has allowed La Linea to defend its own sewage landing at Western Beach by saying we also put our sewage into the sea’.

1475 The fact remains that this manifesto commitment has not been implemented, nor will it do so in the remainder of the term of office of the present Government. As a result of this inaction this has landed the British Government into the European Courts for failure to provide the sewage treatment plant.

1480 The hon. Member opposite may wish to justify the non-implementation of this party manifesto commitment on the basis that neither did the GSD when in Government, but despite this being a poor excuse the fact remains that this project should have been done in 1991 when the GSLP was in Government.

1485 The fact remains that the party opposite, when drafting their manifesto, prioritised the need to do the sewage treatment plant because doing the sewage plant would stop people in La Linea from justifying their own discharge of sewage in Western Beach. So we have a double whammy with the non-implementation of this important commitment, on the one hand for genuine environmental reasons which are paramount in any consideration; and on the other hand stopping La Línea from using our own neglect in this matter as justification for them not stopping their own discharges of sewage at Western Beach, this despite the close relationship that existed between the Chief Minister and the previous Mayor of La Línea in the last three and a half years.

1490 So, having used pseudo-nationalistic reasons for doing the sewage treatment plant in Gibraltar, today we have neither. This exposes the hypocrisy and double standards of the members opposite, whereby when the problem of discharges of sewage from La Línea into Western Beach in the last year of the GSD Government their attitude then was of orchestrating campaigns against the then Government along with their media-friendly press for not pursuing the matter with speed and vigour – (*Banging on desk*) delays which have continued for the last three and a half years and with the present Government adopting the same policies that the GSD did when in Government.

1495 Last month the Minister, in answer to one of my questions, said the commencement of the work for the sewage treatment plant will be once the financial and technical negotiations are finalised. Mr Speaker, at this rate these negotiations are going to last more than when NASA had to negotiate with the US Government its budgetary programme for 2015.

1500 Could I remind the Hon. Minister that the tender for the sewage treatment plant was allocated in October 2014 to Northumbrian Services Ltd for £22 million. One would have expected that the technical specification at the tender stage would have been examined when the award was done. I also have noted that in the Draft Estimate Book on page 156, there is a token figure of £1,000 for this project. Therefore I would be grateful if the Hon. Chief Minister in his right of reply could indicate if the award to Northumbrian Services Ltd has been done away with or not, and if a different company is going to carry out the works, or is it going to be a public sector-driven project?

1510 In relation to the municipal waste treatment plant, the Hon. Minister said at the last meeting of the House in May that a decision on the tender award would be carried out on this side of August. This is the latest of a long line of delays which started back in February 2013. Back then the Government chose to announce to the press of its decision to proceed with the municipal waste treatment plant, and throughout this period the public has been subjected to a range of excuses from the Government, ranging from the Government has been assessing the consultant reports, the technical personnel have been assessing the technical details of the new plant, and so on *ad infinitum*.

1515 If this is not a definition of doing things as one goes along then nothing is. What matters is providing a new plant given the Government desire to provide these services from Gibraltar and not, as is the case, from Los Barrios. More so in the context of impending compliance with the EU Landfill Directive for the amount of biodegradable waste that shall be allowed into landfill.

1520 So we look forward to seeing the Government stop assessing, the technical personnel stop assessing the technical details, and the changing of the goalpost in deciding what to do – and the works actually starting. One thing that I have noticed is that there is no provision within the Draft Estimate Book for this financial year for this project. Therefore, once again I would be grateful for the Chief Minister in his right of reply, to provide an explanation as to how this project in going to be financed and by whom?

1525 Mr Speaker, moving to fishing in British Gibraltar Territorial Waters. (**A Member:** Ooh!) Three and a half years ago, the Hon. Minister for the Environment made a declaration of war in Facebook by stating that in British Gibraltar Territorial Waters (*Laughter*) ‘*aqui no se pesca*’, only to find ourselves three and a half years on, ‘*aqui si se pesca*’! Worse than the use of pseudo-nationalistic rhetoric as it is, it has been a monument to plunging Gibraltar into one of the most diplomatic blunders in its history. Furthermore, it did

1530 so without having anything in its place, without being aware of the consequences of its actions, and still less in being able to foresee how events would spiral out of control as a result of his decisions.

Such is the serious and ridiculous situation we are witnessing today that the newly created reefs are being used by Spanish fishermen who come to Gibraltar without having a local licence, without accepting our jurisdiction of our waters and benefiting from the catch of fish in the reefs by the use of nets which are prohibited by the Nature Protection Act, (*Laughter*) an Act drafted initially by the Minister when he was the
1535 adviser of the Government back in the 1990s, and thereafter with the current amendments to the legislation as the Minister for the Environment has sought fit to do lately. One cannot provide a higher accolade to the Minister for having achieved such a monumental failure in his responsibilities. This is the nearest one can come to a Monty Python sketch of the sublime and the ridiculous.

Yet in order to cover up his inexperience in this area, the Minister rushed to obtain, subsequent to the
1540 declaration of war, a fishing report in order to provide the mantra of science and data collection in order to justify the blunder of his judgements. Then, when these feeble appearances became hollow with the electorate, both the GSLP-friendly media outlets and prominent GSLP activists orchestrated a campaign to blame the RGP for not upholding the law within BGTW. This approach nevertheless becomes the opposite when the Chief Minister feels free to inform a Spanish Programme *Viajando con Chester* that Spanish
1545 fishermen are allowed to fish without any hindrance. So, we have statements of one kind for local consumption and another story for the Spanish media. The worse in this impasse now lasting three and a half years is that there is no resolution in sight, so the mantra of science and data collection will continue in order to provide cover for the Minister.

Mr Speaker, moving on to the Barbary Macaques. (*Banging on desk*) What I do notice from the figures
1550 provided by the Hon. Minister is that the population of the macaques from 2012 onwards are, broadly speaking, on a par with the ones of the last three years of the GSD Government. We have a figure of 158 monkeys for 2015, which is a drop from the average numbers of the last five years. This is probably due to the fact that in October 2014 we exported 30 macaques to Scotland and the fact that the true figure for 2015 is not yet complete for the year.

What we can say is that given the fact that there is not in the horizon any further initiative to export
1555 further macaques, and given that the rate of birth continues to be on a par with the figures when the previous contraception method was utilised, then in this scenario we can say that the population of macaques will continue to grow over the next few years, more so when culling has been ruled out by the Minister.

As I have stated for a number of years now, what the Minister will not say is what is the ideal number of
1560 macaques that can be sustained within the Nature Reserve, before we observe further packs from splinting and forming new groups outside the Nature Reserve and thereby continuing to have the problems and conflicts that exist between the local population and the macaques.

The Hon. Minister has spent well over two years in preparing a Macaque Management Plan, and has
1565 come with the most flimsy of excuses for not publishing the plan. The reason for adopting this attitude is obvious, he does not wish to be judged and measured against any targets and explanations for the policies he adopts. Once again, as with the subject of fishing, he looks for cover in the mantra of science and data collection, despite the fact that he has been doing this for the last 30 years on this subject! Yet, whilst the Minister adopts this attitude ordinary people are being attacked or their property stolen or vandalised. As I
1570 said to him some time back, it is only a matter of time when we have a serious accident to lament. Kicking the problem into the long grass is not the answer.

Mr Speaker, moving on to the culling of seagulls: in my Budget address of last year I criticised, quite
1575 rightly, the Minister for not having any sense of value for money with the decision to terminate the FERA contract for the culling of seagulls given that the company FERA was far more successful in culling seagulls than GOHNS. Despite this, what the Minister decided to do halfway in 2012 was to terminate the FERA contract and essentially forward the amount of the contract sum to GOHNS, notwithstanding the fact that even the figures for culling by GOHNS in 2013 was far less than those of previous years by FERA and of past performance of GOHNS itself as well.

So, we have gone from paying GOHNS £84,005 in the financial year 2012-13 to an estimate of
1580 £230,000 in the current Draft Estimate Book – that is an increase of 270% – and from culling an average of 3,020 in 2012-13 to culling 2,617 in 2014. No doubt, Mr Speaker, a good deal for GOHNS in getting more taxpayers' money for doing less, but the Hon. Minister seems to be unconcerned about taxpayers' money. Last year the Minister saw fit not to address this issue in his budget address, and he has done so also this morning. Perhaps the Minister is thinking about launching another management plan that will examine the
1585 science of culling and data collection in order to justify such an increase for doing less. Yet all it takes is to ask the people living in places like Catalan Bay and they will certainly provide him with the data he needs in order to see the massive overpopulation of seagulls we have and how the Minister has failed to tackle this issue.

1590 Mr Speaker, moving on to the state of the Botanical Gardens: once again, in my Budget address of last year I rightly criticised the Minister for having allowed the state of the Botanical Gardens to fall so drastically. Subsequent to my speech, I raised the matter in one of my questions to the Minister last year, and the Minister acknowledged that there was a need to inject a substantial amount of money in this new financial year in order to carry out the necessary works that are so vital to the gardens. Yet, when I look into the new Draft Estimate Book for this new financial year there is no financial provision for the kind of works
1595 that the gardens desperately need. The only provision is one of £50,000 for a dog park at the Alameda Gardens. What is becoming clear, Mr Speaker, is that the Botanical Gardens is being abandoned as a priority by the Minister, whilst at the same time more and more money and resources are being made available to the Commonwealth Park.

1600 Today, the story of the Botanical Gardens is one in which it is in a deplorable condition particularly in relation to the pathways and the whole area in Grand Parade Walk. What we have is one description, as we have seen this morning, about the state of the gardens given by the Minister in Parliament, and the very opposite when one goes to the gardens and witnesses the state of disrepair onsite as I did last Sunday.

1605 Mr Speaker, moving on to landscaping and planting of trees. Once again I need to reiterate, as I did last year, that what Gibraltar is lacking is a coherent plan for landscaping throughout Gibraltar particularly when it comes to the planting of trees and the maintenance of such once placed at different areas. What we do have is a situation in which trees are being planted in an *ad hoc* manner with some already dying and some already dead, due to the fact that no proper forward planning has been done for ground preparation, use of organic materials, soils, manure, irrigation, etc. – all important components for the successful life of the trees.

1610 It is a pity that in a large measure the success or death of a tree planted in Gibraltar will depend on whether such a tree is located within a defined area under contract, such as the Botanical Gardens and Commonwealth Park which do have personnel and resources to support the young tree, or whether such a tree is located in an isolated area without an existing contract in place that would look after the tree. What Gibraltar needs is a Landscaping Management Plan in order to plan and implement proper procedures when
1615 planting new trees and safeguarding existing ones throughout Gibraltar.

1620 Mr Speaker, moving on to the Barbary Partridges, the importation of 270 partridges from Morocco was a knee-jerk reaction by the Hon. Minister given what was the imminent disappearance – (*Laughter*) I think I had better repeat this, he seems to have liked it! (*Laughter*) The importation of 270 partridges from Morocco was a desperate knee-jerk reaction by the Hon. Minister given what was the imminent disappearance of the local stock of indigenous partridges in Gibraltar, due to the fact that no action had been taken by the Minister to tackle the natural predators of partridges and their chicks, which are in the main feral cats and seagulls in the Nature Reserve.

1625 Whilst it is good to note that the 270 imported partridges seem to have settled well in their new habitat and are laying eggs and young chicks are sprouting around, I have to criticise the Minister again because he is incapable of taking long-term action to tackle the source of the problem of dwindling numbers of partridges in the Nature Reserve. The Hon. Minister knows that unless and until the problem of feral cats and huge numbers of seagulls exist, it will be only a matter of time when, as a result of his inaction in this matter, that we will have to import further partridges from Morocco in order to commence the cycle *ad infinitum* for failure to do the right thing for political expediency in being all things to all people. The
1630 Minister needs to decide whether the conservation of the partridges is paramount or pleasing individual groups that have a sectoral interest in the environment, here the Minister cannot have it both ways, as they conflict with each other.

1635 Mr Speaker, moving on to transparency and accountability. The concept the Government has in relation to transparency and accountability rests in the numerical occasions in which Parliament meets and being able to access Hansard in a short period of time. That is the extent to which their much-flaunted ‘New Dawn’ era would usher from a GSLP/Liberal Government. I am not going to dwell with the elephant in the room as far as transparency, accountability and openness in relation to Gibraltar’s finances, the Hon. and Learned Leader of the Opposition has masterfully exposed the Government for driving a coach and horses in opaqueness from the duties towards Parliamentary standards of accountability that the Government has
1640 been involved in since its commencement. (*Interjection*)

1645 Mr Speaker, for years I have been asking this Government to provide Parliament with a copy of the Gibraltar Climate Change Programme, and all I have received from the Hon. Minister is evasive answers wrapped in spurious science talk in order not to provide the report. The irony here is that the only document available in the Department of the Environment website is the one placed in 2008 under the GSD Government. The Gibraltar Macaque Management Plan never gets to see the light of publication in order for people to judge the Minister’s policies in this matter. True also with the minutes of the Nature Conservancy Council for Gibraltar, while anybody can access the UK equivalent body through the internet.

What is astonishing here is the level of excuses the Minister is prepared to indulge in, in order not to provide the information on the basis that the Council is an independent Statutory Body; yet the Minister is

1650 content to abrogate political responsibility for the advice given to him on such important environmental matters from a Council whose existence stems from the Nature Protection Act, and for which the Minister is responsible. Neither has the Minister provided the Upper Rock Management Plan, that the Hon. Minister has decided now to change the title to The Gibraltar Nature Reserve Management Plan – no doubt in order to provide further excuses to delay providing the information to Parliament.

1655 The last available annual report of the Department of the Environment in their website is 2012. So the 2013 and the 2014 are still not available to either members of the public who do have an interest in the environment, or to Parliament. Notwithstanding that in reply to one of my questions the Minister did say that the 2013 has now been finalised and that it would be sent to me electronically – something which has not happened.

1660 In addition to all this the spectrum of treating Parliament with such disdain ranges from refusing to provide Parliament with copies of the Health & Safety Executive and the Health & Safety Laboratory in relation to the proposed LNG facilities in Gibraltar, the safety report requested in relation to the ship-to-ship trans-shipment of LNG that has taken place in Gibraltar these last few months, or to the health and safety reports and audits conducted in the Health Authority or the Education Department.

1665 Even last week, when I asked for a total of eight reports to the Minister for the Environment paid for by the Taxpayer, and the Minister responded that he would only provide five of them within 24 hours of replying to my questions. Well, Mr Speaker 120 hours later I have received four of the five reports promised on the same day as Budget Speeches commence – meaning yesterday. How convenient. The one that has been promised but not given is the Climate Change Strategy and Implementation by Geoff Lye. Furthermore, one of the reports that I did ask for named, Renewable Energy Strategy will also not be provided because the Minister has decided that the report needs to be reviewed by the Department of the Environment.

1675 Well, Mr Speaker, if I would have asked for a review of the report written by New Resource Partners by the Department, I would have asked that question, but I did not, all I want is the report for which the taxpayers have paid, and which I am entitled to have both as a Member of this Parliament and because of the right to environmental information law that the GSD Government implemented and for which the Minister is adamant not to respect. All these are good examples of the 'New Dawn' Government in ensuring that access to information to Parliament gets blocked despite being paid by the Taxpayer, and being entitled to it, as I said, by the right to environmental information legislation.

1680 Lastly in this area, the non-completion of documents as is the case with the Transport Climate Change Strategy Project by Mott MacDonald Ltd, seems to be holding back other important pieces of the jigsaw as far as the Sustainable Traffic, Transport Management and Parking Plan and the completion of data for the National Renewable Energy Action Plan for Gibraltar.

1685 Mr Speaker, I now turn to health and safety. One of the best ways to describe the attitude of the present Government towards health and safety in this term of office can be by saying that they simply lack a willingness to engage with the subject in order to develop this area of responsibility or to provide the unit with any kind of resource, planning, management, support, direction, cohesion, or even lacking any coherent policy – or even a policy at all – in this matter.

1690 During this term of office we have had three Ministers holding the responsibility, the first being the Hon. Paul Balban. He started his tenure by saying early in 2012 that, 'The problem with health and safety practices is that it is very reactive and not pro-active' in a prepared speech on the occasion of the ISOH inauguration in Gibraltar. Yet his passage as Minister for Health & Safety is clearly worse than being reactive, because at the very least being reactive means that one reacts to events once it has happened, the Hon Minister did not even do this!

1695 His time as Minister can be defined as the Minister who did not even react either to the statements made by professionals in the field, nor to my suggestions on how to develop health and safety policies for the good of all those that rely on having such a Department. When the second reshuffle came, the Chief Minister placed the Hon. Joe Bossano for this responsibility, and from the very beginning I knew that health and safety would be abandoned to its fate, because if there is one consistent thing about the Hon. Joe Bossano over the years in relation to health and safety is that he has had no problems in hiding the fact that he thinks that health and safety should be done away with, because in his opinion health and safety only wrecks business and employment opportunities.

1705 It did not take long to see that the then Minister adopted his habitual style of ambiguous, longwinded, and meaningless answers to the subject of health and safety, often playing to the gallery rather than attempting to provide Parliament with reasonable answers to reasonable questions. It is a scandal that the then Minister for Employment, Training and Health & Safety did not know or care for the strategy fact whilst placing the so-called training providers with any particular form of training at all, while being on site.

1710 This is something that I had to wrestle with him over a period of time in Parliament, in order to find out. His answers to Parliament were riddled with evasive statements, which are surprising given the duty of care

to young trainees within the working environment in which the Minister had decided to place them. Even to this day, there is not in place any form of proper procedure to record, even less to judge the quality of training inclusive of health and safety given to trainees – if any at all! Trainees are being left to their own devices without any kind of proper, supervised and recognisable training; it is a cynical ploy by the Hon. Mr Bossano to hide young persons from the unemployment list without any meaningful training leading to jobs. It is back to the days in which the Hon. Minister decided in his period as Chief Minister to close the two Training Centres from the AACR period and create the VCTS in its place.

A clear example of the Hon. Mr Bossano relinquishing his duties as Minister for Health & Safety is the fact that he did not even mention a word, let alone policies, in his Budget address on this subject, something which in 20 years in this Chamber I have not seen by anyone on either side with responsibility on one of their portfolios.

With regard to the third and current Minister for Health & Safety, I cannot judge him as critically as the two before, given that he has only been exercising this responsibility for a short period of time. I think that he does have the potential for doing the kind of major overhaul Health & Safety requires, (*Banging on desks and interjections*) given – wait for it! – that he is an energetic and intelligent person. (*Banging on desks and laughter*) But in truth he simply does not have the time to do this kind of review, (**Several Members:** Ah!) less, implement the necessary changes, as he is even having problems with getting the staff to place the Health & Safety statistics on the Government website – a set of statistics that, had I not bothered to ask from the beginning of this term of office, not even this would have been carried out.

Mr Speaker, this Government's performance on health and safety over the last three and a half years has sadly lacked vision, enthusiasm and knowledge of the issues that need addressing. During all these years when I ask my questions about which industry groups have been targeted for inspection, the practical totality has been to the construction industry. There seems to be no desire, willingness or concern about using the existing resources available to be spread more evenly across the whole spectrum of all industry groups, giving the same treatment for inspections across the whole breadth of the legislation that they need to monitor. It is as if the Government is signalling to all other industry groups, other than the construction industry, do whatever you like, legal or not, because the policy of the Government is to turn a blind eye.

The pathetic answer I have received to this question has been that there are construction sites all the time commencing and need the kind of supervision shown in the figures presented. It is as the Government expects with this explanation for anyone listening to say, 'Oh yes, that is true', without realising that the statistics provided do not support the proposition that this is necessary at the expense of all other industry groups. It is the kind of analysis that even children doing statistics for their A-level would understand: an answer that says more about how the Government treats Parliament with such disdain, than getting on with doing the overhaul health and safety so desperately needs in Gibraltar.

Mr Speaker, despite all the artificial obstacles placed by this Government to provide Parliament with Health & Safety reports, I have tried from the beginning of this term to be constructive in this subject by suggesting policies that would be beneficial to the development of health and safety. Of course, they are free to reject them, but what is not acceptable is to bury their heads in the sand in the hope that the subject-matter will go away. I have told them that if they wanted to be proactive they could well have started by looking at the policies that I developed, between 1996-2000, (*Laughter*) as Minister for Health & Safety – indeed, indeed! In that period, I constituted a Health & Safety Advisory Council with specialised practitioners who used to advise me as Minister for the Development of Government Policy.

We started doing Codes of Practice in order to self-regulate specific industry groups or activities, we held annual Health & Safety seminars in which large numbers of organisations and trade unions participated, and we applied a holistic approach to Health & Safety legislation across the whole spectrum of industry groups. In a nutshell, there are three pillars to a proactive approach to health and safety: the first, up-to-date legislation; second, proper monitoring and enforcement across the whole spectrum of all industry groups; and thirdly, ongoing training and awareness to all industry groups and social partners. Yet the Government ignored this and have done nothing at all for three and a half years. (*Interjections*)

Mr Speaker, this is a Government that, when I ask for Health & Safety reports on Government Departments, Authorities or Agencies to be provided for in Parliament, they have no qualms in saying that they will not provide me with such reports, as they state that such reports are internal documents; therefore, for the current Government, Parliament is not paramount to the actions or inactions exercised within the competence of individual Government Ministers.

This is the Government that promised openness and transparency, and what they have practised is opaqueness and unaccountability. This is the Government that, when I have asked if they will provide the names of the companies that have breached the Health & Safety legislation the answer was, 'No we will not provide you with the information', despite the fact that this is available in the UK by searching the Health & Safety Executive website for UK offending employers. This is the Government that, when asked if all Government Departments, Authorities, Agencies and Government-owned companies have available an accident book, the answer was, 'The situation is the same as it was when we got into Government'. Here,

the then Minister Joe Bossano was not even willing to tell his officials to send an email to all Heads of Departments and Chief Executives requesting to know what the situation is – a clear example of the attitude that he could not care less.

1775 This is the Government that, when I have asked how many health and safety committees exist in Government Departments, Authorities, Agencies and Government-owned companies, the answer was, ‘None, as was the case with the previous Government’, without even knowing or bothering to ascertain that in the Health Authority there was one which was constituted in the period of the GSD Government.

1780 This is the Government that, when I have asked how many Codes of Practice have been done since getting into Government, the answer is ‘None’. This is the Government that cannot say how many working days have been lost through accidents at work either in general terms, or within the various industry groups in order to assess the nature and occurrence of such, thereby allowing greater knowledge for directing resources and provide better-targeted policies on such industry groups.

1785 This is the Government that, on every occasion they listen to the speeches at the Workers Memorial Day in the lobby of Parliament by Trade Union Officials and professionals, in terms of the need to have better statistics or annual reports, the Government Ministers nod their heads in agreement only to do nothing after the ceremony has finished – not least to have the decency of allowing the Leader of the Opposition to place a wreath in the ceremony. (*Interjections and laughter*)

1790 This is the Government that, when I have asked for annual reports to be re-commenced again, have stated that they could not do this because the old software package is no longer suitable, some three and a half years ago. Worse still when, with great laughter, Minister Bossano said ‘No, we will not!’ failing to understand that the purpose to have annual reports is for the benefit of professionals, businesses and Trade Unions.

1795 This is the Government that, when I have said that the Factories Act needs reviewing and consolidating, the two previous Health & Safety Ministers have said that there is not a need to do so. This is the Government that, when I have asked in Parliament if a review of all current practices, policies and procedures in relation to health and safety is being conducted, the answer has been to say, ‘No’, whilst on-going discussions between the Chief Minister and Trade Unions are taking place, thereby not providing Parliament with details of such.

1800 This is the Government that, on the one hand issues a press statement as they did on 23rd February 2015, under the heading ‘UK Health & Safety Executive have approved the LNG Power Station’, and when the Opposition repeatedly ask in Parliament for copies of the reports, it is denied at point blank with all sorts of excuses. It is the same style of that of a *República Bananera*, which treats their Parliament with arrogance, opaqueness and disdain for the democratic process, more so in a matter of great public importance.

1805 In concluding this aspect of my speech, Mr Speaker, one has to say that given the systemic failure to do anything positive on health and safety on the part of the Government, the jury, if this was a song contest, would automatically give the Government, a ‘no point’ verdict for non-performance.

1810 Mr Speaker, on 14th May I proudly attended the local IDAHO events just beneath where we are right now, and after the event I answered some questions from Steven Neish of GBC. One of the questions in particular was if I felt that equality issues have been advanced more in the period of the GSLP/Liberal Government than it had been under the GSD Government. Regrettably the answer I gave was to say that this had been so.

1815 I say ‘regrettably’, because my mind in that moment in time was fixed on the IDAHO events and the Civil Partnership legislation that was brought to Parliament by the present Government and passed. However, with hindsight, I have to say that my answer then was erroneous. It is easy for any politician at times to answer the wrong question when in a split of a second in front of a camera we are expected to be infallible; nor am I the only politician to have given the wrong answer in the history of politics, at one moment in time.

1820 Given that this is an important matter, and given that I have now had the time to do the research, it is clear that equality issues when observed objectively have been advanced more in the period of the GSD Government (*Laughter*) than in the present one. In order to support this assertion we need to compare the achievements in this area. First of all, the very first thing the GSD Government did on arrival in Government was to reverse two fundamental instructions by the previous Chief Minister before 1996. This was to disallow Moroccan kids, many born in Gibraltar, to attend schools in order to obtain an education as this was denied by the GSLP Government then.

1825 The second was to reverse the instructions of the then Hon. Joe Bossano to the then ETB in not allowing Moroccan Nationals who had been working and living in Gibraltar some 25 years to have their new employers’ terms of engagement accepted, thereby placing them in a position of illegal work without having social security cover for accidents at work or from contributing to the Social Insurance Pension Scheme. On arrival into Government that decision was immediately reversed and some 300 Moroccans who had been working illegally had their working relationships acknowledged and legalised. In addition to this

1830

we also took the opportunity to extend to Moroccan workers equality of treatment for the services of the then ETB along with Gibraltarians, notwithstanding the fact that they were then Non-European Nationals for the purpose of applying European legislation in this field. This was also extended to a number of other Non-European Nationals, mainly Hindus, given their number of years in Gibraltar.

Other areas covered were maternity leave entitlements, which went beyond the EU threshold by having the Government pay for maternity leave entitlements both in the public and private sectors. These allowed all small businesses to provide such an entitlement without causing them to absorb the payment as this was done through the Government. In addition to this an enhanced paternity leave entitlement in the public sector for fathers to spend quality time with their new-born children.

A Minimum Income Guarantee Scheme was introduced which allowed hundreds of elderly persons to receive, for the first time, either an income or an enhanced income in retirement so that they could live with dignity in being able to purchase the essentials of living adequately. Another set of measures were, to allow for the first time divorced women pro-rata old age pension rights, and also married women to be given 'rate contributors' to get an old age pension in its own right.

At the time of arrival into Government only a handful of women civil servants enjoyed the position of Executive Officer due to the lack of professional training given by the previous GSLP Government. As a result of this, the new GSD Government embarked into a massive professional programme which has managed to push women civil servants beyond the 'glass ceiling' of the Executive Officer posts into higher management inclusive of some Heads of Department now being led by women for the first time.

An area of regret seen since the present Government is in office is the diminution of women's presence in the various statutory bodies of the present Government. Here we have observed a rolling-back of the numbers of women's participation of essential statutory bodies which are thereby excluding an important sector of our community into the life of such bodies.

Other important paradigm shifts in equal rights were when we obtained constitutional human rights provisions up to date with the European Convention of Human Rights; and in addition for the first time ever an Equality Opportunities Act in order to stop discrimination in the field of work. The Equal Opportunities Act that prohibited discrimination on the basis of sex, religion, belief, racial or ethnic origin, sexual orientation, disability, etc. in the place of work.

It is of public knowledge that Danny Feetham brought a Private Member's Bill when in Government, for the purpose of equalising the right to sex at the age of 16, but this was opposed by the then Opposition on a partisan basis with a few Members of the then Government acting freely and individually on conscious decisions. However, despite this the then Chief Minister, the Hon. Sir Peter Caruana QC, took the issue for a judicial review and today this right is enjoyed without discrimination. As a consequence of this, equality for sex has been achieved, and homosexuals are no longer criminalised for enjoying the same rights that others do.

Therefore, with such a positive track record, it is impossible that the present Government can come anywhere near in enhancing equality issues as the GSD Government has done.

Mr Speaker, during the passage of a politician either in Government or in the Opposition there are those moments in which, when looking back, we tend to cherish more than others. For me, one of those moments was when elected for the first time into Government in 1996 as Employment Minister, it was then that I was approached by the Moroccan Workers Association to inform me that as a result of instructions issued by the previous Chief Minister to the then ETB, staff were not processing notice of terms of engagements from employers employing long-standing Moroccan workers, thereby placing some 300 workers in a position of performing illegal work.

Upon being informed by the management of the Department of this being so, I took the decision of regularising this shameful act, so that Moroccan workers could be protected by the Social Security scheme in case of accident at work, paying taxes into Government coffers and paying towards their old-age pension.

The idea that a so-called socialist did instruct a Department to refuse to accept notices of terms of engagement of workers who by that time had served Gibraltar some 20 to 25 years, in order to force them to repatriate back to their country of origin, is in my opinion one of the most shameful and despicable acts in the employment history of Gibraltar; more so, when such a decision emanated from someone who called himself a socialist. Therefore, for a person like me to have been in a position to reverse such a wicked decision was a delight and an honour, given my ideological background. (A Member: Hear, hear.)

Yet, reversing the decision of the previous Chief Minister was not enough for me, so I went further and took the policy decision of allowing the unemployed Moroccan workers and other long-term non-European residing nationals, such as Hindus, equality of services at the ETB in order to assist them in their search for employment, inclusive access to new vacancies and the employment of an employment officer to assist in the bureaucratic process of registration. No doubt this was equality *par excellence* given that by virtue of their non-European status they were not legally entitled to do so.

1895 Another thing that surprised me as Employment Minister was the lack of progress by the previous so-called Socialist Government in either furthering the interest of workers, or in reducing the huge weight of taxation as it affected inversely low income bracket workers. Again, it was a great pleasure for me as we transposed the European Directive on Maternity, despite the fact that the then Transport & General Workers Union had been requesting this to be done on numerous occasions over the years, to the GSLP Government.

1900 Also, the fact that the GSD Government extended statutory redundancy rights and an insolvency fund to cover all workers in all industry groups as this was not the case before the arrival of the GSD Government. Again, something the TGWU had requested the GSLP Government to do on numerous occasions, only to be ignored by the then GSLP Government.

1905 In the area of occupational pensions particularly in the recently-created private companies of the Government by the previous GSLP Government – that was non-existent. It took a GSD Government to address this matter in a decided way and provide the mechanism and resources to deal with this.

1910 On the statutory minimum wage, the Chief Minister repeatedly mentions that the GSLP Government enacted the statutory minimum wage well ahead of the UK Government – in fact, he said it in his speech yesterday. This *cliché* is repeated *ad nauseam* in the hope of providing some kind of socialist backbone to the GSLP Government. The problem here is that the Chief Minister is prone to ride roughshod over the small detail of his great socialist mentor particularly how the scheme was introduced back in 1989, to the extent that the standard minimum wage was introduced in 1989 – that is certainly correct – but given the incomplete and distorted story given, it is important for the record to once again make sure that the small detail is examined and illustrate how rather than being a great social initiative it ended undermining some workers in the private sector.

1915 In August 1989, the GSLP Government introduced the Standard Minimum Wage Order in Gibraltar for weekly-paid employees only. The only discernible reason for restricting the standard minimum wage generally was that at this time the administrative assistant hourly rate of pay was £1.68 for a 16-year-old person, £1.82 for a 17-year-old-person, £2.22 for an 18-year-old-person and £2.36 for a 19-year-old person. This obviously was less than the hourly rate of pay for the newly introduced minimum wage at £2.50. Therefore the GSLP Government designed a Minimum Wage Order in which the GSLP Government as an employer could use the deliberate loophole of not applying the minimum wage to its own employees because administrative assistants were paid monthly. (*Interjection*)

1920 So we had a so-called Socialist Government deciding as an employer to keep its own administrative assistants below the minimum wage. Quite shameful. And to boot when private sector employers found out at the time that by transferring their weekly-paid employees to monthly they could pay less than the hourly rate of the new minimum wage, there was a movement to circumscribe the legislation thereby negating the minimum wage as a concept of a living wage.

1925 Mr Speaker, I am proud that in my first term as Minister for Employment, we closed the deliberate loophole created by the GSLP Government, thus making all employers in Gibraltar comply with the minimum wage both in the private and public sector and for weekly and monthly paid. This was set at the age of 16, thereby closing all the deliberate loopholes of the so-called Socialist Government.

1930 The Chief Minister may claim that this initiative of the then GSLP Government is something that he can boost as being socialist, but I can assure him that it was not something to be proud of, even less by any socialist standard he maybe advocating from, if any at all – even from the ‘Champagne Socialist’ standard. Therefore, I take huge pride as an old fashion socialist to have taken the initiative to put right what was a disgraceful act by a so-called socialist government. (*Interjection*)

1935 Mr Speaker, another area of huge satisfaction is in the area of opportunities given to female civil servants. When the GSD Government arrived in 1996, we found that only a handful of EO posts were held by female civil servants, there were no HEOs, no SEOs, and certainly no Heads of Department by female civil servants. This was due to several reasons: firstly, there had been no provision by the GSLP Government for professional development of civil servants in order to allow opportunities to progress in what was a male-dominated environment. There was under-investment in the Civil Service and a clear plan to privatise large chunks of the Civil Service, something I was able to stop as a branch officer of the TGWU with the help of a prominent executive GSLP Member of the GSLP who passed to me secretly all the then Chief Minister’s reports and timetable for execution.

1940 As a consequence, there was uncertainty, demoralisation and a glass ceiling which made female members of staff inaccessible to promotion based on qualifications. This brings to mind the famous words of Noam Chomsky, when he said:

‘The the standard technique of privatization: defund, make sure things don’t work, people get angry, then you hand it over to private capital.’

This situation changed with a massive introduction of professional courses leading to recognisable qualifications by the GSD Government which broke the glass ceiling and by the time we ended with our

1950 term in office in 2011, female civil servants occupied most of the EO posts, moved into the HEOs and SEOs and saw for the first time a female Head of Treasury in existence. A remarkable turnaround in equality of opportunities, when resources are channelled towards eliminating discriminatory practices, a practice that was not on the radar screen of a so-called socialist government.

1955 **Mr Speaker**, being controversial at times does not mean necessarily that the controversy is not one that is supported by good arguments and with the need to move from frozen *laissez-faire* attitudes that afflict political establishments at different times in their political evolution. One such occurrence was when I presented a private motion during the parliamentary reform discussion here in this Chamber in order to stop the practice of the recital of the Prayer before the commencement of proceedings – (*Interjections*)

1960 **Mr Speaker:** I have been amazingly liberal, but there is a limit. The Prayer has got nothing to do with the estimates of expenditure.

I will allow the hon. Member during the course of this meeting... On the adjournment of the House, I will allow him to raise the matter of the Prayer if he so wishes, but he is not going to do so during the estimates of expenditure. There is a limit to which a minority can have its will over the majority; there is a limit to that and I am not going to allow it. The Rules are the Rules and the established agenda of this House is not going to be put into question by the hon. Member as part of his valedictory speech before he retires from public life.

1965 I hope that it is clear and I ask the hon. Member... and I will allow him on the adjournment, when the House adjourns *sine die* he can raise the matter of the Prayer if he so wishes, but not now.

1970 **Hon. J J Netto:** Mr Speaker, I will certainly bow to your decision, but from tradition and from the last 20 years in which I have been in this Chamber, whenever there has been a Member on either side of the Government or Opposition, in which they have stated clearly that is their last Budget speech, there has been a tradition, in the last 20 years, in which that particular politician has been able to make a kind of statement as to the issues they have felt proud about in the period in which they have been in this Chamber.

1975 Now, if you do not want me to mention it, fine, I will just move on –

Mr Speaker: Can the hon. Member state an occasion when, since the beginning of this legislature in 1950 any Member of the House has stood up in the course of a debate to question whether the House starts a meeting with a prayer or not?

1980 Can he point to such an occasion? Can he point to an occasion during the 20 years that he has been a Member?

Why does he have a bee in his bonnet about this thing? It is not an imposition. It is for the Members here in the House to decide what should be in the agenda and what should not!

1985 **Hon. J J Netto:** Mr Speaker, it is not my intention to cause controversy. I am not questioning whether the majority are in the right and I am in the wrong – that is not the issue – I am not trying to make that point or to reignite the debate again. I am only stating the fact that I stood up on a Private Member's motion, but –

1990 **Mr Speaker:** This is not –

Hon. J J Netto: Mr Speaker, if you want me to move on, I will move on. I do not have a problem –

1995 **Mr Speaker:** This is not the first time that the hon. Member has raised the issue.

During a debate in this House, on a report produced by a commission of which I was the Chairman, during the course of a lengthy debate on the recommendations of that report, the hon. Member had nothing to say at all about the report. All that he spoke about was a prayer, on that occasion. That is all that he said.

2000 And now, once again, here we are... an important debate on the estimates of expenditure on the Appropriation Bill and he has the gall, the cheek, to raise this question of the Prayer, when he has other avenues. He can raise the matter in the House whenever he wants to. No Member in this House is debarred by bringing up properly and giving notice of a motion, bringing up such a question. He can do so, no-one is stopping him from doing so; though no doubt there will be people on Facebook, and what have you, who will say that the Speaker is ramming religion down the throat of hon. Members. And that is a fallacy.

2005 Hon. Members decide what are the Rules and I, as Speaker and the servant of Parliament, and as the servant of Parliament, I implement the Rules and I try to abide by the Rules. I have been very, very lenient this afternoon, I can tell the hon. Member, because I think it is a tradition – very, very lenient because I have never heard a Member of the Opposition in the 20 years that I was in this House, defending what he was doing in his first term of office 20 years ago. That is the extent to which I have been liberal, if he wants

2010 to know.

But on the question of the Prayer, I am not going to allow him now to say another word; so would he please revert to his prepared speech and finish his valedictory speech as he should have done so in the first place.

2015 **Hon. J J Netto:** Well, Mr Speaker, all I can say as I said just now, it was not my intention to reignite the debate. It was a passing comment, so I had no intention of reigniting the debate.

But I will carry on, Mr Speaker... whatever decision you take I will accept – I have to, in any case.

2020 During my time as a politician in the GSD there have been some who have questioned my participation in what they say is ‘a right-wing government’. An interesting concept when one scratches the surface of the *cliché*. Yes, it is true that all political parties in Gibraltar revolve themselves in the centre of politics, yet during the 16 years of GSD Government we did not have any single privatisation. In fact we brought back some that had been privatised by the so-called socialist government before us; a so-called right-wing government that did much more than the GSLP Government to enhance protection of workers’ rights in the employment field; to reduce the enormous tax burden from the levels inherited during the GSLP Government and to foster greater equality measures for different groups in our society.

2025 Yet my arrival in the GSD back in 1995 was due to an historical contingent fact. The Gibraltar that prevailed then was one of high levels of unemployment for Gibraltarians; privatisation; lack of protection for workers in redundancy and insolvency cover in various industry groups; lack of occupational pension schemes; no maternity cover with paid leave in the private sector; hundreds of elderly couples with no or insufficient earnings to live from; no financial help for divorced women, with hardly any decent service for elderly people; care in Mount Alvernia run by voluntary work with insufficient Government grants to maintain itself, less still to open the two-thirds of the building closed; services for the disabled run on a shoestring budget, or worse still having the Dr Giraldi Home closed because, in the words of the then Chief Minister, employing professional people would be too costly; a handful of Social Services personnel that was totally inadequate to provide the most basic cover to those in need of such services; a climate of fear and intimidation. A proliferation of the tobacco smuggling through ‘fast launches’ who, in the words of a head boy student of Bayside Comprehensive School within the Liberal Studies Programme of the school, named Fabian Picardo, asked the then Chief Minister, the Hon. Joe Bossano, ‘Legalism apart, was there not a moral problem for Gibraltar’s Government in the trafficking of tobacco?’ only to be told by the then Chief Minister, ‘There was no such moral problem in economics.’

2030 To be fair to the then Chief Minister, he has always maintained the view that matters of economics are amoral, throughout his entire political life. This is where he never saw or understood the breakdown in law and order that ensured riots on the streets of Gibraltar; or even the fact that there have been many economies around the world who do believe in having high standards of ethics in the execution of economic policy.

2045 Mr Speaker, a Gibraltar which had arrived at a crossroad, in which one option was to fall over the cliff face, and the other a call to duty by placing the interest of Gibraltar first and foremost, in order to execute a 180-degree turn and save Gibraltar from certain disaster. Thankfully, the arrival of the GSD Government and its passage has ensured that Gibraltar has obtained a high degree of prosperity, security and stability hitherto unknown in its history. That said, such advancement is now beginning to be rolled back, due to the present Government’s reckless policies on financial matters, the never-ending fishing saga, and the opaque nature of not providing basic information to Parliament, amongst others.

2050 That said, I have been in public life since being a teenager and my upbringing has not been typical of such, as I have spent most of my time helping others whether as a trade unionist, or as a politician. I believe I deserve some time out from the day-to-day political arena. Yes, politics is in my DNA and at this moment in my life I do want to take a step back, catch up with my reading of books, observe politics more from an international perspective and perhaps one day be able to contribute at another level in the many concerns that this planet has, be they environmental or social.

2060 I would like, Mr Speaker, to wish everybody well in this Chamber and that its deliberations may be for the good of our city and its people. (*Interjections*) Finally, once again... No it is part of it. It is part of it, not all of it – there are parts of it which are not.

To say, as I have just said, to wish everybody its deliberations for the good of our city does not mean the statement in itself is religious. It does not have to be.

2065 Finally, once again, I give my sincere thanks to the staff in Parliament for being so helpful to me and the work they do in ensuring the excellent services they provide. Also, I would like to thank the many public servants who have worked so hard for me in all the various Departments that I have had the privilege to be in during my time as a Minister, their sense of loyalty and willingness to work positively when encouraged to do so, regardless of party political allegiances, is something that I have valued and encouraged.

Thank you. (*Banging on desks*)

2070 **Hon. D A Feetham:** Well done. Well done.

Chief Minister (Hon. F R Picardo): Mr Speaker, given the soporific effect of that contribution, as head boy now of this place, can I pray to move that the House do now recess until 4.00 p.m.

2075 **Mr Speaker:** The House will now recess until 4.00 p.m.

The House recessed at 2.05 p.m. and resumed its sitting at 4.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.00 p.m. – 7.54 p.m.

Gibraltar, Tuesday, 23rd June 2015

Business transacted

Order of the Day	2
Government Bills.....	2
Appropriation Bill 2015 – For Second Reading – Debate continued.....	2
<i>The House recessed at 5.45 p.m. and resumed its sitting at 6.00 p.m.</i>	19
Appropriation Bill 2015 – Second Reading – Debate continued	19
<i>The House adjourned at 7.54 p.m.</i>	35

The Gibraltar Parliament

The Parliament met at 4.00 p.m.

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

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

Order of the Day

GOVERNMENT BILLS

Appropriation Bill 2015 – For Second Reading – Debate continued

Mr Speaker: The Hon. Gilbert Licudi.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):

5 Mr Speaker, I have the honour to report to the House on the areas that form part of my ministerial portfolio, starting with Education.

Mr Speaker, the estimates reflect that the amount required in the year ending 31st March 2016 for salaries, wages and expenses is £44,767,000. The forecast outturn for the year ended 31st March 2015 is £42,168,000. There is therefore a proposed increase this year of £2,599,000 in the Education budget.

10 A significant part of the increase relates to personal emoluments and scholarships. Hon. Members will note a provision for 2015-16 of £15,707,000 for scholarships, compared to the forecast outturn in 2014-15 of £14,135,000; an increase of just over £1½ million.

Records confirm that 2014-15 saw 363 mandatory scholarships – this figure includes school leavers and students on Masters, PhD and other postgraduate courses – and 23 discretionary awards; a total of 386 additional individuals who are benefiting from higher education. As I have explained in a recent press release, nearly 900 students are now being funded to study an enormous number of courses in universities across the UK. Indeed, some are also being sponsored to study in other countries, such as Malta and Ireland.

15 Mr Speaker, it gives me great pleasure to report that the Washington internship programme is now in its third year. This has been a resounding success and continues to be in demand. Thirty-three internships have already been awarded over the last two years, with a further intake of 27 graduates taking up their internships in September 2015.

25 An additional £500,000 was also invested in training requirements for both the public and the private sector. Twenty-seven Government Departments, Authorities and Agencies have benefited from courses in their field of work and all essential training bids for the public sector were met. Sixty thousand pounds was also invested in a number of distance-learning courses for Government employees. I am happy to say that a further £65,000 was spent on the provision of training for, primarily, staff at the Government's Human Resources Department, who were able to obtain an industry-standard qualification from the Chartered Institute of Professional Development (CIPD). The primary demand for funding for courses from individuals from the private sector continues to be in relation to accountancy qualifications, AAT and ACCA, as well as maritime and port operations such as safety training. The Department of Education also continues to support the Gibraltar Insurance Association with provision for training with their professional Chartered Insurance Institute examinations and continues to fund IT courses for senior citizens.

30 Mr Speaker, the financial year 2014-15 saw a number of refurbishment projects undertaken to extend and preserve the life of several of the older buildings servicing educational needs. These include: (1) the installation of a high-quality waterproof membrane to the flat roof of the original old building at St Anne's

School to prevent water ingress, at a total cost of £112,000; (2) waterproofing works and internal and external repairs were carried out at St Bernard's Nursery at a total cost of £64,000; (3) the south-west sea-facing facade and fire escape of Bleak House was refurbished at a total cost of £76,000 – the works undertaken include a full window replacement, which is sympathetic to the building's heritage and suited to the exposure of inclement weather; (4) waterproofing works were also undertaken on the roof of the assembly hall at Bishop Fitzgerald School whilst repairs were also carried out on the elevated fire-escape routes of both Governor's Meadow and Bishop Fitzgerald School at a total cost of £119,000; (5) the construction of steel staircase to create a new fire escape at St Mary's School that exits via Prince Edwards Road for the total cost of £25,000; (6) a covered walkway to protect children when travelling from the main building to the lunch hall annexe at St Joseph's First School, for a total cost of £52,000; (7) the replacement of the drama studio flooring and painting works at Bayside School, for a total of £96,000; (8) resurfacing the playground at St Martin's School to rubber crumb flooring at a cost of £75,000; (9) maintenance and refurbishment works to all exposed timber supports at St Paul's School plus additional refurbishment works to the lunch hall and the installation of fencing in the perimeter wall for the sum of £62,000; (10) £10,000 was also invested in the purchasing of new drinking fountains for all schools.

Additionally, Mr Speaker, a further £50,000 was expended in response to emergencies arising from extreme weather conditions, including St Mary's School, St Joseph's School and John Mackintosh Hall Annexe, which suffered from severe flooding due to rainwater ingress during the severe rainstorm in February, whilst the roof and façade of Bishop Fitzgerald School was also damaged during the high winds and repaired.

The minor works programme for the current financial year will include: (1) the reconfiguration and refurbishment of multiple rooms within St Martin's School to create an extra classroom with the corresponding sanitary facilities; (2) internal refurbishment at Varyl Begg Nursery and the installation of mechanical ventilation and extraction systems to improve airflow and prevent recurrent damp issues; (3) shading canopies will be installed over the rubber crumb playgrounds at both Varyl Begg Nursery and St Mary's School to protect children from direct exposure to the sun and the excessive heat caused by the black surfaces; (4) replacement of the assembly/sports hall flooring at Notre Dame School; (5) general overhaul of the workshop facilities and extraction system at Bayside School; (6) replacement of old and malfunctioning freshwater mains supply pipes at Westside School; (7) the replacement of non-slip linoleum in schools, which is part of an ongoing programme of works.

Mr Speaker, in respect of major works I am happy to report that the building of the new St Bernard's First and Middle Schools is on target and will be finished in time for September 2015 opening. (*Banging on desks*) As I have outlined in the past, the conversion of the old hospital site into two new schools was part of the Government's 2011 General Election manifesto, where we said we would consider relocating in particular Sacred Heart School, and it is something that we are very proud of. The schools will also provide facilities for community sports and activities and will go a long way towards providing much needed facilities in the upper-town area. Worthy of mention is the central hall in the Middle School, which has a glass roof atrium and will be available for students and teachers to carry out social and educational activities. Both schools will also boast cutting-edge technology for teaching and learning, with several educational technology initiatives being piloted at the site as from September.

Mr Speaker, I am equally proud to be able to state that the construction of our new University of Gibraltar core campus is also on time and will be ready for a September start. (*Banging on desks*) Again, the University will also boast cutting-edge technology and a robust, managed Wi-Fi system to ensure that all parts of the campus have access to broadband internet and networking facilities: a necessity if we are to embark on the collaborative, multi-site educational projects that are planned with other universities and providers.

As I have outlined elsewhere, Mr Speaker, there will be four faculties at the University: Health Studies and Sports Science; Business, which will include specialisms in Accounting and Finance, and Law as well as ICT; Life and Earth Sciences with Gibraltar and Mediterranean Studies; and Tourism and Hospitality. The four faculties will provide a series of undergraduate and post-graduate programmes in collaboration with internationally recognised universities as well as locally developed courses, including courses for qualifications in Gibraltar tax and in Gibraltar law. The University will also be a centre for research in key areas associated with Gibraltar's culture, environment and heritage. Prospective students and interested parties will be able to find out more about the full range of courses available from the University website, which was launched last week. In the first 24 hours after going live there were 6,000 visits to the website from various parts of the world.

The core administrative team has already been recruited to service the needs of faculty and students. The executive team is currently completing the process to procure furniture and all the necessary equipment for the University.

I also wish to emphasise the fact that the University is designed to serve the needs of the community and the Gibraltar economy. With this in mind, we have created the Institute of Professional Development

and Continuing Education. This will provide courses leading to professional qualifications, public and private sector continuing professional development and courses developed to meet industry needs in Gibraltar. The Institute will be a proactive and forward-looking enterprise and the aim is to provide wide-ranging professional training opportunities in Gibraltar.

A further component of the University will be a language centre for the teaching of English as a professional language. Ever more, English is being seen not only as a useful everyday language but as the international language of business. There is a huge demand for this and the University of Gibraltar and its Institute of Professional Development and Continuing Education are ideally placed to service these needs and, indeed, become a centre of excellence.

Mr Speaker, interactive whiteboards continue to be the most widely used hardware for teaching and learning through technology. Over the years our teachers have become adept at using interactive whiteboards and these are now predominant in all our schools. This technology was first introduced locally some eight years ago and numbers have steadily risen to over 300 units. It is expected that they will continue to serve this purpose for several more years. As with everything, however, constant technological development in the field of education means that there are now newer devices coming onto the market and the Department of Education is looking into all possible options.

During the course of the year a team, composed of the Director of Education, a headteacher and a senior teacher, visited several schools in England. These schools have received nationwide recognition of their excellent use of technology and the Department of Education hopes that some of the very exciting uses of technology they witnessed can be adapted for use in our schools, particularly given that emphasis now seems to be moving towards the development of interactive hand-held devices for use by teachers and children. In looking to develop the use of interactive hand-held devices, such as tablets, a group of science teachers from the middle and secondary sectors attended workshops in the UK to look further into the potential of these devices.

Mr Speaker, There is a strong emphasis on developing the coding and programming skills of our pupils, and some schools have introduced coding as early as reception year. First and middle schools have used web-based programmes such as Tynker, Code.org and Scratch to introduce the coding elements of the computer science curriculum. A working group, composed of teachers leading this subject area, has continued to meet regularly and host workshops with a view to sharing good practice. A subject specialist from the secondary sector also attended a conference in London to receive advice on how to incorporate the changes and transition from ICT to computer science in this sector.

Mr Speaker, the Department of Education continues to work in conjunction with the Gibraltar Regulatory Authority, the Royal Gibraltar Police and the Citizens' Advice Bureau. These bodies have fed into a 'Control Your Privacy' campaign, directed at both teachers and pupils. Presentations with question-and-answer sessions have been held at Bayside School for years 9 and 11, Westside School for year 11, the Gibraltar College with two presentations for different cohorts, and for children in year 7. This year's campaign has more than doubled the number of pupils being addressed.

Applications for nursery placements are slightly higher in comparison to last year. There will, however, again be a nursery place available for every application should parents wish to take up the offer they receive.

Mr Speaker, the new Special Educational Needs Code of Practice in the UK now includes mental health for the first time. This is as a result of the recognition that there has been an increase in the number of children and young people being diagnosed with mental health issues. To keep abreast with such issues, the Department of Education sent two senior secondary teachers to a conference in the UK concentrating on 'Promoting Positive Mental Health in Schools' in November. They had an opportunity to attend some of the following workshops which were on offer. These included self-harm, body image, depression, exam stress, anxiety, low self-esteem, and behaviour.

In March, a small number of teachers attended a conference organised by Childline on the issue of self-harm. The aims of the conference were to increase awareness about the topic and how to deal with a disclosure and to explore ways of supporting young people in our community.

In January, the occupational therapists from the GHA delivered a presentation of a fine motor skills programme to a group of first school teachers, which could be used to support pupils who were experiencing difficulties in this area.

In April, the educational psychologists offered an 'Early Birds Plus' course for parents of children aged five to eight diagnosed as falling within the autistic spectrum. The programme consists of eight group sessions and a series of home visits by the psychologists. The course aims to provide training, insight and, where necessary, reassurance to parents and carers with a view to building adult confidence, encouraging joint working with professionals across all relevant agencies, as well as establishing sound working relationships. This is a new course and in the future the Educational Psychology department will offer this course at least twice a year.

Mr Speaker, the Advisory Service has facilitated in-service courses in the following areas.

160 (1) Safeguarding Children Tier 1 training. This multi-agency team has continued to offer training. Individuals from different schools attend along with others from other agencies. In addition, two of our schools have set aside a whole school in-service day and invited individual teachers from other schools to attend.

165 (2) Dignified Care and Responsibility training. Restraining children should always be a last resort strategy. DCRT is commended for its focus on de-escalation techniques and serves to reduce the need to physically restrain children. This course includes both the theoretical aspects as well as understanding aggression and aggression cycles, triggers, self-awareness and risk assessments, as well as the practical skills needed to safely restrain children.

170 (3) Train the Trainer. In previous years this training has been offered by an outside agency to our schools in the form of an in-service day. This year the Department offered a three-day Train the Trainer course. Eleven teachers were trained and they are now in a position to offer one-day training to our schools. Three schools have already received training.

175 (4) Assessment and Reporting. In a response to recent changes in the National Curriculum, the Advisory Service is working on an assessment and reporting policy for schools. The National Curriculum working groups for the core subjects at primary level are also meeting in relation to the changes in assessment and reporting.

(5) Literacy. A small number of teachers have been on courses for literacy in the UK, in areas related to changes or increased emphasis within the new National Curriculum. The focus has been on guided reading, which gives pupils the chance to apply strategies they already know to new texts, and 'Talk for Writing' which enables children to imitate the key language they need for a particular topic orally before they try reading and analysing it.

(6) Language, Learning and Play. In-service on Language, Learning and Play through core texts in the Early Years Foundation Stage and the Power of the Picture book for teaching mathematics is also being given by one of our teachers to the early years co-ordinators.

185 (7) First Aid Courses in schools. This is part of a rolling programme facilitated by the Advisory Service. This year the Advisory Service has started delivering twilight sessions to schools on self-evaluation. The underlying concept is that schools must think and learn for themselves as organisations. Therefore, teachers have been encouraged to tell us what they think, where their priorities lie, what things they do well and where they need help to improve. Furthermore, we have also started delivering a new revised code of conduct to teachers. This is a document designed to assist teachers to better understand what is expected from them and serves as a guide and code of ethics for teachers.

190 We have also taken on board the changes occurring within the primary and secondary sectors in the UK, such as the abolition of the National Curriculum levels, increased allocated time for school subjects, as well as new content. As such, we are distilling new assessment protocols to be used to track children's progress and ensure a value-added approach to teaching and learning. The new breadth and depth of the changed GCSE and A-level curricula and specifications has meant that our schools, under guidance from the Department, are working hard to recognise the curriculum and the time allocated to subjects: this is an on-going exercise.

200 The Department of Education will this year be introducing Spanish lessons earlier in the curriculum. This follows a number of requests from parents as well as from professionals. Spanish will now be delivered in first schools, with introductory programmes starting as from September of this year. (*Banging on desks*) A final decision as to the actual programmes of study, format and mode of delivery will be taken during the course of that academic year.

205 Mr Speaker, I am particularly proud of the fact that the Department of Education and a group of teachers are working in collaboration with the Heritage Trust, other stakeholders and experts to produce materials that will be used for the formal introduction of a programme on local history in our schools. Initially, the first core textbook along with its online materials and web-based content will cover the Great Siege. This again covers many requests we have had across the community for the formal introduction of local history in the curriculum in our schools.

210 I am happy to say that the Advisory Service has set up a flourishing homework club at the John Macintosh Hall with the invaluable help and support from a group of dedicated teachers from the Gibraltar College assisting students with GCSE and A-level study. Students are given the opportunity to attend and be able to work in a calm and controlled environment and be supported by monitoring teachers. These clubs have been taking place for the better part of this academic year and comprise of three two-hour sessions a week. The popularity was such that although the club started off with two teachers a third had to be recruited to assist in January as well as extra rooms having to be made available. This initiative, which was also a manifesto commitment, has been a resounding success. (*Banging on desk*)

215 The Advisory Service is actively involved in the push to raise standards in literacy and numeracy and to awaken in children a love of reading. It further wants to make mathematics relevant to their lives, to link the teaching and learning of mathematics to situations where children can see the relevance in sports, the arts,

220 music and economics. We want children to enjoy their learning and we want teachers to make their lessons
addictive so that children want to learn and find out more. Throughout this year the Department will be
delivering a series of master classes to teachers with a view to improving the delivery of quality lessons.

Mr Speaker, we must not forget those children who struggle, or who perhaps have not done as well as
they should have done. I am happy to report that the repeat provision afforded at both Bayside and Westside
225 Schools has given these students a second opportunity. Furthermore, both our secondary schools are now
firmly committed to offering an alternative vocational provision. The ASDAN, (Award Scheme
Development & Accreditation Network) which offers a more vocational, life-skills-based pathway, has
worked extremely well in Bayside School and is now being taken up in Westside. These alternative
230 programmes and qualifications are well established in the UK and offer flexible ways to accredit skills for
learning, skills for employment and skills for life. Key staff at Westside and Bayside are studying other
alternative programmes. The schools will shortly receive in-service training from an established
qualifications provider and awarding body, with a view to introducing an alternative BTEC (Business and
Technology Educational Council) pathway into our two secondary schools. BTECs offer work-related
235 qualifications for learners who are taking their first steps into employment, progressing through their
careers, or planning to enter university. They are a highly valued qualification to help to build core
employability and life skills in young people who may prefer a more practical, competency-based approach
to learning.

Mr Speaker, all of our children continue to enjoy a range of fascinating science and mathematics
activities and experiments prepared by outreach teams from the British Science Museum and Cambridge
240 University. These initiatives continue to be sponsored by the Kusuma Trust and serve to give children
different perspectives of what science and mathematics are all about.

Furthermore, the Young Enterprise scheme continues to thrive and clearly enjoys the support of the
business community and is now firmly rooted in both secondary schools. I would add, Mr Speaker, that
yesterday was the final of the Young Enterprise company scheme, which I attended. The winners yesterday
245 will take place in the UK finals, which take place next week – that is on 1st and 2nd July. The winner was a
company called Biodiversity, producing a book, which I think has enormous promise and has already
shown that they can sell it as far afield as Canada and Australia through the internet and Facebook. They
are having enormous success and I wish them, on behalf of the Government, every success in competing in
the national finals next week. *(Banging on desks)*

Mr Speaker, I turn to Justice. HM Government of Gibraltar again congratulates Michael Llamas QC on
his appointment as Attorney General for Gibraltar. *(Banging on desks)* Mr Llamas is the first Gibraltar
Attorney General of modern times. Since he was appointed Chief Legal Adviser to the Government by the
previous administration, Mr Llamas has been shouldering the burden of much of the advisory work done for
the Government in civil matters. This appointment is appropriate recognition of his legal talent and hard
250 work. There can be no doubt that he will be an excellent Attorney General for Gibraltar who takes over
from Ricky Rhoda CBE QC.

In the same breath, Mr Speaker, HM Government of Gibraltar would like to thank Mr Rhoda, who has
served for 20 years, making him the longest-serving Attorney General in Gibraltar, *(Banging on desks)* for
the excellent and important work he has done over many years. His time in office has seen considerable
260 change, especially since the 2006 Constitution. I am very glad that Mr Rhoda, although stepping down as
Attorney General, has nevertheless agreed to stay on to assist with the work of the Attorney General's
Chambers. Chambers therefore continues to benefit from the vast experience and expertise which Mr Rhoda
has.

Mr Speaker, I turn to matters regarding legislation and I highlight some of the issues we have dealt with
and are currently working on. Mr Speaker, following the UK's so-called 'opt-in', 2014 proved to be a
particularly busy year with regard to implementing legislation in the area of European police and judicial
co-operation, also known as Justice and Home Affairs. As a result of this, a raft of legislation was
commenced on 1st December 2014, including measures in areas which until that date had not applied to
Gibraltar. The transposition of this legislation provides new and further opportunities for enhancing the
270 participation of our police and judicial authorities in tackling cross-border crime and serves to once again
demonstrate Gibraltar's positive approach and commitment to the implementation of EU measures and full
transparency with all of our EU partners.

The measures cover a wide ambit, from strengthening our legislation on the European Arrest Warrant
and combatting child pornography to allowing for formal co-operation between law-enforcement agencies.
275 Other measures include asset recovery, exchange of intelligence and information, the mutual recognition of
criminal freezing orders, confiscation orders, financial penalties, previous convictions and bail conditions.
These new important measures are already being used and tie into other administrative changes that have
been negotiated with the UK. As an example, only last month Gibraltar was able to effect the surrender of a
person subject to an European Arrest Warrant to Poland by transiting the prisoner via the UK.

280 In January of this year, the Government implemented new legislation in order to ensure EU-wide
protection for victims of violence. These regulations, which cater for both criminal and civil orders, mean
that persons who have been the victims of violence, and particularly those who have suffered domestic
violence or stalking, can be assured that orders made in one member state for their protection can and will
be recognisable and effective in other EU member states. This not only implements an important EU
285 obligation but also builds upon the work reported on in my address last year to strengthen domestic
legislation by creating new offences – for example, like we did with stalking.

Mr Speaker, the Government included in its manifesto a commitment in relation to legal aid and
assistance. On 25th September 2014 the Government published the Legal Aid (Fees and Expenses) Rules
2014, which replaced the previous 2012 Rules. This was completed following extensive consultations with
290 the Bar Council, the Registrar of the Supreme Court and the Chief Justice. The 2014 Rules (a) substantially
increase the rates payable under legal aid across the board, (b) allow, where a case is of exceptional
difficulty or complexity, regardless of whether it is a fraud case or any other form of criminal case, for it to
be certified so as to increase the remuneration payable and (c) ensures that outside counsel are paid no more
for their work under the scheme than local counsel would be paid. This new system properly balances the
295 need to ensure that persons receive adequate representation before the criminal courts and the need to
provide value for money for the taxpayer.

Further legislation in the area of the local legal system is being introduced in this session as the Supreme
Court (Amendment) Bill 2015. The Bill will amend the Supreme Court Act so as to set new training
requirements for barristers and solicitors who wish to commence practice in Gibraltar after 1st July 2015.
300 This regime follows consultations with the Bar Council and the Chief Justice and will ensure that persons
who wish to practise law in Gibraltar as barristers or solicitors are on an equal footing. Barristers and
solicitors will have to complete a practical training requirement at a local firm for a period of no less than
12 months, a part-time academic course in Gibraltar law that will be taught at the University of Gibraltar by
senior local practitioners, and a professional skills course.

305 Mr Speaker, on 1st November 2014 saw the commencement of the new Companies Act and the new
Insolvency Act, together with related regulations. These pieces of legislation are enormously important to
the sector and their commencement completes the Government's manifesto commitment in this area.

Mr Speaker, the Government is in the process of introducing proceeds of crime legislation, which
among other things will allow for the forfeiture or confiscation of assets arising from criminal conduct even
310 in the absence of a criminal conviction. This important piece of legislation also seeks to prevent the abuse
of our financial system and terrorist financing.

A Bill to consolidate Gibraltar's money-laundering laws and provide for the confiscation of the
proceeds of criminal conduct, its value and the civil recovery of the proceeds of unlawful conduct together
with the necessary investigatory powers was published on 4th June of this year. It is expected that the
315 legislation should be enacted by July of this year.

Mr Speaker, I turn to matters related to the Gibraltar Law Courts. In April this year and on advice of the
Public Service Commission, Ms Hazel Cumbo was appointed Chief Executive of the Gibraltar Courts
Service after having been substituting for the post since 2013 following the departure of her predecessor,
Mr Alan Davies. (*Banging on desks*) Mr Speaker, this is a welcomed appointment and I wish Ms Cumbo
320 every success in her role, and I know all Members of this House do as well.

Mr Speaker, the Gibraltar Courts Service is constantly looking at ways in which to improve their
services, especially through the ongoing training and professional development of all staff members. In
addition, the management team and staff work hard to establish a solid administrative structure through
which the public can have access to the judicial system. In June last year the first meeting of the Court
325 Users Committee, chaired by Mrs Justice Prescott, took place. The Committee provides a very useful
interface between the various stakeholders involved in the administration of justice. Its role is to discuss
matters of mutual interest in order to improve the use of the courts and the service provided to its users. The
Gibraltar Courts Service fully supports this initiative.

330 During the past year the Gibraltar Law Courts have continued to maintain a high level of performance
and the services they provide have been further enhanced.

The Magistrates' Court continues to hold Second Court sittings on at least two days per week, resulting
in dates being offered for hearings that are six to eight weeks from the date of request.

335 Mr Speaker, in the Supreme Court the judicial complement of the Chief Justice and three Puisne Judges
has proved to be a great success. As reported last year, the vast majority of applications received at the
Supreme Court continue to receive notice of first hearing dates within five days of application and there
continues to be no backlog of civil and family applications waiting for first hearing dates. Furthermore, the
dates of those first hearings in respect of non-urgent applications are now typically within two months of
the date of the application to the court.

340 In respect of criminal trials I am happy to report that the small backlog created during October 2013 and July 2014 was dealt with and the court dates provided for criminal trials are now within two to four months of a request for a trial date.

345 In October last year the electronic diary system for the Supreme Court became fully operational. In addition to the formal listing notice, the new system assists court staff in dealing with enquiries relating to pending hearings as well as providing law firms with quick notification e-mails with dates set down for court appearances.

350 The Gibraltar Courts Service website continues to be updated and developed. General forms for both the Magistrates' and Supreme Courts, which previously could only be obtained at the Law Courts counters, are now available for download in pdf format from the website. Lists of legal practitioners, commissioners for oaths and public notaries are also available. Judgments for both the Supreme Court and Court of Appeal from 2012 to 2015 inclusive are now available for download. Divorce, dissolution and matrimonial jurisdiction judgments are not uploaded unless they raise matters of general principle and have been anonymised. Furthermore, in order to make the website more user friendly, a search facility has been incorporated enabling users to conduct searches of the contents of the website, including judgments by case name. All reported judgments for the period 1812 to 2012 inclusive are now available from the judgments website and future reported judgments will be uploaded subsequent to their publication in the Gibraltar Law Reports volumes.

360 During last year the courts recording facilities were improved with the total replacement and installation of new software and some additional hardware. This new system has proved to be much more reliable and has greater functionality than the previous one.

All in all, Mr Speaker, the modern, responsive and up-to-date service provided by the Gibraltar Courts Service is a far cry from the system we inherited in 2011. (*Banging on desks*) I wish to thank everyone at the Courts Service, in particular the new Chief Executive, Hazel Cumbo, and the Registrar, Liam Yeats for their efforts and leadership in making this possible.

365 Mr Speaker, I turn to matters related to HM Prison. I am glad to report that generally it has been an uneventful year for the Prison Service. The Prison Board has characterised life in prison as 'relaxed and positive'.

370 In respect of population figures, the first four months of 2015 show similar figures when compared to 2014. Daily average inmate population figures for January 2015 stood at 48 prisoners, down from 50 prisoners in January 2014. April 2015 saw an average of 64 prisoners, up from 58 in April 2014. The average population for the last financial year stood at 53 prisoners, just up from 49 in 2013-14.

Between June 2014 and May 2015 there have been a total of 16 female admissions and 12 juvenile admissions.

375 This year, there have been, on average, 2.5 cases of indiscipline reported per month. Most of these are in respect of minor disciplinary offences, such as disobeying instructions from prison officers or using abusive or improper language.

This year has seen further improvements to the rehabilitation and vocational programmes on offer to prisoners. A new woodwork instructor offers classes in the afternoons. There is also a new drug addiction counsellor who attends several times each week and offers the '12 Step' programme. These additions complement what is now a comprehensive array of services that aid in the rehabilitation of offenders.

380 In April and May 2014 His Excellency the Governor presented a number of prison officers with Overseas Territories Long Service and Good Conduct medals and clasps. These are very deserving awards and I congratulate and thank these officers for providing many years of loyal and exemplary public service.

385 I turn to policing matters. Mr Speaker, the Government has outlined a number of strategic priorities, which have been taken into account by the Gibraltar Police Authority in the annual policing plan, namely to agree fresh targets in the efficient use of resources and additional road-safety measures; continually review its strategies to combat drugs-related crime; review how it delivers its services to the community, with continued emphasis on public communication and neighbourhood policing; and maintain Gibraltar's reputation as a secure and safe place for its inhabitants, workforce and visitors.

390 Mr Speaker, last year I informed this House that the Gibraltar Police Authority had approved the re-establishment of the post of Chief Superintendent, a position which has now been filled by Richard Mifsud. This has led to further promotions, the most notable of which are Richard Ullger and Cathal Yeats, who have achieved the rank of superintendent.

395 Mr Speaker, we are fortunate to have an exceedingly high-calibre officers in the RGP. They do excellent work for our community, dealing with both major and minor crime and security matters. This can be evidenced not only in Gibraltar. Our current Commissioner, Mr Eddie Yome, is presently the President of the European Association of Airports and Seaports Police and Vice President of the International Association of Airports and Seaports Police. We should be very proud and thankful to have a professional like Mr Yome not only managing our policing affairs locally but also at the helm of these important and influential international associations. (**A Member:** Hear, hear.) (*Banging on desks*)

400 Mr Speaker, to the Government there is no doubt that the RGP are worthy of esteemed recognition. The RGP, like other emergency services, ensure that we are protected day and night. The RGP are often on the front line of matters affecting the security of our community. In very many respects they are our protectors, keeping us safe and well at all times. The Chief Minister has announced that we will start a process of recognition and of bestowing honour on our emergency services, starting with the Royal Gibraltar Police, for which the RGP is grateful and which we thank the RGP for all their efforts, and they are certainly very
405 deserving of that honour.

In police work no two days are the same and the RGP has to be extremely versatile in order to cope with the different challenges that our officers have to deal with on a day-to-day basis. Just to highlight a few examples, Mr Speaker, on Sunday, 6th April an RGP marine crew, whilst out on patrol in the area off
410 Europa Point, overheard a report by Spanish Maritime Rescue Service concerning a search-and-rescue operation in progress. The report concerned a white 6-metre vessel with two persons on board which was drifting five miles east of Europa Point. The RGP vessel, with the assistance of Windmill Hill signal station, located the vessel approximately six miles south-west of Europa Point and proceeded to ensure that the crew, consisting of two Spanish nationals, were safe and sound. The Spanish Maritime Service was
415 contacted and the vessel was then towed by them to the port of Algeciras.

A generator caught fire and exploded, as we have heard during the course of today, at Waterport power station on 19th April 2015. Although there was no need to evacuate residents in the area and no-one was injured, the RGP were very active in speaking to, advising and reassuring residents, as thick black smoke was billowing from the power station.

420 On 15th July 2014 a local man was arrested for the offence of stalking. A search warrant was executed at his residence, where a number of electronic devices and computer equipment were seized. During the course of the search a piece of cannabis resin weighing approximately 1.9 grams was also seized, for which he was further arrested. This was the first time that someone was arrested under the new offence of stalking.

On Sunday, 23rd November 2014, following numerous calls from members of the public, RGP officers
425 responded to a road traffic collision by the multi-storey car park on Devil's Tower Road. Two local males, aged 23 and 24, believed to have been travelling in the vehicle, were conveyed to St Bernard's Hospital suffering from serious injuries. A 27-year-old local man, the driver of a second vehicle also in the area at the time and believed to be travelling in the same direction, was arrested on suspicion of dangerous driving.

On the European Arrest Warrant, Mr Speaker, a 59-year-old Spanish national was extradited to Spain
430 following the execution of a European Arrest Warrant. This followed a request for extradition by Spanish judicial authorities who sought to prosecute the man in relation to an allegation of rape and sexual assault on a minor. The alleged offences took place in early December 2014 in Spain. Shortly after midday on 2nd January 2015 he was handed over to officers of the Spanish Policía Nacional at the Frontier.

In the early hours of Thursday, 12th March 2015, following an extensive investigation by officers of the
435 RGP Safeguarding Unit in conjunction with Interpol USA, a British national was arrested by RGP officers on suspicion of the offences of possession of indecent photographs of children, distribution of indecent photographs of children, taking and publishing indecent photographs of children, and voyeurism. He was subsequently charged with being in possession of indecent photographs of children and voyeurism.

I am thankful, Mr Speaker, to the RGP for the work that they do day in and day out. To them it is just
440 another day at work. To me, I am truly glad that they have the courage, dedication and professionalism to be there in the front line, doing the things they do to keep our children, friends, family and visitors safe all year around.

To do this, Mr Speaker, the RGP is required to have strategies, resources and the necessary assets in place. Her Majesties Government has made available to the RGP new premises at Watergate House in
445 Casemates. This will house a new RGP substation in the heart of town. The existing RGP office at City Hall will relocate to Casemates during the course of this summer.

The RGP relocated from its marine base at Coaling Island to a new purpose-built facility at Gun Wharf. The new Gibraltar Government Marine Section provides berthing facilities for all RGP vessels and a crane to service the fleet. Mr Speaker, the assets of the RGP at sea have been considerably increased during our
450 time in office with the addition of two interceptor vessels, two large patrol boats and several jet-skis. The RGP's new 26-metre patrol vessel *Sir Adrian Johns* was named and became operational in November 2014. The vessel, which was constructed in Croatia, has substantially increased the RGP's marine capability.

The installation of CCTV has served as a successful deterrent and is a useful mechanism to prevent and
455 detect crime. The continued future deployment of cameras will further strengthen the RGP's capabilities to combat crime and gather evidence.

Two new general-purpose police dogs have been acquired by the RGP. Funding was also made available for the continued dog handler training required in order to properly deploy the dogs.

Following the request by officers for the issue and use of police body-armour vests the RGP has
460 invested considerably in the purchase of this specialist protective equipment, which is now being used by most frontline officers.

The RGP will this year be launching a pilot scheme in the use of body-worn video cameras with the aim of fighting crime whilst demonstrating transparency and accountability. The pilot scheme will allow for the RGP to establish the benefit of the cameras, which are already widely used by many forces in the UK. All footage recorded will be subject to legal safeguards and adhere to RGP internal policies and guidelines for the proper use of the cameras.

The Government will this financial year be making available funding for the acquisition of a LiveScan digital fingerprint scanning system. The system allows for the capturing of fingerprints electronically, therefore removing the need for cards and paper forms and making the current process faster, cleaner and more accurate.

Mr Speaker, as can be seen, this Government, when necessary and appropriate, continues to invest responsibly every financial year on all fronts, and the RGP is no exception.

Mr Speaker, the work of the Probation Service is to protect the public by the effective rehabilitation of offenders. This is achieved by tackling the causes of offending and enabling offenders to turn their lives around. To this end the Probation Service will be seeking to further develop its links with other stakeholders such as the Police, Prison and Courts Service. The intention is to create a more responsive, integrated and seamless service that will manage offenders in a more effective way to reduce serious crime. Probation officers provide a crucial service in assisting the various courts in determining the risk that offenders pose and how these can best be dealt with at the time of sentencing. In this respect, during 2014 the Probation Service, at the request of the courts, was asked to provide presentence reports in 134 of the more serious criminal cases. The vast majority of these were completed within the three weeks agreed with Courts Service.

Following sentencing, some of these offenders are placed by the courts on Unpaid Work Requirements, formerly known as Community Service Orders, and are required to undertake work under the direction of the Community Service Officer, who is an integral part of the Probation Service. During 2014 the Court made a total of 22 such orders, and so far this year we have already surpassed that figure. The tasks these offenders have undertaken enable them to make a positive contribution back to society and bolster their rehabilitation. They currently work with various community groups and public services on a wide range of projects. One such venture has been the complete refurbishment of the Garrison Library, in particular its grounds and gardens, which have seen a complete transformation.

In April of this year all of the probation officers undertook a two-week course in connection with the assessment and management of sex offenders. They are now fully qualified and accredited to UK standards to undertake these tasks. This work is undertaken jointly with the Royal Gibraltar Police.

The Probation Service also works closely with the Prison Service and provides the Parole Board with assessments for inmates eligible to be considered for parole. During 2014 the service provided 56 such reports, which resulted in 24 inmates being released on parole under licence, all of whom remained under the supervision of the Probation Service.

Mr Speaker, turning to civil contingency, in Gibraltar we need to be ready and able to deal with potential emergencies and disruptive events. These can range from an epidemic to deliberate attack or acts. Crises can happen suddenly – for example, an explosion or a plane crash – or develop gradually, such as a flu epidemic or a large fire. Over the last 12 months the Civil Contingencies department has engaged with frontline emergency and essential services in order to ensure that in a major incident they are not only able to communicate and co-ordinate effectively between them but, where necessary and appropriate, under the management of the Civil Contingency Committee – that is the C3.

Gibraltar is not immune from the rest of the world. The recent threat of the Ebola virus spreading to Gibraltar was real, and steps were taken to ensure that we were able to meet this threat by being prepared. The work of the Civil Contingency department is based on three main actions: risk assessment, preparation and planning, response and recovery. Using the Ebola threat as an example, the Pandemic Plan was put into action. The Civil Contingency department co-ordinated the departments and organisations that had direct responsibility under the Plan. This involved continued assessment of the threat, updating preparedness and the provision of equipment that would enable St Bernard's Hospital to manage any possible case of Ebola. This process was monitored throughout the threat period, during which the C3 met twice to monitor the situation and act as necessary.

In March this year, as we have already heard from the Deputy Chief Minister, we had an air crash disaster exercise, which went extremely well with all its aims and objectives being met. The new inter-agency major incident command support unit vehicle was utilised for the first time at this exercise. The exercise followed from lessons learnt during a previous exercise which was held in December 2014. I highlight this issue because I think it is important to carry out regular exercises in order to ensure that when mistakes are made they happen during an exercise and not during a real event.

Civil Contingency staff members are currently engaged in commissioning the telecommunication systems within the new co-ordinating complex at No.6 Convent Place, colloquially known as 'the bunker'.

This modern and state-of-the-art facility will allow Ministers and senior officers to effectively manage any incident using the latest technology and operating from an excellent working environment.

525 Mr Speaker, I am also happy to report that the Government has provided funds this financial year, under the Improvement and Development Fund, for the purchase of emergency equipment to be used within evacuation centres. This is the first phase of a three-year programme aimed at building up stocks of essential equipment and resources to be used if it were necessary to deploy a large number of people to areas of safety during a major incident.

530 I turn, Mr Speaker, to the Gibraltar Fire and Rescue Service. Mr Speaker, this is an important year for the Gibraltar Fire and Rescue Service, as it celebrates the 150th anniversary of the formation of a fire service in Gibraltar. It was on 20th November 1865 that an Order in Council established the Sanitary Commissioners of Gibraltar, the forerunners of the City Council, whose responsibility was to ensure that adequate resources to prevent and fight fires were provided in Gibraltar. On 16th June 1976 the Fire Service Ordinance was passed in the Gibraltar House of Assembly. The Ordinance set out the constitution, duties and powers of the Gibraltar Fire Service. On 20th November 2014 the City Fire Brigade was renamed the Gibraltar Fire and Rescue Service, a change that truly represents the modern and progressive role carried out by the Service.

540 The start of the celebrations commenced with the launch of the 150th anniversary stamps on 18th February this year. This was followed by group photos on 23rd March, a talk at the John Mackintosh Hall on 9th April entitled 'Bucket To Pumps (History of the Fire Service)', and 23rd July will see the launch of the book 'A Tradition of Service'. Other functions are expected to follow during the course of this year.

545 Mr Speaker, the Gibraltar Fire and Rescue Service does a truly fantastic job for the community. It is an organisation composed of people who dedicate their lives to protecting others and we are all very proud of the work and level of service that they provide. Their training and professionalism really does make the difference between life and death in situations where those precious few moments, the first minutes are vital for measured success.

During the financial year 2014-15 various officers attended a number of courses in the UK, mainly at the Fire Service College and other UK institutions, and in Gibraltar at various institutions and venues as required by the course in question, ranging from management to coxswain courses.

550 Furthermore, with regard to operational incidents as a whole, the GFRS responded to 1,403 calls, of which 116 were actual fires and 714 were other forms of emergencies. The balance was comprised of other requests, including 180 false alarms but with good intent.

In addition to call-outs that appertain solely and directly to GFRS resources, the Fire Control Operators have also mobilised the GHA ambulances on 4,655 occasions.

555 The GFRS is also involved in numerous statutory processes that require the issue of licences, such as building applications, certificate of fitness, petroleum licences etc. A total of 872 licences were processed in 2014-15.

560 The Service is involved in many other processes focusing on fire safety at home, work and in the community. This is comprised of talks, courses, drills, investigations and the distribution of booklets and leaflets.

Much is owed to our brave firemen who deal with high-risk situations; and when they are not, they are constantly training for it. Thankfully, in Gibraltar we do not have many major incidences of fire. Our firemen nevertheless need to be trained to the highest standards, because in any major fire the danger to loss of life is potentially high and there is usually a real need to make quick and informed decisions.

565 On 3rd December 2014 and 18th March 2015 the GFRS was involved and played a major role in the two major exercises, which I have already described, at the Gibraltar Airport, and has contributed significantly to the creation of the Gibraltar Air Crash Response Plan.

570 Throughout the year the GFRS has attended numerous incidents of varying nature, some placing considerable demands on the Department's resources. On 28th December 2014, a fire broke out within a storage compartment adjacent to and owned by the Sunborn Hotel. Given the operational requirements of such an incident, a recall of eight firefighters was implemented in order to cover for any other eventuality. In order to guarantee the safety of persons in close proximity to the incident, an evacuation of the Sunborn Hotel and surrounding structures was carried out. Thankfully, the blaze was brought under control without incident or further disruption.

575 On 8th May 2015 the GFRS was requested to attend a cave rescue at Lower St. Michael's Cave. Even though the incident did not escalate in terms of resource requirements, it was nevertheless prolonged due to the difficulties encountered by our rescuers in the extrication process and the environment in which they had to work.

580 Mr Speaker, a project management team has been established, composed of senior and sub-officers from the GFRS and a Government representative to plan – and are working on the plan – for the construction of the new fire station. A separate training area suitable for conducting fire and rescue simulations has also

been identified. The project management team has carried out a familiarisation visit to a number of UK Fire and Rescue Service stations and training facilities as well as bringing back invaluable information in respect of different hosing and breathing-apparatus equipment. The visit has proved invaluable as it provided first-hand experience of what is required from a purpose-built training facility – its design and layout, quality of construction – together with an analysis of the advantages and disadvantages and lessons learnt on building and operating a training facility as well as a new fire station.

Mr Speaker, I turn to end my contribution on international exchange of information. Mr Speaker we have Tax Information Exchange Agreements signed with 27 partner countries, 13 of which have been actively requesting information. All agreements have entered into force with the exception of Greece, Italy and Turkey. Italy has now ratified the TIEA with Gibraltar and we are expecting reciprocal notification for entry into force at any moment. Three further TIEAs are in the final stages of being conducted, concluded and signed.

Over 100 requests have been received and fulfilled by the Exchange of Information on Request Unit (EOIR) of Gibraltar Finance to date, with a further 50 or so received and processed by the Income Tax Office, the latter relating only to requests from Spain.

The processes put in place by the Exchange of Information Unit were reviewed by the OECD Global Forum and published in the phase 2 report ‘Implementation of the OECD standard in practice’ in October 2014. The 120-page phase 2 report examined 10 essential elements of Gibraltar’s record in exchange of information on request and individually rated Gibraltar as compliant in seven of the elements and largely compliant in the remaining three. Importantly, Gibraltar was not judged to be partially compliant or non-compliant in any of the essential elements reviewed.

No requests for information have been received under the multi-lateral convention.

Gibraltar has established a network of over 130 tax information exchange mechanisms to the OECD standard with some 77 countries, of which around 100 have entered into force. These comprise bilateral tax information exchange agreements; Directive 2011/16/EU on Administrative Co-operation in the Field of Taxation; and the OECD and Council of Europe Convention on Mutual Administrative Assistance on Tax Matters.

Council Directive 2011/16/EU on Administrative Co-operation in the Field of Taxation is due to be amended by the end of this year by a new directive to provide for mandatory automatic exchange of information in the field of taxation. This will implement the Common Reporting Standard, or so-called ‘Global FATCA’, enabling automatic exchange of information with EU member states and extending coverage worldwide to over 100 signatories of the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information. The MCAA was signed by the Chief Minister on behalf of Gibraltar in Berlin in October 2014. **(A Member: Hear, hear.)**

As a consequence of the above efforts, Gibraltar continues its progress of removal from the so-called ‘tax haven’ lists. Poland has become the latest jurisdiction to update its schedule of countries and territories that it considers to be non-co-operative and thus discriminates against. Over the last six months or so, Canada, Estonia and Italy have also removed Gibraltar from similar lists.

Mr Speaker, before I end my address I would like to refer briefly to a matter for which I also have ministerial responsibility, and that is the small boats marina. Last year I informed the House that works on the marina had started. This year I am happy to report that works on the marina are well advanced, with an estimated project completion date towards the end of the summer. The project encompasses a 700-berth facility, a promenade for public use, as well as an outer wharf of around 600 metres for commercial use principally aimed at the super and mega-yacht market. This is a much-awaited and anticipated project which we are nearing completion on.

Finally, Mr Speaker, I would like to thank my staff and all those who work in the various departments which form part of my ministerial responsibilities. Much has been accomplished in these past four years and I am grateful to all of them for their support, hard work and dedication, but in particular for rising up to the many challenges that we have all faced together.

Thank you, Mr Speaker. *(Banging on desks)*

Mr Speaker: The Hon. Albert Isola.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to present my second Budget address in relation to the areas that form part of my ministerial responsibilities in what is our Government’s fourth Budget since the General Election of December 2011.

Mr Speaker, before starting, I think I would like to just make an observation or two in respect of what we have heard this far from the Members opposite, and in particular, Mr Speaker, in relation to the Leader of the Opposition’s contribution, where he put, it appears, political trust as a central plank of his Budget contributions; a surprise to me and, I am sure, to many other people, Mr Speaker, when you consider that in an election year you would have thought there would be maybe a proposal, an alternative programme, an

idea, a suggestion or something – but not in this case, Mr Speaker. Not even, I regret, to congratulate us on having got unemployment down to 190 people or having achieved corporate tax rates increasing in financial services and gaming since 2011 to 2015 by over 300%, or even on the new houses that have been announced or the park, or any of the different issues that have been done. But no, Mr Speaker, it seems and it is indeed ironic that the man who puts political trust as his bandwagon seems to be the only politician that I can recall having carried out as many political summersaults as he has, and it would be more akin to a political circus than a parliament. Nevertheless, Mr Speaker –

650

A Member: And he is not here to hear it!

Hon. A J Isola: And he's not here to... I am sure he is listening carefully outside, behind the Chamber. **(A Member:** Shame!)

655

Mr Speaker, I think it is also appropriate to thank Mrs Isobel Ellul-Hammond and indeed Jaime Netto for their many years of service, and particularly Mr Netto for his many years of service, to this Parliament in their final Budget session. *(Banging on desks)*

660

And I think, although Mrs Ellul-Hammond will continue to serve the community in a new capacity with the GHA, I have no doubt that Members opposite from this side will be relieved to hear that Mr Netto won't! *(Laughter and banging on desks)* His contribution, Mr Speaker, in rewriting history *à la Jaime* is really quite incredible! *(Laughter)* I did not understand much of what he said – but that is normal – but the one bit that I did recall was his description of the Botanical Gardens as having been left into ruin and a ramshackle and a shadow of its former self.

665

A Member: Like the Opposition benches!

670

Hon. A J Isola: Well, Mr Speaker, I happen to have hosted an event last night at the Alameda Gardens, adjacent to the Lion's Pond, and I have to say, together with the former Undersecretary of State for the United States, who was with us, we were all blown away by the magnificence and beauty of the Botanical Gardens. **(Several Members:** Hear, hear.) *(Banging on desks)* And so, other than deride my good friend the Minister with responsibility, Mr Cortes, I congratulate you, sir, for what is an absolutely spectacular Botanical Gardens, despite what our friend Mr Netto may have to say. **(A Member:** Hear, hear.) *(Banging on desks)* Indeed, Mr Speaker, having heard him, I wonder where he has been these past three and a half years, because it seems he may well have been in hibernation. *(Laughter)* None of the areas that he touched upon had any regard or the slightest regard for the different areas that Members opposite on this side of the House have been dealing with, Mr Speaker. It is absolutely staggering!

675

But finally, Mr Speaker, before I move on I must also thank Sir Peter – who unfortunately is also not here, but I am sure listening carefully from his radio in his office – for his many years of service to the community, sir. I find that whether you like, dislike, enjoy or do not enjoy his contributions, the one thing that you must have for him so, is respect. **(Two Members:** Hear, hear.) *(Banging on desks)* And Mr Speaker, I consider Sir Peter to be a personal and professional friend and I am grateful, as I am sure every Gibraltarian is, for the many years of service he has devoted to our community. And, I look forward to continuing to work with him in different capacities in the coming months and years, Mr Speaker. *(Banging on desks)*

685

Mr Speaker, all Governments face challenges, *(Interjection)* and there is no doubt in my mind that the announcement by Barclays in October 2013 of their exit from retail banking in Gibraltar was one of the larger challenges that we have faced. The inability, through a lack of supply of people and businesses, to bank is a huge threat to any community and especially so to one like ours, which is essentially a service community.

690

When the Cabinet agreed to launch GIB in December of 2013 we began to work through all of the objectives of what we wanted to see. We started with a blank piece of paper but with a very clear focus of where we wanted to end up: a modern innovative digital bank, independently managed on commercial terms, providing first-class retail banking services to our community. What we have today, Mr Speaker, is exactly that, although I concede our card and cheque book suppliers have let us down and we will overcome these difficulties in the coming days and week. It is, Mr Speaker, unusual for a new bank to open, let alone in the timescales that we have, and in those instances, Mr Speaker, a new bank would have some three months of testing before opening their doors; our bank, Mr Speaker, had barely three weeks because of the pressure of the impending closure of Barclays.

695

We have, Mr Speaker, every confidence in Lawrence Podesta and Derek Sene and their staff at the bank, as well, of course, as the magnificent board of directors, and are extremely grateful to them for all of their complete professionalism in having achieved already what many thought was an impossible task. We are immensely proud of the launch of the bank and of course recognise and are thankful for the support and contribution of all those across the community who have worked with us in delivering this project.

700

705 Mr Speaker, in the area of financial services we have continued and accelerated the push for new
 business, worked on the legal and regulatory framework to enhance and improve the business environment
 for all and introduced significant legislation to Parliament to further support this sector. I am delighted to
 say that all this has been done and made possible with the full co-operation and support of the Finance
 Centre Council, with whom we work on all of these issues. I am most grateful to the Council and the
 individual associations with whom we frequently meet and work through the many challenges we face.
 710 There is much more to be done, of course, and I look forward to continue working with them. As one of the
 members of the Council reminded me, the relationship they enjoy today with Government is a far cry from
 the begging and waiting for a meeting with the members opposite.

715 Mr Speaker, we will during this year, in partnership with the sector and the regulator, continue to deliver
 ground-breaking reform in legislation and regulation. We believe this investment will stand us in good
 stead in the years ahead, as a pragmatic, efficient and responsive approach to regulation will become ever
 important in the new world in which we all compete.

720 Our commitment to meeting international standards remains as strong as ever and has proven to be
 absolutely the right decision to take when elected back in December 2011. Our industry has always sought
 a level playing field and as we systematically challenge each and every country which blacklists Gibraltar,
 with the support of the United Kingdom government, we continue to drop from these lists as it is
 inexcusable for us to remain on them. Mr Speaker, we have not only entered into these commitments to
 exchange information but we have complied with them. As my learned friend, Mr Licudi has just
 mentioned, the OECD phase 2 report on Gibraltar published last October confirms exactly that. We are
 largely compliant in the effectiveness of our exchange systems, as are the UK and Germany – Mr Speaker,
 725 a staggering endorsement of the progress that we have made in this area.

730 In business development, Mr Speaker, I think it is fair to say that never has Gibraltar and its financial
 services sector featured in so many articles, interviews, features and positive news stories as we have done
 these past years, especially in the individual trade press and media. Never has Gibraltar been represented at
 so many events and exhibitions in this field as we have these past years. Never have we hosted flagship
 events in Bermuda, Hong Kong, London, Geneva, Zurich and Singapore, raising the profile of our
 jurisdiction still further, and in all of these with the full support of the industry in a planned and structured
 programme.

735 We have totally delivered on our promise to dedicate energy, staff, time and resources in the promotion
 of this sector, which they had all been crying out for prior to December 2011.

740 In the area of funds, under the direction of Phillip Canessa we have exhibited, sponsored and attended
 conferences in all the main jurisdictions that we are focusing on, including London, Switzerland, Hong
 Kong and Monaco, and will next week be visiting Singapore and Hong Kong once more to maintain the
 momentum on our drive to attract business from the Asian market with the sterling support and tireless
 work of our man in Hong Kong, Mr Jason Cruz. **(Several Members: Hear, hear.)** *(Banging on desks)* All of
 these conferences and events, as well as the direct marketing by Gibraltar Finance in visiting professional
 firms in all of these jurisdictions, is carried out with the direct support and involvement of the Gibraltar
 Funds & Investment Association, for which we are of course extremely grateful. GFIA works closely with
 us both at a technical level on legislative and regulatory matters and also in our business development
 activities, and for this we are grateful and look forward to continuing this work together.

745 This year we have, for the first time ever, added a dedicated funds lunch event in London on the day
 after Gibraltar Day, at which we had close to 200 guests, the majority of whom had been invited directly by
 Gibraltar Finance to meet the local professionals attending the event. We have had excellent feedback from
 this event and hope to repeat this again next year. Further, Mr Speaker, we have, also for the first time ever,
 organised with Informa PLC a dedicated funds conference here in Gibraltar with both local and
 750 international speakers and close to 100 delegates, many of them from outside Gibraltar. We have discussed
 this for many years, the pros and cons of organising such an event, and I am pleased to say we have
 concluded that the event worked extremely well and are looking to repeat this again next year. On both
 these initiatives I am pleased to say that we worked closely with GFIA and will of course continue to do so.

755 In the field of private client work, Senior Executive Paul Astengo has driven through a series of
 legislative changes originating from a request by STEP to Government over six years ago and which have
 now come to fruition and are in fact before this House for consideration. The work to bring this legislation
 to this House has been significant and would not have been possible without the commitment of Paul and
 the private sector firms who have assisted us in the preparation, thinking and drafting of these measures. To
 each and all of them we are most grateful and I hope, as they do, that these new measures will allow our
 760 sector to continue to grow by increasing and expanding the suite of services available to our professionals.
 Gibraltar Finance has attended in this area some 24 events this past year, exhibiting and speaking at many
 of these. In addition, Paul has attended over 70 direct meetings with professional firms in the United
 Kingdom and Switzerland, often with private sector firms and presenting the Gibraltar proposition. We

765 believe that the UK and Switzerland are the main markets for this area of business and the combination of supporting events and direct meetings are the most effective way of driving new business to Gibraltar.

We are also considering our efforts in the area of Family Offices in close co-operation with the private sector, and also in the process of agreeing a closer working relationship with the Gibraltar Philanthropy Forum, who have done some superb work in the past and with whom we are keen to expand this further. Paul has also driven, with private sector professionals, the review of cryptocurrency, leading to a full consultation process and now a final definitive decision pending Cabinet approval.

770 We need to be engaging and innovative as we look for new opportunities, balanced always by our ability to regulate effectively and to preserve and protect our reputation as a leading international financial services centre.

Mr Speaker, the Category 2 Committee has now completed its work in reviewing our existing legislation and proposing widespread and innovative changes, which are presently under consideration. This product has served us well and its review was long overdue. There is no doubt that the proposals present us with an opportunity, albeit with its challenges, and we look forward to working through the detail with the Committee. I am most grateful to the members of this private sector who drove these proposals forward, especially Nicholas Cruz and Peter Montegriffo, with the enthusiasm and energy which so typifies our private sector whenever they are asked to engage with us.

780 Mr Speaker, we also continue to grow our social media presence as a method of increasing awareness to a wide yet appropriate audience. Our database stands in excess of 4,000 individuals, which we interact with almost on a daily basis. Our electronic bookshelf, hosted on ISSUU.com, now has some 90 publications covering the full range of topics that are of interest to our readers. These include self-generated fact sheets, articles, manuals and guides created by private sector firms. To date, these publications have been read in excess of 6,000 times.

Mr Speaker, in the area of insurance and pensions, Mike Ashton, our senior executive, has continued his drive to push Gibraltar into new areas of business and, of course, new markets.

790 Last year we received a letter from HM Treasury confirming that Gibraltar could access the UK part 7 insurance transfer business. Whilst it was not the statutory instrument we preferred, it was a significant step forward after almost seven years of non-productive negotiations with the United Kingdom authorities on this matter. Since last July we have been working hard to clarify certain aspects requested by the run-off industry and currently expect that the first application for a part 7 transfer from the UK to Gibraltar will be initiated during 2015. Once this process is clarified we expect and understand there will be significant growth in this sector and are in direct communication with a number of intended new entrants.

795 Mr Speaker, a further new area of business we have worked on this year has been the insurance linked security business (ILS). We have worked closely with the Horseshoe Group, headquartered in Bermuda, who set up an ILS working group with Government and international senior practitioners from across the ILS base. Following the FSC's publication of the ILS guidelines in September 2014, Gibraltar's first ILS transaction of €100 million by Lottoland, a Gibraltar-licensed lottery operator, was finalised in April 2015. This was little over 12 months since we formally announced our intentions to work towards being an alternative ILS jurisdiction at the largest annual ILS conference in New York. We are grateful to INEA for their confidence in our jurisdiction and we continue to work actively to promote Gibraltar as a European domicile for this business. I am, Mr Speaker, delighted by the progress we have made in this area. (A

800 **Member:** Hear, hear.)

We have continued, sir, the process of marketing and raising the profile of Gibraltar as an insurance jurisdiction with participation at key insurance industry events and conferences and extensive networking on a global basis. We continue to seek opportunities to add greater diversity to the current insurance sector, where the predominant class of business is UK motor insurance. We have had a number of high-level discussions with insurance groups that are interested in gaining a better understanding of the benefits and opportunities that Gibraltar offers to new applicants. Given the level of seniority with which we are engaging, it leads me to conclude that Gibraltar's insurance industry will continue to grow and to diversify.

815 Mr Speaker, following on from the work we completed in 2013, Gibraltar Finance has, since the autumn of 2014, been working closely with the FSC and their FSC pension consultant and industry representatives on new personal pension regulations to widen and strengthen the existing regulatory environment. A consultative document was published earlier this month and we expect the regulations to become law before the end of 2015.

820 We have also looked at a set of broad parameters to enhance the existing occupational pension regulations, and again, working closely with the FSC and local industry representatives, we plan to start on this once the personal pensions regulations have been completed.

Mr Speaker, Gibraltar has become a favoured jurisdiction for QROPS, but we want to expand the breadth of pension products to include contract-based pensions and pension schemes established with a PCC cell, subject of course to robust regulation, in order that Gibraltar can develop into a truly international pensions centre.

825 Mr Speaker, we are totally committed to ensuring that our regulatory regime is robust but efficient. We believe that speed to market and a practical and pragmatic approach to regulation is what the industry requires and are constantly investing in this process. There is no question that this is work in progress and we have some way to go before achieving, but I am confident we are going in the right direction and will get to where we want to be. I will continue to work closely with Samantha Barrass, the CEO of the FSC, and the Finance Centre Council to ensure we make this happen.

830 We are also working hard and investing in the new legal framework for financial services through the legal reform programme. This is a mammoth task, but I have no doubt that we will end up with legislation which will be very much more efficient for licensees, professionals and the regulator to navigate. I cannot stress the importance of this initiative for the sector and look forward to delivering this radical overhaul of complex and often clumsy legislation.

835 But, Mr Speaker, how has this sector performed in real terms since 2011? This House will recall the election noises from Members opposite that we could not be trusted to tackle the difficult challenge facing this sector and that it was, in effect, too big a risk. Well, Mr Speaker, the numbers demonstrate that this could not have been further from the truth. Against a background of continued challenges and a world economy struggling to get itself on its feet again Gibraltar has not just held its own, which would have been an achievement in itself; we have grown significantly by whichever measure you choose to consider. The Chief Minister has already referred this House to the data, but I do not apologise for repeating some of these. Jobs in our sector in 2011 stood at 4,083, 31st October, and at 31st October 2014 had increased to 4,643 – almost 600 new jobs in this sector, and I understand the numbers in 2015 continue to grow at a similar rate this far. I am sure this success will delight the Members opposite. The consequence of that is that PAYE receipts for the financial year 2014-15 have increased by some 14.5% since 2010-11. But, Mr Speaker, when one looks at the corporate tax over the same period receipts have increased by a staggering 325%. Good news for the sector, good news for the Government, and of course good news for the jurisdiction.

840 Mr Speaker, before turning away to gaming, I must pause and thank the team at Gibraltar Finance, so effectively and ably led by their Chief Executive Mr Jimmy Tipping, for their work this past year. They cover a huge spectrum of services from marketing to organising events, to exchange of information, to product development, to legislation, to Cat2 and HEPSS applications, and of course to the technical areas of the OECD, FATCA and our vitally important work in working with HMT and other countries on blacklists, all of which are equally important and critical.

845 I must also thank the Finance Centre Council and all the participating associations for their honest and genuine support in what we are seeking to do together, and of course Samantha Barrass and the entire team at the FSC, whom I look forward to continuing to work with closely.

850 Mr Speaker, in gaming, Gibraltar's undoubted success in the area of remote gambling is, we believe, something to be most proud of. We have been continuing to grow, and licensing at a rate of six applications or so a year since 2012. There are still some companies that we would love to welcome to Gibraltar and we are working hard to make this possible. All this against a background of serious challenges, including new licensing regimes across Europe and of course the UK point of consumption tax. We have done incredibly well, but need to continue to work closely with our operators to maintain ourselves at the cutting edge and forefront of this industry.

855 As at 31st March 2015 there were 33 licence holders, an increase of three on last year. However, since that date we have issued a further three remote operator licences and the *Sunborn* licence, so there are now 36 remote licence holders and two non-remote casino licences.

860 Members will be aware that during the course of this year the Government commissioned a review of the 2005 Gambling Act by four of our most experienced and prominent lawyers in this field along with our Gambling Commissioner. I am grateful to each of them – Sir Peter Caruana, Peter Montegriffo, Peter Isola and Peter Howitt – for sharing the benefit of their huge experience and expertise in this area with us to ensure that we end up with the best possible regime for our operators and jurisdiction alike. The work of the 'four Peters', as they are known, will lead to a series of proposals for significant changes in the way both remote and non-remote gambling facilities in Gibraltar are licensed and regulated in the future. Once these have been considered, extensive consultation with operators will ensue and their input will be invaluable to our evaluation. The review will capture and consider all aspects of gambling in Gibraltar and not be limited to remote operators or land-based casinos.

875 Mr Speaker, I must emphasise at this point that, although there are no significant deficiencies in the existing licensing and regulatory arrangements, we must ensure that our legislation offers to be at least as effective in the next 10 years as it has been in the last and that Gibraltar's reputation as a safe, responsible and transparent jurisdiction providing gambling services of the highest standards locally and internationally is maintained. Additionally we must ensure that gambling duties – remote, casino, machines, bingo, betting and pools – paid by all our operators remain fair and proportionate given the ever-changing and demanding tax and licensing environment that gambling operators are exposed to.

Mr Speaker, Members will also be aware that the GBGA's judicial review challenge of the UK's point of consumption tax has yet to be concluded. The ruling may come soon. Notwithstanding the decision of the trial judge, the Government is considering changes to the remote gambling duty as the model itself needs to better reflect the emergence of the B2B games industry developing in Gibraltar as well as the high costs of multiple and duplicative licensing, regulatory and duty models emerging across Europe and further afield for both B2B and the B2C industry.

During 2014-15 the gambling industry generally, and the remote industry in particular, continue to significantly increase its contributions to Gibraltar's economy. Remote gambling duties increased to £14 million from £11.6 million, largely due to an increase in the number of licences held by our licensees and an increase in turnover, as well as the previously mentioned increase in the number of licence holders. Corporate tax received from gambling operators for the same period, this last year, currently stands at £31.3 million, representing an increase of £3.3 million from the figure last year.

Mr Speaker, the impact of the challenges I referred to earlier has led to an increased cost base of the remote gaming industry in Gibraltar and internationally and the trend towards consolidation amongst operators has resulted in some modest reductions in the total number of staff employed in the gambling sector and corresponding PAYE contributions.

Mr Speaker, it remains the case that some of our operators continue to grow their base here while others are contracting; indeed, some are subject to merger and acquisition activity in part driven by the intention of reducing operating costs in Gibraltar and elsewhere. The Members will no doubt be aware, Mr Speaker, of the news this morning of Gala, Coral and Ladbrokes being in talks to potentially merge their businesses together. This is why we must ensure that the cost of doing business in Gibraltar remains as competitive as ever and we remain the first-choice jurisdiction and host to the remote gambling industry.

This Government remains committed to providing constructive support to the remote gaming industry and again this year I was pleased to be able to visit the globally recognised International Casino and Exhibition Conference in London and meet with a number of our licensees, as well as view the never-ending range of technical and operating developments in the remote and non-remote sectors.

We were also delighted for the first time ever to support the KPMG eGaming summit here in Gibraltar, which continues to grow from strength to strength. We are also excited by the prospect of the potential interaction between the industry here and the University of Gibraltar in a number of areas, including responsible gambling, all contributing to the centre of excellence we are working with the industry to promote in Gibraltar. **(Several Members: Hear, hear.)** *(Banging on desks)*

I must also thank the Chairman and members of the GBGA for their work and support this past year. Their constructive and professional interaction with Government is most welcome and beneficial to Government, the sector and our community.

As with financial services, it is useful to compare the performance of the gaming sector from 2011 to 2015 to see how we have fared in our management of this sector. The PAYE receipts have increased in that period by 37.9%, corporate tax receipts have increased by a staggering 318% over the similar period, and gaming duty has increased by 28% – all numbers which demonstrate the increasing strength and importance of this sector to our community.

I mentioned last year the excellent work undertaken by the staff in the Gambling Division, both in licensing and in regulation. It is my expectation that the revisions of the Gambling Act, gambling duties and the changing nature of the industry in Gibraltar and regulation elsewhere will lead to further responsibilities for the Gambling Division during the next year so that it too keeps pace with this increasingly complex and valuable industry.

I also announced recently my delight at the agreement reached with Mr Phill Brear, our regulator, to extend his time in Gibraltar and to assist us in ensuring that we have the time and resource to engage in our search for his successor in the years to come, to ensure we enjoy a seamless transition with his support throughout this process. We are grateful to him and his team for their superb work and commitment to the jurisdiction.

I must also thank Lorraine Britto and her team at the Gambling Division for their efficient and ever-reliable work during this year.

Mr Speaker, the Liaison Department was set up last year to facilitate interaction between the gaming and finance sectors and Government Departments. The concept has worked extremely well and been welcomed by both sectors. The ability to intervene and avoid issues has made the entire process efficient and helpful for the sectors, which was the intention behind setting it up. The work of the Department has extended from fast-tracking work permit and other applications to the Ministry of Employment to assisting employees facing redundancy from their employers in these sectors, to facilitate banking arrangements for the gaming community prior to the opening of Gibraltar International Bank. Support has been provided to companies across all Government Departments and filtering of employment opportunities has led to a close working relationship with the GBGA and the HR Forum to identify skills and services required by these

sectors. My thanks to Lizanne and Tania, who manage this small but effective unit in making the private sector interaction with Government smoother and more efficient across all areas.

Mr Speaker, I now turn to Maritime Services, an area that I assumed responsibility for following the reshuffle of portfolios last December. I would like to report on the Gibraltar Maritime Administration (GMA), which includes progress with respect to its commercial and regulatory sections. I must first express my gratitude and congratulate my colleague and friend, Minister Neil Costa, for his hard work and achievements in the maritime sector in the years that he was driving it. In respect of the GMA, in many ways he has laid the foundations for one of the most successful maritime registries in Europe, and I am grateful for his work. **(Several Members: Hear, hear.)** *(Banging on desks)*

Overall, the Gibraltar fleet, both yachts and ships, has increased by around 3% between 2013 and 2014. This is despite increased competition from other registries and a challenging economic climate. The reputation of the Gibraltar flag as a high-quality register continues with the accreditation on the US Coastguard QUALSHIP 21 programme in 2014, as well as an increase in rankings on the Paris MoU league table up to number 21 worldwide. Just by way of comparison, the USA is ranked 26, Panama 36 and Spain 41.

The GMA's Seafarers' Section reported another record year for crew certification, with nearly 5,000 provisional and full-term certificates issued in that year. The GMA is the central authority for maritime training in Gibraltar and has enhanced its programme with state authorities. In the last 12 months GMA surveyors have been training Royal Gibraltar Police officers, fire fighters and Gibraltar Port Authority staff in a variety of technical courses and scenarios. The Department also manages the maritime cadet programme, which is co-sponsored with local bunkering companies. Currently, four cadets are undertaking training to be qualified as British ship officers.

Last year the GMA participated in a number of important marketing events, most notably the Cannes Yacht show last September and the ministerial delegation to Hong Kong, led by my colleague, Mr Costa, in November 2014. Both events have led to significant enquiries on the yacht and ship products respectively, including new contacts with vessel owners and two new ships for the Gibraltar Ship Registry directly as a result of that visit.

In September this year the Gibraltar Ship Registry will be co-sponsoring a series of major events at the London International Shipping Week, along with the other British Red Ensign Registries. These events include the official opening ceremony, which will have a Gibraltar presence, and the Gala Dinner.

Mr Speaker, as a final note, I am delighted to inform this House that the GMA, for the first time ever, will be hosting and sponsoring Gibraltar Maritime Week here in Gibraltar on the *Sunborn* in July. This three-day event will cover the main maritime areas of shipping, super-yachts and seafarers, and a number of international experts have been invited to give presentations and engage in workshops on the most important contemporary issues that affect that sector.

May I thank Richard Montado and Diane Soussi for their tireless and professional work this year and for driving this important Authority forward in the manner in which they have.

Mr Speaker, I now turn to the commercial aspects of the Gibraltar Port Authority, a responsibility which I share in part with my colleague and friend, Mr Paul Balban. I am pleased to report that the initiatives introduced by the Gibraltar Port Authority to improve efficiency over the past 12 months, underpinned by the Government's targeted marketing strategy, appears to be having effect. It is essential that we get better at what we do and properly communicate with the market how we are progressing.

Levels of shipping activity for the Port across most sectors for the first four months of 2015 would indicate that the slowdown experienced in recent years might be coming to a rapid and sharp end. In our efforts to provide the full range of marine services, the GPA oversaw its first two successful LNG ship-to-ship transfers in our waters, **(Several Members: Hear, hear.)** *(Banging on desks and interjections)* highlighting the highest safety standards applied by our people and reinforcing their enviable reputation across the maritime community.

The marketing strategy put in place by the GPA last year is working extremely well, further enhancing the Port's profile. Of note, in what was a first for Gibraltar, the Port Authority, in collaboration with the International Bunker Industry Association, hosted a two-day international bunker conference. This proved to be a tremendous success and we are already facing demand to ensure that this is not a one-off event.

Of interest, Mr Speaker, in 2014 more than 300 super yachts called at Gibraltar, and we will work further to increase this number in the coming 12 months. The Government is currently considering a number of proposals to increase berthing capacity and services available to the discerning super yacht owner, with announced plans for a new super yacht marina on the Eastside, at Ocean Village and along the new wharf being created by the fantastic new small boat marina. **(Several Members: Hear, hear.)** *(Banging on desks)*

Finally, the GPA continues to actively engage with the local maritime community to consider ways of further improving our dynamic business, staying abreast of regional and global developments and solidifying our position as a leading port.

Mr Speaker, Gibraltar is fortunate to have a Captain of the Port with the commitment, knowledge and experience that our Captain has, and to boot he is a Gibraltarian. I am grateful to Commodore Sanguinetti and his team for their professional work this year as our Port department grows from strength to strength.

1010 Mr Speaker, I cannot close without thanking my team at the Ministry, led by Julian Baldachino, who ensure that the Ministry functions without fuss and with the efficiency I have come to expect. I must also thank my secretary, Lourdes Piri, for her effortless support and professional work throughout the year.

1015 Mr Speaker, I believe it is appropriate that I close by thanking the private sector for engaging with us, both directly and through their associations, in enabling us together to continue to develop each of these areas. In financial services, in gaming and in the Port, I enjoy a first-class working relationship with the professionals and their associations. We enjoy a real partnership and it is our view that the only manner in which we can further develop and succeed is by listening to each other and by working together for the benefit of Gibraltar PLC and all those businesses involved, and we are totally committed to continuing to work in this manner in the years ahead.

1020 Thank you, Mr Speaker. (**A Member:** Hear, hear.) (*Banging on desks*)

Chief Minister (Hon. F R Picardo): Mr Speaker, I propose that the House now recess for five minutes before we continue with the next speech – or in fact this time maybe for 10 or 15 minutes, given it is tea time.

1025

Mr Speaker: The House will recess until six o'clock.

The House recessed at 5.45 p.m. and resumed its sitting at 6.00 p.m.

**Appropriation Bill 2015 –
Second Reading –
Debate continued**

Mr Speaker: The Hon. Selwyn Figueras.

1030 **Hon. S M Figueras:** Mr Speaker, I have the honour and privilege to rise to address this House on the Appropriation Bill for the fourth and final time before the end of this Parliament and a General Election before the end of the year.

1035 It is the practice in this House for the Members to make their contributions in relation to the Bill and to the Budget Book, the outturns and estimates and to then make general statements of party political positions, setting out by way of consolidation the issues that have been the feature of the last 12 months in politics.

1040 This debate is, Mr Speaker, the opportunity we get every year to sit down, collate, organise and present political arguments on our respective portfolios without fear of interruption, as a general rule at least, (*Interjection and laughter*) or without indeed hindrance by the rules of question-and-answer sessions.

A Member: Point of order.

1045 **Hon. S M Figueras:** Given that we are in an election year and, more particularly, given that time is ticking down to the end of my time and that of all those present in this Parliament, I also propose to revisit, as has the Hon. the Chief Minister, a variety of themes that have coloured the debates across this floor since December 2011.

1050 In dealing with my areas of responsibility I will touch lightly upon the figures set out in the Budget Book which, as ever, makes fascinating reading. In relation to planning, justice, traffic and transport there really is not very much to write home about beyond a handful of specific points which I will make once more this year in relation to the Justice portfolio, which I turn to deal with now.

Mr Speaker, I am grateful to the Minister for his contribution to the debate. This is an area of Government business where largely there is agreement across the floor of the House.

1055 In the companies and insolvency context I can report that in my dealings with London professionals wearing my business development hat the concept of a new companies and insolvency regime has been welcome and, certainly from the professional point of view, a positive development in the message about Gibraltar plc's appeal as a centre for structured and asset finance transactions. The coming into force of the new body of legislation, a not insignificant series of changes, has represented a real shot in the arm for the purposes of selling the jurisdiction in the context I have just alluded to, being an insolvency regime which, although new to us, is certainly not new to UK practitioners, practitioners who can turn to a body of

1060 jurisprudence established in England and Wales familiar to those who practise this area of law. Having lost some ground over the years to other centres, I am confident, and expect that others in this room and beyond are, that we might now be able to work to recover some of that lost ground.

In relation to his comments on the Prison, Mr Speaker, I am happy to hear that the atmosphere at the Prison remains relaxed. Indeed, I venture to suggest that it might be even more relaxed given that they now get their weekend premiums following the Hon. Chief Minister's address yesterday.

1065 It is also welcome news to hear of all the EU initiatives that Gibraltar is signed up to in the context of co-operation, because anything that brings us closer to the European family of law enforcement is good news indeed.

1070 Finally, Mr Speaker, on the address of the Hon. Minister, I look forward to debating the proceeds of crime legislation as published and as he indicated would be taken during July.

In the Justice portfolio one issue stands out above the rest as a source of dispute between us, and that is the Government's handling of legal aid and assistance. It is an issue which, frankly, was worthy of probably a much more mischievous use than that to which we have put it. I have raised it on a number of occasions when the opportunity has arisen, and yes, it is one of those stalwart issues that is covered here every year – and with good cause, Mr Speaker. The background to it goes thus, and I am quoting a short excerpt from my own speech last year, saying that:

'The GSLP Liberal manifesto contains a commitment to increase the limits of qualification for legal aid and assistance and to explore other mechanisms to ensure citizens have appropriate legal representation when they need it. It goes on to say, and I quote:

"Although there is a draft Bill ready, these have not been increased for many years and a lot of people who should be eligible and need legal aid or assistance are not getting the cover."

1080 Despite the not insignificant amount of very good work that the Hon. Minister and his team have done in Justice, which I am very happy to point out to congratulate him once more, they have not delivered on the manifesto commitment on legal aid and assistance. Instead, Mr Speaker, what has happened is that in 2012, new rules on legal aid were published, effectively extending the gift of unlimited legal aid to four defendants in the Marrache case. The rules excluded defendants in any other complex cases other than fraud, a fact which the Minister himself conceded in accepting that there could indeed be complex cases not involving fraud. It is a matter of public interest and intrigue why this was done the way it was. Of course, in the most recent exchanges on this issue, in September last year, the Government sought to dismiss the suggestion that there was anything worthy of legitimate criticism in the change by alluding to legal advice that the Government had received from the chambers of my learned and hon. Friend, Mr Bossino, in the hope, one expects, that it might silence the opposition. What would certainly be quite improper would be for us to accept that statement and the Government's interpretation of the advice at face value when, as the Minister himself has conceded, there were other cases where the rules should, by implication, have been extended to apply. The lack of an indication as to what distinguished at the time one set of cases from another meant that no compelling enough reason for the differing approaches could be deduced from the Government's position.

1090 The consequence of the change in the rules in 2012 was the meteoric rise in the legal aid and assistance charge on the consolidated fund. In the financial year 2010-11 the amount of charge on the Consolidated Fund was £623,202. In the next financial year, 2011-12, which straddled administrations, that sum went to £1,049,863, an increase – given that everybody has developed a penchant for speaking in percentage terms – of 168% year on year. In the next financial year, 2012-13, which was the responsibility exclusively of the new GSLP Liberal Government, that sum shot up to £2,210,557, an increase of 211%. The next year, 2013-14, the sum peaked at £2,653,000, an increase year on year of 120%, but that increase year on year is not actually the most spectacular one. If you compare the figure for the financial year 2010-11 to the peak in 2013-14 of £2,653,000, it is a frankly astonishing percentage increase of 426%, Mr Speaker. Then, in 2014-15 that sum went down to £1,850,000, and the estimate for next year is £1.2 million. I suspect that it is not a matter of coincidence, that it is because the case is at the stage that it is at and that there have been the changes that there have been, that the figure will continue to drop.

1105 The position today, as brought about by the changes in the rules published in 2014 that the Minister himself talked about, is that if another Marrache case came along the kind of expense of in the region of £10 million to which this community was put would not happen again. What the new rules in 2014 did, as a transitional provision, was to ensure that cases covered by the old 2012 rules would, until the conclusion of said matters, continue to be covered by those rules. As you might have guessed, Mr Speaker, the Marrache case was the only case covered by this provision.

1110 The defence by this Government on this issue has, unlike their defence in other areas of policy, been weak by comparison. On early challenge by my hon. and learned Friend, the Leader of the Opposition, and in answers to questions a couple of years ago, the Hon. Minister said that they were not going to reform legal aid in a piecemeal fashion – but, with respect to the Hon. Minister, that is exactly what they did.

1115 They have brought before this House a large catalogue of legislation, one that they can – sincerely – be proud of, including very substantial items such as the Companies and Insolvency Acts of last year, but they have not yet got round to making changes to the levels of qualification for legal aid and assistance, which they suggested in their manifesto was so badly needed:

‘The Hon. Minister inherited draft legislation that had been prepared in consultation with the industry, and could have made to that draft bill such changes as circumstances or policy dictate today. What he cannot do, with respect, Mr Speaker, is to take the better part of four years in Government reviewing and considering draft legislation, one which the Hon. Mr Licudi told us he had in February 2012.’

1120 As I said last year, Mr Speaker, the issue came to the fore not just because it was an important issue in its own right, not because they had set it out as such in their manifesto, but because of the piecemeal way in which, by defining a class of defendants into which at the time practically only the Marraches would fit, the Government effectively wrote a blank cheque to one group of defendants.

1125 As I said, Mr Speaker, we could have made much more of this issue by incessantly and repeatedly reminding the electorate of the staggering expense in this case. I chose not to, but that does not alter the fact that the Government footed a bill to the tune of 0.6% of GDP, and that is based on the latest figure of £1.64 billion.

1130 However significant the growth, whatever the economic health of this community is down to, we cannot allow ourselves to be blinded by the many numbers and the many zeros we have been looking at for the last few weeks. Ten million pounds is not a sum of money to turn one’s nose up at, and the fact that such an amount of money was spent on one case, regardless of the result, cannot simply be dismissed as an anomaly without explanation, or indeed accepted at face value just like that.

1135 The story is somewhat different with the outcome and expense of the Giraldi Inquiry, Mr Speaker. The Leader of the Opposition touched upon the issue in his own intervention and we will all recall, some more or less fondly than others, the lengthy debate on the motion filed by the Hon. the Leader of the Opposition which, by virtue of political devices available to 10-man governments standing opposite seven-man oppositions in 17-member parliaments like ours, became to my mind one of the most unpleasant and unsavoury days of my short career in this House.

1140 I was counselled earlier this week to speak about issues that matter to me during this, my final address in this Parliament, and I speak, as suggested, from the heart when I say that witnessing the Hon. the Father of the House delivering his piece on the motion, oozing as it was with barely contained fury and a generous helping of contempt for the chairman of the inquiry, I found it difficult viewing. Not difficult because of any notion that anything the Hon. the Father of the House was saying was either powerful or compelling enough, in my view, to diminish the importance of the conclusion of the inquiry. Not difficult either because the Hon. the Father of the House was in any way legitimately deconstructing the Chairman’s view of the behaviour of and evidence given by members, current and past, of the GSD Government during the period of time in question. No, it was difficult viewing of a display which turned out to be an example of how the parliamentary privilege and, of course, parliamentary practice could be used by a Member of this here Parliament to play to a party-political audience and, without even the slightest hint of remorse for his targeting of the chairman and his work, to make a mockery of an inquiry that had cost the better part of £4 million and which they themselves had commissioned. When the Chief Minister then rose to speak and described Mr Bossano’s intervention as a *tour de force*, I was even more surprised. **(Two Members: Shame!)**

1155 One develops a thick skin rather quickly (*Interjection*) at the sharp end of politics in Gibraltar, but I have to admit that I came away from that debate finding it impossible to fathom how smug – yes, smug – some of the Ministers looked at the end of that debate; a debate on an inquiry that they themselves had commissioned, as the collegiate Cabinet Government that they are, and then gone on to spend millions of taxpayers’ money on and which they had just witnessed the Hon. the Father of the House trying to rubbish, in addition to the reputation of the President of the Court of Appeal, and they seemed entirely comfortable with it – proud, even. **(A Member: Absolutely.)** Never mind, Mr Speaker, I suppose it is all part of the learning curve. **(A Member: Absolutely.)**

1160 Moving on briefly to touch upon planning before finally moving on to talk about traffic and transport – (*Interjection*) I am sorry, is that a...? Mr Speaker, the Hon. the Chief Minister, from a sedentary position, informs me that he is not the President of the Court of Appeal, but he is in fact just a member, and I am grateful for the correction.

1165

A Member: He is the President of the...

Hon. S M Figueras: Mr Speaker, moving on to briefly touch on planning before finally moving on to talk about traffic and transport, I would like to start by congratulating the Hon. the Deputy Chief Minister

1170 for the progress that he and his Department have made in this area. The fact that the minutes of the meetings of the DPC are now, as well as the agendas, published online along with the applications and supporting information in respect of Government projects are clearly positive developments, as is the holding of meetings in public.

1175 I would like to congratulate them too, Mr Speaker, for being masterful at identifying areas of policy where the Hon. and Learned Sir Peter Caruana, conviction politician that he is, had not given ground on and in respect of which they saw the opportunity to put easy and clear blue water between themselves and the then Chief Minister.

1180 What the hon. Members did with the DPC, along with a number of other initiatives in the time since they were elected, was to take areas of policy in respect of which they could easily, starkly even, cast themselves as the diametric opposite of the Hon. and Learned Sir Peter Caruana's GSD in 2011. The holding of meetings in public of the DPC is one such example. You see, Mr Speaker, by adding more people to the Committee and holding meetings in public they at once became the perceived standard bearers for openness and transparency in that context, and the effect of it was to placate the relatively small group of people who took issue with not being allowed to participate in those meetings, whilst at the same time effectively neutralising in large part any complaints and criticisms that typically flow when works start on
1185 any number of projects by saying it was all done in public. It is very true that you can please all of the people some of the time, or indeed some of the people all of the time; but alas, Mr Speaker, you cannot, however, please all the people all the time.

1190 The complaints about the process today centre – and we have issued statements to the effect – on the quality of the decision making when it comes to difficult questions of choosing one set of interests versus another. It is in the context of the decisions taken vis-à-vis the Rizzo bakery and the facade of the old Police Barracks, as two examples, that the quality of the decisions is called into question. (**A Member:** Exactly.) The decisions made by the DPC in these two scenarios, as well as say the decision to allow the building of rather a tall structure right smack in the centre of town in Town Range, have caused consternation and anger in some quarters, because frankly the people cannot vote a DPC out and replace it with another.
1195

Contrast those decisions with their decision some years ago not to allow the demolition of an entirely insignificant building with no heritage value whatsoever because of an in-principle objection to demolition. The make-up of the DPC today, with two Government Ministers sitting in the Committee and the Town Planner having the chair, means that there is no political accountability, certainly not a direct or technical one, for the decisions of this public body.
1200

The Government, by divesting itself of the power to direct or lead the DPC on applications by private individuals and entities, has effectively freed the Committee – and itself, arguably – of accountability at election time. Perhaps, Mr Speaker, those feeling sufficiently aggrieved about bad decisions could vote to punish the Government – out – for having brought about this state of affairs, but the Committee would continue in situ, doing what they do, taking the decisions that they see fit to take in all the circumstances, taking into account political factors, whether those are front and centre in their deliberations or not, when there is no apparent or overt political leadership of it. This is why we maintain the position in respect of which office should chair the DPC. It should not, in our view, be the *office* of the Town Planner because... and I stress the point that it is the office of the Town Planner, because in the past some mischief has been done and some misinterpretation and there has been misinterpretation of what I have said in the past, because it is not the person of the Town Planner, but the *office* of the Town Planner that I do not think should chair the DPC. It should be the office of the relevant Minister, whoever that may be from time to time.
1205
1210

I talked last year, Mr Speaker, about the difficulties of the Committee in controversial decisions by making reference to the application by the GFA to build the Europa Point Stadium. The fact that some say that the possibility of hosting top-level UEFA football depends on having the stadium at Europa Point makes what are sometimes very emotive issues very difficult to ignore, and members of the Committee could be forgiven for letting such matters colour their judgment, which is not to say that they do, nor that they will. The point is that if, regardless of the prevailing sentiment at the time when the decisions are made, they are subjectively bad decisions in the eyes of a large number of the electorate, there is precious little that can be done to change the course set by the DPC.
1215
1220

The Chief Minister might think it scandalous that I should be talking about 'power to the people' when his predecessor made no secret of being something of a control freak in many respects – that it is scandalous that I should be talking about these things when, under the previous administration, meetings would be held behind closed doors and minutes would never get published – but to such charges there are simple answers. That was the policy of the GSD then and it remains the policy of the GSD now.
1225

The situation we have today, which brings me to my final point in relation to planning, is that the Government appoints the Town Planner as the Chairman of the DPC, but its own projects are not subject to the DPC's approval; a GSD policy position which has survived the New Dawn and is doing really very

1230 well. This despite the fact that we are close to the end of the life of this Parliament and the fact that they committed to making the Government's projects subject to the rules in the manner they promised.

I wonder, Mr Speaker, whether the Hon. the Chief Minister has made peace with the idea that he will not be ticking every box in the manifesto, like for example the parking under the Commonwealth Park, and that the luxury of not needing the approval of the DPC will prove too hard to give away. I see the Hon.
1235 Minister for Transport does not like it when I refer to the fact that that commitment is not delivered. It is just a little unticked box at the end of the day.

And talking about the park – I can never resist talking about the park, because it really is quite magnificent that there is no parking under it (*Interjection*); yes, I have looked, it's not there – it brings me to deal with my final area of responsibility on which I will be addressing you today. I open my address on
1240 traffic and transport matters by citing a quote which I think, Mr Speaker, you will find rather apropos. It goes thus:

'If I had more time, I would have written a shorter letter.'

This is a quote I had originally heard attributed to Abraham Lincoln but which, upon investigation, is said to have originated in 17th-century France by the hand of a mathematician and philosopher by the name of Blaise Pascal, a scientist attributed with the clarification of concepts such as pressure and vacuums. In
1245 fact, pressure-measuring devices have the 'Pa' of the Pascal on them in his memory. The quote, I think, captures very neatly the idea that the use of succinct and pointed language always trumps verbosity and unnecessary diversion from the crux of the issue.

In the last few months, Mr Speaker, since the publication of the STTMP – I think the acronym is correct – we have had many exchanges across the floor of this House – (**A Member:** PP.) PP, thank you. I
1250 suspected I might be missing a 'P', despite our break a moment ago! We have had many exchanges across this floor, Mr Speaker, about... I will just refer to it as 'the plan', (*Laughter*) in this House and publicly too, about our differing views of this initiative that the Government hails as something of a game changer.

The Hon. Minister, who often complains about my use of language as being complicated or hard to follow, in question-and-answer sessions at least, paradoxically enough touts the length of the draft summary
1255 of the plan as– or rather the draft plan, as we established earlier – the draft plan, as evidence of the initiative's brilliance in what has become, in essence, a 'mine is bigger than yours' argument. Well, Mr Speaker, I hate to burst the bubble, but that is not what this is about. They have had the better part of three and a half years to come up with the text of the plan, which by extension of the concept captured by Pascal, should have been plenty of time to make the letter shorter. The plan should have been able to fit on a
1260 rolodex card by now.

You see, Mr Speaker, it may be lost on the Minister that length does not on its own make an argument stronger in much the same way as shouting does not strengthen an argument or make truth of a lie. Noise is just that. It adds nothing. It is for this reason that every time the Minister seeks to defend the lack of action
1265 on the ground of any real progress on our roads to tackle the traffic problem in Gibraltar by flicking through the draft of the plan, which goes to 30 pages and has over 70 images and graphics for good measure, he does a disservice to himself and this community by effectively dismissing the genuine and important concerns many in this community harbour about the traffic situation. Why would he be so dismissive? Why would the Minister for Traffic be so happy to effectively flick away the traffic problems of this community with a flick of the draft of the plan? Simple, Mr Speaker: the Minister does not appear to perceive the
1270 problem and it simply does not mean anything to him – but I will come back to this point a little later.

The draft of the plan looks impressive, certainly; I have said so here, I have said so publicly. It is very colourful, it has lots of images and it really does help to capture the imagination when you have some images to guide your thought. I have already said openly and in this House that, if returned to Government,
1275 the GSD would not be so foolish as to take the investment so far of well over £½ million and consign it to the dustbin just because it was not our idea.

I take no issue with the plan per se, though it is costing us Mr Speaker. In the financial year 2012-13, the cost was £87,561, the year after that it was £337,700, and last year it was £170,000. The estimate for next year is £243,000. The total amount to the end of the financial year next year will be £838,358. I do not take issue with the plan per se; I take issue with the fact that, in the first place, the GSLP Liberals clearly did not
1280 have a clue between them on what to do about traffic. So, effective as they are – as I have highlighted earlier in the planning context – in finding the path of least resistance, they committed to paying external experts hundreds of thousands of pounds to tell us what any number of local experts and stakeholders could tell us about how to tackle the problem in Gibraltar already: tackling the culture of car use in Gibraltar by encouraging people to use alternative forms of transport by providing an integrated public transport system
1285 with an improved and appealing/safer environment for people to walk and cycle in.

It is clear from the plan, Mr Speaker, that car ownership, and importantly car use, is still front and centre in the thought process behind the plan. One of the initiatives supposedly designed to reduce congestion in

1290 the plan is to make more short-term parking available in the Landport Ditch area, so that people who want to come to town to shop find it easier to park their cars. Mr Speaker, this is in a report that acknowledges the increasing congestion and lists reducing pollution and congestion as one of its main objectives. It is certainly repeated enough, Mr Speaker; hence the length of the document.

1295 This, allied to their manifesto commitment, which remains unmet, to deliver twice the number of parking spaces beneath Commonwealth Park, proves that this Government is not serious about tackling the traffic issue. It lambasted the GSD when in opposition, despite the step change that that administration brought about in the traffic context, and yet they are now failing in the same way they described the GSD as failing; only for them it is worse because the backdrop of their failure is their supposed determination to undo the damage the GSD allegedly did. But we did not kill the Gibibikes, Mr Speaker: they did. We did not bring buses to Gibraltar that the elderly or disabled could not use: they did.

1300 The starting point for them is clearly ‘the car is sacred, don’t touch people’s cars’. If they were genuine about this process and did not care about the electoral impact of their decisions they would have set about introducing charging for parking in the town area – and not cheap parking either; parking fees at a rate that would make someone living in Montagu Gardens and working in John Mackintosh Square think a few times about whether it is actually worth taking the car out, *pa darse palo con la gente* to find a parking. (Interjection and laughter) They might have also reintroduced road tax and calculated it by reference to annual mileage. They might have also overhauled the import duty system and based it on emissions, so that more and more people would be persuaded to make better choices with their diesel/petrol cars; because, as we have seen, the uptake of electric and hybrid vehicles has been quite slow. They might even have contemplated measures such as banning vehicular traffic from the city centre beyond public service vehicles, or even introduced a congestion charge – a real hot potato in London. They might also have spent 1305 the half a million they have spent on Mott McDonald so far on renewing or replacing the Gibibikes, or on getting some cycle lanes painted, with some advanced stop lines thrown into the mix for good measure.

1310 Maybe they could have even come up with a pedestrian crossing at Ragged Staff. Wow! That really is phenomenal! The Minister announced the completion of a pedestrian crossing at Ragged Staff in the same way the Hon. the Chief Minister announced the second-highest budget surplus in the history of this community, and in much the same way, or with much the same pizzazz, as the Hon. the Leader of the Opposition retorted, that actually we are up to our eyeballs in off-balance debt. He does not tell you that it took weeks to complete a pair of traffic lights and access ramps and that during that time it was a *salvese quien pueda* affair of people running the gauntlet on the traffic during the school run because they were not sure whether it is or it is not a pedestrian crossing. He likes his lines on the road... [laughter] He likes his lines on the – I wonder why we do not get more. He also talks about the crossing by King’s Bastion. I must have been one of hundreds who wrote to him a long time ago, suggesting that it might not be a bad idea to do it before someone got killed.

1315 I have welcomed the things that they have actually done. I was very quick to congratulate them on the installation of the intelligent traffic light system on Queensway, as well as the roundabout by the Marina Bay/Ocean Village area, colloquially known, I think many of you will remember, as *la curva del Med* area, and even the pilot scheme for drop-off and pick-up at St Joseph’s school, which has not been without its controversy. Valuable and effective though those initiatives have been, none of them can be described as revolutionary. It is the mere execution, under the guidance of foreign experts, of an understanding and expertise which is home grown and was already here. There is nothing in that report that we did not already know. 1320

The plan contains statements like:

‘The border crossing causes congestion’. [laughter].

What a shocker, Mr Speaker! Another one: [laughter].

‘In future, the problem will be bigger if left untackled.’

Amazing insight, Mr Speaker! [laughter].

1325 The plan, with respect to Mott McDonald, who have only done what they were asked to do, teaches the local stakeholders to suck eggs. It gets it wrong in one respect, however, Mr Speaker. It says that car ownership is the problem. Well, car ownership is only part of the problem. It is the car *use* that is the issue, because the cars parked at home do not represent a problem. 1330

The GSD set about building car parks for people to park their cars at home and at the same time was embarked upon delivering an integrated public transport system. All the Government has done is to rid the community of the Commonwealth Parade car park, given us the park and has then spent the rest of the time frantically trying to make up the numbers of parking. Why didn’t they just say in their manifesto ‘We’re

1340 going to give you a really nice park – car parking be damned? It will not surprise anyone that the risk of electoral damage of eradicating 700 car parking spaces was probably too much for them to stomach.

1345 ‘In Town Without My Car’ had some great ideas at the last election too for using the city walls as a solution for walking and cycling, and it is good to see this incorporated in the draft plan yet to be finalised after the second or third, possibly fourth round of consultation. I have lost count, Mr Speaker. It is disappointing to be the lone voice criticising the Government’s lack of action on the ground, but I suppose they must be satisfied with just the fact of the plan and the adoption of an initiative rather than any substantive change on the ground. The plan Mr Speaker even makes reference to public transport issues that the Europa Point Stadium might throw up. Did anyone mention a *fait accompli*? Of the many initiatives listed in the plan, what is the Government waiting for to actually get cracking? The new bus routes? The introduction of bus lanes? Well, I mean Mr Speaker, I cannot wait to see that. They tell me there is no room for cycle lanes, yet they are going to make a bus lane along Waterport Road. There is already an effective solution in place for eastbound traffic, so I am really looking forward to seeing what it is they are actually planning to do there, Mr Speaker.

1355 Talking about Waterport and the Watergardens area, I mentioned earlier that the Minister has no sense for the traffic problem, in some ways similar to me: he walks and cycles as I walk and cycle, other than now in the summer when it is too hot and I am on my maxi-scooter, Mr Speaker but he also has access to the official cars and, frankly, parks wherever he wants. So he just does not get it, which is probably why he finds it so amusing that I keep applying a few Pascals of pressure on him to get the job done. I suspect, Mr Speaker, that, like sound travelling in a vacuum, my message is falling on deaf ears.

1360 The plan was always, I am certain, Mr Speaker, for the Government to let four years pass, fill them with consultation, planning and drafting, and then consulting, drafting and planning to take them to publication of the full plan on announcement of the election. I note that token provision for a new link road to the south and for the black cabs – two manifesto commitments that they will not deliver in this term of office – are now in the Budget Book.

1365 In the transport context, Mr Speaker, I have to alight upon the issue of the new buses, and separately the issue of the contract for advertising on the old buses and the bus stops. The red buses have caused much consternation. For all the talk of eco and user-friendliness, the buses have hardly lived up to the hype. That and the fact that the award of the contract went to Bassadone Motors and that the Government refused to disclose whether it was the lowest tender have caused what should have been a victory for the Government to leave a bad taste in the community’s mouth. The Government boast of their eco-friendliness, but they are just diesel buses. They are not electric, they are not hybrid, they are not powered by chip fat: they are diesel buses, Mr Speaker.

1370 The Big Publications issue is another example of where an allegedly impartial process resulted in the award of a contract ultimately to companies owned by stalwart supporters of the regime, much like the contracts for the solar panels, the lifts, the doors etc, but in this case it does not seem to have worked out. Since September last year when I raised the issue, I have been trying to obtain from the Government confirmation of how much revenue the Bus Company and therefore the Government indirectly is missing out on because Big Publications has not paid up. Even last week they still did not know. Had it not been for my enquiry last year, Mr Speaker, we would not be pursuing the contract debt as actively as we are, and I am hopeful that substantial moneys will be recovered and that a full account of the payments/commissions due to the Gibraltar Bus Company will be brought to this House.

1375 I also take the opportunity, before moving on to conclude, of reminding the Minister that the Bus Company’s website, in particular the mobile version – and it is something that I directed at the former Minister for Transport, the Hon. Neil Costa, last year, but busy as he has been it may have escaped his attention – that the website, in particular the mobile version, which appears to have been created using a free utility which places third-party ads on the website, looks absolutely atrocious, Mr Speaker. It does Gibraltar’s image and that of our Bus Company no favours whatsoever. I wonder if the Minister could let me know how much that cost and perhaps the Government’s brand consultants can cast their eye over it. *(Interjection)* More generally Mr Speaker... Ah, it didn’t. It didn’t. Ah great. I am told, Mr Speaker, that the website did not cost any money. It might be time to spend a little bit of money on that website. *(Interjections and laughter)* Mr Speaker, of all the Departments *(Interjections)* that have overspent, Technical Services and Traffic was not one of them, I seem to suspect. *(Laughter)* I think there was some kind of budget cuts imposed and nothing happened, so I am sure... And failing that, of course, there is Credit Finance, so... Mr Speaker, I am going to move on now to – *(Interjection)* Well, yes, and it is interesting that Pascal was also credited with developing some theory which is relevant in the actuarial practice and Credit Finance might also be interested in that.

1395 More generally, Mr Speaker, and to develop a little further something that I have only briefly touched upon, I want to return to the issue of emissions. I note that the Hon. the Chief Minister has reduced import duty on hybrid vehicles to 0% for importers and to 5% for private imports. I wish to take the opportunity to impress upon him the fact that many jurisdictions are turning, as he may be aware, to calculating

1400

1405 registration taxes on vehicles on the basis of the rated emissions of the vehicles in question. Whilst our system has served us well for a long time, I wonder whether I might be able to pique the Hon. the Chief Minister's interest into looking at this. You see, Mr Speaker, as an example of the kind of anomaly that arises from our system, a Porsche Cayenne Hybrid, which has rated emissions of 193g/km of CO₂ pays, if imported by a dealer, 0% and attracts a £1,000 bonus. However, a Ford Focus Ecoboost 1.0 litre has emissions, by comparison, of just 109g/km of CO₂ and yet that pays 12% and does not attract the bonus. The latter is the cleaner car and, from the local environmental point of view, the more desirable one. I understand that market forces may play a role here, but I am happy to discuss the issue with him should he consider it desirable to do so. (*Interjection*) Indeed, indeed.

1410 And that, Mr Speaker, brings to a close my contribution in this debate. I would just like to say a few more – it's just a couple of pages – brief words on the state of the nation address that the Hon. the Chief Minister gave yesterday on the economic performance of this place we call home. It is clear that much of the growth we have seen in the last few years is down in no small measure to the investment of the Government in major projects. There is nothing wrong with that, clearly, so long as there remains a sense of control and an objective assessment of what this community is, devoid of what our aspirations may be. Put simply, so long as we spend within our means there should be nothing to worry about. We see that private enterprise is also taking the wheel in relation to a number of projects, all of which are in principle positive for this place, but questions still arise which I hear every day, and I will just take the opportunity of letting you have some of those questions.

1420 If we have one less bank and the new international bank does things as it is required to do by the terms of its licence, then how is everyone going to get a mortgage for all the property that is going to be available to buy?

How did we go from a £100 million hole to spending like there is no tomorrow?

How exactly did we go from broke to spoilt-rotten in a couple of years?

1425 Well, Mr Speaker, some answers are harder to come by than others, and try as we may we certainly cannot get answers in the context of the construct that is the financing arrangement through the Savings Bank, Credit Finance Company Limited and Gibraltar Investment Holdings Limited.

1430 Should we consider contingent liability and actual liability? Who is right – us or the Government? Is there a right and a wrong? There are a lot of questions to which the answers are certainly not clear for the average person on the street. Many of the issues are simply too complex or too alien to men and women staying busy paying mortgages, paying the bills, giving their children the best start possible – concepts which exist only in the abstract for them. We come to this House and debate these issues as the political leadership of this small nation and it is our responsibility to do the best we can for the betterment and the improvement of all the lives in this community. The Government owes a duty to the people not to put party-political interests ahead of the greater good. It owes the people a duty, as the party elected to lead, to assimilate and to understand the challenges ahead, the party elected to develop a vision of where Gibraltar goes next and how we get there. It owes the people a duty not to get it wrong, like we owe the people a duty to keep the Government on its toes.

1440 The economic output data that the Chief Minister yesterday set out was by any means good news for this place: growth of 10.3%; economic output of £1.64 billion; full employment – over 24,000 in employment; record this, record that; massive percentage increase here, massive percentage increase there. I am sincere when I say that it all sounds like great news, and not just for me, Mr Speaker, but for my children too, because it means that the economy apparently continues to fire on all cylinders, that the financial services and gaming sectors that form a large part of the work I do as a professional and what keeps my family in the blessed lifestyle to which I think a lot of us are accustomed, remain healthy.

1445 The only dark cloud I see in the distance has the name 'Credit Finance Company Limited' on it, and were it not for the uncertainty of that view in the distance on an otherwise sunny day all the other issues we tackle here from time to time would seem that less critical, that little less important.

1450 I hope, for the sake of this place and for the sake of the community at large, that things continue to go well for Gibraltar and that we have many more years of plain sailing, on which it seems, Mr Speaker, the Government's economic and finance model is predicated. I hope too, Mr Speaker, that should we encounter stormy seas along the way, that this economy's engine room is up to the task.

Thank you, Mr Speaker. (*Banging on desks*)

1455 **Mr Speaker:** The Hon. Steven Linares.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, this is my 16th Budget speech to this House, (**Several Members:** Hear, hear.) (*Banging on desks and interjections*) my fourth as a Minister and my last before the next General Election.

1460 My responsibilities cover Sports, Culture, Heritage, Youth; Civil Rights, the Ombudsman and CAB; and Drug Rehabilitation.

The Ministry for Culture has been very active during the past four years since we have been in Government, and especially during the last financial year. Not only have we increased cultural grants and improved many of our facilities, we have supported and organised many events in conjunction with Gibraltar Cultural Services (GCS).

I will not repeat – as the Hon. Mr Netto did repeat things from the past – the mess we inherited from the previous GSD administration, where wage hikes were given weeks before the last General Election. Suffice to say that it has now been replaced by the Gibraltar Cultural Services on the cultural side, together with the Ministry for Culture.

GCS is a private company which is owned by former agency officers who now manage all the cultural facilities, organise or tender out traditional events such as the Drama Festival, which has seen a growing number of extra nights of plays with more of an international profile, the Spring Festival and all the art, story competitions and exhibitions. An event that was done this year and produced by GCS is that of the retrospective exhibition paying tribute to Mario Finlayson's artistic life. GCS also oversee Calentita – which was tendered out and has become bigger and better, as promised – Miss Gibraltar, New Year's Eve events and the reintroduction of the New Year Classical Concert, to name but a few. There are new events they now organise, such as the Festival of Lights, Gib Talks that started in January this year, and the workshops for schoolchildren in conjunction with the Young Shakespeare Company. All these events have proved to be a great success.

No-one can argue the great improvements that have been seen in the Mackintosh Hall that is managed by GCS. They have invested in new chairs, new tables, TV and audio equipment, projectors, internet services, blackout blinds, air-conditioning and many other things. The public toilets in the Hall are being refurbished to include tiles to floors and walls and new LED lighting. We have refurbished most of our meeting rooms, changing rooms, exhibition rooms and communal areas. New windows have been installed, as well as new flooring and painting and decorating the Hall in general.

The Library has gone through a total transformation. A large selection of military books, fiction, non-fiction and children's books was donated by the MOD library last year, as well as library furniture and library supplies. Some of this has been added to our current collection; the rest will be added once we extend the library further. There are two more computers for public use with free Wi-Fi and an extra one for the administration reception desk. The Mackintosh Trust kindly donated three more computers for the reference section and the subscription of free university journals for students' research.

One of our manifesto commitments was to have homework support groups, like my hon. Friend mentioned in his Budget speech in relation to education, and GCS together with the Department of Education are working closely to provide both homework and research assistance to students at the Mackintosh Hall Library. The pilot scheme, as my hon. Friend mentioned, was launched last year, which has proved to be a total success. Now GCSE and A-level students are taking advantage of this service that has qualified teachers from the college and schools at the Library to help students in their research.

Mr Speaker, a digital project is underway with the introduction of the Mandarin Online Public Access Catalogue. This will not only make the process of borrowing books more efficient, but library members will be able to look at books on offer and pre-book them via an online service.

The library facilities have also had new air-conditioning installed as well as LED lighting and new children's furniture.

Works to the courtyard to extend the cafeteria and install a new guttering system has been approved by the DPC, despite the fact that the hon. Members mentioned about the DPC. It has been approved. I hope he is happy that these are approved. These works will continue very soon.

A substantial amount of money will be spent to replace the roof of the theatre, which had not seen maintenance for years and with the high winds this winter parts of it flew away.

GCS also manages the Ince's Hall, and I can announce that whilst the conversion of the Gibraltar International Bank took place the theatre benefitted from having a new mezzanine floor with extra toilets and changing-room facilities, and a scissor lift has been installed to help with heavy props from the ground floor to backstage.

We have improved both the Mackintosh Hall and Ince's Hall theatre technical infrastructure. We have invested in new sound consoles, a talk-back communication system, microphones, projectors and other technical accessories. We will soon be investing, in both theatres, on a new PA system, new lighting system, translation equipment and other theatre enhancements.

The Gustavo Bacarisas Gallery now has a new CCTV and security alarm system installed, as well as new internet facilities. Made-to-measure glass cabinets are also available for displaying secure items.

I am happy to announce that GCS now has in-house technicians who will manage all technical infrastructures of all the facilities, which now also include the open-air theatre at the Alameda Botanical Gardens, which I am sure Mr Netto did not visit when he went.

The Central Hall, another of the facilities managed by GCS, has had a new commercial kitchen installed and new curtains have been bought, which has enhanced the place for users.

1525 GCS has also been tasked to manage the Mario Finlayson National Art Gallery, which was inaugurated at the beginning of this month. Another manifesto commitment completed and one we should all be proud of. The City Hall is now under the auspices of the Ministry for Culture. The Mario Finlayson National Art Gallery is there and I will mention a little more about the City Hall later in relation to heritage.

1530 Montagu Bastion is now the Gibraltar Exhibition of Modern Art Gallery (GEMA). This gallery has been housing the Little Constellation Network exhibition, which will end in August. This project is part and parcel of our policy of exporting our artwork and learning from other small countries about our culture and theirs.

Ramps and user-friendly installations are being installed in all cultural venues and a portable platform is now available for outdoor events.

1535 A Performing Arts Academy will soon start in Flat Bastion Magazine. This will fulfil three of our manifesto commitments: learn an instrument; having an academy of performing arts; and establishing an orchestra. Works to the premises will commence within the next few weeks.

In October we will see the European Show Dance Championships hosted at the Tercentenary Hall. Many will travel to compete, which will fill our hotels and form part of our policy of events-led tourism.

1540 A total of 22 clubs, associations, bands, NGOs and others have benefitted from having allocated premises, as promised in our manifesto, and we will continue to identify places which we can allocate. I am happy to state that all these have been allocated using the system that was used by LPS. Before we came into government this was ignored by the previous GSD administration, who allocated directly to whomever they wanted not having any regard to those who had been waiting for premises, some for up to 10 years. New premises have been given to the Taekwondo Association at the North Jumpers Bastion. This is part and parcel of converting this area into a hub of martial arts groups, that is the Martial Art Centre, to which we committed to in our manifesto.

1545 We are currently working closely together with the Department of Education in order to provide and extend the community use of schools for cultural purposes. To date the Bayside School drama studio will be available for this purpose.

1550 Since we came into government our goal of creating events which attract many to come and enjoy them with us has seen the creation of festivals such as the Jazz Festival, the Music Festival and the Literary Festival. The Jazz Festival and the Music Festival were two of our manifesto commitments. Both are being run under the auspices of the Ministry for Culture. The Ministry for Culture has also supported the Gibraltar World Music Festival, the Gibraltar International Song Festival, the Fringe Festival and the Wine Festival. The Calentita, as I mentioned before, is our gastronomical festival, which has become bigger and better every year since we came into Government... as we said we would in our manifesto.

1555 All the events mentioned above are part and parcel of the Government's policy of events-led tourism. This includes the sporting events which I will mention later we support. Events-led tourism is attracting people to our shores and this brings money to our economy.

1560 On the sporting front a great deal has happened since we came into Government and also since the GFA achieved its international recognition as the 54th member of UEFA. A new building is being constructed that will address certain UEFA concerns, but these will benefit all sports. The new building will accommodate facilities such as changing-room areas for officials, delegates and teams; doping control centres; two TV studios; one media centre; press conference rooms; two additional bars; additional public toilets; reception areas; increased storage; press boxes; VIP hospitality areas. All the above fully accessible to all. All this will enhance the use of the area for international events and provide much needed upgrades in general facilities and spectator stands.

1570 Mr Speaker, it is with great pride and joy that within the overall sporting upgrade of facilities we have built a state-of-the-art Stay and Play building. The GSLA's Stay and Play programme for children with special needs was previously done in one of the Boathouse Vaults. Now this building has purpose-built toilet and changing areas; kitchenettes; cleaning areas for activities; perimeter padding; easy-access ramps; inclusive playground equipment and safe play surface. This summer's programme will use this facility, as it will be handed over to the GSLA shortly.

1575 The installation of an extra floor in the empty space above the hockey stand changing rooms, complete with accessible external access walkways, will enhance the Bayside complex and will provide much needed office and storage space for sports associations.

1580 Within the Tercentenary Hall, the old ground-floor lecture rooms have been reprovided on the first floor and will be kitted out to allow use by the general community. In addition, an extra small store and lecture room have been provided. The GSLA can now make use of a new boardroom to hold meetings and use for other things, and this was not previously available. In addition, the new reception area has improved the first impression that users to the facility get when walking into the facility and will enhance operations. Both the existing bar and cafeteria will be relocated and amalgamated as one, offering extra services to the general public and freeing up space for the GSLA to utilise and expand its services for other sporting projects.

1585 Both GSLA five-a-side pitches were replaced as they had become unsafe. The tennis courts required replacing as the turf pile height was affecting the actual playing of the sport in this facility.

1590 The hockey pitch has been limited in its use for years due to the fact that light was not provided and once it got dark in winter, approximately half six, no more training could be practised and this meant that the pitch was only used barely two hours daily. This was significantly hampering the development of the sport, whose league programme was limited to weekends. After long discussions with the MOD, NATs and other stakeholders, and to mitigate their concerns, collapsible pylons have been installed on the northern side of the field with shorter fixed pylons installed on the southern side of the facility. Extra floodlights under the canopy will supplement the extra lux levels needed. The GSLA has entered into an agreement with the MOD to facilitate the use of these floodlights. The works are now complete. Another manifesto commitment completed.

1595 The management of the GSLA will continue to improve facilities that have been neglected for years. This is the case with the squash courts and the offices. Further changes and refurbishment will take place in order to maximise space: allocation of hockey nets to maximise use and provide more centralised points for our Special Olympians; more studio area will be available once the relocation of the bar takes place; bin stores will be constructed on Bayside Road, which is a legal requirement; an overhaul of the hockey pitch sprinkler system plus the refurbishment of the squash court will also be done soon. The GSLA will continue with improvements and maintenance to equipment as and when needed.

1600 Mr Speaker, the GSLA took over the running of the GSLA 25-metre pool – not the municipal pool, like Mr Netto said; I wonder where he got the ‘municipal’ name – the swimming pool during our term in office and this has seen a great deal of improvements. Two months after we came into government the whole of the ducts of the air-treatment system collapsed. The air-treatment system had not been working for years and this meant that users were exposed to high levels of chemicals that are normally used to purify the pool water. Therefore further diesel-generated engines ran the filter and pump system. The cost of this was exorbitant. The installation of the photovoltaic system and dehumidifier replaced the previous not-fit-for-purpose system. The pump and filter system, together with the heating of the pool and the hot water in the changing rooms, now work with the solar panel system. In the last financial year a total of £85,000 in running costs has been saved from this system. All changing rooms, spectator and poolside facilities have also been refurbished. All this has been done on the 25-metre pool.

1615 I am happy to announce that major refurbishment work has already commenced in the other pool, which will include the installation of a photovoltaic system and dehumidifier that will replace the previous system, which was getting close to a complete shutdown and was beyond economical repair. It had not received any sort of maintenance since the facilities opened. The new systems will improve air quality and water temperature maintenance that were bordering on inadequate; provide savings in terms of water, electricity and fuel; conform to HMGoG environmental policies regarding carbon footprint etc; and reduce overall maintenance costs. In addition, the interior of the facility will undergo a much needed refurbishment, which will include essential attention to poolside issues; refurbishing of the changing rooms; reconfiguration of the easy-access/family changing rooms; replacement of flooring; general facelift; and tackling the issues which have been historical with the plumbing problems. This project will mirror the one undertaken in the 25-metre pool and will mean that both pools will have received attention during the current administration’s term in office. Contractors have been given very strict timeframes so that the works do not impinge on the peak summer months. This facility is one of the GSLA’s busiest so there is no good time to shut it down, so a period when the least amount of users would be affected was identified. In addition, continued use could have possibly meant extensive equipment malfunction and an extended closure.

1625 The state in which we inherited these pools goes to show the lack of commitment of the previous GSD administration to things that matter to our community.

1630 The Gibraltar Bathing Pavilion’s phase 2 has been completed and the facility is now open to the general public. The issues regarding the main pools have been solved with the main contractors absorbing the costs and maintenance will now be easier. Improvements have now been made in terms of accessibility to the sea and pools and the general public will now be able to enjoy this fantastic facility.

1635 The GSLA has and will continue with the highly successful and ever-popular Summer Sports and Stay and Play programmes. The new facilities mentioned before will enhance the Stay and Play programme this year. NatWest are once again sponsors and activities have been extended to include older age groups with the diversity of activities increasing year on year with the collaboration of other agencies and Departments such as the Royal Gibraltar Police, the Department of the Environment, the Department of Social Services and St John Ambulance to name a few, as well as a wide cross-section of the local voluntary sports associations.

1640 The Sports Development Unit has continued to promote and offer coaching courses and opportunities for volunteers, delivering several workshops that include child protection.

I would like at this stage to thank all those volunteers for their hard work and dedication they put in. They give a lot of their time. Without them, all sports will just not be able to function.

1645 The Sports Development Unit is also working closely with the GHA and the Physical Activities Association for Mature and Older Adults to increase and promote partnerships in terms of exercise prescription and cardiac rehab. These are at an early stage but are very much active.

1650 Given the stumbling blocks consistently experienced with accreditation through UK entities, the GSLA has made initial contacts with the University of Gibraltar about investigating the possibility of getting these accredited locally. The GSLA will continue with its courses, but having them backed by the University would be a major step. Quality assurance etc needs to be considered. Discussions are at an embryonic stage but look positive.

1655 A new GSAC committee was elected in September and HMGoG, through the GSLA, once again supported locally registered sports associations with participation at international events, improvements to facilities and sports development projects.

1660 This past year GSAC has also been asked to advise Government on matters not related to funding. The wealth of knowledge and experience held by the members of the Council was, in the GSLA's opinion, not being maximised and several contentious issues have been solved amicably and satisfactorily after the advice of the Council was sought. Some issues are still pending. This advice has also included to oversee for the GSLA that sporting associations are run in a manner that is acceptable to the international body they belong to; and for those that do not yet, to make sure that they are equipped to be able to form part of their international bodies. GSAC is also the body that decides the level of funding that each association gets when they have applied for this. The Government has this year committed five hundred thousand for this purpose. Five hundred thousand pounds – just in case... I do not want people to think it is euros, (*Laughter*) which is much less.

1665 In addition, financial support has also been given to both the Commonwealth Games Association, who participated in Glasgow 2014, and to the Island Games Association for Team Gibraltar's participation in Jersey, to be held next week. Our Government values our participation in international competition, since those who compete are ambassadors flying our flag and now even advertise the tourism brand of visitgibraltar.gi.

1670 The GSLA has also hosted and assisted, and will continue to do so, in events such as the UEFA Futsal Friendlies; the FIBA C Division under-18 Men's and Women's Championships; Champions League; the Europa League qualifiers; the Gibraltar Darts Trophy; the Junior Chess Open; various international Gibraltar chess opens; international rugby friendlies; Squash International Open; Gibraltar Regatta; Rock Master Ten Pin Bowling this year will see a revamped competition.

1675 The GSLA have and will also continue to support non-sporting events, such as the Song Festival; various music festivals, summer months; the Classic Car Rally; the Harley Davidson Rally; international dog shows; and IDO European Dance Championships.

1680 As per every year, the GSLA facilities, including those offered through the Schools Community Use programme, have once again been oversubscribed and the GSLA facilities team are working hard, very closely with the Department of Education, in compiling a user audit analysing the use of facilities that has led to underused slots been reallocated to those on a waiting list.

1685 Due to Gibraltar's limited land mass and the increased participation level of our people in sporting as well as cultural activities, coupled with the fact that we are organising more and more events, creates a problem, but we are constantly trying to identify areas where these can be done.

1690 We have recently introduced a new pricing policy that, whilst offering the GSLA the opportunity to collect revenue from foreign groups and private entities wanting to use our facilities, it has also curtailed abuse by tour operators who were putting unacceptable pressure on local volunteer associations to fulfil their companies' commercial obligations, at times without prior notice. The HMGoG continues to welcome the visit of many groups that promote and develop the local sports and privately organised events above revenue collection, although this can go hand in hand; however, this abuse needed to be stopped.

1695 The GSLA is undergoing a general management restructure, the first steps of which should be visible soon and will provide the Authority with the tools to modernise its practices and policies. The integration into the HMGoG IT system is well under way and an online booking system is being designed that will form part of the e-government portal and will provide online booking services to those with access to the portal. Counter and telephone services will still continue, but the system should increase the efficiency of the service and curtail abuse. This will allow the Department to develop and release staff to deal with items which at the moment are left pending.

1700 The GSLA is also undergoing a rebranding exercise with the design of the new logo, designed by a member of staff, and the relevant paraphernalia that goes with it. In addition, the old website has been revamped and should be ready for launch soon, providing a one-stop shop for information and contacts on current events, news and relevant documents. Within the rebranding the GSLA will go live on social media, keeping the general public updated with news and events.

1705 Mr Speaker, King's Bastion Leisure Centre was managed before by the GSLA before March this year. On carrying out a cost-effective exercise in the centre... which was costing the taxpayer £2.6 million per

annum, we have now moved to reducing this substantially without affecting in any way the service provided. I am sure the hon. Member, the Leader of the Opposition, who uses these facilities, since he mentioned it once in a Question Time, has realised the difference in using the machines now. They have been all upgraded; everything is working perfectly, as opposed to how it was before. We have now moved to making this place work in a commercial way without increasing the costs to users, ending the contracts that were entered into by the previous administration, which includes some of the money of the £100-million black hole, was the contracts which was entered into by the previous administration. Mr Speaker, it meant that operators would spend, say, £100,000 in cost and make an income of, say, £50,000; then King's Bastion Leisure Centre Ltd would pay them the shortfall of £50,000 plus 30% profit. The incentive therefore was to spend more and earn less. Now most operators have moved to pay rent and to make their businesses work as any other commercial entity, therefore making huge savings.

Further, we are looking at ways in which we can reduce the cost of electricity that the ice rink consumes by seeing if solar panels can be placed on the roof to produce electricity and at the same time have air conditioning for the whole of the centre, since the one that was originally placed there by the previous administration was not fit for purpose. In fact, I can give you the information that the system was one for offices and not for a leisure centre, and within a year it was broken – and it cost in the region of £750,000. This is what we inherited.

I would like to take this opportunity to thank the management staff of the centre who have taken the brave decision to run the whole of the centre themselves – they were ex-employees of the GSLA; further, to thank some of the users of the rooms at the centre, who have had to, at short notice, make alternative arrangements to give way to the IT department to use these rooms to introduce the new ID card system. Suffice to say that once this is completed they will be able to return to using these facilities.

Mr Speaker, in the past year the Gibraltar Youth Service has undergone a number of significant changes, most noticeably within its structure and staffing arrangements. This has led to an increase in face-to-face work as we are reaching out to more young people. The administration role of the Gibraltar Youth Service is now based at the main office of my Ministry for Sport, Culture, Heritage and Youth at the City Hall, where the staff continue to provide support for the Youth Service. The professional complement of the Youth Service has been restructured to consist of a principal youth officer, two senior youth workers and five senior and community youth workers. In September 2014 four new youth and community workers joined the youth work team. The youth work team is complemented by supply youth support workers who provide support to the full time youth and support team. The Youth Service has been working with Human Resources in regulating the employment status and proper contracts have been issued. This will correct a longstanding issue affecting this group of workers.

In addition, to support the work carried out by the youth clubs we have once again offered the locally recognised and assessed courses in Understanding Youth Work to volunteers and prospective youth support workers. This year, trainees are able to select the assessed or non-assessed route. The non-assessed routes offer the trainees a certificate of attendance along with the chance to volunteer their services to various youth work projects. The Youth Service is committed to personal professional development and it has set up a skills audit of all its employees.

The youth clubs have now undergone significant refurbishment, and now, in addition to their current facilities, they have all received new air-conditioning systems and multi-media stations with surround systems. The Youth Centre has been upgraded and it now enjoys new equipment for photography and media projects, DJ booths and modern lighting equipment.

The Youth Service team has been committed to continue operating the four youth clubs. In addition to normal club opening hours, the team has also worked very hard to reach out to more young people and offer more weekend work of high value and quality youth work projects. The Youth Centre began opening its doors during the weekends, as we promised in our manifesto, as from 18th January 2014, last year.

The Youth Work team has been able to offer young people the opportunity to take part in new community projects with outside organisations. They have participated in charity work by helping the Cheshire Home Group with their flag day and manning the stand on the Mental Health Week, to name but two; the Luce Foundation project leading to a residential week in Spain, PSHE and personal support with both Bayside and Westside Comprehensive Schools and the College of FE; Social Services training programme, safeguarding children; working closely with the Royal Gibraltar Police neighbourhood policing units in the areas of the four youth clubs; organising treasure hunts, Halloween events and Easter projects that provide food hampers to vulnerable adults in the Community; a group of young people also took part in a Heritage Trust project to plant trees in the Upper Rock; trips to the Isla Magica, La Finca, in Alcaidesa, Aventura Amazonia and many others, which I will not go through, but all these and more are what develop personal skills. Young people from the Youth Centre hosted a group from Wales and returned with them, visiting Wales for two weeks. This trip saw them do many fundraising activities in which they participated to pay for their own trip. A group of young people from Sweden visited the Youth Centre and both groups cooked and did many activities together. Their leader had previously been involved in a youth

exchange with the Gibraltar Youth Service in the late 1990s. All in all, a great variety of events that empower the young to develop their personal skills and to become caring people in our society.

1770 A Youth Forum has been formed to give young people the opportunity to share their views and opportunities on issues that affect them and our community. The members have had meetings with me, where they had the chance to put their views forward and make positive contributions to our community's development.

1775 Young people have been involved in a project to create a short movie on what the youth clubs offer as a way of attracting more young people to participate in activities organised by the Youth Service. The movie, called 'My Opinion Matters', has come about as a consequence of the fact that they know that we listen to them and value their opinion, and to this end I intend to meet with them as regularly as *they* deem necessary. The Youth Advisory Council has been re-established and will also meet regularly.

1780 As can be seen, the Youth Service is an extremely busy organisation and has been providing and successfully achieving these projects during the last few years. With the new youth and community workers in post, we hope to continue our successes and look forward to an even busier and promising year ahead.

1785 This year has also been a busy year for heritage and the coming year promises to be equally exciting. As I stated above, we have now completely undone the mess created by the GSD administration in relation to the Culture and Heritage Agency by replacing the cultural side by GCS. The Heritage side is replaced by the Museum team under the tenure of Knightsfield Holdings Ltd, together with the Ministry of Heritage – that did not really exist.

1790 Insofar as the Gibraltar Museum is concerned, it is now functioning under the terms of a management contract signed with Government, and I am pleased to report that the sense of having moved away from the agency system is palpable already. Among the improvements to the Museum this coming year, the 86th anniversary of its foundation, will be the complete reinstallation of its climate control system, important for the proper care of the collections and also for the comfort of visitors. The last financial year saw the repainting of the building that is looking like a property of significance which is deserving of a Museum. The entrance will be relocated to its original place. Now that the building has been refurbished it makes sense to have this entrance at the north-eastern corner of the building. As part of these changes, new displays will be opened as part of the Museum's ongoing programme of renewal. The recent open day was, yet again, an unqualified success.

1795 In relation to the involvement of the Ministry, we now have governmental oversight of our tangible heritage and archaeology that has been augmented and retained in house by the appointment last October of our own archaeological officer. Here, as well as all the other changes... has seen our heritage looked after even better. Our heritage filter is now stronger than ever, with direct liaison between the Government, the Gibraltar Heritage Trust, the Museum team and the private developers to iron out as many heritage concerns as possible before DPC. Our new heritage filter also provides expert advice to DPC itself as well as to different Government Departments and important stakeholders such as the Gibraltar Heritage Trust. This will streamline any heritage concern that may arise. Already the system is being put into place where developer-funded archaeology will be the norm rather than the exception, making Gibraltar increasingly compliant with our international obligations and current archaeological best practice in the UK.

1800 To this end, I am happy to report that the Gibraltar Heritage and Antiquities Bill is now at its final draft; A highly complex and encompassing legislation that will enshrine many of our heritage and archaeological concerns, providing a higher level of protection for buildings, sites and conservation areas than has existed to date. The bar will be set high, thereby providing the necessary baseline from which to seriously protect and preserve our unique heritage for future generations. The mantra throughout has been heritage protection that safeguards development, continued construction tempered by measured heritage mitigation. Needless to say, it has taken us four years to get right what it took the Opposition 16 years to fail on. This has been achieved with the participation of all stakeholders.

1815 The Ministry for Culture has been instrumental in a large number of projects, big and small, across the whole of Gibraltar, including minor works on the dockyard clock, Trafalgar Cemetery, St Jago's Arch, Eastern Beach Bunker, Giralda Gardens and others; plus major works on Montagu Bastion and the Main Guard, the Heritage Trust office. And I am happy to say that by driving yesterday via where Water Gardens is, the Estate opposite, I see that the Old Mole Head will soon be completely demolished, the building at the top, and will be soon exhibiting what it was in its former years and glory years. While in many cases these projects commenced last year, we can now report the satisfactory completion or near completion of all of these.

1820 In the case of Wellington Front, we are now well underway to opening the whole of the promenade linking Line Wall Road at the level with the John Mackintosh Hall to the King's Bastion Leisure Centre. This is a first phase that we hope to eventually link southwards to Rosia Road and north to the American War Memorial.

1825

The Northern Defences, long abandoned and derelict, is now getting the attention that it deserves and the contractor on site will continue to work on this unique site with a view to open it up to the public and to allow private entities to consider expressions of interest on the whole or part of the site.

1830 The City Hall is now exclusively for the use of cultural, leisure and historical events, as we promised in our manifesto we would do. As mentioned above, the Mario Finlayson National Gallery is now opened to the public. The Mario Finlayson National Art Gallery took only five months after it was first announced by the Chief Minister to complete. Not only does this speak volumes about the professionalism, commitment and dedication to work of my staff and of the Gibraltar Cultural Services, but also this Government's profound respect, appreciation and ethos of preservation of our culture, architectural heritage and identity as
1835 a people. This is only the first phase of bringing back this iconic building to its former glory. As most of you know, the Mayor's Parlour is situated on the first floor of the building and guests to receptions hosted by the Mayor were either not able to attend or had to be carried by people of goodwill up the stairs. Our Government's policy is to make places accessible to all. Therefore the second phase will be done in this financial year and will see a much-needed lift, which will go all the way up to the top floor. This will be
1840 followed by the refurbishment of the exterior of the building in order to cure the historical problems of dampness. Thereafter the rest of the building will be refurbished.

As for the future, we can look forward to a number of exciting heritage restoration and refurbishment projects, including the façade facelift of the Ince's Hall to complement the excellent work done on the Gibraltar International Bank; repair and restore the Grand Battery to continue from the works on the
1845 Northern Defences; and the active rediscovery and re-use of abandoned heritage assets such as military magazines, bunkers and buildings for use by clubs, associations, NGOs and others. The Performing Arts Academy mentioned above is yet another example of how places of heritage can be restored in a sensitive manner for our current needs.

This past year has seen intense activity with regard to the World Heritage bid for the site that has been named Gibraltar Neanderthal Caves and Environments. The Department for Culture, Media and Sport of HM Government of the United Kingdom is presenting this bid on behalf of HM Government of Gibraltar as their sole nomination for 2016. This speaks volumes for the quality and potential of the site and its outstanding universal values. The nomination dossier was completed and submitted on time and it is now in the process of evaluation by UNESCO. In addition to the preparation of the dossier, which has been carried
1855 out by the Gibraltar Museum after wide consultation with stakeholders in a formal steering committee, works have been carried out to the site and some are in the process of completion. These works have included cliff stabilisation and protection of the cliff above Gorham's Cave, removal of old scaffolding and debris accumulated on the beach over the years, repair of the steps leading down to Gorham's Cave and erection of new access into the caves themselves. Other works have included the beautification of the approaches to the site, particularly along Europa Advance Road.
1860

The assistance of other Gibraltar Government Ministries and Departments and NGOs should also go on record, as all have pulled together in order to be able to deliver on what has been and continues to be a major project with international recognition. We are pleased with the outcome so far but are not resting here. A five-year management plan has been produced for the site and has the approval of stakeholders and the Government. In order to continue this process we will introduce interpretation of the site and we will promote the site as a new tourist product.
1865

I hasten to add that the site's sensitivity means that access to the caves will be strictly controlled, but there will be viewing platforms at the Europa Advance Batteries from where the caves can be seen and understood. As part of this process I am pleased that we have been able to work together with the Gibraltar Clay Target Shooting Association in the beautification of the site that they currently occupy at the 3rd Europa Advance Battery. It is a good example of how the community can work together and rally round a cause, with everyone winning in the process.
1870

In order to ensure a balance between excavation and protection of the site, a five-year research and conservation strategy has also been prepared and this will run in parallel with the management plan. Recognising the importance of this aspect, an international committee was appointed, headed by a former deputy director of the UNESCO World Heritage Centre, to oversee the strategy. The excavations have now resumed in these important sites during June and July. To this end, extra staff are being recruited, amongst them archaeologists, researchers and technical assistants, as well as other administration personnel.
1875

Together with this bid, works have also been undertaken at the old Moorish Castle Prison site. A feasibility study is currently being carried out with a view to providing office accommodation, laboratory facilities and storage space for the UNESCO project. An added bonus is that the historic sections of the old castle walls and prison will also be opened to the public for guided tours, eventually linking to the Northern Defences area through Road to the Lines.
1880

I am also pleased to report that this year's Calpe conference will focus on the Neanderthals, appropriate in the year of nomination, and that an impressive line-up of top world speakers has been prepared. The conference will take place in the brand new premises of the University of Gibraltar between 24th and 27th
1885

September, a fitting tribute to the academic and learned nature of the conference. I am happy to have collaborated with my colleagues in the Education to make this possible. In fact, by working in the collegiate approach that our Government has instilled, it has meant that collaboration between Departments has worked in many areas linked to heritage. The opportunity to have refurbishments in the Museum building was taken up to install new entrances to the attic, including new swift and bat boxes in key locations and this was done in collaboration with the Ministry for the Environment. I am sure Mr Netto will be very pleased to know that we also have now have swifts coming more to Gibraltar. I am pleased to announce here that the swifts have taken immediately to these new nest sites and we are making a contribution here to the conservation of these birds. (A Member: Hear, hear.) (*Banging on desks*)

Finally, and continuing with this Government's commitment to research, I can announce two important pilot research projects. (*Interjection*) The first is in collaboration with the University of Cambridge in studying the human remains uncovered at the Old St Bernard's Hospital site, constituting a uniquely large and historically significant sample, the study of which provides an important historical snapshot into the development of health in Gibraltar during the 17th and 18th centuries.

A second research project is being organised with University College London. This project looks into recovering for posterity, through the use of texture mapping, the important 18th century graffiti from the Gibraltar under Siege buildings. Some of this graffiti includes text by Lieutenant Ince, of the Great Siege fame... and importance and very rare and provides yet another example of Gibraltar's unique place in history.

Since assuming responsibility for Bruce's Farm, this administration has worked tirelessly to ensure that those who suffer from the consequences of addiction are able to access this service and be dealt with in an expeditious manner. For the last three years we have seen year upon year increases in the occupancy at Bruce's Farm. In fact, the average occupancy during this year tells us that we may have our busiest year in Bruce's Farm since it opened in 1999.

Over the past year we have established a partnership with Broadway Lodge, one of the most respected and longest-established drug rehabilitation centres in the UK. Already we have a rolling programme with them to oversee the continued improvement in the services we provide. Some of our members of staff have been able to undertake training attachments with them, and one of our senior managers has spent three months with them to take part in a review we have provided. This has allowed us to benchmark our services and implement a series of improvements that are still ongoing.

As was announced in my predecessor's Budget speech last year, we have now employed an additional counsellor who now provides a further source of support for those who, for a variety of reasons, cannot commit to a residential programme. This has enabled many persons who in the past would have not received any help to undertake a programme that mirrors that which is undertaken at Bruce's Farm, but within the community. Additionally, we have extended this service to the prison. The link between drugs and crime is well documented. For the first time we are able to undertake real, tangible work with inmates and, if necessary, either refer them to Bruce's Farm upon completion of their sentence or continue to provide support upon release. The take-up of this service is encouraging and over the past six months we have increased this service from one to three days a week.

We also continue to work very closely with volunteer groups, such as Narcotics Anonymous and Alcoholics Anonymous. We have facilitated their increased input within the prison, where they perform some very effective work with inmates that complements that undertaken by our counsellors in this establishment.

An important development has been the establishment of a halfway house for those who complete treatment at Bruce's Farm. We were finding that one of the major issues faced by those finishing residential treatment was that they faced being homeless. This inevitably contributed towards their relapse. We now have a specifically designated flat that has been constantly in use for the past five months. This is going a long way towards ensuring that vulnerable people are afforded an opportunity to reintegrate themselves back into the community in a planned and supported way.

At a strategic level we have now re-established the Drugs Advisory Council, which had lost all focus and was allowed to lapse by the previous administration despite its statutory nature. We know that drug misuse is an issue of concern to many of us, as evidenced in the recent Police Authority survey. We risk not making a real impact unless all stakeholders from health, law enforcement, education and rehabilitation pool resources and ideas to formulate initiatives to address the threat that drugs pose to our community and individuals alike. This Council has now been relaunched and it has been tasked with formulating a revised drug strategy.

The fact that Rehabilitation Services now falls under the remit of my Ministry opens many exciting opportunities in terms of taking an anti-drugs message to the wider community. Already the drugs team is in discussion with the other constituent teams within my Ministry to explore how we can achieve this in such diverse areas as sports, culture, heritage and youth and other public events.

1950 Several meetings have been held in relation to my responsibility for civil rights, which include the Ombudsman and the Citizens Advice Bureau. As we all know, these entities run in an independent manner and our Government will not interfere in the way they run only to give financial support and general encouragement. The only change that I would like to announce at this stage is that the Ombudsman's office, as the Hon. the Minister for Health, Dr John Cortes mentioned in his Budget speech, is now charged with the complaints received by users of the GHA. Another manifesto commitment completed.

1955 In conclusion, Mr Speaker, in this last year we have seen the culmination of some of the works we started in 2011 and the continuation of others. All the Ministries that I have been responsible for and the ones that I have now have seen a vast improvement of service and a great deal of investment. We promised change, and change we have and will continue to deliver. Whether in sports, culture, heritage, youth or drug rehabilitation, the improvements are there to be seen. Investing in our people is what we, as a Government, have as our first priority.

1960 I would like to take this opportunity to thank all the members of staff under my responsibility who have worked hard to fulfil all the manifesto commitments that we had promised in the General Election of 2011.

Thank you, Mr Speaker. (*Banging on desks*)

1965 **Chief Minister (Hon. F R Picardo):** Mr Speaker, after that *tour de force* in respect of the portfolios that the hon. Gentleman is responsible for, I move that the House do now adjourn until 11 o'clock tomorrow morning.

Mr Speaker: The House will now adjourn to 11.00 tomorrow morning.

The House adjourned at 7.54 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.01 a.m. – 1.33 p.m.

Gibraltar, Wednesday, 24th June 2015

Business transacted

Order of the Day	2
Government Bills.....	2
Appropriation Bill 2015 – For Second Reading – Debate continued.....	2
<i>The House recessed at 1.33 p.m. and resumed its sitting at 3.04 p.m.</i>	24

The Gibraltar Parliament

The Parliament met at 11.01 a.m.

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

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

Order of the Day

GOVERNMENT BILLS

Appropriation Bill 2015 – For Second Reading – Debate continued

Mr Speaker: The Hon. Sir Peter Caruana.

Hon. Sir P R Caruana: Thank you, Mr Speaker.

5 With Mr Speaker's indulgence, if my hopefully brief address sounds like a political swan song then that is because, of course, because it is.

I am delighted to see that the practice that I started, of announcing here how many Budget speeches I had done, appears to have caught on and it has been adopted more widely, which I think is good because it allows *Hansard* to record people's trajectory through this Parliament. This is my 25th and last Budget debate.

10 I recall, Mr Speaker, your predecessor immediately after the by-election in 1991, in which I was first elected, then Sir Robert Peliza had a bit of a dilemma because the result of the by-election was on the last night that he could give me the 30 days' required notice of the Budget Book before the scheduled Budget debate which was to be my first. And he chased me round John Mackintosh Hall with this Budget Book in hand to make sure that he delivered it to me before midnight and that I could not forget. Of course I would happily – then not as bold as I was to become – have waived any technical requirement in that regard. But the 1991 Budget immediately after the by-election was my first.

15 Mr Speaker, during these 25 years – most of them spent as Chief Minister, but eight or nine of them in the no less worthy role of Opposition Member of this great institution – I have of course seen much change and my principal political rival, except in the latter years, the current Chief Minister was of course Joe Bossano. Joe was, I have to say, a formidable political opponent. Formidable but always engaging and I am glad he is not in this House yet today to hear that, because I suspect he is not one taken for being eulogised and probably would enjoy them even less coming from me.

25 But nevertheless I think it is appropriate to mark at the end of my 25-year parliamentary career that for many of those years I have had opposite me not just a formidable partisan political rival, but also a rival who himself contributed much to the Gibraltar that we all enjoy today and whose own political career will, when it concludes, I think, stand amongst the great ones in Gibraltar's politics.

He and I of course, agreed on some things, we disagreed on many and I hope and suspect that we may have agreed on more than either of us are willing to publicly admit.

30 Of course the great ideological rivalry, apart from his supposed socialist agenda and my supposed – in our respective political jargonism – right wing political agenda... the great divide in domestic economic terms was Joe's, I suspect, still held 'rainy day fund' mentality when it comes to economic stewardship versus our approach at the time which was that Gibraltar needed to spend, to grow, to reposition, to create an environment, to create a climate, a fiscal as well as a reputational environment, in which further investment would become more attractive to foreign investors and that way start a snowball rolling which

35 only Government funding at that time could really do in sufficient measure.

One thing that Joe Bossano once said whilst I was still an Opposition Member of this House before my tenure as Chief Minister began, has always stuck in my mind during all the years that I was Chief Minister and, indeed, I sought to adopt as a mantra and that is when he said that there is no political security without economic self-sufficiency. In other words, that this community, challenged and threatened as it is politically, could not without independent economic security safeguard its political security and as I say, I adopted this mantra because it struck me as absolutely right.

Whilst immodestly claiming a proportionate share of whatever credit might be due, together with all the other social and economic stakeholders and partners in this community, that must equally share how Gibraltar has succeeded as a community during the 25 years that I have been a first-hand witness of its progress through my 25 years in this House.

I do not wish to bore the House with economic statistics and I will try to mention none, but in those 25 years, the economy has grown from around a couple of a hundred million to the levels that the Hon. the Chief Minister announced earlier this week. That is a nearly six-fold increase in the size of our small economy. Employment has much, much more than doubled; there are many more than twice as many people in economic activity in this community than there were 25 years ago. There has been a huge increase therefore, not just in the number of jobs but in the quality of jobs, and the earnings and take-home pay of our citizens.

There has been a huge reduction in the tax burdens suffered by our citizens and there has been a massive real increase in Government revenue. All of that, in turn, has enabled equally massive forward strides in the services that this community enjoys. The services that people often do not include but should include, because they are the principle ingredients of the definition of standard of living and quality of life which is not just measured in the amount of money that you can dispose of as a family through your pay packet, but also the quality of the health service that you enjoy, the quality of the education that we enjoy as a community, the caring services and the other public services, all of which have seen leap and bound forward strides in the last 25 years.

Indeed, I suspect that many of the youngest members of our community simply have no knowledge or understanding of just where Gibraltar came from in respect of what we now take for granted in the general description of social wellbeing. There have been massive forward strides in housing availability, both public and private; in, as I say, disposable incomes; in the renewal we have been able to renew our major public amenities and institutions – our prison, our hospitals, our air terminal, our court houses, our sports and leisure facilities, public housing; we have been able to engage in transformational urban renewal and beautification.

So there is no doubt that in the last 25 years – and I would say a little bit more... I keep on saying 25 years because that is what my first-hand political witness is, but of course I do not wish to minimise and I will recognise in just a moment, the indispensable contribution made by those that came before us in achieving whatever it is that this community has been able to achieve subsequently.

So a huge improvement in the quality of life and in the standard of living of all Gibraltarians, but more importantly or perhaps most importantly beyond that, it has delivered economic security and, with it, the greater political security that was the other half of the mantra that I mentioned at the beginning of my address.

In short, this community has proved adept at caring for the infamous metaphoric political pear tree and we have known how to, not just to ensure that the pear does not fall, metaphorically, from the tree, but that the pear has grown and that we have been able to benefit from it. And that is a measure not just of the correctness of the mantra, but the skill and success with which successive generations of political leadership in Gibraltar has been able to put the mantra in effect, into effect.

So, gone are the days on the back of our economic security; gone are the days of our political forefathers having to go cup in hand with requests for development aid to the UK with political conditions attached. And not for the first time, I will recognise in this House just how much harder it was for – if I could just call it loosely – pre-1988 Governments in Gibraltar; short of money, as they always were, to govern Gibraltar and to advance the social and economic prospects of this community with a much smaller, much less prosperous economy and therefore much more constrained availability of funding for the Government.

Their job in keeping Gibraltar politically safe as well as economically prosperous was therefore all the more difficult and we owe a debt of gratitude to those who laid the ground that we were then able to cultivate and see grow the rich economic social and political harvest that we have since been able to harvest from the ground that they laid.

So, gone are the days when the MOD sat on our most valuable land resources. So too, gone are the days of bilateralism between the UK and Spain. Now we have, instead, the double lock, when the UK will not only not give away our sovereignty without our wishes – the famous preamble to the Constitution – but will not even negotiate or discuss our sovereignty without our freely expressed consent. And although I recognise that it was my predecessor in office, Joe Bossano who effectively broke, psychologically, the mould of – not subservient because I do not think any of his predecessors were subservient – but the

100 previous mould of political and governance relationship between Gibraltar and the UK, it was the new
Constitution of 2006 that definitively reduced to print, the degree of self-Government and autonomy that
this community had, in a sense, helped itself to, through bold political actions and courage before that date
in making good the equally democratic and necessary mantra that Gibraltar is best governed by
Gibraltarians for Gibraltarians.

105 And so the new Constitution, and so the double lock, and so the end to bilateralism, and so the fact that
nobody nowadays seriously contemplates the realistic prospect that it is possible – not just undesirable, that
it is not even possible – for the UK and Spain to contemplate hatching a deal affecting our future status and
our future rights, behind the backs and over the heads of the people of Gibraltar. That degree of political
security which has been won gradually over 25 and more years is itself the result of our growing economic
independence and the economic security that comes with it.

110 Therefore I do not think that the correctness of the mantra, economic security is necessary – not just
because it is desirable to give the people of Gibraltar a good standard of living, but also because it is the
necessary ingredient for our political security... I do not think on the basis of the evidence of the last 25 and
more years, I do not think that anybody can possibly doubt that that is the correct and successful mantra that
should underpin the conduct of politics and governance in Gibraltar.

115 So if I could now stop looking backwards and turn my swan song-ish gaze forward a little. Given what I
have just said about the correctness of the mantra, it is my view that this community cannot take for
granted, we cannot assume, that economically good times will always be with us. We have had a very long
and good run of good economic times and there is a danger that we all get – rather like a generation that has
never seen a slump in property prices, you know we can all get – lulled into a sense of false security that
economic hard times can never hit Gibraltar, that we have got the magic formula, that whatever happens
120 anywhere else things will always be rosy in our gardens and nothing will ever appear on the horizon to
challenge our standard of living and to challenge everything that we enjoy today.

Well, as many countries have discovered in the last five or six years, this is simply not true and it is
simply not a safe assumption upon which to ensure that our future generations of Gibraltarians enjoy the
good fortune that we, this generation of Gibraltarian, are undoubtedly enjoying.

125 I am not talking about mistakes that any Gibraltar Government might make – and of course all Gibraltar
Governments will make mistakes. That is not what I am referring to; I am referring to local factors out of
the Government's control, global and regional factors out of the Government's control and events out of the
Government's control. Any of them could at any time deliver a change of prospect compared to the good
one that we enjoy today.

130 Now that I hope that after 25 years of the modernisation, of the rebuilding, of the repositioning of
Gibraltar; now that I hope that as a political class, we – or more likely you, because I will not be part of it
for very much longer – can agree that perhaps that rebuilding and that renewal of Gibraltar is substantially
complete. There are still things left to be done, but there is a limit even to the amount of housing, for
example, which is historically our acute problem; there is even a limit to the amount of home-ownership
135 housing that this community, given its limited size, can absorb. There are, I acknowledge, pending things
left to do.

There is the urban waste water treatment plant, there is power generation and distribution, there is, I
hope, the tunnel still to do and there are things to do of a major kind; and it will always be the wish of
Gibraltar Governments to invest part of the fruit of our economic success in further improvement of the
140 modernisation of Gibraltar and its amenities and the personal prospects for individual economies, of
families within our society. But I think it must surely be true that we must now be much closer to the end of
that journey than even to the middle of it, let alone to the beginning of it.

145 That said, we need to consider, we need to have a... I do not know how these things happen – with great
difficulty in the pressure of modern politics, I suspect – but this community needs, for its own good, in my
modest opinion, to find a way where it can, over a period of time, somehow rebase or recalibrate or refocus
our approach to the business of Government, to the business of politics away from really what we have had
for the last 20 or more years where you know we compete with each other to see who offers more, who
offers better, to spend more, to cut taxes more, to do this more, to do that more, because this is the perfect
ratchet, this will end in tears if it is not at some point, interrupted collectively.

150 Of course, I am not pointing the finger at this Government or at this Opposition, because we have all
engaged in it, we have all indulged in it. I am not saying that this is a lesson for anybody in particular. I am
speaking of what I would like to see if I look forward five, 10, years from now, what would have changed
for the good of that economic security which we all agree is important for our political security, might have
happened. And we need to find... and I do not under estimate for the reasons of a sigh, sedentary comments
155 and consequent sniggers; precisely for those reasons, I do not under estimate the difficulty of finding it. But
I think it will be a huge legacy that the new generation of political leadership in Gibraltar will leave.
Perhaps more valuable and more lasting than anything tangible that they achieve, if they are able to work

together to deliver that change in the way in which we conduct politics, that recalibration and that re-basement.

160 So, going round full circle to the very beginning of my address and my reference to the great sort of culture, the great sort of clash of ideas – Joe Bossano’s rainy day fund versus Caruana’s spend and spend to grow approach – has the time now come, has the day now come, has the moment now come, to focus more on the rainy day fund attitude? My view, I am not saying this is something that has got to be done overnight. I mean I would be shocked and slightly disappointed if at the next General Election sort of both
165 manifestos promised to do absolutely nothing that cost any money – unlikely and surprising! So this is a process that has got to take place and the process, if it is to have any meaningful chance of success, has to start with a conversation about how the process would be carried out and perhaps some external non-political but local intervention or assistance might assist.

170 So should we be putting money aside in a sort of sovereign wealth fund or reserve to cushion us from such bad times or less good times, as may become Gibraltar in the future, so that we can protect, guarantee our economic security and through it protect and guarantee our political security? I think the answer is yes and if I should ever succumb to the temptation of which there is presently no evidence whatsoever, of writing some sort of book and I ever answered the self-posed question of what sort of things do you regret not having done or not having done better during the 16 years, or 15 and a bit years, that I had the
175 stewardship of this community, somewhere in that list there would be that I did not start creating a sovereign wealth fund sooner.

180 We did little bits of things. You know, the investment in Gib House was, I suppose, some sort but I am not talking along that scale, I am talking about putting to one side a significant proportion of our surpluses and our wealth and investing it in assets so that over a period of time we are not buffer-less should leaner fiscal times not afflict the Government, its revenues and the economy at large. So, as I say, this would almost certainly require this sort of change of chip and I would dearly like and hope to see it materialise at some point in my lifetime.

185 And if I could just move on in this sort of rather self-indulgent or indulgent review, what else would Gibraltar benefit from advancing in now that we have made the economic, the social and the political progress that, through the hard work of successive generations and successive political parties and successive Governments and successive economic stakeholders and social stakeholders... have already achieved.

190 We need, I think, to move on to the next agenda of change and modernisation. So when – I am not saying... it may not be now – but when we all agree that we have finished re-modernising, and rebuilding, refurbishing, and beautifying, and providing parks, and yacht marinas, and housing, and new court houses and new air terminals, when we have finished all that, what is the next level that will take Gibraltar that next qualitative step in our collective journey towards a prosperous modern European member of the family of nations that fall into that description?

195 There are one or two things that I am going to touch on. Well, you know it is not that long ago that this place was an Assembly and you know in the new Constitution we managed to get it recognised as a Parliament; and there is a difference between a Parliament and an Assembly. An Assembly simply, theoretically exists for the purposes of passing laws, whereas a Parliament has got a much wider role in the governance, the affairs of a country, beyond the simple role of passing laws.

200 Whilst recognising the improvements introduced by the hon. Members opposite to the way that this House works since they arrived in office, I do not think that that can be the end of that agenda in terms of the wider, deeper, new agenda of further modernisation, not just of the way that this Parliament works but of the quality of democracy in Gibraltar.

205 By which I mean, how do we make the way democracy works in Gibraltar more like the way democracy works in larger, more modern, developed European countries and less like what we have been all these years – an Assembly snatching for powers from the administering power, if I can call it that, fighting for self-Government powers and not focusing on the things that other countries have been focusing on because it was premature for us to do so because the focus was on just acquiring the right to govern ourselves without focusing on how we would govern ourselves when we got the powers to do it? That is what I think is, interestingly perhaps, the focus of the agenda for the future.

210 I think high on that list has to be a discussion, a consideration, by those who will do the brainstorming that is the next generation of political leaders in Gibraltar sitting on both sides of this House, but not including me, an independent transparency mechanism. And in talking about an independent transparency mechanism, I am not treading on the debate about whether, if things had been done through the company, had been done through the Government, public debt would then be too high or too low. I am not talking
215 about quantum; I am talking about the machinery of transparency – whether you are in Government or whether he is in Government or whoever is in Government in 30 years’ time.

Because, you see, transparency cannot depend... We tend to debate transparency as it affects us across the floor of this House, but most European countries have moved on, as the hon. Members have in part

220 recognised, by freedom of information legislation. Transparency nowadays is not just between politicians; citizens are entitled to be the beneficiaries of transparency as well and they do not have the right to come into this House to ask astute or less astute or more astute or better informed or less well informed questions.

225 So transparency cannot depend on asking parliamentary questions or on deciphering or making deductions from the answers, or even understanding the answers. Transparency has got to be if we want to look like other countries, it has got to be systemic and it has got to be automatic and the information has just got to be there for those who understand it, to see it, for those who do not understand it perhaps to abuse it but at least there, visible without the need to scrimp and scrounge and ask, beg and debate and do all manner of things, in order to try to get to it.

230 And remember, Mr Speaker, that I am describing the position as I would like it to be in the future. We have governed under the system, such as it is, as well. Of course we have a different view – as the hon. Members know in the context of the current debate – we have a different view about the extent to which that system is being used now, compared to the sort of things that we did, but that is not the debate that I am addressing at this time.

235 So in a sense, Mr Speaker, every time the Hon. the Chief Minister accuses the Leader of the Opposition or whoever, of not understanding what he is being told, that the information is there, in a sense – I mean this may be an acid test of the correctness or not of what I am saying – in a sense, every time he gets the opportunity to say that to a political opponent, there is an element of recognition that the necessary degree of automatic availability of the information is absent.

240 Because in saying, ‘You have not asked the right question,’ there is an admission there that you had to ask a question, for example, that you had to deduce, that you had to make deductions, as opposed to fiscal matters. And by fiscal matters, I have to say, Mr Speaker that I understand... I do not claim any particular authority for this statement but in my personal opinion, transparency of public finances should and must include the handling by the Government of all monies that it handles, whether it be in Government-owned companies, as we used to do as well, or whether it be in the thing that we are technically debating at this time, which is the Consolidated Fund of the Improvement and Development Fund – in other words, any economic resource about which those that are elected into political office have dispositive powers over, should be the subject of whatever modern automatic transparency mechanism is in place and that is, I do not think, is the case today.

250 This gives me the opportunity which I do not wish to miss in this, my last address to this House, to applaud my friend, the Leader of the Opposition, Danny Feetham, for the brave, honest and persistent way in which he has done the Opposition’s difficult job of addressing these complex questions that do not always strike a chord with citizens as they go about their day to day work. But who in this House can honestly say that they would have been surprised if a Leader of the Opposition, doing his job, as we in a non-partisan sense would expect a Leader of the Opposition to do, if the Leader of the Opposition had *not* addressed this debate in the name of transparency?

255 And then people can have different views, people can agree or disagree. I think the House well knows the view that we take on this side of the House of that position. I think that Danny is a worthy, able and hard-working successor of mine in the leadership of the Party and I sincerely hope that all those people who are otherwise minded to vote for the GSD at the forthcoming General Election, will place their trust in him, because he deserves it.

260 So question also whether in this list of possible new architecture for the future, we might also have for example, an independent Budget responsibility mechanism, as they now have in the United Kingdom, whether perhaps... and this is something that I considered in my time and decided against, but it is something worth reconsidering from time to time – whether an international credit rating which necessarily imposes a degree of external oversight through a market assessment mechanism. It has its risks, but it has its democratic advantages too.

270 So, Mr Speaker, the next generation of leaders will have to debate these things and take Gibraltar forward in those and whatever other elements they think should be included in Gibraltar’s new agenda items for the future, as their predecessors have done in relation to the economic and political security of Gibraltar. My view is the goal should be what does this community need to do in terms of its system of governance to bring Gibraltar closer to the way other European democracies do democracy? And I do not mean that we vote for a Government and I do not mean all the improvements that they have introduced over the last four years, in the frequency of meetings, I do not underestimate or mischaracterise the value of those improvements and I recognise them as improvements but I think that the agenda has much further to go.

275 Mr Speaker, I cannot end without making a brief reference to external affairs. To reduce the propositions to the briefest and simplest, in my view and having sat in the chair there for 15 and a half years, and been pulled and pushed and considered this and rejected that and considered the other and put everything into the decision-making pot at different times, you know after a 15-and-a-half-year learning curve, effectively, I am firmly of the view that if there is to be any architecture – which I thoroughly

280 recommend that there should be – for ongoing dialogue between involving both Gibraltar and Spain, then
the trilateral – or some version of it which respects the essential ingredients of the trilateral process – is the
only way forward.

I do not say that the precise architecture of what we call the trilateral process is the only viable method,
but any method that replaces it, if one is to replace it, has got to respect the essential ingredients of that
285 omelette because that is where our political security lies. And of course – and this is I suppose a general
reflection to another Joe Bossano mantra – there can and must never be a return to bilateralism in Gibraltar,
because that necessarily amounts to a denial of our rights as a people and the moment that we sign up to a
denial of our rights as a people, then as sure as night follows day, there will be a disrespecting of those
rights by others.

290 And in respect of the Cordoba Agreements, which can be differentiated from the trilateral process – the
Cordoba Agreement was simply the first supposed fruits of the trilateral process... Insofar as the Cordoba
Agreements are concerned, we have, at not inconsiderable cost to us as a small community, honoured our
side of the bargain and Spain must do the same. And the consequences of Spain not doing the same are not
just that the fruits of the Cordoba Agreement are denied to the people on both sides such as the fruits were
295 for one side or the other or for both, it is the fact – and this is, in a sense the most worrying aspect of it –
that if Spain does not honour the Cordoba Agreement, then I do not see how any Gibraltar Government in
the future can be asked, or expected to, or can safely itself decide to, trust agreements of a political kind
with Spain in the future.

And the EU must itself take care that it does not aid and abet Spain's resilement from compliance with
the Cordoba Agreement such that it, the EU, is not itself contributing to making the political relationship
between the three parties in relation to Gibraltar more complex. I am, of course, referring to the Cordoba
Airport Agreement which, by the way, was notified to the EU institutions, was notified to all the Member
States and not only does Spain have a moral, political – if not a legal, because it was not a sort of Treaty
obligation – to honour that, but the EU who accepted notification of the arrangements, and accepted
305 changes of language in EU aviation measures in consequence of those changes notified by the UK and by
Spain, cannot adopt a position of neutrality.

Neutrality means that you adopt a position that does not favour or oppose one side or another to a
dispute. Neutrality neither requires nor justifies that you aid and abet somebody in resiling from an
agreement which they have made which one of the sides has implemented and which has been notified to
310 you. The word 'neutrality' in that respect is much abused in my view by European community spokesmen.

So I applaud the hon. Members opposite's insistence in holding the UK to those agreements and,
frankly, it would be in my opinion a shocking betrayal by the United Kingdom of Gibraltar if they ever
struck any form of compromise agreement in relation to the Airport non-implementation that had the effect
of excluding, suspending or making in any other shape, manner or form, exceptional, Gibraltar's right to, in
315 theory and in practice, immediately benefit from all EU aviation measures to which the Cordoba Agreement
would entitle it to do so. And I am sure the hon. Members will have the support of this side of the House for
the remainder of this Parliament, as I am sure whoever forms the next GSD Government will have it from
them in the next Parliament.

Finally, Mr Speaker, I would like to thank hon. Members on both sides of the House for, over so many
320 years, their friendship, their honesty and their respect, even as political adversaries. There have been many
tough, bitter, aggressive and angry moments – of course, none of them contributed to by me! (*Laughter*) –
but consistently with, I think, our Gibraltarian instincts, I believe we, none of us, ever forgot that it was
only politics and that we never intended personal harm or hurt or offence to anybody, even though it would
not surprise me if it had often been caused. I, for myself, can certainly say that insofar as concerns me, that
325 statement is true.

I thank also my friends, the Leader of the Opposition, Danny Feetham and the Hon. Albert Isola, for
their very kind, warm and generous words about me during their interventions yesterday.

330 **Chief Minister (Hon. F R Picardo):** Mr Speaker, would the hon. Gentleman –?

Hon. Sir P R Caruana: Sorry? Yes, of course.

335 **Hon. Chief Minister:** Mr Speaker, that may be a convenient moment – because I understand he is not
going to be here tomorrow when I reply – for me to say something which I intended to say in the course of
my reply tomorrow, but I wish him to be in the House to hear.

Given that he said he was going to speak for 10 minutes and has gone on for 40, there will be much
more that I need to reply to that he might not want to be around to hear, but if I could just pause our
disagreements for a moment and reflect with him here in the House, on his 25 years of service to the
community, which I think it is absolutely right to mark and I thank him for giving way to allow me to do
340 that.

In fact, Mr Speaker, when we started at 11 o'clock I was quite worried. This was the Budget debate, Peter Caruana was on his feet, I had six and he had seven and it all started to feel quite like when I was first elected in 2003. I am very pleased that my lot have now turned up and if it comes to a vote of confidence, I stand a better chance of winning it than I did when I first saw him across the floor of the House, formidable as he then was, as Leader of this House in November 2003.

Mr Speaker, he became a Queen's Counsel in 1998, two years after becoming Chief Minister – an honour which it was right to bestow on him because of the work he had done before he became Chief Minister as a Barrister and in recognition of his skills as an advocate, which he then deployed for 16 years on behalf of one client in particular, Gibraltar Plc.

And we have had many disagreements at the time that he has been in politics, not just between him and me but of course between the Party that he represented and the Party I now represent, because it is in the nature of our adversarial system of politics that we highlight the things on which we disagree. And if, on every day we disagree about one thing and agree on 99 others, nobody looks at those 99 others; it is in the nature of our system that we apply the magnifying glass to that one area of disagreement. And of course there are many things on which we agree and we are only in this place usually concentrating on the things that we disagree.

Therefore, Mr Speaker, having become Chief Minister, when I was notified that he was going to be invested as KCMG I was very happy and proud for all of the people of Gibraltar that Her Majesty was going to recognise the service of a Gibraltarian to his community in that way, especially given the fact that 16 years in the job that he was doing, and I have done only for three, requires a level of dedication and commitment of time and of being able to withstand the pressures that others would put in our community principally expressed on the person sitting in the Chair I now sit, that that was in fact a very worthy recognition indeed of the work that he had done.

Mr Speaker, I always worry when Peter Caruana is on his feet in this place and I am nodding to what he is saying. And there were instances during the course of what he has said when I found myself nodding. Happily, I found myself shaking my head and whispering to the Deputy Chief Minister about the gall of the man to say some things, but I think he would be delighted to hear that; because I think, like Joe Bossano and like Margaret Thatcher, if you spend 20 years in front line politics and you do not divide opinion, you have not really achieved anything at all. I think Margaret Thatcher would have been delighted to see that there were strikes on the day of her funeral and that Peter would be delighted to hear that the Deputy Chief Minister and I thought that he just... we could not believe how he was thinking he was getting away with some of the things he was saying this morning.

I want to thank him, Mr Speaker, for recognising also the contribution of Joe Bossano in the way that he generously has today. The time will come when we have to pay tribute to Joe Bossano, but not today. But it is right that in his last intervention during the course of this Appropriation Debate, he has wanted to do so, and he has done so in generous terms and I am grateful for that on behalf of Members on this side of the House.

Mr Speaker, Peter Caruana is everything but an easy adversary. He is probably the toughest adversary I will ever face and therefore he was a good trainer for somebody who has got to go up against adversaries internationally, against Gibraltar. And defeating him on 9th December 2011 was, therefore, I put to him, a massive personal achievement for all of us on this side of the House, and I say that to laud him and to compliment him in saying it, because he was a giant as Chief Minister and difficult to see how we might debunk him.

Mr Speaker, in the 16 years that he has been here, I am not going to hide the fact that we had huge disagreements, certainly in the time I was here and the time that Joe Bossano was leading this Party before them. But, as I said on the morning of the election, in the 16 years that he was here he did not do everything wrong, he did much which was right and which we recognise, but of course our system, as I said, did not allow us to concentrate on those issues.

I do not think he is the greatest Gibraltarian of all time or the greatest Gibraltarian of our time and I do not think he thinks that either, Mr Speaker, and would be embarrassed in somebody pretending to claim that for him, but his remarkable election record, Mr Speaker demonstrates the regard in which this community held him for a very long time.

I must tell him I have absolutely no desire to emulate his record in that respect, but the respect of the people of Gibraltar in political terms, is expressed at election time with votes in numbers and who they put on this side of the House and they have demonstrated their regard for him in that way and as politicians, I know he and I understand as do all the rest of us sitting in this House, that that is the greatest compliment that a community could have paid him.

Mr Speaker, I want to pay tribute to others who are not in this House this morning and that is to his family because all of us in this House will know that those who have sat in the chair in which I now sit, in particular, the sacrifice, the time that one has to give up and that one's family has to give up, and the sacrifice and the intrusion that one's family has to put up with because one is in politics. They have had him

back now for some time and will have even more time from him now that he is not going to offer himself for re-election. His family has grown, he is now a grandfather and I am sure that those pursuits will be much more enjoyable even than putting a wretched young barrister against the ropes in this place, as he used to relish doing all those years ago.

These days, Mr Speaker, he is generous in his advice and generous with his time whenever a current Chief Minister has to request that a previous Chief Minister recall why certain things happened in a particular way or why certain letters were written in a particular way, and he is always available on the end of a phone when I need to speak to him and I am extremely grateful on behalf of the Government and on behalf of the whole of the community that he is available for that purpose.

All of us, Mr Speaker, in each of our ministerial posts build on the work of those who have come before and in the same way as the first hand over of power in 1972, from the AACR to the IWBP, and then again to the AACR and from then to the GSLP and then to the GSD and back, all of us are building on the work that each of us has done and I am building on 16 years of work done by him and I want to thank him on behalf of all the community for that.

He has been very clear previously, having relinquished the post of Leader of the Opposition that his interest, like the interest of most Gibraltarians, if not all Gibraltarians, is simply to see Gibraltar continue to succeed and that is exactly what we are embarked upon. He has expressed that in a way I think people see is genuine; he has avoided the cut and thrust of the partisan fray since he left the post and went to the backbenchers; he has introduced the concept of a backbencher – something that he used to be against when he was in Government but there he is on the back benches, speaking in a non-partisan way.

And I hope that he has had enough of the partisan fray, quite unlike others, Mr Speaker, I wish him all the best in any endeavour he may decide to pursue, even politics, as long as it is not on the other side of me. But I can think of few people who might better represent different international organisations than Sir Peter Caruana QC if some international organisation were to decide that they would benefit from his representation and he would of course enjoy the support of the Government in every respect in that way.

Mr Speaker, his political career is not over yet; this is only the Budget debate and there is still sometime to go before an election and I do not want to write him off, but given that he has written himself off, if I may just end by saying that, you know, giants are people who can crush you and people you might disagree with but they are still very big and he is a giant of Gibraltar politics! (*Banging on desks*)

Hon. Sir P R Caruana: Well, Mr Speaker, I think that is an extraordinarily generous set of remarks and I am extraordinarily grateful to the hon. Member for his generosity of spirit in objectively and fairly recognising what he may think I may have achieved and contributed in the past. I think it demonstrates that in-built somewhere into the DNA of our adversarial political system is the ability of people to differentiate between political hostility and personal hostility, and when push comes to shove I think as human beings we all know which of the two is more important.

I have to say, Mr Speaker, that when I relegated myself to the back bench I had not fully understood that I would be then thereafter liberally referred to as ‘the backbencher’ (*Laughter*) in official parliamentary debate but nevertheless...

Mr Speaker, in conclusion, I am not a person given to an excess of demonstration of emotions, but I have been hugely privileged and honoured by the people of Gibraltar and by my Party and by my parliamentary colleagues, to serve as their leader for many years, and I wish to thank them, my colleagues in the Party, my colleagues in Government and above all the people of Gibraltar that entrusted me with their most valuable thing – their future and the future of their children for so many years.

Of course, I have not succeeded in everything that I have tried and there are many things that I have done which no doubt I could have done better. I would be satisfied with the judgement that, on balance, I gave of my best and I left nothing in the inkwell, so to speak, of my own effort in trying, as best as I saw it, to advance the interests of this community.

I have to say I shall miss this place! Nor had I calculated that there was a huge amount of time left until the next General Election, so I will enjoy it whilst it lasts. Still, we must be down to months by now. And I suspect, my Lord, that I shall miss this place more than, judging by even the generous comments of my learned friend, some of the Members of it will miss me. But still, that is life.

I wish all future Governments of Gibraltar, whatever their political colour, Godspeed and every possible success in their continuing steerage of this fantastic country, of this fantastic people, and fantastic and worthy people, through our collective journey; and, as we sometimes forget, against odds that are stacked up against us by much larger and much more powerful countries and organisations.

I will always be available to assist all Gibraltar Governments in any way that I can in pursuit of those interests of this great community that gives us all such a happy, high standard of living and quality of life to enjoy with our families.

Thank you all very much indeed. (*Banging on desks*)

465 **Mr Speaker:** With the leave of the House, when the Hon. Sir Peter Caruana first sat in the House, he was occupying the seat which the Hon. Edwin Reyes is now occupying and I was occupying the seat which the Hon. Danny Feetham occupies. We were sitting fairly close and we are still sitting fairly close, (*Laughter*) if in different capacities.

Is this the end of the road? Well, strange things happen in politics, in public life – only time will tell!

470 **A Member:** I should hope so.

Hon. Sir P R Caruana: My wife may be listening. [*Laughter*]. [*Banging on Desks*].

Mr Speaker: The Hon. Samantha Sacramento.

475 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, it is quite amazing how time flies. This has been my first Parliament and this will be my last Budget address of this Parliament, making it important to pause for a moment and reflect on all that has been achieved for our community by this Government in our first term in office.

480 Of all the Departments that I am responsible for, nowhere is the change as apparent or as rewarding, in my view, as the tremendous progress that has been made in Social Services in such a short period of time.

We have gone, Mr Speaker, from a haphazard disjointed service, that by the very nature of its disorganisation failed to support and reach out to people as it should, to one that is now a far cry from that.

The priority has been to reorganise and restructure in a way that has best worked for the service and the service continues a process of self-assessment and review, as needs and priorities change.

485 To say that in the history of Social Services it is the first time ever that there is a full complement of staff is an achievement in itself, (**A Member:** Hear, hear.) but this Government has not stopped there and we have invested in increasing the number of social workers and support staff. Following restructures, investment in staff, resources and tools means that social workers are now able to discharge their professional duties and are no longer put in a position where they have to work with their hands tied behind their backs, and can now go further and have the capacity to develop strategic policies.

490 Historically, Mr Speaker, one of the problems was in the recruitment of social workers because traditionally this is not a profession that has been very popular locally. We have tackled this head on and in the short term we have teamed up with a specialised recruitment agency in the UK to ensure that the recruitment process is quick and effective, and we have a steady supply of social workers in the short term, and through working with the Department of Education we are engaging with the comprehensive schools and the College to raise awareness in training in this as a profession.

495 In order to properly support social work graduates, once they return, Mr Speaker, so that they are properly trained and with the right amount of support and experience, two years ago we introduced four additional posts for newly-qualified social workers where they undertake rotations throughout the service benefitting from the experience of their colleagues.

500 Since the reshuffle, Mr Speaker, the Care Agency exclusively deals with Social Services and no longer Elderly Residential Services. This was the final piece in the jigsaw, Mr Speaker, to enable the organisation to fully focus on social services for the community and work more cohesively at senior management level, and I will deal with the individual teams in turn. The exemplary team at Social Services provide a better service year on year now, Mr Speaker.

It is important to note at this stage, Mr Speaker, that during this term of office, we have increased the complement of social workers by four, introduced four new posts for newly-qualified social work graduates, two social worker assistants and more administrative support. With this investment we have been able to take Social Services to a whole new level.

510 The Children and Family Services, Mr Speaker, is made up of a number of different services providing for children and their families in need.

Early intervention is essential so as to ensure that children do not need placements outside their family homes and, Mr Speaker, we are now, I am delighted to report, at a stage where we can provide that.

515 Although safeguarding and child protection is what usually gets into the public arena, it is the work that is invested in the early stages that ensures that families move on from crises and resolve their difficulties. So investment into early intervention work, Mr Speaker, is the right thing to do and which is what we are now doing, because it helps avoid family breakdown, criminality, domestic abuse and substance misuse, among other issues.

520 As part of the restructure of Social Services, Mr Speaker, we have introduced a duty team to deal with the initial referrals of the service and they have now been able to develop databases in the last three years to gather information on the referrals that they receive. This will assist in highlighting trends in society and, as a consequence, identify where the needs lie.

525 In fact, Mr Speaker, as an anecdote, I have this morning received an e-mail from the head of the service informing me of a complimentary remark from another Government Department on how well the duty team is working and how they very actively and pro-actively follow up on referrals. It is another example of how and why the service works well, and we work at a multi-disciplinary and multi-agency level in a cohesive way, Mr Speaker – something that was never done before.

530 We are now at a stage where we have developed a database for domestic abuse. This service is to highlight families where it is a common occurrence and intervention is required. It also helps us identify families where the difficulty has begun to arise and support is offered so the couples can resolve their issues without this impacting on their children.

535 In fact, Mr Speaker, recently two social workers and the Agency's psychologist attended a training programme in the UK so as to deal with victims and perpetrators of domestic abuse. The work carried out under this programme is usually incorporated in a child protection plan because it is no longer good enough to safeguard and protect victims and their children.

We recognise that perpetrators continue to act out in a behaviour that they have learnt, and punishment itself is not the only solution. These perpetrators will continue to act out their behaviours and they continue to be parents, so they must be assisted in making the necessary changes and break the cycle.

540 Mr Speaker, the long-term team will deal with child protection, adoption and fostering, court welfare, children with disabilities and children in need. I am delighted to report that, thanks to the investment in increasing the number of staff, the social workers in the court welfare team no longer have a delay in preparing court reports – a problem that was endemic for many years before we took office.

We have introduced a respite service for children with disabilities and this fulfils one of our manifesto commitments.

545 The statutory Child Protection Committee continues to meet and it ensures that safeguarding training is offered to all those who work with children. The most significant development in child protection is the commissioning of a comprehensive child protection policy for Gibraltar, which will truly be a landmark document and policy. This has been a two-year project led by Social Services, but involves all Government Departments and key stakeholders and is now in the final stages.

550 The purpose of the Adult Services in Social Services is to assist vulnerable people aged 18 or over to live as independently as possible in the community. They have eight separate areas of responsibility, which include, in addition to the general social work: domiciliary care, safeguarding adults, day-care services for people over 60, out-of-hours emergency social work, overseas placements for adults with learning disabilities and the transition stage for looked after children who leave care, and they also sit on the multi-agency public protection and risk management of sex offenders.

555 We have had significant achievements this year. Our one point of contact referral system is now firmly in place and is being used by the different professionals wishing to ensure social work services for a range of potential users. There are clear pathways to the system in place to ensure fair and transparent access to the different services.

560 The Gibraltar Multi-agency Safeguarding Adults at Risk of Abuse procedures – and I am the Chairman of that Committee, Mr Speaker – has been very successful, with the number of referrals being received from other professionals continuing to increase over the past year. This is due to the increase in awareness around safeguarding, as a result of a rolling programme of multi-agency training in basic awareness; and 174 people have undertaken this training this year. The Housing Department is now also represented on that Committee, Mr Speaker.

A Gibraltar Public Protection Panel has been set down to ensure the effective communication and a joint approach to the monitoring of people who could pose a threat to the general public, Mr Speaker. The head of the service has been assigned the role of safeguarding officer and the senior social worker is the data controller for the Agency under those procedures.

570 The number of people coming under these procedures, Mr Speaker, has more than doubled in the past year. In addition, Mr Speaker, the team sits on the multi-agency Domestic Violence Working Group, which I established and is drafting procedures within their different professional areas so that they work effectively in partnership to reduce the risk of domestic violence and work with survivors and their families.

575 But of all the achievements, Mr Speaker, I think that there are three main achievements during this term that are so significant that, while they have not taken place during this financial year, I think they are important and I need to mention them.

580 First of all is the establishment of a brand new purpose-built day centre for the elderly at Waterport Terraces. This consolidates the service that used to be provided at different locations and this means that now not only can people meet in more pleasant and comfortable surroundings which are completely accessible, but by having large premises we can open up the service to more people.

Then, Mr Speaker, there has been the establishment of a focus on dementia and Social Services is a key player in that, alongside colleagues in the GHA. A multi-agency Dementia Working Party was convened by this Government, Mr Speaker, to draft a dementia strategy for Gibraltar and support dementia services.

585 Finally, Mr Speaker, and one of the things that I can be most proud of, is this Government's unprecedented investment in domiciliary care which has seen the biggest injection of recurrent expenditure in the Agency. The GSD's budget for this service when they were in office was £600,000. Ours has increased it to £2.5 million, so imagine how many more people have received home help, (*Banging on desks*) and this does not only help them, Mr Speaker, but their families also benefit from this service.

590 Mr Speaker, it is an important way of caring for our community and it helps more of our elderly citizens remain safely and independently at home. To make sure that this service runs effectively and efficiently, we are constantly reviewing the administration of it. We recently invested in a new database system to control the domiciliary care service better. A senior social worker is dedicated to overseeing the service and the team regularly attend ward and bed management meetings at hospital as well, when this is necessary.

595 Turning to Disability Services, Mr Speaker – and before I start, I wanted to say that the Dr Giraldi Inquiry was necessary; the Inquiry showed that there was abuse, but we need to move on from that, and we have.

Mr Speaker, the Service comprises of St Bernadette's day centre for adults with learning disabilities, Dr Giraldi Home and the service in the community.

600 The Service today, Mr Speaker, is nothing like the Service from a few years ago and it has come on in leaps and bounds. I make it a point to visit the services regularly and meet with the service users and their families, and I am incredibly proud of all that we have achieved. The unprecedented strategic approach in the recruitment of staff and the intense training, both internal and external, has clearly made all the difference.

605 The way that we work at the Services is different, Mr Speaker. There are now structured and meaningful activities. Many of these take place in the community. There are clear support plans for the individuals in order that we can maximise the benefit to service users. There are so many innovations that we have done in the Service that I would probably be here for about three hours just speaking on the differences that we have made there, Mr Speaker, but I will concentrate on the main points.

610 Importantly, we have extended the Service, Mr Speaker, particularly in relation to respite at Dr Giraldi to meet the growing needs in the community. There has been further refurbishment of the premises as well as investment in the equipment. We continue to work on raising awareness of people with learning disabilities all the time and our Service is about making people matter, and to give them an opportunity to showcase their abilities. The design of the Gibraltar Christmas stamp by service users at the St Bernadette's centre is a prime example of this.

615 Training throughout the Agency, Mr Speaker, has completely changed – and not as alluded to by Mr Netto yesterday, where he tried to convince people that we were using the same programme that they did when he was in office, Mr Speaker.

620 In answer to Parliament questions, I told him that I would not give him the programme because it was an internal Government document and that it was not appropriate for him to attempt to micromanage a service for which he is no longer the Minister. He had plenty of opportunity to do that when it was his responsibility. We do things our way and clearly the results show that it is a better way, Mr Speaker because the training we delivered is dedicated, it is needs-led and it is more focused than ever before; and, given that the Agency is now smaller, it is easier to deliver the focussed training.

625 But it must be recognised that the training team has provided intense training not only to numerous care workers and recruits in-house, but when we were responsible for Elderly Residential Services, to a lot of the people who are now based in Mount Alvernia and elsewhere. They have also teamed up with ETCL and have been running courses on elderly care for ETCL at Bleak House for almost two years – such is the interest of work by residents in this field, Mr Speaker.

630 The partnership with ETCL is a real success story and I am sure that the hon. Member who shadows responsibility for Employment will be happy to hear this. We have a very successful training programme for carers indeed and our endeavours have resulted in 69 of our current employees having commenced as ETCL trainees. Some of these are now in elderly residential services not necessarily within Social Services.

635 I just want to, as an anecdote, comment on an example because a couple of days ago with a member of staff who is one of the success stories of ETCL. She is a school leaver who was the first entrant into the Care Agency through the ETCL programme when we first started it in February 2012. She started with us training as ETCL. From that she progressed to a contract with the Care Agency and when I was chatting to her the other day she now tells me that she is going to embark on a course to qualify as a nurse.

640 So that shows, Mr Speaker, that our strategy is good, that our strategy works, that people are happy and people can now see career progression and aspire to that within the service. So that makes me very happy indeed, Mr Speaker.

It is quite significant, Mr Speaker, that yesterday, while Mr Netto spoke of everything under the sun for the past 20 years and he was extremely critical of equality issues, in particular disability policies, there was not a single mention or criticism of Social Services. This is very telling to me, because I see it as a rubber stamp by the Opposition on how well we have done. The legacy that the GSD left in Social Services was

645 shameful. Of all my portfolios, it is certainly the worst Department that I have come across, and when I say that, I refer that to the Government then... priorities and their lack of investment and support, and it is not a criticism in anyway of the professionals or individuals who work for the organisation.

I am glad that, with the hard work and sheer dedication of the teams who work with me, we have managed to turn the service around. The development in the service means that we have moved on from a reactive service to one that is able to strategically plan and also work in preventative measures.

650 Our unprecedented investment in Social Services, and particularly in training, is an investment in the future of the social work profession and, in turn, an investment in the betterment of our community.

655 Not enough recognition has been given to social work professionals in the past, Mr Speaker, but I can honestly say that the team of professionals who work at Social Services today, whether social workers, care workers, management or administrative support, make up an essential service in our society and should no longer continue to be unrecognised. They are a dedicated team of professionals who have my full support and I thank them and the management of the Care Agency for the difficult work that they do, and work that they do well.

660 Mr Speaker, I now turn to the Department of Equality. As I have said in previous Budget speeches, equality is at the heart of this Government and our commitment to equality shows a natural progression towards an inclusive society and it is a recognition of a modern Gibraltar. The Government has been progressing the equality agenda over this term, and it is an advancement of civic and human rights. It was indeed a proud moment for me to have been appointed as the first Minister for Equality.

665 I was immensely proud that the first Bill I moved in Parliament was the Civil Partnership Bill in 2014 – the fulfilment of a manifesto commitment. It is legislation that enabled the formal recognition of relationships between couples of the same sex – a momentous occasion in the history of our Parliament, Mr Speaker.

670 On 28th March this year, we celebrated the first anniversary of the commencement of that legislation. Introducing that legislation provides a further step on the road to a fair and inclusive society and the right to be treated equally in the eyes of the law. As we heard the Chief Minister inform us, Mr Speaker, there have already been 35 civil partnerships so far.

675 We are a Government that believes that the respect of a person's sexual orientation is a fundamental human right. Mr Speaker, this is a far cry from the denial of gay rights demonstrated by the GSD. While Mr Netto attempted to re-write history in his speech yesterday, the reality is that the GSD tried everything under the sun that they could to deny the advancement of gay rights.

680 Mr Speaker, they even went as far as resisting an application to a joint Government tenancy by a same sex couple in what, over the years, has been known as the 'gay housing case'. It was resisted all the way to the Privy Council, Gibraltar's highest Court of Appeal, at a cost to the taxpayer in excess of a quarter of a million pounds; insofar as the court proceedings for a constitutional declaration on the age of consent, and not a judicial review, as Mr Netto incorrectly referred to it yesterday. So concerned were the FCO on the issue that they even sent observers to participate in the case – quite embarrassing, I must say.

685 But then, Mr Speaker, by Mr Netto's own admission, the advances made by this Government on human rights are greater than those made by his Government, and while yesterday he tried his best to retract the statement that he made in the Newswatch interview on GBC on IDAHO day, at least he qualified and conceded yesterday that we had, insofar as gay rights.

690 Mr Speaker, a GSD administration would never have seen the rainbow flag fly above No.6 Convent Place. This Government has sent a clear message that gay people deserve recognition and respect, and provides a further step to a fair and inclusive society. I am proud to be part of this Government that was bold enough to send this unequivocal message and mark a milestone in the legislative process. (*Banging on desks*)

Mr Speaker, the Department of Equality is able to co-ordinate and oversee matters relating to disability in all other Government Departments and is involved in all Government projects.

695 It is the policy of this Government to ensure that all new projects going forward are fully accessible and my Department offers advice and guidance on this. For example, we were heavily involved in advising and assisting the Gibraltar Tourist Board at the time when I was not Minister with responsibility for it, on accessibility to beaches and tourist sites.

700 We have seen our beaches transformed into accessible places with improved walkways in beaches all year round. We have seen the refurbishment of the Camp Bay Pool, which has an accessible ramp being built; has colour contrast in the steps to assist those with visual impairments. We have seen the dramatic change at Eastern Beach and Catalan Bay which are accessible, and we have the accessible units and mobility aids to assist people with disabilities integrate into our way of life in the summer.

705 We also have the new Montagu bathing pavilion which, as part of our policy on inclusion, is fully accessible of course and has hoists in the pools and easy access into the sea and also has fully accessible changing places, shower facilities and an inclusive children's play park. This is a facility that can be enjoyed by all of the community.

In fact, Mr Speaker, wearing my Minister for Tourism hat, as a result of these improvements, Enable Holidays, a tour operator specialising in holidays that meet the requirements of people with disabilities, as an accessible holiday destination, recognised us as such. This is an achievement indeed for our initiatives.

710 Mr Speaker, access for all has been at the forefront of all our new refurbishments and our buildings are completely accessible, and you can see that at No. 6 Convent Place, the newly-opened Gibraltar International Bank. We heard from the Minister for Health yesterday how changes are being made to St Bernard's Hospital to make that inclusive. The new university will be accessible, as will the new schools at the old St Bernard's Hospital.

715 The Inces Hall is being refurbished to make it accessible and, Mr Speaker, this Parliament will be accessible as well. In July, we will also see the first ever purpose built facility for the Stay and Play programme opening its doors, thanks to Minister Linares, whose responsibility it is for sports.

One of the most significant aspects of work that we have taken so far – significant and substantial, Mr Speaker, because it has been a huge piece of work – is to review the current legislation and provide laws modelled on the UN Convention on the Rights of the Disabled. The draft legislation is now ready and we are in the process of consulting all the relevant stakeholders. We will be in a position to publish this in the coming weeks.

720 The most fundamental change that the new legislation will bring is the statutory obligation to make premises accessible to people with disabilities. Consequently, the Department of Equality has been working very hard on a programme of auditing and advising Government Departments on the reforms. The changes will also include public areas and not just buildings.

725 The Government Technical Services Department, in consultation with the Ministry of Equality & the GHA Occupational Therapy Department have been very busy identifying and making improvements in our community. Also, Mr Speaker, they have all undergone training on accessibility audits which was recognised by our Department.

730 Mr Speaker, I accept that our manifesto stated that we would do this in our first year and, of course with hindsight this was a bit ambitious of us, but the principle continues to be just as important and it has taken us a bit longer than we expected, partly because we did not envisage to find the problems that we did and also because it has been quite a complicated exercise and it is more important that we get it right than rush it through.

735 Furthermore, the principle is not just about the legislation itself, it is also about awareness, which is something that we have made immense progress on, and that is pivotal in order for the legislation to be embraced by our community.

740 Anyway, Mr Speaker, because the legislation is not on our statutory books does not mean that work on it has not been done. We all know that Gibraltar's physical landscape has changed and is changing and we have embarked on transforming it into a place which is becoming accessible and we will continue with our schedule of works, Mr Speaker. And I am surprised that Mr Netto seems to not have seen all the things that we have done, Mr Speaker; perhaps he has not been in Gibraltar!

745 In line with that, Mr Speaker, is the disability action plan that we are formulating. Essentially, Mr Speaker, it is a strategic approach to disability issues which is what we now have through the Department of Equality. While the plan is not yet published, many strategies have been developed and introduced already. It is obvious to all that a lot has been implemented and it is a piece of work that is being thoroughly researched. We must not forget, Mr Speaker, our legacy, in that we are starting from scratch in these matters because the GSD never laid any foundation in this respect.

750 Mr Speaker, we have come a long way in dealing with issues related to disabilities, both in relation to learning disabilities and physical disabilities, in this term of Parliament. It is, in fact, unprecedented.

The hon. Member opposite, Mr Netto, in his vicious diatribe of insults yesterday demonstrated that he is either blinded by a jealous rage on what we have achieved, when he achieved so little, or simply does not see what we have done, which everybody can see – even Enable Holidays has seen it. Does he not look around to see everything that has been achieved, Mr Speaker, because everybody else can?

755 He made a song and dance of the disability action plan yesterday. He had the opportunity to do it in 16 years when he had the responsibility, but he failed to do so. He had since 2007 to implement the UN Convention, Mr Speaker, but did not do so either. In fact, he did nothing, Mr Speaker, so I just do not understand this attitude yesterday, but anyway, Mr Speaker, I will take no lessons from him in disability, in Social Services or in anything else, because I need to remind the hon. gentleman that this is not just about ticking boxes and what we are doing is setting a responsible roadmap for the next five to 10 years, Mr Speaker, because honestly, Mr Speaker, I fail to understand how Mr Netto has the audacity to pontificate, as he did yesterday, when all these things were his area of responsibility – particularly in the last four years when he was in Government. At least Mrs Ellul-Hammond, when she was my shadow prior to becoming a back bencher, could distance herself from the GSD failings, because she was not a Minister at the time, but Mr Netto was and it was his responsibility! So what is his excuse?

But anyway, Mr Speaker, I would rather concentrate on all the positive achievements that we have made in our term, because thankfully, Mr Speaker, it is our responsibility; we are in Government, they are not, so let's remind them that they are not and they might wish to have a bit of self-reflection and look at their own failings, Mr Speaker.

770 As my hon. friend, the Chief Minister, announced, support for our disabled has already been outstanding and we have yet another increase to disability benefits, increase to the blind person's allowance, 50% increase for rates for sponsored patients, significant increases to Income Tax allowances for our disabled, reductions in import duty on goods used by our disabled and elderly in our community.

775 Mr Speaker, I am not suggesting that everything that needs to be done has been done, but a lot has been done so far and this is clearly something that is a work in progress, and we are very proud of our achievements so far. We continue to work closely with related groups and societies, and that is one of the benefits of this Government's open door policy, Mr Speaker – that we invite, we consult and we listen.

780 Turning to gender equality, Mr Speaker, the Department also continues to develop policies and strategies in this regard. While we consider the new census to update the information that we have, when undertaking our analysis of gender issues in the workplace, so as to inform our work programmes and initiatives, to promote gender equality and address inequality where it exists.

We are particularly looking at educating and raising awareness with the youth, we are in discussions with the Department of Education to explore how to reach out to children of school age and we are also working with the senior section of the Girl Guides and we are working together on planning initiatives.

785 We are also working closely with the GFA on initiatives and organised courses on empowering women through sport. It was a pleasure to be invited to the girls' fun football development programme during one of its weekly sessions, which aims to encourage girls' participation in football from an early age with the message that football is just as much for girls as it is for boys.

790 Finally, on education and awareness, Mr Speaker, I am delighted to announce that I have been in discussions with the Vice Chancellor designate of the University of Gibraltar to explore collaboration with the Ministry for Equality, to progress the issue of gender equality awareness through the University.

795 While we raise awareness throughout the year, I make a public statement on gender equality on International Women's Day in March. My message is clear, Mr Speaker: that girls and women should be empowered to reach their full potential, but ultimately people should be appointed on merit and not on gender and not to fill any quota.

During my term, I have attended the United Nations Commission on the Status of Women at the UN Headquarters in New York twice. The Commission is instrumental in promoting gender equality and empowerment of women and the UN's focus is on priority areas that are fundamental to the equality of women and supports all aspects of the Commission's work.

800 I also form part of a steering committee of Commonwealth women parliamentarians. Through this forum, I hold regular meetings with like-minded colleagues and have been invited to speak at conferences of women parliamentarians that I have attended. This is an excellent forum to learn and share best practice.

805 In this capacity, Mr Speaker, in February I hosted the second British Islands and Mediterranean Region Commonwealth Women Parliamentarians Conference. The conference explored the role of parliamentarians in ending violence against women and girls. High level speakers, including the Attorney General of England and Wales, the Right Hon. Baroness Scotland, attended as speakers.

810 The conference – and I am sure that Mrs Ellul-Hammond, who was also invited, will agree – was a resounding success. Meeting fellow women parliamentarians was an invaluable opportunity to learn from best practice and take away some important insights on how we can most effectively work to eradicate violence against women and girls. Although strictly speaking a conference only for parliamentarians, local professionals were invited to the conference to speak, as well as to learn from shared experiences.

815 Significantly, for the first time in Gibraltar we have a strategic approach to domestic abuse. This has been a huge task. In order to first understand the extent and the impact of the problem of domestic abuse in Gibraltar, we have been undertaking research and gathering statistical data. This has not been easy and the exercise is not complete because, save for a few Departments, statistics on this subject have never been collated and we are now in the process of doing so. While we now have a better idea of the issue, it is not necessarily a completely accurate reflection and we therefore look at different ways of collecting this information in the future.

820 But for the first time, we have established a forum of all key Government Departments and agencies in relation to domestic abuse and we meet to discuss working practices in order to improve co-ordination between relevant Departments. The forum will meet at regular intervals and will also invite relevant stakeholders to work with them.

825 The Government recognises the exemplary work undertaken by the staff at Women In Need in helping victims of domestic abuse. In the past they had very little support other than the premises and an annual grant. We have invested a lot of time in working with them. They are actively supported by the Ministry for Equality who offer guidance in addition to practical support.

As well, Women In Need have developed a professional working relationship with Social Services. Consequently, there is now much better communication and co-operation between them, and Social Services, as a result, are able to deal with cases in an improved manner.

830 In November last year, together with the Director for Equality and the head of service from the Children and Families team at Social Services, we paid a familiarisation visit to the Welsh Assembly in Cardiff to see first-hand how the government in Wales was dealing with the issues of domestic abuse at a strategic level and, in particular, their policies and strategies in this area.

835 There is no place for domestic abuse in Gibraltar, Mr Speaker, and my Ministry, together with all the relevant Departments and agencies, is working to eliminate this in Gibraltar.

Mr Speaker, in respect of my housing portfolio, I would like to start by saying that in our first term in office we have constructed almost 1,000 affordable homes offered on a co-ownership basis, and just last week we have announced the construction of a further 1,700 homes. (*Banging on desks*)

840 More detail on this in a moment, Mr Speaker, but I just wanted to set the tone that this Government, under the helm of a GSLP/Liberal administration has done more for housing than the GSD ever did in 16 years. This, of course, is not the only thing that we have done to improve housing, but it is so fundamental that I needed to start on that note. The progress that we are making on housing is literally visible on all fronts, whether in the construction of new homes or the refurbishment of existing housing estates.

845 Low cost and affordable housing is one of our flagship manifesto commitments. The new estates at Mons Calpe Mews and Beach View Terraces will be ready very shortly, indeed, Mr Speaker, to the delight of many. This will provide 331 and 568 flats, respectively.

850 All the construction will, of course, have an effect on the housing waiting lists, but we are well aware of the demand for home ownership and we have not stopped at just the development of the three estates in our term in office, which is why we have continued to work on this front with the construction of a further 1,700 homes at Hassan Centenary Terraces and Bob Peliza Mews, so that we do not have a repetition of the housing crisis that was allowed to develop by the GSD who, by their own admission, did not make housing a priority.

855 In terms of co-ownership flats, Mr Speaker, the GSD only ever built 804 flats during their long tenure. We had Waterport Terraces, Cumberland, Bayview and Nelson's and we had a further 600 flats at Mid Harbours Estate. So, unfortunately, that has created the problems which we have inherited today; and going back to the construction of those flats by the GSD, those who live in Nelson's, Bayview and Cumberland unfortunately know all too well that they continue to suffer from the construction defects of those estates and those defects this Government has had to invest in rectifying.

860 It is also important to mention, Mr Speaker, that within the current construction projects, there is purposely-built accommodation for the elderly. In last year's Budget speech by my friend, the Minister for Housing at the time, Minister Balban, he announced the construction of Charles Bruzon House and Sea Master Lodge flats, and only a year later you can see how advanced the works are and they are expected to be completed by the summer of 2016.

865 That will give us a total of 141 new flats for the elderly and will also result in 141 flats being returned to Housing rental stock, having yet another effect on the housing waiting list. Much care has been taken not to repeat the mistakes made by the GSD and we have consulted relevant professionals in the design of the flats, making them user-friendly and accessible; and avoid the inherent costs of rectifying the design defects of Bishop Canilla and Albert Risso, and let's not even mention the fiasco of the elderly flats at the old St Bernard's Hospital which were so unfit for purpose, Mr Speaker, that they were rejected by everybody they were offered to.

Mr Speaker, when we took office there was a waiting list of 63 bath-to-shower conversions in Government rental stock. This means that there were 63 elderly or disabled people who were struggling at home and this, Mr Speaker, was in the days when hardly anybody received domiciliary care.

875 This is the importance that the GSD gave to the safety and wellbeing of the elderly and the disabled at home, because despite the waiting list and the earliest request for a conversion sought dating back to 2001, in 2011 they converted seven bathrooms and in 2010 – wait for it Mr Speaker – it was the grand total of four conversions! They fared better the year after, Mr Speaker, because they did five!

880 So whereas in three years the GSD undertook a total of 16 shower conversions, I am proud to say, Mr Speaker, that since we took office and made this a priority, we have in three years undertaken a total of 367 (**Several Members:** Hear, hear.) (*Banging on desks*) bath-to-shower conversions. (*Interjection*) Well, everything matters, Mr Speaker – whether it is a shower, whether it is domiciliary care, whether it is accessible places. Everything matters to the people who do not have it, Mr Speaker, and we are a Government who cares! We actually care about people, Mr Speaker.

885 Actually, after having to endure the swansong by Mr Netto yesterday, let's remind ourselves who was the Minister for Housing at the time.

A Member: He was the evil –

Hon. Miss S J Sacramento: He was one of them.

890 **A Member:** He was the evil twin –

Hon. Miss S J Sacramento: Yes, Mr Speaker, Mr Netto, who is the one who professes to be the saint or the saviour of the disabled – the person who was preaching from the pulpit yesterday, Mr Speaker, – oops, maybe he forgot that he did not help them either!

895 Another important commitment, Mr Speaker, is the refurbishment of the Government rental estates, and true to our word, in our first term in office the transformation of the largest housing estates is evident for all to see. We have tackled the forgotten estates, which were so neglected by the GSD in favour of luxury developments.

900 We now have made (*Interjection*) considerable... Well, Mr Speaker, certainly the people who live in the forgotten estates seem to think so, even though those from the GSD who remain present in the Chamber may not agree, which is why they are referred to as ‘the forgotten estates’, and some people forgot them and some people did not. We have now made considerable progress in the refurbishment projects of three major Government housing estates, namely Laguna, Glacis and Moorish Castle.

905 Once completed, these refurbished estates will most definitely impact positively on the overall aesthetic appearance of the entry into Gibraltar; a far cry from the slum-like appearance that they were left to deteriorate for 16 years, Mr Speaker.

910 From an ecological standpoint, careful consideration has been given to the use of energy-efficient designs and materials in a concerted effort to leave the lightest possible footprint on the environment. This has resulted in a marked improvement to the thermal and acoustic properties of the buildings. As such, a sustainable green design has been applied, both as a process and as a goal.

Mr Speaker, I will proceed to outline in detail all the works that are being undertaken and I will go to this length of detail because it is important to remind people where we are at and how much progress has been made.

915 In Laguna Estate we are well advanced in phases 1 and 2 of the project and have now commenced phase 3. The electrical substation and accompanying civil engineering works to provide the electricity supply to the lifts and telecommunications infrastructure to phase 1 and 2 have now been completed and the work has commenced in phase 3.

Under phase 1, Rodney House is practically complete and only requires the commissioning of the lifts and the paving of the new stores behind Rodney House.

920 The other work which forms part of phase 1 includes Smith Dorrien House, Mallard House, Forbes House, Landport House, Orillion House, Bayside House, Maidstone House, Blackwatch House, Causeway House and Nelson House; and I name them all individually, Mr Speaker, because we have not forgotten. Here most of the external works, including the mono-pitched roofs, are practically complete and works on the lift installations are at an advanced stage.

925 Works to Laguna House, Inundation House, Somerset Court, Liddell House, Kensington House, Jamaica House, Ballymena House, Madeira House and Boyd House, which are part 2 of the phase, have started and are progressing well.

930 We have commenced phase 3 at Resolution House, Forrester House, Somerville House, Devon House and Kings House. Works to the external façade have commenced at these, Mr Speaker. All the above phases are scheduled to be completed by next year.

935 Equally, progress at Glacis Estate is plainly evident. George Jeger House is complete and the installation of a new lift to its south elevation will be starting soon. The removal of the scaffolding to Referendum House is now complete. I can only think of one word to describe the look of the new tower blocks, Mr Speaker, and that is ‘Wow!’ (*Banging on desks*)(*Interjection*) I said a ‘word’ not an adjective! (*Laughter*)

Works to the internal façade have started on all blocks in the estate. (*Interjection*) I said a ‘word’ not an adjective! The mono-pitched roof at Constitution House is virtually complete and those to Brother O’Brien House, Portmore House, Gustavo Bacarisa House and Ironside House are well advanced. The refurbishment of this estate is scheduled for completion by December 2015.

940 The refurbishment and infrastructure works at Moorish Castle Estate are very advanced and consistent progress has been achieved in all blocks. Additionally, refurbishment works to Moorish Castle Married Quarters, which has historically suffered severe problems from water penetration – another forgotten one, Mr Speaker – are programmed to start this summer. The Moorish Castle Estate project is scheduled for completion by the end of this year as well.

945 In addition to the foregoing intensive refurbishment programmes, this Government is also committed to continue the refurbishment works to Alameda Estate. In fact, during this past year refurbishment works have been completed to Kingsway House and Red Sands House, and I can proudly announce that the

refurbishment of Picton House will be undertaken during this financial year and is scheduled to start this summer. Works to Victoria House and Alameda House will follow.

950 The general embellishment, road resurfacing and parking rationalisation works to Varyl Begg Estate, including the upgrade of the surface water drainage system and the replacing of existing access ramps with new disability ramps, Mr Speaker, has started and is progressing well. Phases 1 and 2 have been completed, works to phase 3 have already started and the remaining phases 4 and 5 will be completed by August.

955 As part of a continuous maintenance programme to Edinburgh Estate, consisting of minor external repairs, waterproofing and roof tile repointing, we have managed to complete Thomson House, Donald Delf House and Joseph Lagares House, and we are currently working on Alfred Duarte House, William Gomez House, Joseph Noguera House and Manolo Mascarenhas House; with Jacobo Azagury House programmed to start in August 2015.

960 Apart from the Government manifesto commitments, other extensive refurbishment programmes to Government housing stock have been undertaken, namely the external refurbishment of Sandpits House and Anderson House. These refurbishment works included the external insulation of the façade and waterproofing, the replacement of the existing windows and the construction of new mono-pitched roofs in order to eliminate the long-standing problem of water penetration. I am pleased to inform the Parliament that these works have now been completed.

965 Importantly, Mr Speaker, we are now moving on to other estates – or should I say other *forgotten* estates – and I am pleased to announce that the refurbishment of the new Police Barracks will commence very shortly indeed. The tender for this will be announced next week and the refurbishment will include external refurbishment, construction of a new mono-pitched roof and the installation of a lift.

970 Mr Speaker, there have been many changes at Housing generally, and not just with the change of a Minister a few months ago! At this juncture I would like to credit the work undertaken up until the Cabinet reshuffle by my colleague Minister Balban and the tremendous progress made under his leadership (*Banging on desks*) and of course, before him, our good friend Charles Bruzon whose tenure was sadly called short. (**Several Members:** Hear, hear.) (*Banging on desks*)

975 The Housing Department has seen major changes in the last year. The Technical and Design Division of the Housing Department was transferred to the Housing Works Agency with effect from April 2014, to consolidate the efficiency of how we maintain and repair our housing stock.

A collective grievance created and subsequently unresolved by the previous administration that created an unsustainable fissure in communications between the Agency and the critical Housing Department Technical and Design subsections, has finally been overcome with this amalgamation.

980 Brand new and modern office accommodation was designed and built by the Housing Works Agency to house the former Technical and Design Division, and everyone is now under one roof within the Housing Works Agency premises; and at last, Mr Speaker, the interlaced activities and procedures of two previously contending Government organisations have merged to provide excellent association, interaction and dependability.

985 The merger has enlarged and enhanced the scope of the Housing Works Agency's activities significantly and, whereas initially commissioned only to undertake internal flat repairs, since the recent transfer of the Housing Department Technical and Design Division to the Agency, it is responsible for all maintenance, upgrades and repairs – internal and external – to Government housing stock and also manage the major refurbishment of the housing estates.

990 To compensate for the unsustainable exodus of operatives retiring under the Early Exit Scheme negotiated by the previous administration, this Government has engaged the services of Gibraltar General Construction Company Ltd (GGCCL) who contract out repairs to approved, small construction companies.

995 The fusion of all Housing resources, Mr Speaker, has created the synergy to bridge historic operational rifts to enhance the quality of services extended to Government tenants and it has translated into faster repairs and therefore a quicker turnover of housing allocations.

1000 This is evident if we consider the statistics, Mr Speaker. In 2012, just after we took office, and following our initiative to refurbish empty and abandoned flats, we refurbished 63 flats. The year before that the GSD had refurbished just over half that number – 38 – but in 2010, only 12; the year before that, 2009, 15, because the GSD would rather have flats lay empty and dilapidating than allocate them to families in need. Between 2012 and 2014 we have repaired a total of 135 empty flats. The GSD only repaired 65 in the equivalent period, from 2009 to 2011.

1005 The current Self Repair Scheme represents a vast improvement over the scheme in operation under the previous administration which was unrestrained and prone to abuse. Tenants who are allocated a new flat can undertake their own refurbishments using materials provided and delivered on-site by the Housing Works Agency, and now strict accountability policies have been introduced. This has been instrumental in a marked reduction in waiting time for the delivery of flats to new tenants and has significant savings in labour costs for Government.

1010 The new scheme was introduced in September 2012 and has since extended this service to nearly 400 tenants who frequently express their satisfaction with the level and quality of service afforded via this Government's endeavour.

We have noted an increase in applications for housing, Mr Speaker, since 9th December, but this is mainly due to those expressing an interest in purchasing low-cost co-ownership affordable flats.

1015 The Housing Allocation Committee meets on a monthly basis in order to discuss applicants who may need to be housed before others due to medical or social issues. The Committee provides valued advice to the Housing Authority. However, it is not for the Housing Allocation Committee to allocate dwellings under the Housing Act which was passed by the GSD in 2007.

1020 Much mischief has been caused by the Opposition in relation to an answer that I provided this Parliament last week in respect of housing allocations, where they have tried to twist what I thought was a very clear answer into something that was not; much political mischief and scaremongering, Mr Speaker, and very telling that the press release issued by the GSD was not by an elected Member. For this I actually credit my elected shadow because he, as any other Opposition Member who has been a Minister for Housing, will understand what I mean and therefore realises that this is a non-point.

1025 In fact, Mr Speaker, the reality is that it was the GSD who made the changes to the way that allocations are made under the Housing Act. They introduced this change because houses used to be allocated by the Housing Allocation Committee and they no longer do so since 2011 when the law was changed by the GSD. Allocations must be made by the Authority and the statutory authority in the legislation is the Minister, so much ado about nothing! (**Two Members:** Hear, hear.) Yes, Mr Speaker, because if the GSD have forgotten I will remind themselves of something that the then Chief Minister, now backbencher, the Hon. Sir Peter Caruana, said in answer to a question by the late Charles Bruzon on allocations at the Mid Harbours Estate... The answer – and I will read from Hansard, Mr Speaker, is ‘the allocation was done by the Government, not the Housing Allocation Committee,’ albeit it was done by reference to the waiting lists, so –

1035 **A Member:** How many?

A Member: Yes, there were lots –

1040 **Hon. Miss S J Sacramento:** Well, it goes on to say that there were 490 letters issued. So, Mr Speaker, on one occasion – (*Interjection*) only one occasion in 2007, the GSD... the Minister – well, the Chief Minister at the time – said that 490 people had been offered accommodation directly by the Minister. Well, this was done in accordance with the Act that they changed! (*Interjection*) (*Banging on desks*) I would like to thank the hon. backbencher for assisting me in that regard! (*Interjections*) Yes, Mr Speaker, the hon. backbencher has reminded us that those almost 500 people were directly offered a house at Mid Harbours Estate by the Government, not the Housing Allocation Committee, just before the election.

1045 **A Member:** It should have gone before.

A Member: No! (*Laughter and interjections*)

1050 **A Member:** The truth will out! (*Interjection and laughter*)

Hon. Miss S J Sacramento: So I am very grateful for that intervention, Mr Speaker.

1055 In keeping with our established policy of holding regular meetings with tenants' associations, senior officers of my Ministry and sometimes myself continue to liaise closely to identify areas of collective concern and agree restorative measures.

1060 All key players – the Housing Ministry, the Housing Department, Housing Works Agency, GGCCCL and the Royal Gibraltar Police – afford representation at empowered executive levels so that complex problems can be identified, discussed and tackled swiftly. The relationships now born from these regular engagements go a long way to reveal the communal issues that truly concern the tenants of each estate and foster a constructive spirit of partnership between Housing officials and tenants' representatives.

The Housing Department and Housing Works Agency staff continue to support the tenants' associations on a day-to-day basis. Regular meetings are also held with Action for Housing where individual and general issues of concern are discussed.

1065 One final change at Housing, Mr Speaker, is that the Housing Department is now based at New Harbours in order to enable the Government to fulfil another manifesto commitment and put the City Hall to better use; and it is now a public art gallery. The offices have been purpose built and are now more accommodating to the public, are accessible to people with disabilities, Mr Netto, and have also provided a better working environment for the staff, as the offices are better suited for their needs. There is more

1070 privacy for clients and it is a more secure location for staff. In the case of the rent collection, we have maintained a presence in the heart of town and we have a counter available at the Post Office.

As this Department also moves with the times and joins e-government, tenants are able to pay rent online. Efforts are made to encourage this method of payment and staff have engaged with the Citizens' Advice Bureau to promote this at their Senior Citizens' Computer Fun Day, which has proved popular.

1075 Such is the improvement made in the Ministry for Housing, whether the Housing Department or the Housing Works Agency, that this has even been recognised by the Ombudsman who, in this year's annual report, has noted the marked reduction in housing complaints.

1080 Finally, Mr Speaker, I turn to my tourism responsibilities. Over the past three years, and indeed since I took over the portfolio as Minister for Tourism in December 2014, this Government has demonstrated a firm commitment to tourism – an area of the economy we immediately recognised as crucial for our sustainable prosperity, development and economic growth, as an advanced and forward-looking community.

1085 Since we were elected, the sense of dynamism and energy that we have managed to instil into every aspect of our involvement, whether in promoting the Gibraltar tourist product abroad, in our endeavours to open up new markets and fresh business opportunities in our dealings with stakeholders in the private sector who have formed a successful and solid partnership with us in our common aims, has been unprecedented.

At this juncture, Mr Speaker, I wish to credit the sterling work undertaken by my friend and colleague, Minister Costa, who held this portfolio until the reshuffle (**A Member:** Hear, hear.) (*Banging on desks*) and during his tenure, Minister Costa raised the standard of the organisation, making it focused and dynamic and laying the foundation for the excellent results that we are now yielding.

1090 In the past 12 months we have continued to pursue our objectives with the same clear focus, sparing no effort and investing the necessary financial, material and human resources to upgrade our unique product; refurbishing some of the tourist sites and attractions in order to ensure that we do justice to our growing reputation as a leading travel destination in the Mediterranean, and one of the most exciting and interesting short break opportunities available on the holiday market.

1095 Last year, Mr Speaker, my predecessor declared that, notwithstanding the spectacular progress achieved since December 2011 in this area, Her Majesty's Government of Gibraltar would strive to continue transforming the tremendous potential for growth in the local tourist industry, into concrete proposals for the benefit of our entire community. In the course of my Budget speech I will provide a detailed account of what we have achieved in the last 12 months.

1100 Gibraltar is well connected by sea, land and air, with regular flights to the main cities in Britain and now Morocco. The steady growth of the Gibraltar International Airport is critical to the success of our tourism strategy. The Gibraltar Tourist Board, in partnership with Gibraltar International Airport and the Ministry for Tourism, have worked relentlessly in this sector. As part of the policy of expanding air connectivity to consolidate the Rock's position as a leading short break destination in the Mediterranean, the Ministry has secured two new air routes in 2015; this makes a total of three new routes introduced during our term in office. (**Two Members:** Hear, hear.) (*Banging on desks*)

1110 Indeed, Mr Speaker, the expansion of the aviation services in Gibraltar has been noteworthy and this summer we have added Bristol, Tangier and Casablanca to our list of destinations, bringing the total to eight; London Gatwick, Heathrow, Luton, Manchester and Birmingham, being the others. The additional five-weekly flights will increase the number of weekly departures from Gibraltar International Airport to 37.

1115 The new twice-weekly service to Tangier operated by Morocco's national airline, Royal Air Maroc, officially commenced on Sunday, 29th March. This flight is estimated the shortest intercontinental flight in the world, and will start and end in Casablanca – Morocco's main city and, importantly, economic hub, because from there, connections are available throughout Morocco and other destinations in Europe, the Middle East, Africa and North America. This initiative forms part of a wider approach by Government to promote Gibraltar as a tourism destination as well as offer opportunities in financial services and commerce to Morocco.

1120 Gibraltar also welcomed a new UK destination on Sunday, 19th April, with easyJet offering a three-times-a-week service to Bristol and this has been heralded by easyJet as the most popular of its new routes. (**Two Members:** Hear, hear.)

We are greatly encouraged by the steady increase in air passenger departures in UK scheduled flights since 2011, when just over 193,500 were registered – a figure which has gone up to 209,100 in 2014, notwithstanding a slight dip in 2013.

1125 In respect of air passenger arrivals on scheduled flights from the UK, Mr Speaker, these have risen from 189,500 in 2011, to 204,600 in 2014 – both figures represent an increase of almost 8% since we took office. (**A Member:** Hear, hear.) (*Banging on desks*)

Total passenger numbers at Gibraltar International Airport exceed 400,000 for the first time ever! We are confident that the new routes to Bristol and Tangier/Casablanca will have an impact on our air traffic and open up fresh opportunities for the tourist industry both in Morocco and the south west of the UK.

Another crucial aspect of our work in respect of the very tough and competitive aviation sector is the policy of continuing to engage with existing and new airlines in actively carrying out joint marketing campaigns to promote Gibraltar as a unique leisure and business destination, the latest being with easyJet in the Bristol region and with Royal Air Maroc. These are often silent, understated tasks, steadily conducted behind the scenes which later produce the positive results that we all aim for.

But we are not a complacent administration, Mr Speaker, or one to rest on our laurels – or as Mr Netto reminded us yesterday, ‘to take the foot off the pedal’ – and the public can rest assured that we will leave no stone unturned in our efforts to achieve even greater results, in our relentless efforts to attract more and more visitors to our shores, to ensure sustained growth on all fronts. Her Majesty’s Government of Gibraltar is always mindful of seeking increases in air passenger capacity on existing services, in addition to exploring the possibilities of opening up new links to regional destinations in the UK, as well as other destinations in Europe. *(Interjection)* Not necessarily, Mr Speaker. *(Interjections)* To respond to that snide, *(Laughter)* I do not agree that this – *(Interjection)* Well, Mr Speaker, in response to that remark that this is only as a result of having a new Airport terminal, I do not agree. It is as a result of the hard work (**Several Members:** Hear, hear.) *(Banging on desks)* of the people involved in securing the routes, Mr Speaker! *(Interjection)*

Mr Speaker, perhaps I could continue with my speech! *(Laughter)*

A Member: I apologise to the hon... *[Inaudible]*

Hon. Miss S J Sacramento: We are working on route development out of Gibraltar International Airport with parties outside Gibraltar who have shown an interest in partnering with us in the expansion of operations. This could have the consequent effect of boosting passenger numbers even further through the terminal in the long term.

We want to continue building on our success of the past three years, to put Gibraltar on the map as a major international destination for leisure and cultural tourism, to significantly increase overnight visitors in our hotels, promoting our air services, cruise industry, shopping experience and our port as a cluster for professional shipping and maritime activity. This, Mr Speaker, is an iron cast commitment.

Gibraltar’s hotel sector is going through exciting times; times of change – we like that, Mr Speaker – and new opportunities. Total arrivals at hotels are up by 8.5%, at 58,744 – the highest figure since 2008. Other arrivals grew most as a reflection of continuing growth in the business sector arrivals and it is encouraging to see arrivals climb for sporting and cultural visits.

Tourist arrivals in 2014 were affected by the closure of the Queen’s Hotel and the refurbishment of the Rock Hotel. It is encouraging to see that room nights offered are up, again to the highest point since 2008. Room nights sold grew to an all-time high.

The average length of stay for tourist arrivals has increased from 3.46 in 2013 to 3.94 in 2014 – the highest since 1994, Mr Speaker. This is encouraging as it reflects our efforts to increase overnight tourism. (**Several Members:** Hear, hear.) *(Banging on desks)*

Room occupancy and sleeper occupancy have fallen marginally but this is linked to growth and it is a fair point that supply has grown faster than the demand, but we are confident that this will catch up.

Mr Speaker, again, guest nights offered are the highest since 1992. Guest nights sold are the highest since 2008, again with tourist arrivals growing faster than any other arrivals, linked once again to the increase in the average length of stay. The average length of stay has remained consistent but it is wonderful to note once again that in the case of tourist arrivals it has increased.

The impact of the Sunborn Hotel – the first locally established luxury floating five-star hotel – plus the much-welcomed major refurbishment projects across some hotels, such as the Rock Hotel and the Caleta Palace Hotel, have given new impetus to the trade, and we have seen these results translate into the statistics that I have just reviewed.

Gibraltar now boasts a much-admired five-star hotel, the Sunborn, which has become an integral part of the Rock’s social and leisure scene. The quality and sophistication on offer across a broad range of services is unprecedented for Gibraltar and its presence in one of Gibraltar’s primary nightlife locations, Ocean Village, has given renewed vibrancy to the area. Importantly, we have now developed an interesting and much-needed variety in our local hotel bed stock, to satisfy customers, whether they are seeking budget holiday-type accommodation, to the intermediate and the luxury styled product.

There are also proposals in the pipeline for new hotels like the Marriott Holiday Inn Express, a major extension of the Caleta Hotel, as well as a new boutique hotel in the Upper Town which will increase the availability of quality hotel accommodation on the Rock.

1190 Mr Speaker, our pro-active marketing strategy over the past year has been successful in selling the Rock as the ideal short-term holiday destination on a global scale, and the improved tourist product has also had an effect on the growing number of cruise ship visitors to the Rock.

Whereas in 2013, the total number reached 284,870, the figure for 2014 has risen to 298,512 and it is expected to exceed the 300,000 mark in 2015 with a total of 212 ships scheduled to call at Gibraltar, this being up by 32 calls over 2014.

1195 This is an area where, it has to be said, the Gibraltar Tourist Board's partnership with the private sector, with the dedicated local agents – whether it be shipping or shore excursions, which form such a vital part of the industry – has produced the desired results.

1200 We have spared no effort to consistently promote Gibraltar as a leading cruise destination during our participation at the main international cruise industry gatherings and through our membership of the very pro-active and influential MedCruise Association. I am very pleased to confirm that Gibraltar will be hosting the MedCruise General Assembly in the spring of 2017, and this will be the second time that this important event is held on the Rock. (*Banging on desks*)

This year we have continued the successful policy introduced by my predecessor, of securing one-to-one meetings with senior cruise industry executives in UK, Miami and at the meetings of MedCruise, and building up strong personal relationships with the top decision-makers.

1205 Among the highlights on this front, has been the agreement with Royal Caribbean International, for the visit to the Gibraltar Port of its newest megaship, Anthem of the Seas – the largest cruise ship ever to call upon us – no less than seven times in 2015, bringing an excess of 30,000 passengers to the Rock and representing a significant boost to our tourism sector.

1210 This demonstrates the confidence by the industry in our role as a leading cruise port in the Mediterranean and sends a strong signal that Gibraltar is a serious and committed player in the industry, able to efficiently handle some of the largest vessels in the world. Furthermore, Government is actively considering a number of options to increase the berthing capabilities of the port to handle more large ships simultaneously.

1215 Our energetic policy to support the cruise industry and give the port a further competitive edge has further been enhanced by the introduction of amendments to the Port Rules for a series of general discounts, Mr Speaker. This initiative will incentivise Royal Caribbean vessels from continuing to call beyond 2015 and seek to attract more calls by other cruise companies.

1220 It is also worth noting how Carnival UK, a part of P&O Cruises and Cunard, has declared that Gibraltar is the third most visited port for them to call in 2015, after its home base of Southampton and Lisbon – such is the success of our strategy.

One of the aims that we have continued to pursue is the issue of cruise turnarounds which would make a huge boost to our tourist trade in every sense. We are working hard for this to materialise and we continue to encourage several cruise companies to consider this activity, as this would provide incredible economic opportunity for Gibraltar.

1225 In the past three years, Mr Speaker, the Gibraltar Tourist Board has made a capital investment of £3 million in the Rock's major tourist attractions. At St Michael's Cave, the jewel in the crown of the local product, it has been extensively refurbished and modernised, creating a more contemporary look inside. Significantly, the entrance was completely redesigned and has the installation of a wheelchair lift to improve access – I am sure Mr Netto will be happy to hear that – and the stairs have been fitted with lights and a new spectacular 30-minute *son et lumiere* show that runs all day and enhances the dramatic geological features and striking views in the caverns of the interior.

1230 The 100 Ton Gun site has also been refurbished and there has been beautification of the external area and it now also has an accessibility ramp which extends the view of the gun to people with disabilities – I am sure Mr Netto is making note of this as well! In the past they only had access to the exhibition.

1235 New mannequins in historical costume have been located at all the gun embrasures at The Great Siege Tunnels, known as 'the Galleries', adding a realistic feel to the site. The figures complement the information panels and props that were also put in place.

1240 The World War Two tunnels have also benefitted from the refurbishment programme and the construction of new accessible toilets for persons with disabilities. Improved facilities for staff have also been provided. The viewing platform at Jew's Gate has also been resurfaced.

In addition, there are also significant improvements to the nature reserve which are being spearheaded by my colleague, the Minister for the Environment, and will greatly enhance the Upper Rock as a tourist product, not least with a spectacular suspension bridge at the newly refurbished Royal Anglian Way.

1245 I have detailed these improvements, Mr Speaker, as an investment in our tourist product because I am delighted to report that they have had a noticeable, positive impact in the number of tourists visiting the Upper Rock. Whereas in 2013 just over 732,000 were recorded, in 2014 the number of visitors rose to just over 791,000; 2015 has seen a consistent increase in the number of visitors to the Upper Rock and at the end of April this year visitor numbers were up by 9.2% over last year.

1250 Our unprecedented investment in the tourist product will ensure that we continue to have first class tourist attractions that people can enjoy whether residents or visitors, or indeed people with disabilities. We want tourists to receive a good impression of what we have to offer and enjoy our product to the full. This Government has shown its full commitment to tourism like never before.

1255 As with all improvements and refurbishments that we have carried out at the beaches and tourist attractions, Mr Speaker, foremost in our mind has been the need to ensure the accessibility features and that these are included at design stage. This has been a trademark of my ministerial responsibility. Of course, this unprecedented investment has been a resounding success with our beaches and all the improvements that we have made.

1260 Moving on, Mr Speaker, the Rock has been an ideal location for weddings... and as part of our new marketing strategy to include the weddings market in Gibraltar, and this has been reinvigorated. Two legislative initiatives last year – the amendment to the Marriage Act, which now allows marriage ceremonies to be conducted aboard locally-registered passenger ships under special licence, and the introduction of the Civil Partnership Act, which permits same sex civil partnerships, has seen more couples coming to Gibraltar to tie the knot. The changes create new business opportunities, closely linked to Gibraltar's tourist, hospitality industry and shipping registration.

1265 Since the introduction of the civil partnership legislation it is now possible to develop new ideas and products aimed specifically at the LGBT market and we have noted that a number of tourists have already taken up this opportunity in the last year.

1270 The initiative has opened up new business opportunities with what is widely considered a very profitable segment of the tourist market. We are keen to broaden our horizons in this respect, by participating in new business opportunities, and this year the Gibraltar Tourist Board has attended two well-known international events and trade fairs aimed at the LGBT market.

The GTB has also carried out a promotion campaign with a leading LGBT publication, advertising the fact that same sex couples can come to Gibraltar to enter a civil partnership as part of a tailor-made tourist package.

1275 Events-led tourism has been an innovative concept expanded by Government to repackage everything that Gibraltar has to offer in new and novel ways that are proving both extremely popular with the public, whether resident or visitors, and at the same time, affording the tourist industry a magnificent business platform to showcase the many attractions, leisure products and facilities of our unique destination.

1280 The dual rationale, Mr Speaker, is simple: organise a first-class cultural event with an international dimension that will appeal to the general public across the board and, by doing so, be assured that you will be attracting visitors to Gibraltar as well, on the strength of those events. We have found that many visitors will find the experience engaging enough to want to start booking a return to the Rock as soon as they arrive home.

1285 We have worked closely with the Ministry for Culture on joint initiatives to encourage event-led tourism to Gibraltar and the idea has worked exceedingly well. Gibraltar has seen a glittering constellation of recording artists and chart-topping performers descend on our community, to the appreciation of sell-out jubilant crowds at the Gibraltar Music Festival, celebrations of local cuisine at Calentita, an international chess festival – the Tradewise Open Chess festival, the international Jazz Festival and of course the Gibunco Gibraltar International Literary Festival, whose third edition we are already organising for November 2015 and which I am pleased to say is going from strength to strength.

1290 All these tremendously successful events, Mr Speaker, have served to promote Gibraltar as an attractive tourist destination. I have no doubt that the literary festival will continue to develop on its success for many years to come.

1295 Mr Speaker, the United Kingdom Gibraltar Tourism Association (UKGTA) and Gibraltar House in London continue to perform sterling work to co-ordinate all our tourism partners and stakeholders in the primary task of selling and promoting Gibraltar as a tourist destination.

I am delighted to report that Scottish tour operator Osprey Holidays has this year become the newest addition to the expanding pool of UK tour operators to feature Gibraltar. The company specialise in quality tailor-made short breaks to over 50 exciting locations around Europe.

1300 We are excited that Osprey Holidays have decided to team up with the Gibraltar Tourist Board and work together to promote the Rock as a tourist destination. The Tourist Board actively encourages the expansion of the overnight leisure market from our core markets in the UK and it is particularly encouraging to see the expansion in the Scottish market.

1305 Once again, this Government has shown its drive and dedication to delivering more visitors to the Rock. The tourist industry is a key part of our economy and we keep working hard to expand our product in the new markets.

Our concerted approach to joint marketing campaigns and the GTB's direct marketing activities in the UK and in other markets, has been yielding results in our overnight tourism sector, as has been shown by the statistics, Mr Speaker, because we have seen that this approach has already yield its results, and it is

1310 precisely this sector where more growth is encouraged, as overnight visitors contribute greatly to the economy and deliver and always welcome revenue scheme to those industries.

Mr Speaker, my main priority as Minister for Tourism will be to ensure that Gibraltar continues to build on its deserved reputation as a unique tourist destination which offers first class services, value for money and a whole series of exciting tourist attractions and beautiful sites. It is also important that we keep on working to ensure growth in our cruise industry, in expanding air connectivity still further to other European destinations, in strengthening links with local tourist industry stakeholders and partners, both in Gibraltar and in the UK, for the benefit of all.

Our economic structures reflect the proven resilience acquired over many years and countless challenges, and tourism is a vital component of the economy in our long-term, sustainable prosperity. (**A Member:** Hear, hear.) (*Banging on desks*)

My aim, Mr Speaker, is to increase the number of tourists who decide to spend their time with us, whether from UK or other European destinations or Morocco, that we continue to invest wisely, as we have done in the past three years, to improve and repackage our tourist product in a manner that allows Gibraltar to remain ahead of the curve and to economically benefit from all our tourist assets.

We will strengthen our efforts through strategic planning and marketing to achieve effective return on investments. The brilliant figures show the strength of the tourism industry right now, Mr Speaker, the great news is that the year ahead is expected to be even better, with growth continuing. Our new tourism strategy is working and it has brought a record number of visitors to our Rock.

In conclusion, Mr Speaker, while we continue to attract investment and develop tourism as an essential driver of our economy, our duty is to spend the revenue that we generate responsibly and prioritise in delivering to those who need it the most, whether it is through Housing, Social Services or any Department that helps the public. The Chief Minister's address on Monday is evidence of exactly this.

We I have spent three and a half years working as a team of Ministers who are great friends, hard-working, dynamic and, moreover, all of us work first and foremost with Gibraltar and its people at the heart of everything that we do, Mr Speaker, in a way that Gibraltar stopped experiencing in the years prior to the change. (*Interjection*)

We are a strong, prosperous nation, Mr Speaker. Our spending priorities are focused on those who need it and, true to our socialist values, we have delivered for our people.

In conclusion, a year of great success and a term which has achieved important developments for a fair and just society. As this first Parliament will draw to a close at the end of the year, I am very satisfied and immensely proud of all that has been achieved, and I would like to credit and thank all of those who have worked with me during this term.

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

Chief Minister (Hon. F R Picardo): Mr Speaker, in the effusion of that reward for a brilliant Budget speech, in respect of a brilliant Budget, I move that the House do now adjourn until three o'clock this afternoon.

Mr Speaker: The House will recess until 3.00 this afternoon.

The House recessed at 1.33 p.m. and resumed its sitting at 3.04 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.04 p.m. – 8.35 p.m.

Gibraltar, Wednesday, 24th June 2015

Business transacted

Order of the Day	2
Suspension of Standing Orders 7(1) and 7(3) to permit Government Statement to be made.....	2
Government Statement – Statement by Lloyd’s Register	2
<i>The House recessed at 3.10 p.m. and resumed its sitting at 4.15 p.m.</i>	4
Government Bills	4
Appropriation Bill 2015 – For Second Reading – Debate continued.....	4
<i>The House recessed at 4.15 p.m. and resumed its sitting at 6.45 p.m.</i>	24
Appropriation Bill 2015 – For Second Reading – Debate continued.....	25
<i>The House adjourned at 8.35 p.m.</i>	42

The Gibraltar Parliament

The Parliament met at 3.04 p.m.

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

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

Order of the Day

Suspension of Standing Orders 7(1) and 7(3) to permit Government Statement to be made

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

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

5

Mr Speaker: I will now put the question that Standing Order 7(3) be suspended...that, under Standing Order 7(3), Standing Order 7(1) be suspended in order that the Chief Minister may make a Government Statement.

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

Government Statement – Statement by Lloyd’s Register

10 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, it is important that the House and the nation as a whole should immediately be made aware that this afternoon Lloyd’s Register, one of the most reputable organisations in assessing industrial risk in shipping, and in particular the use of liquefied natural gas in marine installations, is causing to be published a statement in relation to the report that was published by the Gibraltar Social Democrats in the last weeks by their Chairman and their Leader, the latter being also the Leader of the Opposition in this House.

15

Mr Speaker, it is also important that the House is aware that the statement in question has been drafted exclusively by Lloyd’s Register and in particular by the professionals who drafted the report which has been published in Gibraltar by the Gibraltar Social Democrats.

20

It is important that I emphasise that this is a statement from Lloyd’s Register which it alone has drafted in response to the publication of their report in Gibraltar and subsequent events and comments both in Gibraltar and in the international press.

25

Mr Speaker, the statement from Lloyd’s Register speaks for itself. I have a copy of that statement – which addresses the distortions of Lloyd’s Register’s recently cited report and its scope – to place on the record of the *Hansard* of this House, which reads as follows: The title is:

‘Gibraltar: Evaluating the risks and benefits of gas power, the associated infrastructure and bunkering Operations. A report recently released by Lloyd’s Register relating to LNG infrastructure in Gibraltar has been cited in the media and in political debate in Gibraltar.

The report cited is an evaluation study covering proposals to site LNG offloading and storage, with specific technical specifications for their design, in Gibraltar. The study examined the risks involved with proposals for two potential locations of LNG offloading and storage tanks: the North Mole Western Arm adjacent to the cruise terminal and the Detached Mole, to the South of the North Mole. It did not address LNG bunkering.

Lloyd's Register's report, since being handed to the commissioning client, has appeared in the public domain and been cited in political exchanges in Gibraltar.

Lloyd's Register's conclusions were that both proposals, as defined, presented relatively high risks. With modifications to technical specifications it is likely that such risks could be reduced considerably; whilst there are obvious concerns related to siting gas storage tanks near to cruise ship berths, modifications to the technical requirements and repositioning of the tanks could see major risks entirely reduced. And opportunities exist to assess other options or locations.

Lloyd's Register's findings into a very specific tank siting proposal should in no way be seen as prejudicial to the broader opportunities to reduce harmful air emissions, support LNG commercial activities or LNG bunkering in Gibraltar. Our findings relate to the risks associated with specific and defined siting proposals.

The overall health benefits of reductions in local air emissions that are hazardous to health are important ambitions. This wider issue of reducing the risks and managing safety of LNG infrastructure in Gibraltar and the benefits of improved air quality was not considered and was not within the narrow scope of the evaluation of two specific tank sites.

It is also noted that reports of this type, issued at a preliminary stage, will be conservative as detailed design parameters and intended operational parameters have yet to be defined.'

30 Mr Speaker, this statement by Lloyd's Register now establishes that they were commissioned not by the Gibraltar Social Democrats, but by a commercial entity, and Lloyd's Register is disassociating themselves from the use to which their report has been put. Indeed it would, moreover, also appear that the published report has been considerably redacted.

35 The House and the nation must further be informed that HM Government of Gibraltar has now been able to establish that it was in fact a failed bidder for the new power station that is the commercial entity behind the commissioning of the report which the GSD published in the last weeks.

Mr Speaker, I am now able to disclose that the commercial entity in question is the Spark Group of Companies in Gibraltar. That is the commercial entity that provides the power-generating facility at the North and South Moles, the failures of which have recently also caused a number of unexpected power cuts.

40 Mr Speaker, for this Government, as for every government of all and any political complexion, the safety and security of the people of Gibraltar are paramount. Their safety is something which we would never put at risk. The manipulation of public concerns about safety is equally concerning. The Government is considering and taking advice on what next steps are appropriate in light of the clear and responsible statement now published by Lloyd's Register.

45 I shall, of course, during the course of this session have more to say about this matter. I am now not making any comment on this subject and am limiting myself to stating facts.

I give notice, Mr Speaker, that I shall not be withdrawing the motion standing in my name in respect of the funding of the Lloyd's Register report, which is already on the Order Paper and which will be debated later in this session, but I will be giving notice of amendments to it.

50 Mr Speaker, a copy of the statement by Lloyd's Register is being circulated to all hon. Members now with my Statement. It will also be posted on the Government website in a few moments with the written copy of this Statement.

In keeping with the established practice, I am of course prepared to clarify such part of this Statement as hon. Members may wish to ask me about.

55 **Mr Speaker:** As is common practice in the House, whenever the Government makes a Statement the Opposition may ask questions clarifying that Statement. The Statement cannot be debated now, but in any case there is a motion later on the Order Paper which will give an opportunity, because the matters are relevant, for the whole thing to be debated in due course. But at this stage we must limit ourselves to any questions which are seeking clarification about any matters contained in the Statement.

60 **Hon. D A Feetham:** Mr Speaker, I have no statement to make. I have nothing to say in the form of questions. I would have said something in response to the Statement, but of course, as Mr Speaker has rightly pointed out, I have got an opportunity on the motion and I will take my opportunity in the motion.

65 With your indulgence I would just make this point: there is absolutely nothing at all in the statement that Lloyd's have issued that is incompatible with anything that either we have said about the report or that has been made public about the report, because I myself made it absolutely clear that Lloyd's clearly cannot possibly be against the use of LNG when they have certified the use of LNG in other areas. But these two locations remain –

70 **Hon. Chief Minister:** What is the question?

Hon. D A Feetham: – bad locations, Mr Speaker. But that is the only thing that I can say within the Rules of the House.

75 **Hon. Chief Minister:** Mr Speaker, that was clearly not a question, and the incompatibility between the things that the hon. Gentleman has said about the Lloyd's report and what Lloyd's have now said will be the subject of further debate when I will have the opportunity of highlighting exactly what those differences are.

I am making no further comment at this stage because this is just a Government Statement and I am just putting facts into the public domain. Tomorrow I will have an opportunity of commenting on this and all other matters that relate to trust.
80

Mr Speaker: I now call upon the Hon. Edwin Reyes.

Hon. Chief Minister: No, Mr Speaker. I now move that the House do adjourn until 4.15 p.m. The effect of this Statement is that I now have urgent Government business to attend to and I have to be present when Mr Reyes speaks, so I now move that the House recess until 4.15 p.m.
85

Mr Speaker: The House will now recess until 4.15 p.m.

The House recessed at 3.10 p.m. and resumed its sitting at 4.15 p.m.

GOVERNMENT BILLS

Appropriation Bill 2015 – For Second Reading – Debate continued

90

Mr Speaker: The Hon. Edwin Reyes.

Hon. E J Reyes: Mr Speaker, what an exciting day Saturday 13th June turned out to be. Yes, little Gibraltar's Football Team proudly walked onto the pitch to battle it out against the current World Champions – Germany – as part of their Euro qualifiers matches.
95

The sense of pride and excitement felt by over 5,000 Gibraltar supporters who had endured the long journey to Faro was certainly clearly felt by all in the stadium. To have been personally present at the stadium when the National Anthems were played was enough to make the long journey to Portugal worthwhile. But what about the feelings of all those supporters who could not attend this historical match due to the huge distance and time factor involved in getting to the venue in what was after all an official home match for Gibraltar? Therefore, the question remains: why cannot our National Football Team play its home games in Gibraltar itself?
100

Gibraltar needs to have at least a Category 3 UEFA-approved stadium in order to host its official games in respect of the Euro Qualifiers. It has only been a short time since the Gibraltar Football Association were accepted as Members of UEFA and therefore as an interim measure, and until we eventually have a suitable and approved football facility of our own, Gibraltar's home matches are being played at the *Estadio do Algarve* in Faro, Portugal. However, we must look towards the future and do everything possible to play our home games within Gibraltar itself.
105

The Gibraltar Football Association is exploring the possibility of building its own stadium at Europa Point, but the choice of this site is proving rather controversial and the process, we are told, is still under consideration by the Development and Planning Commission. However, the GSD has carried out its own studies to look into the possibility of upgrading the present Victoria Stadium football facilities in order to meet UEFA Category 3 standards at least and we are pleased to say that it is possible to achieve this. Indeed, at the Parliamentary sitting of Thursday 16th October 2014 we offered to show the Minister for Sports how it could be possible to play our games in a category 3 stadium in Gibraltar but, unfortunately, and much too many sports and football lovers' disbelief, the Minister answered he would not consider our proposals.
110

The GSD has no objections to the Gibraltar Football Association building its own stadium, but would rather at an alternative site to Europa Point. However, irrespective of what the GFA does or does not build, preferably at a site which is not Europa Point we insist, the GSD believes there is a need for more and better football playing facilities to be provided for the benefit of our community at large. Very shortly, indeed as early as next week, the GSD will be making public its vision for an enhanced Victoria Stadium. The immediate effects of this could be for all of Gibraltar's home games to be played within our homeland itself, and all this in a UEFA-approved Category 3 stadium.
120

125 The Forecast Outturn for 2014-15 shows that £1,300,000 has already been spent on ‘Upgrade to
Football Ground to UEFA Standards’ and now a further additional £2,200,000 is being catered for under
this same head of expenditure for the financial year 2015-16. These figures show that over the last two
years a total of £3,500,000 has been spent under the sub-head of ‘Upgrade to Football Ground to UEFA
Standards’ – but, despite all this expenditure, this will still not result in Gibraltar being able to play its Euro
130 Qualifiers within its home territory. Gibraltar deserves to have at least a UEFA Category 3 Stadium and
also additional football playing and training facilities. The GSD knows how to make this a reality, with the
minimum of disruption to other sports in the process, and we will soon be announcing these to the public.

On a more positive note I am glad to note, yet again, that Government continues with the already
existing policy to assist all local sporting bodies to overcome any foreign government’s politically-inspired
135 attempts to block our membership of international sporting bodies. This policy will most certainly continue
to receive the Opposition’s support and I take this opportunity to sincerely wish other sporting associations,
such as rugby in the current bid, and even tennis where Amanda Carreras has been given a wildcard for
Wimbledon and the now tiring but yet never-ending continuous IOC application. We wish them all the very
best in their continuing battles to obtain their respective international memberships which both sides of this
140 House agree are rightfully and legally theirs.

The summer season is already upon us but as yet the Gibraltar Cricket Association has been unable to
commence any of its competitions due to the current unfit-for-purpose facilities at Europa Point. Through
questions asked during this year, the Minister for Sports said that Europa Point would, at least for the time
being, continue to be made available for the playing of cricket until other alternative facility or facilities
145 were secured. Therefore, the cricket fraternity continuously asks why is Europa Point still not ready for use
and commencement of cricket leagues for this season.

I urge Government to be ever mindful that a level playing field must be provided for all sporting
associations, more so as it is a manifesto commitment of theirs, ‘To monitor the demand for additional
facilities for all sports to ensure that existing facilities are further developed in line with our community
150 demands... The Government is committed through its election promises to provide renewed facilities for
the playing, teaching and development of both cricket and rugby’ – but unfortunately these have still not
materialised.

I would also like to remind the Minister for Sports of Government’s commitment to provide separate
premises for martial arts clubs and associations in what they claimed would be one large martial arts centre.
155 Although we have heard during this Budget session that a further Martial Arts Association has been
allocated premises at Jumper’s Bastion, it unfortunately seems that these pledges as stated for *all* martial
arts have still not become a reality.

The Minister for Sports has highlighted how the Summer Sports and Stay & Play programmes will
continue again this year. These programmes, I am proud to say, were first introduced by the GSD and as
160 such Government can rest assured they will continue to receive our full support.

Likewise, I am really pleased to hear that an acceptable solution has now been found so as to provide
floodlighting for the Hockey Pitch within Bayside Sports Centre. I know how much work has gone into
this, because during my tenure as Minister for Sports we were in deep discussions with the Ministry of
Defence and I personally thank the Minister for Sports for completing this process. *((Banging on desks))*

165 Mr Speaker, through the collective celebration of social events, participating Gibraltarians continue
reinforcing our identity, culture and history as a people and as a community. Both the performing and fine
arts fraternities always prove themselves to be very proactive within their own specialised areas, and I take
this opportunity to congratulate all the groups and individuals who have done Gibraltar extremely proud
through their international participations and, I am pleased to say, in numerous cases even obtaining top
170 grades in any competitions in which they have participated.

However, I cannot let the opportunity go without reminding Government that it committed itself to
provide: facilities for teaching of music and instruments to young people; the establishment and funding for
a Gibraltar Philharmonic Orchestra; run a ‘learn an instrument’ campaign amongst young people; the
establishment of an academy of the performing arts, administered by an Arts Council – although I think I
175 can safely deduce that provisions have been made in this year’s estimates under the heading of ‘Academy’,
so the Minister seems to be heading there and I wait to hear further news on how this would be achieved;
and also they promised to seek to establish Gibraltar as part of the touring circuit for UK and Spanish
theatre productions – and given the success of our local drama productions, this if it does materialise, will
only but help enrich our drama culture.

180 I therefore look forward to hearing at some stage from Government, when will all these projects become
a reality?

What we do know is that Government has purchased both the Queen’s Cinema and the Queen’s Hotel
sites for the development of a theatre and related activities. However, there are still mixed feelings among
the community as to how these sites will be developed and especially at what cost. Given that the decision

185 has already been taken, I sincerely hope that the development of these sites will be real value for money and that our local culture, in the widest sense of the word, is deeply enhanced.

Mr Speaker, we continue to recommend the Government Archives be transferred into a possible refurbished ex-Chronicle Printing Works building next to the Gibraltar Garrison Library. In this way, together they could operate as a modern, well-resourced Gibraltar Archives and Reference Research facility including – what we would all like to see – full digitalized searchable data.

190 Updated legislation for the management and preservation of our heritage and the listing and preservation of buildings still needs to be completed. In this respect work had already commenced during the GSD's time in office, and we are told that drafting in close consultation with relevant experts and the Heritage Trust is well advanced. It is now up to the present Government to complete this process as soon as possible, because the community hopes it will be completed at some stage and perhaps dates can be announced during this budget debate.

195 The Government continues to act responsibly in its pursuance of UNESCO World Heritage status for Gorham's Cave and adjacent sites. Indeed, some work in this respect had commenced via the Museum Team during my personal tenure as Minister for Heritage and, therefore, I continue to wish the Museum Team all the very best for the future in their ongoing excavations which I know mainly take place at Gorham's and Vanguard's Caves during the summer months.

200 Mr Speaker, there is widespread consensus amongst society and political parties in Gibraltar that our own education system is both our most important investment as a community and also a justifiable source of pride for a community of our size. Given this, the GSD believes that any possible significant changes to our education system and to our schools should only be made after a wide process of consultation between Government, teachers and parents.

205 The Opposition welcomes Government's plans to transfer both St Bernard's First and Sacred Heart Middle Schools into newly purposely refurbished buildings which were once part of the Old St Bernard's Hospital. This project is extremely similar to that which the GSD had developed to an advanced planning stage and which would have seen the light of day had we been returned into office. There had already been a high level of consultation with the Gibraltar Teachers' Association in respect of this project and the only major deviation to what will finally see the light of day seems to be that, whilst we would have also transferred St Bernard's Nursery onto the new site, Government confirms that the nursery will remain in its present location, albeit continuing to fall under the direction of St Bernard's First School Head Teacher. Projects which help to enhance educational services will always be supported in principle by the GSD Opposition and therefore I take this opportunity to wish teachers and pupils alike all the very best for the future in their new schools.

215 I respectfully suggest that a review of the geographical distribution of our first and middle schools, to better suit our changed and future changes to catchment areas, is carried out in the very very near future. It is important that we plan ahead whilst still in the design and construction phases of new housing estates. The review should include updated assessments of the optimum locations and/or relocations of schools, inclusive of provision for present day demands in respect of a modern secondary education. The GSD has already made public its desire to move all secondary education into modern and purpose-built premises – of course, with full consultation with the Teaching Profession, pupils and parents as to whether they recommend it would be best to move into a co-educational set-up or seek other alternatives. It is now almost 45 years since we changed our secondary education system from selective schools into a comprehensive system and although this has, generally speaking, worked well we need to ask and investigate if we are still offering the best alternatives possible.

220 Likewise, a detailed review and programme should be embarked upon to ensure that our less academic children, who may not necessarily follow a full range of GCSE examinations, obtain as good as possible, a relevant education programme to prepare them for future adult working life. Indeed, there are now many bodies within the United Kingdom who we follow as an educational model, who are already stating that the GCSE system as we have known over these last 25 years or so does not really cater for present industry's demands. I recommend that we keep a close and active interest in respect of educational developments, not only in the United Kingdom, but other possible locations, because at the end of the day it will benefit our children and our future local workforce.

230 Many parents and educators are continuously asking: how best can we equalise subject choices at secondary level so that both males and females have real equal opportunities? Therefore, in turn, I ask the Minister for Education what is his policy in this respect? The Minister for Education is requested to also bear in mind the following question: do we need to broaden the educational and vocational range of choices on offer to our students with the potential to mix both, especially at post-GCSE educational stage?

240 Towards the end of August our local students will receive news in respect of what grades they have attained at this summer's public examinations. In anticipation of these examination results the Opposition wishes to take this opportunity to thank all members of the teaching profession, both past and present, who have contributed over many years in a highly professional manner towards our students' successes.

245

Likewise, Mr Speaker, coming from the teaching grades myself, I know it has taken some 20 years of debate to finally arrive at what seems to be a consensus across the floor of this House, that Spanish will now be taught starting at first school levels – and this will only result in a better and proper bi-lingual community in our own homeland.

250 Mr Speaker, I note that Government continues to reduce the workforce employed within the Housing Works Agency as the number of industrial staff has been further cut from 91 to 70 for this year. In effect what has happened over the last three years is that an ever-increasing number of home refurbishments are contracted out to private companies without going through any type of transparent and accountable tender process. If the number of industrial staff members employed at the Housing Works Agency continues to be reduced, does this mean that what the future holds is that all refurbishment works will simply be allocated
255 to private contractors and without being subject to an adequate and transparent competitive tender process? Unfortunately feedback from tenants who have had remedial works carried out over the last few years in their homes indicate that, at times, the quality of the finished product leaves somewhat to be desired. I therefore ask, what assurances can the Minister for Housing offer to existing tenants who are worried that repair standards seem to be dropping?
260

The visible presence of scaffolding in housing estates for such a long time now leads us to conclude that the refurbishments must be near completion. However, many residents in these estates are concerned at the length of time works are being taken to be fully completed. In some cases concerns are made worse because the quality of workmanship for what has already been completed seems to leave somewhat to be desired. I
265 therefore urge the Minister for Housing to ensure that quality monitoring is strictly adhered. Residents in estates where refurbishments are taking place would even welcome the publication of target dates for different phases to be completed, and I ask on their behalf when will this be made public?

Government pledged that everyone on the housing waiting list and on the pre-list as on 9th September 2011 would be rehoused before the next general election. In order to meet their target Government pledged through their manifesto that they would build high quality homes both for rental and for sale. Despite being
270 in their fourth year into their term in office there has still been no announcement of new homes to be built for rental, which has resulted in great disappointment for those who are unable to afford purchasing their own homes. It is highly disappointing to see that the only new rental homes to be built will be exclusively for senior citizens, at what will be known at Charles Bruzon House. The question of where and when the new rental homes are going to be built still remains unanswered.
275

In respect of the projects for home co-ownership there is great discontent amongst many applicants on the priority system used to offer these homes for purchase; whereas in respect of rental homes applicants are offered these in precedence order corresponding to the rooms composition for which their application is being considered, this was not the case when it came to home ownership purchases. What in effect
280 happened was that applicants who would only qualify for a one or two bedroom home under rental allocations were allowed to purchase even up to three and four bedroom homes despite this being well above their housing application entitlements. For applicants to be able to purchase on a co-ownership basis homes which are above their entitlement, is not perceived as being fair by many taxpayers, and above all by those applicants with larger families who have been waiting patiently and need larger three or four bedroom homes.
285

Why are there different rules in respect of the size of homes offered for rental when compared with co-ownership? Will this method of offering homes for purchase under the next phase of co-ownership be repeated yet again? The GSLP Liberal Manifesto commits them to eliminate the housing pre-waiting list but this has not yet happened. Housing applicants would like to hear when this will take effect, more so as it
290 could make a difference as to whether they will be entitled to purchase in the newly-announced co-ownership homes now being built.

Another manifesto pledge was to provide a separate additional housing list for applicants who are living in Spain and wish to return home. In many cases, Mr Speaker, these families moved into Spain due to their original home they purchased becoming now too small for their family needs and the absence of an
295 affordable larger home in Gibraltar led them to seek a property beyond our shores. However, because they have already been home owners in the past, these families cannot file an application for either rental or co-ownership homes. Surely we could find a way whereby we can assist these families to return back to Gibraltar? As the separate housing list for this type of applicants never materialised, can you blame those families who feel rather let down by what seemed to be a concrete promise by Government?
300

Mr Speaker, there is now grave concern among purchasers of the co-ownership homes which should be ready within the next few months. Their concerns are in respect of how purchasers will obtain the necessary mortgage in order to complete the purchasing process of their new homes; unfortunately there are now less lending institutions servicing the needs of our local community in respect of mortgages. I sincerely hope that Government is able to offer some explanations of what its intentions and plans are in order to ensure
305 that mortgages will be available to all purchasers of the present and future co-ownership schemes.

Under their section dedicated to Youth, the GSLP Liberal Manifesto states that young people who are entitled to housing will not wait more than three years for a home. There are still a large number of young people registered as housing applicants seeking their own homes, so I must ask on their behalf why has this promise still not been kept? There is not an in principle objection to the building of co-ownership homes in order to meet the needs of our community, but young people who do not have the financial means are surely entitled to know why the promised new rental homes have yet not seen the light of day. I look forward to hearing from Government what explanations they have to offer these members of our community.

Mr Speaker, it is now customary for contributors to this very debate to offer sincere words of thanks and gratitude before they sit down and finalise their speech. I would like to take this opportunity to echo a bit the words of Sir Peter Caruana this morning whereby we assure everyone that, despite democratic process and debate being offered across the floor of this House, there is real love for Gibraltar when we come together to serve our homeland, and I therefore thank my parliamentary colleagues, both in Government and in Opposition, whom I have had the pleasure to accompany with at Commonwealth Parliamentary Association meetings. It has been a real pleasure to work with them, especially the last two regional and plenary conferences that I attended with the Hon. Samantha Sacramento who does make Gibraltar proud and I look forward perhaps we might even – *(Banging on desks and interjections)* I will say, I look forward because we have been through some hard adventures whilst out in the streets in some countries... *(Laughter)* the next destination could be rather challenging but I know I will feel a lot safer with the hon. Lady as head of our delegation. *(Banging on desks and interjections)*

Mr Speaker, not having a ministry I do not have any direct staff to thank, but certainly I cannot sit down without first of all thanking you, sir, for the way you carry out your office and your staff.

At a personal level, Mr Speaker, you have always made yourself available to me in both an official and unofficial capacity to offer words of advice, to give me your own benefit of the experience of the many years you have sat in this House; in both sides you have held very distinguished offices such as Leader of the Opposition and Chief Minister, and I hope that for many years to come we can continue to share those words of friendship because, unseen by the camera, a lot of work does happen behind the Speaker's Chair.

Likewise, Mr Speaker, the Clerk and his staff always put up with my phone calls when I seek certain information, and so on – and not only do they provide it, but they provide it with a smile; and Mr Speaker, I hope that continues to be the case for many years to come.

Thank you. *(Banging on desks)*

Mr Speaker: The Hon. Joe Bossano.

Several Members: Hear, hear! *(Banging on desks, interjections and laughter)*

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, can I just make a point about the concerns of the hon. Member in respect of the housing repairs?

I can tell him that the use of the contractors is based – I think I had explained it before – on the estimates of the work being produced by the Housing Works Agency, on three quotes being asked, on the work being certified as correct and of the standard required before anybody gets paid. So if he has any information, that does not mean there are not occasional complaints, but I can tell him that there is a very long list of satisfied clients at the same time. So there may be some people complaining, but we have also had very good reports from the contractors. Certainly when there are complaints, the contractor that is complained about is put on notice that unless they improve their performance they are unlikely to get work in the future, and so we have got a monitoring system that is working. But if he hears of concerns and he wants me to look into it, I will certainly be happy to do so.

Hon. E J Reyes: Thank you. I am extremely grateful, Mr Speaker, to the Father of House for having addressed that concern immediately and I will take him up if the need arises. Thank you.

Hon. J J Bossano: Mr Speaker, in considering the Budget this year, I think it is adequate to take an opportunity to look at how we performed since the last election, because of course there will be an election before the next Budget, and we shall have to see whether we are still here at the time of that election or the other side is. Clearly the election is going to be on the basis that either side can win in respect of what the polls may say.

I believe that the record that we have got is one that speaks for itself and in looking at the different areas, clearly the work that we have done in training, employment and economic growth is one that I feel is a key element in the results that we have produced.

Mr Speaker, in the size of the workforce, one of the areas that we have attached great importance to has been concentrating on full-time employment, as opposed to the all jobs figure that includes part-time employment, and that has been a difference between us when they were in Government and we were in Opposition and it is a view that we continue to have in Government as we had in Opposition and we still
 370 argue that it is a better indicator for a variety of reasons, including the fact that the numbers in part-time employment do not necessarily mean that they are different people from the ones in full-time; it is the number of jobs and not the number of people that the figure indicates.

375 One of the elements we need to analyse in the growth of the labour market is the area of employment and the nature of the jobs. We have always taken, as I have said, the view that full-time employment was an important and more effective indicator.

In addition we have looked previously at the job creation outside the construction industry for the simple reason that the jobs created by new construction are cyclically driven by Government-funded fixed capital formation and occasionally by some large private sector property investments. These investment projects can only be carried out by an increase in the size of the construction sector which then shrinks
 380 again when the projects are completed and it was this which drove the economic growth and increased employment prior to the 2011 General Election. This has not been the case since.

As I pointed out last year, we were anticipating then growth in the size of the construction sector in 2014. This has happened and is reflected in the October 2014 survey results; however, this has not to date been as much as the number of construction jobs that had been reached in October 2011. That created a
 385 distorted view of how much the employment market was expanding, clearly shown once it was reversed in 2012 when large projects were completed. For this reason, I would draw the attention of Members to what is happening in the labour market *excluding* construction, as I did last year, and as a better indicator of the job creation effect of our economic growth.

Last year I informed Parliament that the growth in non-construction jobs was from 18,813 in 2011 to
 390 19,511 in 2012; to 20,774 in 2013; and now in 2014, 21,405. These figures are on the all jobs calculations, including part-time employment from the relevant tables. If we look at the comparable full-time employment, the expansion of non-construction employment since 2011 has been from 15,714 to 18,180 in 2014, an increase of 2,466 full-time jobs outside construction – 15.6% increase in three years. This level of full-time jobs created outside the construction sector compares to the performance of the GSD in the three
 395 years before the General Election – that is from 2008 to 2011 – when the number of non-construction full-time jobs grew from 14,580 to 15,714, an increase of 1,134, less than half the results of the last three years amounting to only 7.7%.

That is the numbers in employment outside construction in the last six years show that since the General Election the job creation in the rest of the economy has been over twice the size of what it was in the
 400 preceding three years. I indicated this last year, but did not have up-to-date figures to quote when the member opposite suggested that the growth in employment was still being driven by the construction sector, as it had been for three out of the four years of the previous administration. The importance of separating these figures is that we know that the present size of the construction sector is likely to shrink again in 2016, as it did in 2012, and will probably expand later whilst new projects are initiated.

405 I was able to demonstrate last year, Mr Speaker, how the figures for the increase in Gibraltar employment presented in the 2011 Budget, prior to the General Election, were incorrect and misleading, based on the results of the 2010 Employment Survey.

If we look at Gibraltarians in full-time employment in 1996, 2011 and 2014, we can judge how our record over three years compares with 15 years of GSD Government.

410 In 1996 there were 8,207 Gibraltarians in full-time employment out of a total full-time jobs of 11,467. In the 15 years of GSD Government when they boasted of how successful they were in running the economy and creating employment, the record of which they were so proud and which the new Leader of the Party, who regrettably is not here to listen to me, like I was not here to listen to him (*Laughter*) takes credit for – although he was not there then – does not look so good when we compare it with the past three
 415 years, and absolutely lousy if we look at the increase in Gibraltarian employment. Here their best year out of 15 was in fact 2011-12, the election year.

In 15 years, the full-time jobs went up from 11,467 to 19,071, an increase of 7,604 – 7,604 more jobs in 15 years; however, in that same period the number of Gibraltarians in full-time employment went up from 8,207 to 8,544 – a miserly 334 increase in Gibraltarians employed in 15 years. Out of 7,600 new jobs, 334
 420 went to Gibraltarians – that is their record.

Up to 2010, when challenged on this abysmal performance, the argument was that we had run out of employable Gibraltarians, we had full employment, that we had exhausted the economically active population and could only have economic growth by importing labour. Not true, Mr Speaker.

425 Up to October 2010, the increase was 260 in 14 years – an average of 18 to 19 extra Gibraltarians a year. Suddenly in the last year the argument changed: the construction contract policy comes in; priority in cleaning contracts comes in. What had previously been jingoistic nationalism now became respectable,

priority in jobs for our people – the year of the election. In one year, October 2011, we saw an increase of 77 Gibraltarians in full-time employment – in one year. Much better and even better if it had been done earlier.

430 So how have we performed since 2011 with a clear manifesto commitment of priority in employment for locals? From 2011 to 2014, the Survey Report tabled by my colleague the Minister for Employment shows what this record is. From 19,071 in 2011, the number of full-time jobs in our economy grew to 21,064, an increase of 2,013. However, the contrast with the previous 15 years could not be greater when we see how many of these extra jobs have been taken up by Gibraltarians – the bee in my bonnet that the
 435 hon. Member was complaining about last year. These Gibraltarians, who we were being told did not exist or were not out of work, or if they existed it was because they were not employable. These very Gibraltarians went up from 8,544 in October 2011 to 9,293 in October 2014: 749 more Gibraltarian jobs in three years – (**Several Members:** Hear, hear.) (*Banging on desks*) An average, Mr Speaker, of 20 extra Gibraltarians in full-time employment every single month of those three years. More Gibraltarians employed in each month
 440 from October 2011 to October 2014 than they managed to employ in each year of the 14 years they were in Government (*Banging on desks*) from October 1996 to October 2010 when the average was 18 to 19. (**A Member:** Hear, hear.) A record figure which I am confident will continue to grow this year and in the future if we are back, although future numbers will be less dramatic because we have now considerably reduced the unemployment that was hidden but grew between 1996 and 2011... or where else do the hon.
 445 Members opposite think the extra 749 Gibraltarians have come from. If the economically active population had been exhausted before 2010 as they claim, how was full-time Gibraltarian employment growing by 749?

In the context of the numbers that I am highlighting to illustrate the point, I am reminded of previous debates on the subject. I note from a recent statement that the GSD gets upset about the way I deal with the kind of rubbish we hear from its present Leader (*Laughter*) and thinks that this has no place in politics. Clearly the GSD has already forgotten how the former dear Leader used to deal with anyone who disagreed with him. When the current dear Leader became the next in line of succession and joined this House, he may remember how his mentor reacted to my arguments regarding the failure to achieve an increase in male Gibraltarians in employment after 10 years of GSD Government. The GSD view then, to which he was a
 455 party, was that the male Gibraltarian population was static and never went up. It was not a failure to provide jobs that was a problem; it was a failure to produce Gibraltarian males. Births did not exceed deaths.

The Gibraltarian population resident in Gibraltar was 19,825 in 1981 and 20,022 in 1991 – a very small increase of 197 in 10 years. This was not evidence of an ageing population and low birth-rate – the implication of the GSD Government from 1996 to 2010 – to explain away falling levels of Gibraltarians in
 460 employment. The failure of the population to grow between 1981 and 1991 was almost certainly due to net migration, but this changed later and less Gibraltarians left and more came back. In the decade from 2001, it grew by 2,860 and the census tabled last week shows a further increase to 25,444 by 2012 to 2,562 more Gibraltarians in a period of 11 years.

So from 1991 to 2012 the Gibraltarian population went up by 5,422 in 21 years – 15 of those 21 years under the GSD government who defended themselves in the House by saying that the population was static and that we had exhausted the local labour supply. Well, if it had been true, then the number of Gibraltarians would only have grown before the GSD – that is in 1991 to 1996 – and after the GSD since we came in in 2011 and up to November 2012 in 11 months. If this had happened, this would not constitute a normal demographic pattern, as the Chief Minister argued.

470 What this would show, if it had happened, would have been that something very wrong was taking place under the GSD administration. It would have implied, Mr Speaker, that we had an outflow of refugees escaping from the regime, as is happening in other parts of the world.

475 **Chief Minister (Hon. F R Picardo):** The love index was down!

Hon. J J Bossano: However we are not suggesting that this was so; the simple explanation is that what they were accusing me of doing, which was manipulating the statistics and lying, was in fact what they were doing. They were twisting the facts to suit their political objectives and defend themselves against their failures.

480 They did it in Opposition before 1996. They did it in Government between 1996 and 2011, and they have carried on doing it since in Opposition, to this day. (**A Member:** Disgraceful.)

My argument, the House was told, was a complete distortion of the statistics, which I was putting to an obscene political purpose! *Obscene*, Mr Speaker! Never mind the Soviet Union, Mr Speaker. If we had been in North Korea, for the offence of disagreeing with the Great Leader's interpretation, I know what my fate would have been! Even though the Great Leader was quoting figures which actually went against the
 485 argument he was using of zero male population growth. Male Gibraltarians in employment had in fact fallen below the 5,618 figure of 1996 every year to 2005, and then shot up to 5,718 the year he put his

arguments, having been previously as low as 5,168 in 1999. This loss of 10% of Gibraltarian males was said to be a demographic change, not a change in employment levels, as if the 10% of our male Gibraltarians had been eliminated Korean style.

490

In spite of this comparison with the style of the past, given the Hon Member's sensitivity, I will try in the future to be even more gentle with him than I have been in the past.

Mr Speaker, I have said at the start of my contribution that the relationship between employment and economic growth is two way. Setting targets for economic growth as the foundation for a four-year economic plan has been an integral part of the GSLP approach for securing our country's future from the start of the life of the party in 1976.

495

When we took office in 1988 the national income was £152 million. This figure which formed the base line, from which we measured our progress, had been validated by a study using input/output methodology which confirmed the estimate of the previous government.

500

Between 1987-88 and 1996-97 the size of our economy grew by 132%, which represented an increase in output and a higher level of national income of the order of £200 million to reach £352 million.

In 1996-97 the calculation by the GSD administration was also confirmed by an input/output study.

In those eight years, the critics of the GSLP used to question how it could be possible to achieve this level of growth and accused us of having a secret economic plan which we would not reveal.

505

Well, Mr Speaker, I find this extraordinary and something which you would find nowhere else in the world in terms of the positions adopted by political alternatives. This is that the party that puts before the people a set of specific policies which are quantifiable does not have an alternate option from another party, putting different targets. What we find is that the alternative party campaigns on the basis that it has to have an explanation given to it as to how our targets are going to be achieved. That is the experience we have had in fighting elections – unique in Gibraltar.

510

An example to illustrate the point, Mr Speaker, is that if you look over the years, others have promised to build more houses but never delivered. We have always said how many houses we intend to build, giving the number. The debate then becomes centred on our manifesto and whether it is affordable, how are we going to be able to deliver it, and where is the money going to come from.

515

This is what happened in 2011 and what has been happening until recently – until yesterday – when the Leader of the Opposition for the first time set out his ideas on the Public Debt on television, which appears to be what he will be committing his party to when the election takes place between now and the next Budget. He actually put some proposals.

I believe this is how it should be. If the Members in Opposition believe that they have alternatives which are better than our policies, they should spell them out, so that our people can exercise their choice between policies.

520

Between 1996 and 2011, our targets for economic growth were always ridiculed by the GSD. Even when the targets we were setting were actually being achieved under them. An indication of just how economically illiterate they were, considering they did not even realise that the growth figures being quoted by me, and rejected by them as 'pie in the sky', were the growth rate that was actually happening under their very noses!

525

Mr Speaker, the revised calculations for GDP published this week are the result of information obtained from the 2012 census being taken by the statistics office to recalculate National Income Estimates. I take this opportunity therefore to point out that in 2007 on the eve of the elections, in the final debate, the Leader of the GSD said that had he realised that my projection, for economic growth was written into the manifesto, specifying the amount, he would have rubbished it even earlier. My supposedly outlandish projection was £800 million in 2007-08 rising to £1.2 billion in 2011-12. A back-of-the-envelope calculation, I believe was how it was described.

530

So now we have in 2015 the final updated figure, taking the most recent information from the census, which is much more accurate than the one historically produced before, and now one can see how far out I was.

535

Instead of £800 million, it was £806 million in 2007-08; and the growth, instead of £1.2 billion reached £1.201 billion, in 2011-12. Clearly I will have to do better than this, Mr Speaker. *(Laughter and banging on desks)*

540

In the 2011 General Election, we relied on revised figures and produced estimates for the current four-year cycle based on the information that was available. Assuming the level of the GDP for 2011-12 to be of the order of £1.1 billion we projected its growth by 50% to reach £1.65 billion in 2015-16, the current financial year. Given that we now know that the figure was £1.2 billion in 2011-12 we would expect 2015-16 to reach £1.8 billion. Indeed the figures that have been published this week suggest that the original estimate of £1.65 billion could well be the final outcome for 2014-15, in which case it is not unreasonable to expect that the current year would produce a result of £1.8 billion.

545

For the future to manage the same rate of growth would require that our GDP should then go from £1.8 billion in 2015-16 to £2.7 billion in 2019-20.

550 This might be a demanding target to aim for and we shall have to consider what the target should be as we get closer to the date of the elections. But Members can be certain that we shall be setting out a specific target on economic growth as we have done in the past. (*Banging on desks*)

Although the GSD position in November 2011 was to declare it impossible to achieve, I was glad that the hon. Member Opposite – he is not opposite, but metaphorically! (*Laughter*) – in the first debate that took place on Workers Day 2012, accepted that it could happen and indeed went so far as to say:

‘the GSLP in their manifesto committed themselves and promised that the economy was going to grow by 50% over the next four years. Now if they deliver on that particular promise’

555 – which we have –

‘they are going to be creating hundreds of jobs.’

– which we have –

‘Look, I’m not here to wish the GSLP not to succeed with that enterprise because at the end of the day I’m a Gibraltarian and for the sake of myself, my children and the rest of Gibraltar we want them to succeed.’

So I am glad that the Leader of the Opposition has the satisfaction to see that we have done what he wanted to see happen. We have succeeded.

560 After which he went on to say we have to analyse the reasons why people are unemployed and for example, the position of those on Social Security. Well, what he was saying is exactly what we have done. We have reduced the numbers of persons on social assistance from 533 in December 2011 to 422 in June 2015, a reduction of 121 in the number of persons relying on social assistance as their only source of income, which represents a 22% decline in three years.

565 This has been done by providing opportunities in the training for employment programme and the result is that this reduction is reflected in the increases in the number of Gibraltarians in employment which also includes others who whilst not on social assistance were not previously registered as seeking employment and were deemed not to exist.

570 The hon. Member said this is what they were planning to do if they won the 2011 election. Now I accept that he was not there in any previous election before 2007. But saying that the GSD was going to start doing things after 2011 which they had not committed themselves to in their 2011 manifesto and which they had failed to do in the previous 15 years, when he was not there, is hard to swallow. Especially indeed when they argued that either it was not possible or else it was not needed.

575 The growth in the economy does not necessarily require an equivalent increase in the number of jobs, as he implied. The growth in the GDP from 2007 to 2011 of 50% was not accompanied by an increase of 50% in the workforce.

580 To do the correct analysis of what is happening with the numbers in employment in the context of economic growth, we needed to remove a big chunk of the part-time employees shown at the time as community officers, no longer reflected in the statistics. I have explained before why this was an artificial figure, distorting the picture that had been used by the previous Government as evidence of the effect in employment levels in terms of the number of Gibraltarians.

Indeed, in the same debate in May 2012, the Member Opposite claimed that they had in a 15-year period increased the national income by 300% and the jobs by 8,000. Something of course which he had nothing to do with and in any event the figures were incorrect.

585 For the record and so that it is understood, let me explain why community officers with a monthly allowance from community care were not part of the workforce, apart from the fact that the charity argued this at an Industrial Tribunal.

590 In economic terms, the 650 to 700 Gibraltarians are in the main persons with full-time jobs already included once in the statistics. This happened from the time the GSD asked the charity to expand the scheme and make it available to all 60-year-old males and not just to unemployed persons aged 60 years plus, who were having difficulty in finding employment, namely the previous category. The effect of the change was a huge increase in the number of community officers. This was not accompanied by any increase in the available work which did not expand to meet the availability of the extra community officers.

595 So it is *not* the case that the contribution to output increased, when the numbers went up from 45 to 700, and therefore the output of our economy was not affected. So although there are some 760 part-time community officers currently doing a few hours a week for community care, they do not appear in the employment survey reports that have been tabled as part-time workers, for the reasons that I have explained, but many of them do appear once as full-time workers anyway.

600 The economic growth has given rise to job creation, but to avoid what was happening before 2010, we have implemented as intended the GSD initiative announced that year requiring priority for local labour on Government contracts and we have overcome the excuse of contractors regarding trainees not being suitable or experienced by providing a link to the training programmes that applicants were required.

605 The one important factor that has contributed most to the increase in sourcing local labour to fill the increase in jobs available, has been therefore the introduction of the new training programmes which replaced the vocational training scheme (VTS) operated under the GSD.

Our manifesto commitment was that this initiative would be introduced by no later than February 2012. Demanding as the target was, it was met and those previously on the VTS were offered training employment contracts on the national minimum wage. All those on the waiting list and those already in the discontinued scheme were taken on during February.

610 There were two elements in the strategy. The first was that trainees were placed in the private sector with employers who entered into a business partnership agreement with the training company. This required the placement provider to commit to employment at the end of the training period. The training contract and their placements have been subject to a one-month probationary period, followed by a number of months of training, dependent on the nature of the work and its complexity, and the level of experience held previously by some of the trainees.

615 The second element in the new approach has been that the nature of the training is demand led. Indeed without this factor it is difficult to see how employers could be required to commit to employment on completion of training.

These two aspects were to secure the success of the training in achieving employment.

620 On the supply side, the payment of the national minimum wage has meant that it was much more attractive than its predecessor, and could be offered to unemployed persons across the spectrum, given that the national minimum wage is in fact the private sector rate of pay for most semi-skilled jobs on offer through the Employment Service.

625 Initially the Member Opposite found fault when the programme was barely one month in operation in March 2012. Only 5 employers had committed to employ their trainees and I was invited by the Leader of the Opposition, then Employment Spokesman to acknowledge that the scheme was a failure, so anxious was he to see it fail.

630 The first year was not withstanding what I have said, a difficult one. We had trainees to whom we had a commitment, but who had not been pre-selected to train them for a particular set of skills, as the old VTS was not demand-led.

This created the problem of having to recycle the trainees through different jobs until suitable positions could be found. Many of them had been placed in the private sector and employers told us that they were not able to offer employment because in the majority of cases they claimed that they were taking trainees for non-existent jobs, as a sort of public service and because they came free.

635 The approach seemed to be that it was better to have people in so-called training in non-jobs, than registered seeking employment. Indeed, those on the waiting list for the quota of available funding at Bleak House were not at the same time permitted to register with the ETB as seeking employment. They formed part of the 'non-unemployed' jobless element, which allegedly did not exist.

640 To address this problem a number of those placed in the private sector were moved to the public sector on the clear understanding that they would not be given preferential access to public sector vacancies, as I have made clear in answer to questions on a number of occasions. This is despite the fact that there were cases of persons who had been on the VTS allowance for many years, though it was supposed to operate on a six-month cycle.

645 By 13th January, however, the position had begun to stabilise with declining numbers in the public sector and increasing take-up from private sector employment.

At the time the Leader of the Opposition, as Employment Spokesman, claimed that the results of the first year in terms of obtaining employment at 28% was no better than what had been achieved by the GSD VTS programme, which he claimed was of this order. Again clear evidence of his attempts at belittling what was being achieved.

650 In fact in 2008, the then Minister for Labour – whose name I will not mention because if I do the Members Opposite will say I have a vendetta against him – went further. He said in his Budget speech that more than 30% of the VTS trainees placed in the private sector found full-time employment in the first year. A figure for which I have found no evidence in the employment records of former VTS trainees in that year. Though of course, the year of the over 40% was not identified in his contribution.

655 By contrast I am happy to report to the House that the success rate of the training for employment programme is now 69%. That is, of the 1,722 who had completed their training by April this year, or left for other reasons, 1,181 were in employment after leaving the training programme on completion. (*Banging on desks*)

660 Mr Speaker, he, the then Minister, told Parliament at the same time and in obvious contrast to the success rate he had just claimed, that our young people only aspired to higher education and at university level.

A Member: Doesn't want to hear it!

665 **Hon. J J Bossano:** That few, he said were interested in vocational training. Few, he added, even with low academic ability, wanted jobs in catering, hotels, shops, bars and restaurants, or even apprenticeship schemes, contrary to what we in the Opposition believed and what they seem to believe now, now that they are in Opposition.

He asserted:

'the Gibraltarian unskilled workforce cannot, nor does it have a desire to compete in the sectors of employment with workers from the new EU states and the developing world'.

670 An analysis totally reversed two years later and just before the election when he introduced sanctions in public contracts requiring employers to engage unemployed Gibraltarians, which he had claimed were not interested in the jobs.

675 Perhaps Mr Bossano should educate himself by reading what was said in the GSD years when he says there were agreements in place between major private-sector employers and the Employment Service to provide apprenticeships, which he claimed had been terminated by me in December 2011. This of course is a complete falsehood and I challenged the Member to publish the names of these alleged private-sector employers' agreements, which he has been unable to do because of course they do not exist.

680 The only entity he could quote was Gibtelecom, which is public sector in pay and conditions and was 50% publicly owned and even they did not guarantee employment after training under the GSD. The one he did not mention was Cammel Laird in respect of the Dockyard Training Centre, and the arrangements there continue to this day with Gibdock.

In 2008 the GSD Minister also admitted that there had been a shortage of craft and technical skills, which had resulted in most of the jobs in these areas being taken by workers from abroad – what I have been saying for years.

685 To address this, after 12 years in Government, the GSD decided to bring together the Construction Training Centre with Cammel Laird and Our Lady of Europa Training Centre, to deliver what was described as a more ambitious training programme in a more cohesive manner. A key element in this project was the co-operation of employers for job training placements and future job opportunities.

690 However, other than the announcements there is no evidence that then or in the years that followed that anything new materialised either in training or in the private-sector-based apprenticeships.

695 The increase in jobs created by the growth in GDP between 2011 and 2014 meant not just organic growth from existing employers whose business expanded, but also a net increase in the number of employers, adjusting for those whose business activities ceased in the intervening period. This is reflected in the number of returns of the employment survey questionnaires, which was 1,770 in 2014, compared to 1,445 in 2011. Of the 325 increase in returns, 41 were in the Construction sector, almost all being small start-ups with under five employees.

As you would expect, Mr Speaker, the fact that we have been training more people and that they have obtained employment has been reflected in the number of jobs which is up and the number of unemployed which is down.

700 Although again this was considered impossible to achieve, by the end of 2014 the quarterly average was 268 unemployed. The December figure at 228 was at the time the lowest ever – lower now. The number of unemployed Gibraltarians registered with the Employment Service continues to be below the 300 figure, which is what the GSD government considered to be the lowest level reasonably attainable.

705 In increasing Gibraltarian training opportunities and employment levels, we have ensured that more of our citizens receive some of the benefit of a growing economy. As well as creating more jobs, we have increased the national minimum wage every year even faster than the commitment in our manifesto. The minimum wage was £5.40 an hour when we were elected into office in 2011. It increased to £5.70 in 2012, £6.00 in 2013 and £6.15 in 2014, and is due for an increase this year again.

710 Our approach to training, in addition to demand-led employer base, has been from the start led by a scientific analysis of the skills market.

There was a commitment to carry out a skills audit of the labour market in the first quarter of 2012 to produce the action plan from April 2012. This was carried out within the timescale, using the only source of information that was then available which was the employment records held by the Employment Service which provided a breakdown by trade and industry of the skills base.

715 Having identified the areas dominated by imported labour from the reports of the previous Employment Service and indeed from the analysis explained in 2008 in the House by the previous Minister, the work was started in the construction sector and I have already in answer to questions in the past given examples of this.

I have also said that the new census questionnaire would contain detailed questions on the skills set of the resident population, which would be used to contrast with the data from the employment records.

720 The census, as Members will know, was due to have taken place in 2011 but was delayed, and we proceeded with it in 2012.

The more extensive questionnaire made the work of analysis and tabulation with much more information more time-consuming, and I am grateful to the dedicated team at the Statistics Department for having done an excellent job of providing us with the most detailed analysis of the skills distribution in the economy that we have ever had, (*Banging on desks*) which will be very useful for planning the future training for Gibraltar by identifying the areas with the greater skill shortages in terms of local labour. These tables provide classifications with nationalities and age breakdowns. So we also know the age profile by trade.

730 The initial work done by the research section in my Department in compiling tables based on employment records, which gave clear indications of the areas in which we should provide training. In the construction sector this information is classified by employer, by nationality and by age.

In terms of nationality, what we found in 2012 was that Gibraltarians constituted 26% of the scaffolders; 13% of the steel erectors; 58% of sheet metal workers; 29% of the welders; 48% of plumbers; 22% of pipe fitters; 6% of plasterers – which is why we started in that area; 26% of painters & decorators; 38% of woodworking trades' labourers; 42% of labourers in other trades not classified; 9% of brick layers; 23% of carpenters; and 26% in other construction trades.

We took this into account as well as the vacancies registered by the private-sector employers for which it was difficult to provide local candidates, in the training offered.

740 We also introduced training programmes and the numbers of participants in other areas have been: in hairdressing, 5 participants; the Care Training Programme, 228; in bookkeeping, 34; Police Cadets, 11; engineering trades, 45 – which includes motor mechanics; construction trades, 143, bus driving licences, 17; ASDAN, 16 trainees, and customer care training, 55.

I can of course understand the difficulties Members have in accepting that we have achieved more in three years in the areas of growth, training and employment than was achieved in the previous 15 years under the GSD. Mr Bossino in last year's Budget and on some other occasions has asserted that people are now in dead-end jobs, following training, because of course he is forced to admit that they are now working, so he needs to switch his criticisms. Before it was that they were without jobs.

745 They were all given glorious careers in the 15 years of the GSD, we are expected to believe, even though he seems to know very little about what went on in those 15 years. The Construction Training Centre which was initiated by the GSLP produced the greatest number of trainees in 1996 when it was opened and progressively less every year since, until after 2011.

Of the 493 trainees who joined up during the 15 years of the GSD, 369 left without any qualifications – 369! Eleven with a level I; 90 with level II; and 23 with level III. Twenty three in fifteen years!

755 Since 2011 the details already given in answers to questions, show how many more have been successful compared to what was being done before.

In these as in other areas, it will make absolutely no difference to the criticism by the Member Opposite, that we have provide have logical explanations or that we will give him the figures. He clearly feels that he has to earn his salary by arguing that things are not happening in the field of training or elsewhere, even when the information provided shows the opposite.

760 The hon. Member last year also criticised how we were going about doing the Skills Audit. Well look, let me remind him what the GSD view in government was, as regards what the Opposition was entitled to question. They used to say, 'If I have something in my manifesto which you didn't have in yours, then you have no right to criticise how well or not I am doing it, because if you had been elected you would not have done it at all.' Very logical.

So the answer is that if the Skills Audit, which they did not do in 15 years and has been done in the last three, and is not to the satisfaction of the Member Opposite, he has got no right to judge how well it is done, because if he had been elected, he would not have done it at all.

770 What is clear is that the Hon. Mr Bossino thinks that the information he seeks is only for the purpose of him going through it to see if he can find an excuse to criticise. The biggest blunder he made in this respect has been to criticise me last year for reducing the number of civil servants in the Employment Service from 38 to 14.

Well, Mr Speaker, this from a person in an Opposition which was criticising us because they were saying the Civil Service in 2012 had been increased so much that it was bloated, as it was put to me at the time on GBC! Now they are saying as a party that the public sector is the only area where the number of

jobs is going up because the private sector is down, which of course is not true. None of it is true – but that is not relevant in the statements of the Members Opposite.

780 However if they were so concerned that the Civil Service numbers are going up at a rate of knots that we cannot afford, then why does he criticise me when he thinks I have done the opposite and brought them down?

In fact the example that he quotes displays a level of ignorance, for which it is difficult to find a comparable example in anything any Member of this House has said in any of the 43 Budgets in which I have participated.

785 I explained to the House that there were 22 to 24 newly recruited AAs who had been parked at the ETB at the beginning of the financial year, pending their allocation to other Departments, before the numbers went up. I then confirmed a year later that I had now lost all of them, bar one who was still in the Department and that is what the figures reflected.

790 Is the Member apparently not aware after three years here, that the civil servants are deployed wherever they are needed in the different Departments and that the requirements of the Departments change, that this produces some Departments gaining staff and others losing them from one year to the next?

If he has not even learned that little in three years, then he has got a long learning curve ahead of him before he starts making a worthwhile contribution to the debate in future Budgets.

795 Of course, he can always emulate his colleague Mr Netto for his next Budget speech, who I understand provided a great deal of his analysis of the estimates of expenditure by explaining the relationship between the money we are voting for spending in 2015-16 with what he has done with his life in the last 30 years. (*Laughter*) And especially all the things that he found wrong with me and the GSLP government before 1996.

800 Mr Speaker, given that the Hon. Mr Netto has decided to bid the House farewell, by showing what a harsh critic of mine he is, I feel I owe him the courtesy of reminding the House of some of his more idiotic interventions of the past. (*Laughter and banging on desks*)

805 In 1998 he tabled a censure motion against the Opposition and in trying to justify his argument, he brought to the Parliament a civil servant loaded with printouts of all the computer records of the GSLP administration from the Employment Service. He was trying to prove that the published unemployment figures did not tally with the records. That is until I intervened to point out to him that in fact what he was accusing us of was over-recording the level of unemployment. He was in fact accusing us of publishing higher numbers of unemployed than was really the case.

At which point the penny dropped, and the Chief Minister wisely turned round to him and told him to shut up and sit down. (*Laughter*) A vivid picture I have in my memory.

810 In his brief role as Employment Minister, he was also notorious for doing what he tried to accuse Pepe Baldachino of having done: that is he changed the rules at one stage so that ladies seeking part-time employment should not be allowed to register and count as part of the unemployment levels.

815 He argued that these ladies only wanted to work part-time and could not really be treated as genuine jobseekers, and that there were some who only went to register for example if they heard that there was a job in Safeway or elsewhere in which they were interested. This unique interpretation of the criteria for unemployment was short lived.

820 But perhaps his greatest contribution to economic theory and employment practice came when he started issuing press releases showing the numbers of people that had been employed in a particular period, at the end of each month, or each quarter, and then in the same press releases he went on to argue that these numbers finding jobs was evidence of the growth in the employment market that was expanding and without doubt, by implication, the rate at which the economy was growing – however having admitted from the equation those who were terminating their employment and leaving the jobs market. Of course, had this interpretation continued unchecked, we would have in the fullness of time finished with the whole of Europe as our workforce.

825 Of course, that was before he became a philosopher, which I thought might improve the quality of his interventions in the House, but it has only done so in relation to him quoting political philosophers. Last year, it happened to be a Machiavelli and he got it completely wrong in the explanation that he gave. So I am sorry to say that even the philosophy degree has not done him any good.

830 I was otherwise engaged, Mr Speaker, and was not able to enjoy his presentation, but one thing that apparently was missing from his account was that he came to see me as Chief Minister when he visited Gibraltar at the time he was living in Wales. He did not come to my office at No. 6 to pay a courtesy call, still less to tell me all the things I was doing wrong. No, Mr Speaker, he came to tell me that he was interested in applying for the job of branch officer in the TGWU, but would not do so unless he could count on my support, which I gladly gave. (*Interjections*)

835 **Hon. J J Netto:** Mr Speaker, he is imputing allegations of me which are completely untrue! I did not ever say to him that I was coming to Gibraltar because I needed his support for the vacant post of branch

officer of the then TGWU. I did not need his support – at all! I came to Gibraltar, I campaigned for the job without his support at all, and I was glad to get the vast majority of the members of the TGWU who voted for me and that is how I got the job.

840

Hon. J J Bossano: Well, I do not know whether his memory is as good as mine, but I have got a very clear recollection. I did not tape him when he came to my office at No. 6. I am telling the House that that is what happened and that is where he came in. And I am telling the House this because I feel, Mr Speaker, I feel I have to say, given that but for that exchange, according to what he told me, he might have stayed in Wales, and I feel I have to own up and take the blame for this, and say to all those people who have in the last 30 years had to put up with him, ‘*Mea culpa*’, Mr Speaker. What else can I say? Another minus on my CV for having been responsible for attracting him back to Gibraltar.

845

Mr Speaker, the level of economic activity, (*Interjection by Hon. Chief Minister*) our growth is assisted, or not, by what the Government itself does with its revenue streams, including the proceeds of debt.

850

I have often argued from the Opposition that independent of the level of debt that is placed as maximum by reference to either revenue or national income, a more relevant consideration is the use to which the money is put, as I explained in the 2010 debate when the threshold was raised by the Government and we supported it from the Opposition.

855

If money that is borrowed is deployed in the local economy and it stimulates economic growth and yields benefits that cover the servicing costs, then it is worth doing irrespective of other considerations. It is clear that the debt level is an issue about which there are serious differences between us and the Members Opposite. So what is the Public Debt today and what is the policy of the Leader of the Opposition on Public Debt?

860

When he talks about debt is he talking of aggregate debt or net debt, which is the discussion that dominated the 2011 elections and became the mantra of the GSD in 2010?

The Public Debt of Gibraltar was first limited at a finite figure of £100 million, and this was changed by a formula which happened to be what the Foreign Office requires the other colonies to adhere to and we have chosen to apply voluntarily.

865

The criteria of 40% GDP or 80% revenue, whichever produces the lower threshold, was applied to the aggregate debt initially, and then when the increase in GSD debt hit the ceiling, the ceiling was raised by changing it to apply to net debt. There is no longer a legal limit to aggregate debt. So when the Leader of the Opposition says that they will adhere to the legal borrowing limit, he can only be talking of net debt.

870

Well, Mr Speaker, the net debt as defined by the GSD law, which the former Chief Minister pointed out in 2010 I had sensibly supported, when he brought the matter to Parliament, and as applied by the GSD from that date, currently produces a figure of around £400 million. So if the net debt is £400 million, it takes some kind of miracle to reduce it to £450 million.

The figure based on the position in January when the Treasury prepared the estimates, projected the net debt at £375 million, which is the figure shown in the Estimates Book.

875

Incidentally, Mr Speaker, the Backbencher was incorrect when he said last year to the Chief Minister, ‘of course, having driven me from office on the basis for all intents and purposes of having promised that he would not increase net public debt and that he would fund his programme by some other means, which we said was impossible and remains impossible, it transpires what they have done isn’t because what we had said was impossible that they have made possible. It was because they have done what they said in the election campaign they would not do – which is to increase net public debt.’

880

Well, there was no commitment on public net debt in the manifesto or in the election – we never mentioned net debt – which was left by the previous Government with a £20 million margin before it hit the legal limit, which became £2 million as a result of pre-programmed spending reducing the cash reserves. So even if we wanted to have a higher figure, we could not have it.

885

The Backbencher knows this and admitted it at the official opening when he offered his support to lift the ceiling of the net debt prepared for him before the general election.

So the only target that there can be on net debt is that it should be below the legal limit, because it is not a matter of choice. It has to be under, unless this House approves a breach of the stipulated maximum by motion.

890

The debate in the election was that we would reduce the aggregate debt from the figure we inherited which was £520 million, and this we have done so far. What the debt happens to be with the formula providing the legal limit changes on a daily basis, as receipts and payments are logged by the Treasury, under the system known as TAS. The same system has been in place for as long as I can remember, to arrive at cash reserves.

895

The Member Opposite insists, for his own partisan political purposes, on redefining the composition of the Public Debt by reference to the short-term cash movements which as I clearly demonstrated to him at Question Time shows the ebb and flow of cash in and out of the Treasury.

Thus, in 2012-13 cash deposits advanced to the Gibraltar Investment Holdings by the GSB Special Fund, for example in April were £37.6 million and in the same month £12.5 million was repaid. In May £6.7 million was advanced and in June the advance was £6.8 million and the repayment £40.7 million.

900 The Member Opposite wants to know how it was repaid. Well, Mr Speaker, if he did not understand how the system worked when he was in Government, he can hardly expect me to explain it to him so he can understand it in Opposition. But presumably he must know what the position was at the close of that financial year, in terms of liquid reserves for 2012-13, because these accounts are published and in his possession.

905 In case he does not remember, or he has not noticed, or has not been advised by his coterie of experts, or what someone less generous than me might describe as a cabal of GSD activists, which he claims he has gathered around him, let me remind him what the figures are: liquid reserves – 1st April 2013-14: £256,440,348.02.

910 In other words, Mr Speaker according to the most recently published audited accounts of the Government, we were not ‘skint’ – or at least not quite skint; in fact, some £256 million away from being skint. Ergo, to use GSD newspeak, ergo, far from being skint, we were a long way from being in that position.

915 Well how close were they to being ‘skint’ by comparison? The same audited accounts for 2007-08, the start of their last term in office, liquid reserves on 1st April 2008 were £72,862,167.38 million, almost £200 million closer to being skint than us.

The next year 2008-09, they became apparently less close to being skint. The liquid reserves in the audited accounts gave us £142,105,153 million, on 1st April 2009. However, during the course of that financial year they borrowed £98.7 million and therefore their liquid reserves would have been £44,445,154 million without the borrowing.

920 The year that followed, 2009-10, the liquid reserves are shown as £252,366,162 million, as 1st April 2010 – getting closer to our level. However this was the result of borrowing during that year of no less than £197.2 million. But for this, the liquid reserves would have been a low £55,166,162 million.

925 In the run-up to the election, in 2010-11 the liquid reserves are shown as having grown to £279,963,143 million by April 2011. However, again, new borrowing in that year came to £91.5 million – in effect without which the figure would have been £188,463,143 million.

Double ergo, Mr Speaker, they were closer to being skint on more occasions in their last term of office, than us.

930 Not only has the Leader of the Opposition announced that if he were in Government he would bring down the debt to the maximum legal limit at £450 million, but he has said he would do this by cutting overspending to the tune of £50 million every year from Government Departments. Well, clearly, this refers to the recurrent budget of Government Departments on which he will be voting this week.

The fiscal policy of the GSD is now based on two false premises: (1) there is net debt of £800 million, which is £350 million above the maximum legal limit; and (2) there is an annual recurrent overspend in Government Departments of £50 million which can be cut.

935 I have already informed the hon. Member that the estimated net debt is around £400 million, so in fact he can increase it by £50 million to reach the legal maximum. Secondly, the £800 million is presumably arrived at by adding the cash deposits from credit finance which are being reduced on a month-to-month basis and will continue to be reduced without any departmental cuts in expenditure. (A Member: Hear, hear.)

940 If targeting the debt level in cash instead of as a percentage of GDP is the present policy of the Members Opposite, then I have to assume that the present Leader of the GSD does not subscribe to the often repeated view of by the former Leader of the GSD who always argued debt targets in cash as opposed to by reference to the size of GDP is evidence of economic illiteracy. Let me remind the hon. Member of the policy to which he was a party as publicly stated in 2010: ‘The size of the debt is not by whether it is £1, or £50, or £5,000, but by how rich you are. It is completely economically illiterate to say that the Government owes £100 million.’ So, either he is now completely illiterate, or his predecessor was talking nonsense.

Something else that was said in 2010, which definitely was total nonsense was, and I quote:

‘The public debt in Gibraltar now, with all the Government borrowing, with all the Government projects, that it is doing, is smaller as a percentage of the size of the economy of Gibraltar than in 1996 when we first came into office.’

950 Well, Mr Speaker, in 1996 the *aggregate* debt, aggregate, was £65.68 million. The concept of net debt did not exist and was invented in 2010 because the aggregate debt had already reached the legal limit. However, if the cash in all the piggy banks that the then Chief Minister emptied after 1996 had been offset against the £65.68 million, as was the practice from 2010 onwards, for the purpose of calculating the net debt, the resulting net debt in 1996 would have been zero. So how could the then Chief Minister argue in

2010 that the net debt was lower than in 1996? An impossible concept of negative debt, whether expressed as a percentage of GDP or otherwise.

955 Be that as it may, the £50 million of overspending that the hon. Member claims he will cut does not exist. If departmental overspending is – as it has always been understood – the amount by which the outturn exceeds the approved expenditure, then in 2014-15, in the Book before the House, the so-called overspend is £6.723 million or 1.57% of the Budget approved a year ago, which totalled £427.11 million.

960 £5.142 million of the £6.723 million was the increase in the budget of Head 2, which works out at 33%, not 43% over budget for No. 6 Convent Place. But it is totally meaningless, other than as a propaganda tool, since there is no reason why spending in one head should not be above budget if the other heads come in under budget, as can be seen. The bottom line is that there is no £50 million total departmental overspending for the GSD to cut.

965 Maybe the hon. Member would like to take the opportunity to start the process this year by telling us at the committee stage as we go through the heads, which are the ones he is going to start cutting to get the £50 million. Or maybe he can explain why he did not do it before 2011.

The departmental overspending in 2013-14 was £12 million, from £392.7 million to £404.7 million – all of which was accounted for by the Utilities Head, which includes fuel costs, which went up from £48.7 million to £64 million, an increase of £15.3 million offset by savings in other heads of £3.3 million.

970 In 2012-13, the approved budget was £371.2 million and the final expenditure was £371.7 million; £0.5 million over budget. That is £500,000 – £½ million, not £50 million over budget.

The worst year was 2011-12, when the approved budget was £316 million, and the result was £332 million – an overspend of £16.2 million, which they had been running for nine months of that financial year.

975 Their last full financial year, 2010-11, is difficult to decipher, Mr Speaker, because it started off with an approved budget of £181.3 million and finished up with £297.5 million. The overspend of £116.2 million, happily, gives a misleading picture, because that was the year that they started integrating the agencies, authorities, etc. which were shown separately at the beginning of the year and were subsequently integrated retrospectively.

980 This was ostensibly to provide more transparency and accountability, although it did no such thing because no additional information was provided. However, what it did achieve was an inflation of the revenue figures for the purpose of calculating the legal maximum debt, which was already hitting a ceiling and stopping the GSD from borrowing even more money. Even if allowance is made for this, the overspending was still greater in the last full year of the GSD control of public finances than in any period since 9th December 2011.

985 Of course, there may be a simpler explanation as to why the Leader of the Opposition thinks he can cut £50 million every year from the departmental recurrent expenditure budgets – which is that instead of looking at the figures in the Estimates Book, he is looking at the graph which I am told has been placed by his supporters on Facebook. Mr Speaker, I have, to assist Members, brought a copy of the graph – I only need to send three over there, because there are only three of them left now; and they are available for Members on this side! – which compares the graph with the official figures.

990 The charts on the Departmental Recurrent Expenditure, which is the version attributed to the GSD, show that there is a level of expenditure in 2014-15, and an estimate for 2015-16 which produces increases which are totally at odds with the figures that we are voting in this House. I do not know whether the hon. Members, when they come to vote the Appropriation Bill, believe that they are voting for what the Bill actually says, which is for departmental expenditure this year of 453 million – which is what they are being asked to approve – or what the GSD claim they are to be voting for, which is £560 million.

1000 The charts when compared with the actual figures produced by the Treasury, in terms of the forecast out-turn, and in terms of the estimates for last year and this year and the preceding years, which are audited accounts, show that in their calculations the audited accounts for 2010-11 shown in blue in the chart is the same in their calculation and in the book, which is when they were there. The same happens in 2012, but it starts changing after 2012-13.

1005 Well, if the hon. Member thinks that what he is really voting for is those figures, then in fact he does not have to limit himself to £50 million, because the discrepancy between their calculations and what we have got in the book is £140 million. So instead of saying he is going to pay back £50 million, he can pay back £100 million, and have £40 million to spare for something else!

1010 I assume that the hon. Member is familiar with what his party and its activists that he loves so much are up to. I do not know if the fact that the chart purports to show levels of departmental expenditure is an indication that his recently recruited experts are the authors. If this is indeed the case, then in this area they are no experts at all; or they know that the information is false, but they do not care – so they have expertise, but they have no integrity.

For ease of reference, having distributed the pages that compare the two, I will now put on the record the information.

Departmental expenditure for 2010-11: £297.5 million; and the GSD chart shows the same amount.
 1015 Departmental expenditure for 2011-12: £332 million; and the GSD chart shows the same amount.
 Departmental expenditure, actual 2012-13: £374.7 million; and the GSD shows the same amount.
 Departmental expenditure for 2013-14: the estimate is £404 million; and the GSD version is £540 million.

1020 Departmental expenditure forecast for the financial year just ended is £433million; and the GSD claims it is £560 million.

Departmental expenditure being voted this week: we are only asking for £453 million; and the GSD claim that they are going to give us £580 million, Mr Speaker.

1025 Given that the GSD believes and tells people that the departmental recurrent expenditure is £140 million more than the approved estimate, if the Leader of the Party believes that that is the case, then as I have said, he has got much more than £50 million to dish out in order to reduce the debt.

There is in the hon. Member's mind an inescapable link between the Gibraltar Savings Bank and the debt. The Gibraltar Savings Bank is an instrument to promote economic growth, as well as an institution to provide a home for savings with competitive interest rates and greater security than the commercial alternatives. This has always been a key item in the GSLP's agenda.

1030 In 1988 to 1996, the policy was introduced by removing obstacles to growth in the legislation and promoting the growth in the Savings Bank, which became an important part of our programme. In December 1988, we started its development and the issue of debentures and investment accounts and new savings products. There was spectacular growth in both deposits and profits, and the policy was to leave the accumulated profits in the bank and increase its reserves.

1035 It was only after 1996 that steps were taken to reduce the requirements to keep reserves at a certain level. In spite of this, the GSD announced their plans for an expansion of the role as their policy in the 2003 budget. I will remind Members Opposite of this policy:

Shortly after the 2003 Budget, the Government set up a working group under the Accountant General and comprising retired bank managers from Hambros, Barclays and NatWest. Following meetings in September/October 2003, a report was prepared for possible implementation in 2004.

1040 At the time the savings vehicles consisted of monthly debentures, which paid half a percent below for non-pensioner holders and half a percent above base for pensioners holders. Ordinary accounts at 1% below base rate and investment accounts which operated as current accounts and paid 2% below base rate. This was of course at a time that base rates were very much higher, something that ceased to be tenable with the level of base rates prevailing in recent years which have been very low.

1045 The effect of the drop in these base rates meant that the interest rate later offered by the Savings Bank had to go up *before* 2011 and were already much higher than the offer from commercial banks. The GSD saw nothing wrong with offering this alternative.

1050 When the decision was taken to replace the Savings Bank debentures by Government debenture issues, the Government position was that offering rates of up to 5% was a matter of social policy to help local savers which the Government told Parliament carried a cost of the order of £9 million a year.

As well as the possible introduction of electronic systems of payment from suppliers and the receipt of payment from the Government which had been listed in the 2003 Budget speech, the report considered that the issue of annuities could also be undertaken by the Savings Bank.

1055 This was announced in Parliament as an intended initiative but later dropped because the Government considered it was likely to become a multi-million pound business and was not tenable if an additional 10% of the value of annuities had to be tied up as reserves.

1060 I remind Members Opposite of the history to demonstrate that although the GSD did not proceed with implementation of any of these initiatives, at no time did they indicate that it was dropped because it was not acceptable on political grounds to them.

1065 These facts do not prevent now the GSD Opposition complaining in the first year of the present expansion, even though all that had happened in 2012 was identical to what had been on offer in 2011 in investment products, except that it was on a bigger scale. They objected to the fact that the GSB no longer had a legal obligation to have reserves of 10%, which was considered now by the GSD Opposition a clear advantage creating unfair competition with respect to other banks.

1070 Well, look, it was the removal by them in Government of the 10% requirement that created this so-called unfair competition. But the political hypocrisy of this criticism is even more glaring when the policy they adopted was not just removing the 10% reserves but in addition issuing Government debentures at a rate of interest well above the market, in competition with commercial banks, by providing a £9 million subsidy, which clearly no bank could possibly compete with.

The criticism of the failure to keep reserves has continued since, in spite of the fact that the arrival of profits are being retained by the Savings Bank, and not paid over to the Government to be reflected as part of the recurrent revenue.

1075 The policy will continue to be to retain profits and keep increasing the reserves even if it reaches a level higher than 10% and in any event, no dividend will be paid to the Government unless and until the 10% level is reached. In other words, the 10% will become the minimum level of reserves. How long it will take before this position is reached will not be easy to estimate, given the very high rate of increases in deposits that the Savings Bank continues to experience.

1080 We have taken the view that it is best to await the development of the Gibraltar International Bank before considering any other activities, to ensure that the two organisations complement each other rather than compete with each other.

1085 The Savings Bank is of course *not* a credit institution and therefore does not and will not be providing the range of banking facilities which the GIB will have available as a licensed credit institution. Having originally objected to the expansion of the Savings Bank on the spurious grounds of unfair competition, because of lack of reserves which has been addressed and already answered, the opposition to the Savings Bank has continued unabated. Although much of the campaign seems to be designed to undermine confidence in the Savings Bank as a safe haven, providing a sound return, the vast majority of our citizens continue to place their savings in it.

1090 What is clear is that the policy of the GSD is and will be *not* to continue to promote the growth of the Savings Bank if they ever get back into Government – just as they stopped supporting its expansion after 1996.

1095 As well as continuing the social policy initiated by the GSD in respect of higher rates of return for pensioners, the Savings Bank is now paying a lower but still attractive rate, and very competitive, on the new five-year debentures and other deposits. I am therefore confident that the deposit base of the Savings Bank will grow in cash terms as it has been growing to date.

1100 The Members Opposite and their so-called experts will no doubt continue their efforts to undermine the institution. I suggest to all those who share the concerns of the Opposition, that they should follow the example of the Leader of the Opposition, and not make any use of the investment opportunities that the bank offers. Those of us who defend it will continue to use it and recommend it to others. I can assure the House that that will be more than sufficient to ensure it will continue to prosper, grow and make profits whilst remaining as a safeguard its reserves, for future generations.

1105 Mr Speaker, I have tried to demonstrate to Members Opposite, and particularly to the Leader of the Opposition, how misguided their criticisms of the Savings Bank are and how in conflict with the developments planned and proposed by the GSD Government, which I supported as Leader of the Opposition because they made sense and would have been good for Gibraltar.

So perhaps there is one more argument that I can put to show the Leader of the Opposition how misguided he is – and I will put it no higher than that.

1110 We have been there before: the old GSLP of the 1980s which he argues is different from the current GSLP – well, look, on the Savings Bank he could not be more wrong. In 1988, I set out to expand the role of the Savings Bank. It was not an easy task in those days, because the Secretary of State had the last word and the Foreign Office had to consult with the Bank of England. The reply from the Bank of England was that the Savings Bank was supposed to be a small colonial bank, as if we were still in 1832, and we should not be allowed to get bigger.

1115 Well, as the Leader of the Opposition will know, the GSLP Government of the 1980s was not the sort of Government that took no for an answer. So I used my well-known powers of gentle persuasion and they finally agreed to let me get on with the job of making it a profitable, growing institution.

We inherited in March 1988 a Savings Bank with £2.6 million in deposits – £2,672,384.89 to be exact. The profits for the year 1987-88 were £60,187.96. The profits for the year were retained by us and added to the reserves, increasing them to a level of £398,227.

1120 In our eight years, we increased deposits, profits and reserves. In other words, we did then what we are doing now.

1125 By March 1996, deposits had increased from £2.672 million to £179.433 million, (*Banging on desks*) an increase of 6715%! (**A Member:** Hear, hear.) On this level of deposits, we made a profit of £4,705,698 million in one year, compared to the £60,000 of one year in 1987-88. We added the profits to the reserves and we left them there for the GSD to spend when they came in the following May.

The reserves we inherited in 1988 were £398,227. The reserves the GSD inherited from us in April 1996 were £30,549,249 million. The reserves we inherited from the GSD in December 2011 was £1,444. So perhaps the Members Opposite may forgive me if I feel that I do not have to accept any lecturing from them on prudential management or looking after our people's money! (*Banging on desks*)

1130 **Hon. Chief Minister:** They don't even want to hear it!

Hon. J J Bossano: We had the same moaning from the Opposition between 1988 and 1996 as we get from the Opposition now, Mr Speaker. The same idiotic arguments about risk and exposure – but taking it

1135 to new heights, if the GSB lends to the Government and the Government fails to repay, the liability falls to the Government as a guarantor, how much more circular can an argument get!

In case Members Opposite think that the GSB lending to the Government is new, it was already happening before 1988, but on a small scale as the whole of the assets was only a couple of million pounds.

However by 1996, the GSB was investing in Government debentures to the tune of £59.334 million.

1140 This time round, however, the critics do not even try to have an element of truth in what they say! So for example, the former Tax Collector, gamekeeper turned poacher, Mr Chris White had the audacity to claim that we had UK ex-pats, like him I suppose, who he says are the depositors of the £1 billion, whom I am providing with risk-free investments at the expense of exposing Gibraltarian taxpayers.

1145 This even though I have told the GSD Opposition in Parliament on more than one occasion that 99% of the deposits are from local sources, and not expatriate money – not that I see anything wrong with accepting expatriate money, which would be very welcome.

Mr Speaker, as a political gimmick this takes the cake. Mr White should stick to advising his clients how to reduce their tax liabilities.

1150 The Savings Bank between 1988 and 1996 was an important part of our economic plan for growth and prosperity; and it has been so again since 2011 and will continue to be so in the future.

The GSB we inherited in December 2011 had £273 million of deposits and £1,444 of reserves. The results for 2014, audited and published last August, showed deposits at £856.3 million, profits for the year of £8.91 million and reserves of £11 million. For the year ending 2015 we expect, subject to audit, around £1 billion in deposits, around £9 million in profits and around £20 million in reserves. (*Banging on desks*)
1155 (**Several Members:** Hear hear!)

Mr Speaker, we shall defend our stewardship of the Savings Bank when the election takes place and will continue to grow its deposits, profits and reserves when we are returned to Government.

1160 Mr Speaker, the House will be aware of the opportunity that the Calpe House charity has had to obtain new property in London, which will be refurbished and adapted to provide accommodation for a greater number of sponsored patients who need treatment in London. It is a matter of personal satisfaction for me to be in a position that the Government can demonstrate its commitment to provide assistance to the charity to enable this to come about. The charity came into existence when I led the Government of Gibraltar 27 years ago and one of the prime movers in getting the initial concept of a home in London was Peter Caetano. He was the election agent for the GSLP and played a key role in our election victory campaign in 1988.
1165 (*Banging on desks*) (**A Member:** Hear hear.)

The initial funding has been provided by a facility from Credit Finance on commercial terms and this is now being refinanced by a loan provider who is a London-based institution. Provision for financial help in the arrangements that the charity has entered into in the acquisition of the property and the cost, upgrading and refinancing is being made in this year's budget in the Improvement and Development Fund expenditure, where there is an item for soft loans.

1170 I am sure the whole of the Parliament will be happy to support this item of expenditure, which is very small in the context of the overall level of expenditure, but one which will mean a great deal to those of our people who are in London for treatment and prefer to be in the environment of Calpe House and feel as if they are less distant from their homeland. (*Banging on desks*) (**A Member:** Hear hear.)

1175 The Leader of the Opposition is concerned about the public finances, and he told us recently that he is not the only one. He thinks I am also concerned. Well, I am as concerned in Government as I was in Opposition, and as I have been since 1972, having monitored and spoken on Gibraltar's public finances every single year since. Not that the party that he loves so much that he wants to remain as its Leader, come what may, ever gave me any credit for it – although I acknowledge that he has done so, at least recently,
1180 though I have a sneaking suspicion that his motives may not be entirely pure. I have a feeling that maybe he thinks he can gain some political traction by praising me and criticising the Chief Minister. I can assure him that he is barking up the wrong tree. He should know me well enough by now to realise that neither praise nor criticism is going to have any effect on me.

1185 Mr Speaker, the Leader of the Opposition referred to me a number of times in his address, which I listened to, even though I was in my office working, rather in the Chamber. I have acknowledged that previously, and even more on this occasion, his comments have been anything but hostile. Without wanting to sound hostile in reply, I need to point out nevertheless some of the contradictions in his analysis, which shows he has got the wrong end of the stick.

1190 He has correctly quoted my views on the logic of borrowing money to make money. I have been saying that about the use of borrowing since I arrived here in 1972. It is not a secret formula; it is what every successful business does, and I see no reason why socialists should not run publicly owned enterprises successfully and profitably for the benefit of the shareholders, who are the citizens as taxpayers and as receivers of public services not paid for at the point of consumption.

1195 This continues to be the basic approach of the GSLP to the management of the public finances, not because I have said so but because it is common sense – it works.

I believe some of the points he has made have already been answered by what I had prepared for my contribution before I heard what he had to say, so I will only deal with the points he made which have not been covered already.

1200 I do not think I could be more at home in the GSD than I am in the GSLP, though sometimes I get the impression he is trying to change the GSD to make it more like the GSLP, (*Laughter*) which seems odd as there are those around him who think that the GSD way of doing things was a winning formula and the GSLP a losing one.

1205 The hon. Member pays tribute to the former Leader of the GSD and thanks him for giving him a home 12 years ago. Well actually, 12 years ago he was accusing the ‘greatest ever Gibraltarian’ of all the things that he is now accusing the present Chief Minister: lack of transparency, not telling people in elections what he was going to do if elected and so forth. If one reads his press statements, in the short interregnum between his departure from the GSLP and his acceptance into the GSD, that was the line that he took.

1210 This acceptance by the GSD sounds almost as if he was a political refugee in the way he describes it now, though at the time it was described as a merger of like-minded parties. Well, he was not orphaned before he joined the GSD. He left the GSLP voluntarily because he wanted to save it from extinction – the fate that awaited it, if I did not call it a day in 2003. At least that is what he told the electorate at the time. Indeed it was the basis on which he fought the 2003 election. Members will remember that he accused me of being content to remain in Opposition and limit myself to having the handbrake and stopping a deal with Spain.

1215 It is certainly true that I told him before he left that if I had to choose between having to behave like the GSD leader and do the things he did, in order to be in Government, I would rather stay in Opposition and remain true to my principles and beliefs. I *still* hold that view. It is this business of not changing spots Mr Speaker, which they consider a vice and I a virtue. (*Banging on desks*)

1220 I can of course appreciate that he should wish his patron every success in legal practice or whatever else he decides to do – anything that is away from politics, Mr Speaker, he says. Yes indeed, away from politics – the further away the better, because if the former leader comes back, I would not put any bets on how long he would continue as leader of the GSD, however much he loves it. (*Laughter and banging on desks*)

1225 I believe that many decisions taken by the GSD in Government carry long-term costs that will be a burden for the public finances for years to come, even if the then Chief Minister did not realise it at the time. Or maybe he was simply doing things for the short-term benefit and did not care whether there was a long-term cost, and since most of them happened when the Member Opposite was in Government in the last term of office, he obviously shares some of that responsibility.

1230 It seems to me, he has only come to the conclusion that the former Chief Minister was the greatest Gibraltarian of all time *after* 2003, because until then his view was that we had to remove him from power and that I should step down because I was not sufficiently tough in Opposition to turn people against the greatest living Gibraltarian and get him chucked out of office. The transition in perception only came about after he was given political asylum in the GSD, as if he had been a refugee. I think there is a name for when this kind of change takes place, I believe it is called the Stockholm syndrome.

1235 The Leader of the Opposition makes the case that there has been an increase in import duty from a particular commodity which in the past it was thought wiser not to identify in public, and says this explains the growth of the economy or the growth in Government revenue. Well, is it that he doesn’t know what was the growth from this source of revenue under the GSD? Does he not know that the yield of one year under the GSLP in 1996 became the yield of each *month* under the GSD? (*Banging on desk*)

1240 So if that is the explanation that he attributes to the soundness of public finances, he has just wiped out 15 years of Budget speeches by the greatest Gibraltarian ever, who every year boasted of how well he was managing our finances.

1245 On another point in respect of the finances, as it relates to expenditure, I certainly agree with him that it is a disgrace that taxpayers should have to pay £10 million in legal aid in one case. This has nothing to do with the merits of the case or the identity of the individual, but is a result of the outrageously high fees charged by the legal profession. (*Laughter*) So if the Leader of the Opposition has any ideas how we can get lawyers to earn less, I am certainly very interested in hearing them, although I do not think that there will be equally enthusiastic support from all the other Members, on either side of the House.

Several Members: That’s right! (*Laughter*)

1250

Hon. J J Bossano: Whilst on the question of expenditure and the degree to which the Parliament is involved in approving capital projects, and giving expenses, and explaining where every penny is coming from, I imagine that when the Leader of the Opposition was party to the Pardo deal and agreed with the GSD policy to enter into these arrangements, he knew that this was being done without bothering with Parliament or the Opposition or providing any knowledge. So for the record, let’s just note what was agreed in 2008 by Gibraltar Investment Holdings – the same much-maligned Investment Holdings of now:

1255

This same GIH, as the Leader of the Opposition and the GSD is getting so worked up about – agreed to pay 1% of the value of the following projects to Land Projects Consultants Ltd in respect of the following, without explaining many millions were invested, or how many millions that 1% plus all the other fees would be and where the money was coming from:

1260

Project 1 – the New Airport and Frontier Access Road; Project 2 – Gibraltar Airport Tunnel; Project 3 – Ministry of Defence British Lines Relocations; Project 4 – Mid Harbour Phase 1 and Phase 2 Reclamation and Temporary Rowing Club and Permanent Dock; Project 5 – Mid Harbour Relocations; Project 6 – Infrastructure Review and Sewage Upgrade; Project 7 – Government Rental Housing Scheme, New Link and Associated Infrastructure Works ;Project 8 – New Power Station and Network. I am not sure if they go back to the Lathbury Barracks, they will also go back to giving the commissions, but...! (*Laughter*)

1265

Projects 9 and 10 – New Waste Water Treatment Plant and Energy from Waste Facility – no indication where all these millions were going to come from. There had to be millions, because there was a guy waiting for his percentage, so that was a difficult one to square.

1270

Project 11 – Simple Approach Lighting System (SALS) for the Runway; Project 12 – Multi-Storey Car Park, including a park-and-ride facility for 1,000 vehicles at Devil's Tower Road, and a short-stay two or three storey car park/transport to be located adjacent to the forecourt of the new airport terminal – which has not happened.

1275

As to his comment on what constitutes a champagne socialist, he was certainly right in thinking that this is not my favourite tipple. I think the stuff is lousy, but if what he is telling me is that in the GSD, they drink malt whiskey, then that certainly is the only thing that the party might have as an attractive feature. Though I am not really in need of joining them, since I actually get a steady supply of good malts from my many well-wishers. (*Laughter*)

1280

I certainly do not think that it is accurate for him to suggest that I am in the twilight of my role in Parliament, just because I am planning to stay only for another 14 years. (*Banging on desks*) As I told him, which information at the time drove him into exile and to seek political asylum in the right wing of the political spectrum. I remember when I told him this in 2001 that he said he found it depressing because if I stayed on we would never get rid of the former Chief Minister. So now that we have, with his help, I suppose it is no longer so depressing a thought anyway, and he is happy that I intend to stay.

1285

Since January, having reduced unemployment to a manageable level, below which my colleague is keeping it, my present role as Minister for Economic Development is to ensure that our nation is embarked on the road to long-term sustainable economic growth, has sound public finances and a safety net to protect future generations of Gibraltarians – the 'Rainy Day Fund'.

1290

Living within our means is a necessary condition to achieve this. Indeed, it is a lesson that has to be learnt by many other countries whose economies are in crisis precisely because they have forgotten this golden rule.

1295

Mr Speaker, I can well understand the discomfort that Members Opposite must feel when faced with facts and figures which they can check for themselves, that shows that we have attained the demanding targets we set ourselves in economic growth, in training, employment and many other areas which have or will be completed, meeting most or nearly all of our manifesto commitments, especially when in 2011 their position was not that what we were committing ourselves to do was impossible to achieve – and not that they were against it. Even in the debates in 2012, the GSD Members participating with me took a position on our targets for economic growth and employment based on incredulity rather than hostility. I realise that by reminding them of this, I am adding to their discomfort and rubbing salt into their wounds, which I regret.

1300

Well, Mr Speaker, it is not true really: I do not regret it. I am actually enjoying it, and therefore happy to support the Bill before the House and commend it to the Members Opposite. (*Banging on desks*)

1305

Hon. Chief Minister: Mr Speaker, he leaves you speechless at the best of times – the Leader of the Opposition did not even want to hear it.

I propose that, before we carry on, we take a short comfort break – an extended comfort break, maybe until ten to seven.

1310

Mr Speaker: We will recess until quarter to seven, when the Hon. Mr Neil Costa will have the floor.

The House recessed at 4.15 p.m. and resumed its sitting at 6.45 p.m.

**Appropriation Bill 2015 –
For Second Reading –
Debate continued**

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, as always, it is an absolute pleasure and a privilege to deliver my Budget Address in this House – although of course, it is always a tough act to follow the Hon. Minister Bossano in doing so.

1315

This speech marks my eighth Budget contribution as a Member of Parliament and my fourth as a Government Minister. It is however, my first Budget address as Minister with responsibilities for Business, Employment, Skills, Postal Services and the Department of Social Security. During the course of my contribution, I will seek to report on the projects undertaken over the past six months and to set out my Ministry's objectives for this financial year.

1320

With your indulgence Mr Speaker, I will start with my Social Security responsibilities.

As this House will recall, the House recently voted unanimously in favour of the Social Security (Insurance) Act of this year. This amended Social Security legislation now allows for a maternity grant to be claimed on the basis of the social insurance record of a child's biological father. The previous position was that the mother of the child could only claim from her own, her husband's or her civil partner's contributions to the detriment of unmarried couples where the mother has insufficient insurance contributions. Applications would be accepted retrospectively, as the legislative amendments are deemed to have taken effect as from 30th June 2014.

1325

Death grants will now also be payable in respect of 'illegitimate children' and this phrase, and all of its outmoded connotations, have been removed. This amendment was necessary in the context of other key provisions being introduced, as I shall now explain.

1330

Further, the benefit given to a man's wife, civil partner, widow or surviving civil partner under section 27(2) of the Social Security Act to recover a maternity grant lost as a result of the man's employer neglecting or failing to pay contributions, which the employer is obliged by law to pay on his behalf, has been extended to include 'the child's mother' as an eligible person who can also recover against the man's employer. When the employed person is a man, the child's mother in addition to the man's wife, civil partner, widow or surviving civil partner, will have the same right to recover in respect of a maternity grant lost, as a result of failure or neglect by the employer.

1335

The identity of a child's biological father may now be ascertained or proved on presenting a requisition in writing to the custodian of the register relating to the registration of births, marriages, civil partnerships and death.

1340

Under regulation EC/883 of 2004, foreigners working in a member state are entitled to receive benefits on behalf of the family members abroad, so long as they meet the contributions requirement for that benefit. An agreement with Morocco is also in place which establishes the same practice with that country.

1345

Mr Speaker, although the time for claiming a maternity grant is six months if, between 30th June of last year and the date of publication of the Amendment Act, a woman received a reduced grant due to not satisfying the relevant contribution conditions and she wishes to claim the additional benefit, or a woman was confined and wishes to claim a maternity grant on the basis of the contributions of the child's biological father, the prescribed time for claiming will be the period of 12 months beginning with the date of confinement. Mr Speaker, this is to give women enough time to claim the benefits as the six-month prescribed period for claiming may have already elapsed in some cases by the time the Act came into force.

1350

Mr Speaker, of course it gives me great pleasure to remind this House that the Hon. the Chief Minister raised the maternity grant from £600 to £700 during the course of his Budget Speech. Further still, self-employed women now also have the option of paying an additional voluntary contribution for the purpose of claiming maternity allowance. Prior to this amendment self-employed women were not eligible to maternity allowance. This amendment to the legislation transposes, in part, Article 8 of Directive 2010/41/EU on the application of equal treatment between men and women engaged in an activity in a self-employed capacity.

1355

Mr Speaker – and taking on the comments made yesterday by the Hon. Mr Netto when he said that the GSLP Liberals had not done much in terms of dismantling the inequality that exists within Government structures – it is important to know that this directive was a 2010 directive, and in that time in office they did not address this clearly unequal treatment of women, and we have done so. (**A Member:** Hear, hear.) (*Banging on desks*) More of that later, Mr Speaker.

1360

Mr Speaker on other Social Security related matters, Her Majesty's Government of Gibraltar is in the process of reviewing the arrangements applicable for the award of the Disability Allowance. In this respect a Multi-Disciplinary Assessment Panel has now been established. The panel will be made up of different health professionals, depending on their speciality and availability. For example, the panel ascertaining children's applications will be comprised of professionals specialised in paediatrics. As a result, these

1365

professionals are better suited to understand the impact of an applicant's disability or health condition on their daily activities and mobility.

The panel will periodically assess applications and subsequently provide the Director of Social Security with a collective recommendation on the merits of each application. I expect these recommendations to be provided in a just, equitable and consistent manner that will be fair to all applicants. In the light of the sensitive and urgent nature of these applications, I am pleased to report to this House that the Director for Social Security has processed a total of 13 historic applications that were pending. A total of over 30 more applications remain pending which will be re-assessed under the new arrangements.

The Disability Allowance benefit was introduced many years ago on an *ad hoc* basis to cater for a small group of disabled persons. The situation today, however, is that the Department of Social Security which administers the allowance, is finding it increasingly difficult to consider the upsurge of applications in a just and equitable fashion, based on the very brief and general guidelines that have been available until now. The increase in the number of applications, which now extend to a very wide spectrum of medical conditions, require more clearly defined parameters and very specific advice from doctors and health professionals.

It is with this in mind, and the importance that Her Majesty's Government of Gibraltar places on supporting persons with disabilities within the community, that it is reforming the whole process of awarding the Disability Allowance. Her Majesty's Government of Gibraltar is hopeful that these reforms will play a significant role in achieving the Government's objectives.

Upon the development of this new system of assessing entitlement, there will be a more focused method of considering needs arising from all impairment types equally, and on an individual basis, rather than labelling people by their condition. Disability Allowance will no longer be awarded on the basis of having a particular health condition or impairment but rightly, Mr Speaker, on the *impact* of the health condition or impairment that this has on the disabled person or their carer's everyday life. In this way we will work towards a system that will assess individual needs, ensure consistency of decision-making and make the whole process fair and objective when assisting individuals.

Mr Speaker, at an operational level I am pleased to report that the Department of Social Security Application System will benefit from a complete overhaul. The software development of the DSS Application System will assist the Department in delivering a more efficient and effective service to the public in order to meet the ever-growing demands of their customers. The software will eliminate the duplication of data, which is currently occurring within the Department whilst processing different benefits. For example, a birth certificate submitted when claiming a particular benefit would be stored in the database and can be used for other future claims. It will also streamline the information currently held in manual records therefore highlighting and eventually reducing inconsistencies in the system. This will also serve as a sophisticated analytical tool that will be instrumental in producing statistical data, expediting our estimates and analysis of future expenditure in relation to any given benefit. The application system will be operational before the end of the year.

I very much look forward to continue my work with the DSS as we seek to tackle historic problems and introduce new streamline procedures and reforms for our community's benefit.

Mr Speaker, I now turn to my responsibilities for the Royal Gibraltar Post Office.

On 13th May, the Royal Gibraltar Post Office (or RGPO for short) launched its first 'Post & Go' kiosk machines in partnership with Royal Mail. The launch was held at Europhilex in London, the biggest philatelic event in Europe. This exhibition machine was a success taking £7,000 in its first week. The kiosk is available all year round at Gibraltar House in the Strand, selling UK and Gibraltar stamps. More kiosks are planned to be based locally in the future; the first two will be introduced in the Main Street Post Office and the Parcel Office by the end of July of this year. Each kiosk will have a digital screen, barcode scanner and chip & pin with Wavepay facilities. These are still a number of ongoing trials that will demonstrate the full range of services that these kiosks will provide in the future.

Mr Speaker, given the increasingly sensitive aviation safety and security issues facing the global postal network, the Government organised a dangerous goods training programme delivered by a dangerous goods expert from the UK, not only for the postal staff but also for its contract customers and the screening staff at the Airport. Consequently, the RGPO will become the 21st country in the world to have legal approval to accept lithium batteries contained within equipment. Like all other batteries, lithium does have environmental impacts associated with it over its lifecycle. Nevertheless, these have been scientifically assessed to be notably less significant than other branches of batteries making lithium the best available option of its kind on the market today. This is yet another example of how the RGPO are moving into an established circle where regulations are in force, guidance is available and the consideration of environmental impact has been thoroughly assessed and included therein.

Mr Speaker, as we all know one of the most important ways of improving health and safety is through staff training. All RGPO managers and acting managers have completed their Level 2 award in Health & Safety in the Workplace and two other managers went on to complete their Level 3 award in Risk

1430 Assessment Principles and Practice. Further, the clerical staff have completed the first stage of Customer Service training to help improve quality standards in their area.

Two new independent quality performance indicators were introduced. In January the RGPO became one of the first to introduce the new International end-to-end measure, which is controlled by the United Nations Universal Postal Union. This global monitoring system works by independent external panellists
1435 sending test letters containing a radio frequency identification transponder, which are read by the RFID antennae installed at the sorting office. Mr Speaker, now that I read this out loud it sounds like an episode out of Star Trek.

The second measure was introduced in April, which controls the local end-to-end quality and is carried out by the Ombudsman. To improve answering times within the Customer Service team, a switchboard
1440 phone system has recently been installed that will help record complaints accurately.

I am also pleased to inform the House that Mr David Ledger and I visited UK in April of this year in order to secure additional cargo space on Monarch Airlines. The meeting proved to be very positive with effective and advantageous negotiations taking place as a means of securing extra space out of Gibraltar. This extra space is very much needed with the growth of outbound mail and cargo traffic. Negotiations are
1445 now being finalised and the service will be fully operational by next month.

Mr Speaker, I turn now to my Commercial Affairs responsibilities and I start with the Department of Consumer Affairs.

Consumer Affairs continues to focus its efforts on raising public awareness on consumer rights. It is also beginning to focus on the business community to provide guidance on their client's consumer rights and how they can seek compliance with these rights. To this end, in July the Department will deliver a seminar geared towards the trading community and arranged by my Ministry's Business Support Unit, which will focus on their client's consumer rights. The Department also participated in a workshop organised by the GFSB, which helped to raise awareness of the new Office of Fair Trading legislation, how it will change the services delivered by the Department and how businesses can expect to be affected by it.
1450

During the Department's annual awareness campaign held in December, a new booklet of information was introduced that allows both consumers and traders to learn of their rights and obligations under the Consumer Rights on Contracts Regulations of 2013. This awareness day also informed the public on other areas of consumer protection, especially during the festive season, where consumer spending is at its peak and again served to promote the services of the Department.
1455

During 2014 the Department participated in other awareness initiatives in collaboration with the Citizen's Advice Bureau, namely an online safety awareness day where a booklet of information to this effect was introduced by the Department in relation to shopping safely online and participation in the Careers Fair.
1460

The Department of Consumer Affairs continues to explore new ways in which to fulfil its objectives of empowering consumers and traders via education and awareness, and hopes to develop a series of sector-specific awareness bulletins as part of their strategy to achieve this.
1465

Further, the Department has undergone training with the Royal Gibraltar Police in order to ensure best practice methods and procedures when using enforcement under current and future legislation. The training, amongst other areas, focused on statement writing and handling evidence that will be of great benefit when the Department's staff begin their enforcement functions within the Office of Fair Trading.
1470

Three staff members undertook Interpersonal Mediation Training and are now accredited mediators in this field. This training will ensure that when handling disputes between consumers and businesses, both parties can be confident that their situation is being dealt with effectively and in keeping with best practice methods. The Department is hopeful that they will be able to continue their professional development in this area and are looking into further accreditation in commercial mediation.
1475

Mr Speaker, Consumer Affairs are committed to continue delivering a high level of service under their new areas of responsibility within the OFT. To this end, staff have engaged with the Chartered Trading Standards Institute in UK to identify a bespoke training package for its staff encompassing Product Safety, Weights and Measures, Consumer Rights and Redress and Investigation Skills, which they will be undertaking within this financial year. Also, at the end of this year two staff members will attend a best practice and work experience visit to the Trading Standards Office in the UK to allow for more familiarisation with their processes for comparison and evaluation against our own methods, for the continuation of development and improvement of these. Moreover, it will allow these team members to have a practical insight into new areas of work that will be undertaken under the OFT structure.
1480

Mr Speaker, dealing specifically with small businesses and, as I do not tire of saying, small businesses are the lifeblood of our economy and the Government has to enable the right conditions for all businesses to flourish. For us this has never been about paying lip service and the proof has been, and is, in the extremely wide range of budgetary measures over the past three years, such as: the reduction of import duty to stimulate the retail sector on many items including LED lights, LED torches, writing implements, pleasure craft, yachts, other seagoing vessels under 18 metres in length including jet-skis and kayaks, fertilisers for
1485
1490

all flowers, gardens and other greenery, umbrellas, musical instruments, natural and cultured pearls, artworks including paintings, pastels, sculptures, textiles, items of furniture and furnishing, domestic appliances, as well as many other goods.

Importantly, Mr Speaker there has been no increase on the import duty on fuels.

1495 Importantly, Mr Speaker, there has been no increase in social insurance contributions for both employers and employees. There has been no increase in electricity and water charges.

A discount for early repayment of rates of 65% for businesses in the first year of trading for new set-up companies; those new companies that had already received a 50% general rates discount in their first year of trading since the scheme was introduced, were also given a 25% discount in the second year of trading.

1500 Discount for early payment of rates increased from 10% to 15% for offices, workshops, construction and manufacturing industries, transport and distribution industries.

Assistance in the introduction of the smoking ban extended to September of this year for bars and restaurants the discount for the early payment of rates to increase to 30% between 1st October last year and 30th September of this year.

1505 Ships anchoring in the Western Anchorage whose main purpose is bunkering, now receive a 75% discount on tonnage dues; any vessel calling at the Eastern Anchorage in order to take on provisions, spares, stores, or to carry out crew changes have also been receiving 75% discount on tonnage dues.

In connection with the measures announced by the Hon. the Chief Minister in this year's Budget, I am pleased to highlight and reiterate the following: (a) employer's contributions in respect of an employee's

1510 secondary employment are abolished, subject to the full contribution having been paid whilst in Gibraltar; (b) in order to further incentivise new businesses to set up in what is undoubtedly, Mr Speaker, our thriving economy and generate economic activity companies, partnerships and self-employed individuals will be able to claim 100% of its eligible Capital Allowance in the first year of trade; (c) following proposals from

1515 ATCOM, in order to incentivise training in the workplace, training costs will be allowed as an expense against profits of a business or company at the rate of 150% – in other words, a company that invests £1,000 in training its employees with a view to them obtaining a qualifying qualification, will now be able to claim £1,500 as a deduction against its profit for the accounting period in its tax computation; (d) the

audit threshold, that is to say the level of turnover beyond which audited accounts are required, is raised from £1,000,000 to £1,250,000; (e) in order to further assist small scale start-ups, a capped 200% credit is

1520 introduced in respect of the cost of any architect's fees incurred in respect of successful planning applications under the Town Planning Act, and any fees charged by Government in respect of any such planning application made by such a company in respect of its own property in the first 24 months of operation of any new company. The credit will be available to be deducted from tax liabilities in the first

three years of operation of any such company. The Cap will be a total of £5,000 as this measure is not

1525 designed to help large scale developers of land, but rather specifically, to target small scale businesses who may incur planning fees in remodelling business premises; (f) and, even to further encourage and assist small businesses and start-up companies, a Social Insurance Credit is introduced of £100 per employee in respect of employers' contributions for companies who have 10 or less employees. The credit will be made

against the final payment of the year and companies will only be eligible if the required payments have

1530 been made on time throughout the year. For a new company, the credit will apply to companies with up to 20 employees in the first year of operation.

Mr Speaker, I am sure that I need not explain to this House the extremely beneficial importance of these measures to further incentivise new businesses and creating enterprises to flourish in what is, by any

1535 measure, our tiger-like economy. And it is not I who describes Gibraltar's economy as 'tiger-like', although of course I would entirely agree with that statement, but the appropriate adjective is from no other publication than the internationally recognised and esteemed *The Economist*. (*Banging on desks*) I knew that at some point reading *The Economist* once a week would stand me in good stead. (*Interjection*)

Mr Speaker, access to finance, however, can still be a real barrier to small businesses. It may be difficult

1540 for individuals setting up to obtain funding, unless they turn to savings or private investors. This dents our entrepreneurial drive and we have moved to restore confidence and breathe new life into small business start-ups by the launch of a £250,000 fund. The fund will give a much-needed advantage to potential entrepreneurs and to those established businesses that wish to expand.

Small businesses, as we all know, collectively are Gibraltar's biggest employer. Therefore, the availability of loans is not just vital to grow our economy, but is equally important in creating employment

1545 opportunities, fostering technological innovation and expanding the range of goods and services enjoyed by consumers.

To date, we have received 16 applications with many more expected to be received over the next few months. The application scheme for these loans sees applicants complete a simple form. These applications

1550 are then scored by a committee comprised of a Chamber representative, a GFSB representative and a Government official. The scores take into consideration the purpose of the loan and scores them against a criteria ranging from evidence of demand, innovation, sustainability and risk, value for money, the

1555 safeguarding and creation of any jobs, environmental and health impact, e-commerce, urban renewal and
 1560 touristic or reputational value. Applications are filtered and given a preliminary score. Applicants who
 obtain a satisfactory score meet with the committee. The meeting allows the applicant to meet with
 individuals operating in the business field and avail themselves of a steer prior to launching or expanding
 their business. After the meetings, the scores are finalised and a majority recommendation is made for my
 final approval.

We hope that the success of this fund will ensure that it is extended into the next financial year to assist
 an even greater number of start-up businesses. And of course, Mr Speaker, all hon. Members will welcome
 that the Gibraltar International Bank has opened its doors and is ready to offer loans to small businesses.

In addition to these economic incentives, and as part of the Government's drive to encourage and
 support new and existing businesses, the Business Support Unit is making a valuable contribution in
 launching a programme of free business seminars. These technical discussions are aimed at providing local
 businesses with guidance and support on a range of business-related topics, from accounting to recruitment.

1565 Mr Speaker, I now turn to the Office of Fair Trading, which will cater to the needs of our business
 community and also our consumers. Our society is one that undoubtedly punches well above its weight in
 terms of business, but we must not rest on our laurels. We must keep evolving and accommodating existing
 businesses whilst at the same time encouraging new businesses, itself a delicate but essential balancing act.
 This is by no means an easy feat but I believe we have taken one long and important stride towards
 1570 maintaining our competitive edge through the establishment of the Office of Fair Trading.

You see, Mr Speaker, today's day and age calls for wide-reaching methods of doing business, one
 where time is even more valued, where businesses and consumers are increasingly keen to operate
 remotely. It is an environment that calls for a greater focus on protecting consumers whilst simultaneously
 meeting the consumer's ever-expanding needs. To achieve these goals and to fully nurture this environment
 1575 to its true potential, it is essential that we cut down on red tape. Unsurprisingly, we are not alone in seeking
 to minimise red tape. Frans Timmermans, the First Vice President for Better Regulation, Inter-Institutional
 Relations, the Rule of Law and the Charter of Fundamental Rights, echoes our ethos having undertaken a
 review of existing EU law with a view to cutting formalities affecting businesses.

This is one of the principal reasons why the Office of Fair Trading will be launched: to assist, facilitate
 and focus new business applications to the right Government Departments speedily and from only one
 1580 single venue – the Single Point of Contact. (A Member: Hear, hear.) We are confident, Mr Speaker, that
 this facility, empowered on a statutory footing, will reap rewards for our economy.

The Office of Fair Trading will be operated from adequate office premises, centrally located and
 accessible to both businesses and consumers alike. The staffing complement will be bolstered with a
 1585 number of new additions, not least the appointment of a legally-qualified Chief Executive Officer to
 oversee the operation and management of the office. The Consumer Affairs and Licensing Departments will
 be staffed by seasoned public servants who are experienced in their respective fields of expertise. These
 individuals and their supporting staff members coupled with the Business Support Unit have all undertaken
 substantive practical training with other Government Departments, building an internal network that will
 1590 prove invaluable to the one-stop-shop service that the office will offer to new businesses. The knowledge
 they have gained will be valuable to businesses seeking the services of the office. Their network of contacts
 will serve them in good stead should they require additional information or to set up meetings between
 start-up businesses and other Government Departments.

In line with the EU Services Directive, there will be a single point of contact that aims to ease an
 applicant's administrative burden and be a first port of call for new businesses in Gibraltar who need to set
 1595 up and file forms with the various relevant Departments in order to start their business locally. Start-up
 businesses will be able to complete and submit the forms required by the Government's Departments and
 agencies online via the Single Point of Contact's web portal.

Alternatively, applicants may visit the Office of Fair Trading in person, where staff have been trained to
 1600 be able to advise and assist clients in completing their registration and licensing processes and arrange any
 necessary meetings with the different departments and agencies involved. Mr Speaker, I cannot stress
 enough that this facility will be a superb offering for businesses and a landmark and unprecedented step
 towards a single counter service.

The Fair Trading Bill has been continuously reviewed in order to create this level playing field among
 1605 businesses for the benefit of consumers and businesses alike. We have received an overwhelming positive
 response on the Fair Trading Bill; in fact at times I did fear that this would become a never-ending
 consultation with no end in sight. But my teams and I persevered and spearheaded this Bill towards
 becoming a seminal piece of business and consumer-related legislation of which I am extremely proud to
 bring to this House. (*Banging on desks*) I am, therefore, genuinely excited and proud of this project's
 1610 imminent launch.

I turn, Mr Speaker, to Licensing. The 'trade licence' as we now know it, will be phased out to extinction
 like the paleontological relics before it. It will be replaced by a 'business licensing' regime and more aptly

named ‘business licences’. The categories of service that will require a business licence have been expanded, now comprising all service related businesses that are not covered by other enactments. Again, this allows the level playing field amongst a significant number of businesses, as it should be. There is no logical rationale for only a group of business categories to be licensed as was the case under the previous trade licensing regime; all businesses should be licensed on an equal footing.

Going back to the roots of the Trade Licensing Act, I have no doubt that it may have been adequate when introduced over 40 years ago. However, since its enactment it has lacked the enforcement powers it craved. As a direct consequence, the licensing authority was restricted – with some bite, but a lot more bark. The new business licensing authority will be able to step up its game and return a substantive benefit to businesses and consumers by deploying its Consumer Protection Officers and having the Commission of the Office of Fair Trading deal with complaints.

The new licensing regime under the Fair Trading Bill will see the introduction of an objection fee for objectors to a licensing application. Following our consultation with individual businesses, we were not pleased to learn that objections were presented as a matter of routine, with the primary and sole intention of imposing an unnecessary delay on applicants. The introduction of these objection fees will, I hope, serve as a deterrent to vexatious objectors. The ground-breaking amendment included in the Bill however, is the removal of one particular ground of objection that hindered competition. This ground allowed an objector to rely on the argument that the needs of the community, either generally in Gibraltar or in the area thereof where the trade or business is to be carried on, were adequately provided for. Given that the vast majority of objections to trade licence applications relied on this ground of objection, I sincerely hope that the new business licensing authority will see a vastly reduced number of objections on the remaining grounds.

There are a number of other significant changes that will improve and speed up the business licensing process: the business licensing authority will, at a minimum, now meet fortnightly, rather than monthly; the Act contains a statutory presumption in favour of carrying on businesses in Gibraltar, subject of course to obtaining the relevant licence; certain applications will also need to demonstrate suitable training or qualifications to the licensing authority, primarily for their own safety.

The new legislation also highlights that the Minister may issue guidance to certain business categories and indeed, we have already prepared three separate codes of conduct for tourism service providers, real estate service providers and for businesses holding monies in a client account. These codes of conduct are primarily concerned with the protection of deposit monies that are paid over by consumers, a type of consumer that was identified as requiring a more robust statutory protection. These businesses that handle client monies or hold financial deposits will also be required to provide evidence of a separate client account to the licensing authority within three months of the issue of the business licence.

The fines for false entry on an application or objection have also been increased to up to £1,000 and the fine for non-display of a trade licence has been set at £200. The time for processing applications is now reduced to three days, provided that all correct documentation is submitted. The time periods for publication and objections have also been reduced from 14 to seven days. The notice periods from the Business Licensing Authority to applicants and objectors has also been reduced to five days. All of these reductions should serve to speed up the licence application and granting process to the benefit of the applicant.

Mr Speaker, the Bill also introduces a number of exemptions for start-up businesses that are constructing or altering their premises and for licence holders that co-exist on the same premises in a compatible manner. The forms have also been completely redrafted to facilitate the provision of information by applicants, objectors and transferors and the processing of this information by the Licensing Authority staff.

As from November of last year, the Trade Licensing Authority has offered trade licence holders the facility to renew their licences online via the e-Government. website. This accomplished manifesto commitment will be further enhanced with other online services to be introduced, particularly as a result of the Fair Trading Bill.

Overall, we will see a streamlined, simplified business licensing procedure which will speed up Gibraltar’s business licensing system, most importantly reducing the time a person has to wait before they are licensed to start a business.

I now turn to my responsibilities for Employment.

Over the past six months the Department of Employment has been involved in the process of improving the quality of the services that it offers to its customers, by conducting a wholesale review of the Department.

As this House will recall I recently announced the digitisation of forms that supports our objective to ease the administrative burden on businesses. The online functionality will offer round-the-clock virtual access to the Department of Employment and the Income Tax registration facilities. This project’s advantages will be there for all to see once the new Electronic Identity Cards are rolled out at the end of the month.

1675 The digitisation of forms supports the objectives of Her Majesty's Government of Gibraltar to ease the administrative burden on businesses, improve the interaction between the public and private sectors and strengthen the service provided to the public by electronic means. The portal will, in effect, create a one-stop-shop where the public will be able to complete and submit all necessary application forms online. It will now be possible to attend to employee and business registration online at one's leisure and as a result entrepreneurs will be able to concentrate on what really matters to them during office hours which is, of course, one's business.

1680 The continuing work to digitise all Government forms will mark a quantum leap in our relations with the public and will qualitatively ease a businesses' administrative burden of complying with the statutory obligations.

1685 Mr Speaker, this month I also announced the launch of 'ERASMUS 15', a purpose-built software designed to cater for the needs of the Department. This first class software will carry out tasks far and beyond those provided by the former program used by the Department, which was purchased from a UK-based company well over a decade ago and has therefore, naturally run its course. The program called ERASMUS 15 – 'Employment Reporting and Software Management Utility System' – will be able to perform the tasks that were currently being executed by the previous software, such as the registration of those in employment, the enlisting of the unemployed and other basic administrative tasks.

1690 ERASMUS 15 will, however, also be able to undertake far more sophisticated procedures, such as matching unemployed individuals to specific vacancies according to the criteria set out by the employer. The new software will accomplish this by cross-referencing and analysing key information such as qualifications, experience, skills and other requirements. This new software together with the recently launched Departmental website and the ability to complete and submit forms online will mark a significant technological leap in the Department's history.

1695 Mr Speaker, of course we are entirely committed to increasing employment opportunities. I have no doubt that the introduction of ERASMUS 15 will result in significant improvement within the Department. It will deliver to the Department's staff a modern internal software that will provide an effective and professional service to both the general public and the business community. The new software is yet another phase within my Ministry's objectives to streamline procedures within the Department of Employment and modernise administrative systems, thereby improving time management, productivity and the overall quality of services provided. Furthermore, this will empower officials in their efforts to serve the public, especially in helping the unemployed seek employment opportunities.

1700 In this respect, the Human Resources forum that was successfully established by my predecessor in 2013, the Hon. Mr Bossano, in conjunction with the Ministry of Financial Services and Gaming. Following from these forum meetings we have been able to identify various skills gaps in industries from mechanical engineering in the automotive industry, to accounting and software programming in the Financial Services and Gaming industries. Working in tandem with the Director of Education, we are looking at means to incentivise students towards careers that are in demand in Gibraltar and thereby increasing their chances of gainful employment upon graduation. This Human Resources forum has also proved to be a useful window into the topics of concern for local Human Resources Departments.

1705 Another positive outcome of the wholesale review being carried out is the speedy turnaround of Work Permits. Once the new e-ID cards are rolled out and persons complete the online registration, we will be able to complete and deliver all work permits within 48 hours of receipt of the request.

1715 Mr Speaker, further still we have completed the re-organisation of the Labour Inspectorate section. The revamped inspectorate is comprised now of two teams tasked with the full-time enforcement of our laws under a new programme of inspections. To this end, additional labour inspectors have been appointed. It is high time, as consistently advocated by businesses themselves, that the playing field is levelled, by ensuring that every business plays by the same rules. The Government will not countenance illegal labour and the re-organisation and the full resourcing of the Labour Inspectorate reflects our commitment.

1720 I am also delighted to say that we have started the task to restructure the Health & Safety Inspectorate in order to reclaim the Health & Safety agenda. As part of the reform, the vacancy for Principal Health & Safety Inspector at the Department has already been advertised. This post, which has been vacant since August 2006, will increase the complement of the inspectorate to five operational posts and one administrative post. The new Principal Health & Safety Inspector will be responsible for the strategic implementation of the Committee's recommendations. To this end, a Health and Safety Committee has been constituted comprising of representatives from the public sector to discuss the details of a comprehensive Health & Safety policy and Codes of Practice designed specifically for Gibraltar.

1725 Her Majesty's Government of Gibraltar takes a very serious view on health and safety at work and considers that it should be of the highest standard. In this regard, business organisations and the general public are reminded that the Health & Safety Inspectorate is available for guidance and advice in respect of best practice on health and safety issues.

1735 Mr Speaker, naturally I thank the Hon. Mr Netto for considering that I am ‘energetic’ and ‘intelligent’,
 even if he only uncharitably employs such honorifics to me as a means to criticise my six months as
 Minister for Health & Safety. I suppose that one must be grateful for life’s small mercies when one must,
 with good grace, endure a long-winded speech on a sweltering June afternoon and, therefore very much
 welcome the opportunity when hon. Members opposite open themselves wide open to their very own
 1740 criticism. Amongst other things, the hon. Gentleman said that members of this side of the House have
 lacked vision and a coherent strategy in the field of health and safety and said so, without blushes, even
 though Gibraltar suffered the biggest industrial scale accident in recent history with the explosion of the
 Nature Tanks at the North Mole, partly due to the very thing that the hon. Gentleman has accused us of,
 namely the absence of a comprehensive programme of inspections across all industries. (*Banging on desks*)
(A Member: Shame!)

1745 Mr Speaker, you simply could not make these things up. As no other than Albert Einstein said ‘only
 two things are infinite, the universe and human foolishness; and I am not sure about the former’.

Also just to remind him, that the Health & Safety Inspectorate in their time in office was so under-
 resourced, so under-resourced, that there were *no* health and safety inspections at all in the very tanks that
 blew up. Where, pray, Mr Speaker, was their vision for health and safety? Where, pray, Mr Speaker, was
 1750 their cohesive plan? Where, pray, Mr Speaker, were their resources for health and safety? (*Banging on
 desks*)

Mr Speaker, the hon. Gentleman’s statements are even more asinine and incredible when I have already
 recently told him in this House that the Health & Safety Inspectorate is finally advertising the post for
 Principal Health & Safety Inspector which has been vacant since August 2006 – a lot of time under *their*
 1755 time in office.

I have also told him, in this House, not just a few months ago, that the complement of the inspectorate
 has been increased to five operational posts and one administrative post. And, Mr Speaker, the reason why
 people at home would have heard the guffaws of the Members on this side of the House was because the
 hon. Gentleman in furtherance of his kamikaze breach of the Law of Holes, which dictates that one must
 1760 stop digging, then continued his entirely unjustified assault on the Government’s Health & Safety strategy
 by lamenting in loud and weeping tones, the absence of Gibraltar-specific codes of practice. At the risk of
 causing yet another tumult I am sure it will not surprise anyone to learn, whether inside of this House or
 outside, whether Barbary Partridge or *homo sapien*, to learn that in their sixteen years of office they did not
 issue a single, not a single, code of practice specifically designed for Gibraltar. (*Banging on desks and
 1765 interjections. A Member: Shame*) Not one, Mr Speaker. And I have also told the hon. Gentleman, not just a
 few months ago, that we are in fact working and writing codes of practice specifically for Gibraltar – he has
 to give me a little more than six months to do the job.

But the hon. Gentleman by this time, having decided that he could dig no further, having reached the
 earth’s crust, took the view that it was best that he poured dirt on himself and highlighted their supposed
 1770 efficiency at Health & Safety by noting that in their sixteen years of office they established *one* Health &
 Safety committee at the GHA.

Mr Speaker, although it is not easy to know where to start on this statement, let me do so by telling him
 the obvious, that the last time I checked the public sector was much deeper and much wider than just the
 GHA – as excellent as that institute has become under the unrivalled leadership of my Honourable
 1775 Colleague, Dr John Cortes. (*Banging on desks*) Indeed, Mr Speaker, ‘everyone is entitled to be
 disingenuous, but some abuse the privilege’. (*Laughter*)

I have also told the hon. Gentleman in this House that the Government has constituted a Health &
 Safety Committee with members that cover the entire breadth of Government Officers – and not just of one
 authority. This Health & Safety policy, although not compulsory by virtue of our domestic legislation, is a
 1780 move towards best practice and one which will give uniformity to health and safety within the Government
 departments by way of structure of committees in plural, representatives in plural, councils in plural, and
 co-ordinators in plural. And this, Mr Speaker, will in due course extend to authorities, agencies and
 Government-owned companies. So within my humble six months, I have already done a lot more with
 much more to follow, than the GSD did in their entire 16 years in Government! (*Banging on desks. A
 1785 Member: Hear, hear*)

But, Mr Speaker, because the House knows that I am grateful for all of the lessons in life, I do thank the
 hon. Gentleman for allowing me the opportunity to be political, at least once, during the course of the
 Budget speech. I also would like to take the opportunity, given that he has informed the House that he will
 take a step back from frontline politics to of course wish him well in any of his future endeavours. (*Banging
 1790 on desks*)

Mr Speaker it would be remiss of me not to also take the opportunity to wish Mrs Ellul Hammond all
 the very best in her new career at the GHA. The hon. Lady and I go back a long way to my days as a
 student in Bayside, and although her first budget contribution remains seared in my mind as one of the most
 grossly unfair I have ever heard in relation to our criticism as an opposition on health matters and – as she

1795 knows this to be the case as I have told her before – the hon. Lady knows full well that I have always held her in high regard.

It will not come as a shock to the Hon. Sir Peter Caruana QC to hear that I have *never* voted for him. Indeed, Mr Speaker, it will not surprise him either to learn that my most ardent held desire in fighting the 2007 and the 2011 Election was to oust him from office and usher in a far more transparent and much less acrimonious style of politics. *(Interjection)*

1800 This preface is necessary, not just to say that this Government has qualitatively improved the workings of this House, agreeing with him that more is to be done and will be done by the Government, but because I want to make clear that the comments that I am about to make about the Hon. Sir Peter are self-evidently neither partisan nor biased. And, Mr Speaker, my fulsome praise of the Hon. Minister Bossano and my differences with Sir Peter’s Government being recorded for posterity in Hansard, it may perplex those listening and no doubt I will get letters written in fury, when I describe the Hon. Sir Peter as a class act.

1805 The Hon. Mr Figueras and I have on many occasions discussed Sir Peter’s staggering capacity for work, intellectual ability and energy. No-one, Mr Speaker, no-one inside or outside of this House can seriously doubt or sincerely say hand on heart that the Hon. Sir Peter has done anything other than dedicate himself entirely and virtually exclusively to discharging his constitutional responsibilities as Chief Minister of Gibraltar. He gave a 27 year old barrister and inexperienced Member of Parliament, as was his wont to remind me at every possible opportunity, quite the education on political life and I did learn tremendously by being at the sharpest end of his wit and political put-downs. But I agree with him when he said that somewhere in our DNA we can distinguish between things that are said for partisan reasons and for political effect, unfair as the comments may have been, and those things said meanly just for personal humiliation. For what it may be worth to him, I can assure him across the floor of the House that what I take from his criticism of me politically are lessons in life for which I will actually never begrudge him and which I sincerely value, as they stand me today in good stead.

1810 Mr Speaker, Gibraltar can feel extremely proud and happy that, like Minister Bossano before Sir Peter and now with our current Chief Minister, the Hon. and my close personal friend Fabian Picardo QC, we have people of talent, skill and determination in steering true the affairs of our cherished community. *(Banging on desks)*

1815 I now turn to Industrial Tribunal reform. The purpose of the Industrial Tribunal reform is simple: to make the Tribunal accessible to persons without substantial funds, whether they be employers or employees. One other major development will be to speed up the tribunal process from start to end. The reduction in the overall turnaround time for tribunal cases will be warmly welcomed by claimants, respondents and their legal representatives. Anyone going through an employment dispute will want it settled swiftly and without any unnecessary delays. This is a reasonable expectation and one that I expect will follow through as a direct consequence of the measures that I will touch on.

1820 Another key objective of our reforms is to introduce substantive legislative procedures and operational processes that will ensure and secure consistency in the decisions of the tribunals, to the peace of mind of both employers and employees. All too often parties in dispute see the decks stacked against them. Whether it be the employers or employees, who deem the system not fit for purpose as their respective underlying interests are often left out of the equation.

1835 For decades, the informality of the Industrial Tribunal served individuals to bring their own cases has been eroded. Our reform therefore introduces compulsory and fully subsidised mediation prior to a case being heard. I am confident that this measure will produce results for employers and employees alike. The ground-breaking feature will offer a new avenue of redress for the parties in dispute, one that encourages reinstatement or even a simple apology, preserving the employment relationship over a monetary settlement. As a subsidised measure, it is one that will make mediation accessible and less costly for those involved before the dispute is escalated to the Tribunal. I trust that it will translate to a positive experience for both employer and employee and one that will allow employers to take on more staff and further continue our economic growth.

1840 It is important to note that this early discussion of issues by both parties at mediation does not later prejudice their case should the mediation discussions break down and proceed to a tribunal. It is imperative, therefore, that the parties understand that the mediation process will be ‘without prejudice’ to their rights and remedies and that they will not be able to attend the mediation process with legal representation. The method should promote open and informal discussion without fear that their admissions or compromises will be used against them later at trial.

1850 Whilst this part of the reform intends to assist parties in avoiding the tribunal cases, I am of course cognisant that judicial determination may be necessary in some cases. For these cases, it is vital that we have a process that deals with cases justly and resourcefully. The existing Industrial Tribunal rules are out-dated and do not square up to modern employment practices. When faced with two options, to continue to update the rules by piecemeal amendments or to provide a root and branch review, we have opted for the latter. This substantive redraft of the Tribunal rules is poised to modernise the rules and re-instil public

confidence in the Tribunal. The new rules should also provide chairpersons with robust and efficient case management powers.

1860 Her Majesty's Government of Gibraltar also intends to invest in training and maintaining the professional development of the Tribunal judiciary. Employment practitioners will also be able to avail themselves of employment law practitioner textbooks at the Tribunal offices, together with copies of Gibraltar Industrial Tribunal cases, thereby minimising the number of documents that would have to be printed in anticipation of a tribunal hearing. I am also working to bring these cases online.

Taken together, these measures will also allow us to deliver a flexible, effective and modern tribunal system that meets the reputation and aspirations of our economy.

1865 Mr Speaker, I turn now to the number of Gibraltarians in employment and other employment matters.

The ever energetic and unstoppable Father of the House has already provided the House with a masterful exposition of the facts and figures and so I will simply highlight the main areas.

1870 Firstly, and following on from last year, not only has the number of Gibraltarians in full-time employment once again risen to a new record high of 9,293, the total number of Gibraltarians in employment has reached an all-time high of 10,991 Gibraltarians. (*Banging on desks*) (A Member: Hear, hear.) This is clearly a principal objective of the Government that has been met with outstanding success.

1875 Additionally, and to be clear, the private sector has experienced a record number of employee jobs again with an all-time high of 18,441. The growth compared to October 2013, comprises of a staggering rise of 1,500 employee jobs in one year, with Gibraltarians representing 11% of this increase. In fact, the total increase in Gibraltarian employee jobs was registered in the private sector.

1880 Furthermore, in October of last year, the number of employee jobs increased to a staggering record high of 24,422, up by 1,515, with Gibraltarians representing 45% of this total, which is nearly half of all employee jobs. During the last four years, on the other hand, of the previous administration, Gibraltarians employed in the public sector actually decreased by 356 Gibraltarians. During this period the number of Gibraltarians in the public sector increased by 42.

1885 Mr Speaker, by whatever measure, the statistics that the Hon. the Chief Minister, and the Hon. the Father of the House, and that now I have repeated, truly puts to eternal shame the abysmal record of the members opposite who, in 16 years of Government saw the employment of fewer full-time Gibraltarians than we were able to achieve in just one year in office. The GSLP Liberals in just two years since coming into office, have succeeded in ensuring 681 full-time jobs for Gibraltarians, while the GSD in a period of almost 16 years had ensured employment for just 337. Under the GSD, therefore, there was an average of – and this is a staggering statistic – there was an average of 21 Gibraltarians per year in employment; whereas our record is an average of 250 Gibraltarian jobs every year of our first three years of office. (A Member: Hear, hear). (*Banging on desks*)

1890 And of course all of these record highs in employment give me the confidence to say that further increases in Gibraltarian jobs are to be expected in this current financial year.

1895 I am also very proud to announce to this House that the number of unemployed persons in Gibraltar stood at a record-busting low of 190 as at the end of May of this year. (A Member: Hear, hear). (*Banging on desks*) This excellent achievement speaks volumes for our local booming economy, the career prospects of school leavers and returning graduates and our firm and genuine commitment to achieving record levels of unemployment.

Mr Speaker, I am now told that 190 must surely rank as full employment, but whereas I cannot in any measure claim to have Mr Bossano's command of mathematics, it seems to me that we still have quite some way to go until we hit rock bottom.

1900 Before I conclude, I must thank all of my staff at my Ministry: the Department of Consumer Affairs, the Trade Licencing Authority, the Business Support Unit, the Department of Employment, the Department of Social Security and the Royal Gibraltar Post Office for the, at most times, unforgiving pace they have come to expect from me in just six months, but for their unstinting support in delivering this Government's exciting programme – it has meant a lot of work.

1905 It is true to say, Mr Speaker, that it would simply just not be possible to have to stand in this House to make as many announcements or to report on the completion of as many projects without them. I owe all of them a very big thank you. And, of course, I take the opportunity to thank you, Mr Speaker, and the kind, patient and excellent assistance of your staff Paul, Frances, Kevin and Dani. (*Banging on desks*)

1910 Mr. Speaker, it is considered a truism that we campaign in verse but govern in prose, but it is my sincerely-held belief that the philosophies on which we asked our community to entrust us were not abandoned in the bottom drawer under lock and key the moment we walked into our Ministerial offices.

We promised accessibility to Government Ministers: we have fulfilled that promise and we continue to do so.

1915 We promised genuine consultation of all relevant stakeholders in our areas of responsibilities: we have fulfilled that promise and we continue to do so.

We promised a Government that would bring a private sector approach to the business of Government in terms of the quality of the service provided and the time in which we do so. We have fulfilled that promise and we continue to do so.

1920 We promised a Manifesto that represents a contract between us and our community and not, as had been previously suggested, a mere wish list. We have fulfilled this promise and we continue to do so.

We promised to place all information online, hold a minimum of ten sessions of Parliament for Questions and Answers; we have live video stream in this Chamber and Hansard is uploaded within 24 hours. We will release Government Papers under a 20-year rule and we will shortly introduce a Freedom of Information Act. We have fulfilled these promises and we continue to do so.

1925 We promised a complete divorce from one man rule and to introduce instead a collective system of Cabinet Government. We have fulfilled this promise and we continue to do so.

1930 We promised a progressive Government that will start the really important work of removing the systematic apparatus of discrimination wherever it was found. And as much as the Hon. Mr Netto wants to airbrush out of existence the very real words he uttered when he said that we have achieved more for equality than they ever achieved in 16 years, (*Banging on desks*) we have introduced the Civil Partnerships Act that provides same sex couples with the same rights and benefits of different sex married couples, thereby making it clear that it is not the business of the Government to determine who someone loves. This Act and other measures show that we have fulfilled these promises and that we continue to do so.

1935 We have ensured the highest number of Gibraltarians in employment and as a corollary the lowest ever number of Gibraltarians registered as unemployed. We have fulfilled this promise and we continue to do so.

1940 We promised to employ a surgical scalpel to qualitatively ease a business's administrative burden and introduce economic incentives that would create the right conditions for businesses to prosper. Aside from the numerous pro-business budgetary measures I mentioned in the course of my address, it cannot be left unsaid that the last financial year yielded GDP growth of 12.7% in money terms, with GDP forecast to grow by 10.3% in money terms this financial year.

Mr Speaker, double digit growth in a global financial climate since 2008 is nothing short of staggering and a testament of Her Majesty's Government of Gibraltar's prudent macro-economic management in establishing just the right legal, regulatory and economic conditions. We have fulfilled these promises and we continue to do so.

1945 We promised to drastically reduce the waiting time for operations and to abolish the unforgivable excuse and scourge of the cancellation of operations due to bed shortages, not to mention the establishment of many other health services and improvements. We have fulfilled these promises and continue to do so.

1950 Mr Speaker, to provide a fair and accurate characterisation on the high poetic verse with which we have undertaken the labour of Government, I would have to read every single manifesto commitment that has been achieved since 9th December 2011. (*Banging on desks*) We promised that we would discharge our obligations under this contract and it is the very first time – notwithstanding what Members opposite may say – that any Government has so self-evidently delivered on its terms of its deals with our community.

1955 Mr Speaker, if we have been able to achieve so very much in just four years, it can only be because we have woken up every day thinking about what is good for our community, and that we have gone to bed, likewise, thinking of how we can continue to be of service when we wake up the next morning. It is because we all have skin in this game that the Government has truly made these four years – and I sincerely say this – a veritable labour of love. Love for the wellbeing and happiness of our community and love for this tiny corner of the world which we call our home.

1960 Mr Speaker, I feel incredibly fortunate to have been given the privileged opportunity to serve Gibraltar and to try every day to fulfil the aspiration that I have held from a very young age, to try to improve my country. I am proud to have served with a team of such dedicated and talented colleagues and for the part, albeit small, that I may have played. The community can expect that the people on this side of the House will continue to work hard every day without reprieve, as we near the General Election.

1965 Thank you, sir. (*Banging on desks*)(*A Member. Hear, hear.*)

Mr Speaker: The Hon. Damon Bossino. (*Interjection*)

Hon. D J Bossino: Mr Speaker, talk about drawing the short straw! (*Laughter*)

1970 **A Member:** With a short speech?

Hon. D J Bossino: With a short speech, absolutely!

The faces of hon. Members – including the Speaker, with all due respect – just tell a wonderful story of complete and utter boredom.

1975 But look, it is now eight o'clock. I will give hon. Members an indication of how long my speech is intended to take and I can say that it is about, just under 40 minutes. Let's see. Let's see.

Mr Speaker: And you're off the air.

1980 **Hon. D J Bossino:** And I'm off the air, so I might as well just sit down, Mr Speaker! (*Laughter*) What's the point?

A Member: I planned it!

1985 **Hon. D J Bossino:** You planned it absolutely perfectly! (*Laughter*)
 But of course I am not paranoid, I am not paranoid, and there is a perfectly reasonable and legitimate explanation as to why I have been last on every single occasion during the lifetime of this Parliament – and that is because I shadow quite a few Ministers. In fact, on this occasion, as after the December reshuffle, I am now shadowing a total of five Ministers, 50% of the Government. One of those Ministers we have heard today I have known from a very, very young age – the Hon. Mr Bossano (*Interjection*) – and others have indeed become good friends over the last four years. This is not to say, Mr Speaker – I am now reading from the speech – that I have and will not discharge my responsibilities as a member of the Opposition diligently and point out the things that I think are not going well, but equally congratulate the Government when they have done things right.

1990
 1995 On tourism, Members opposite will know and hopefully appreciate that I have always tried my best to steer clear of partisan politics in relation to this issue. When I was not a Member of this House I never really understood why the then Opposition – and I think the Hon. the Deputy Chief Minister used to lead on this issue – treated this area of economic activity in this way. Indeed, their style in Opposition was to be aggressively against almost anything that the Government did, however well it did it. Quite bizarrely, and certainly in the earlier part of their time in government, they have been doing it, but this time not from the Opposition benches. My belief has always been that tourism is one of those areas which should be left 'off the hook', so to speak, from the political rough and tumble, even if one has to express strong views forcefully if they differ from the Government's, and it is with this spirit that I will deliver my speech in relation to this matter.

2000
 2005 On cruise liner figures, the hon. Lady's predecessor and the Hon. Mr Costa will know that I have given him a very hard time in the past and criticised how his much-vaunted one-to-one marketing strategy was not really working, and I have pointed out when he has failed to meet the very successful and buoyant figures of the previous GSD administration. Without making any admission as to the success of that particular policy, I must admit on this occasion that the figures to date are looking much better (**Several Members:** Hear, hear.) and I congratulate him for that. (*Banging on desks*) There is certainly more *ambiente* on that side than on this side at the moment, (*Laughter and interjection*) even in circumstances where he has failed to reach the glorious figures of the GSD administration.

2010
 2015 In terms of the number of cruise liner arrivals it is correct that the Government has beaten its own record since it assumed office at 63 calls up to May this year. In the previous years we have 61, 50 and 53 for the years 2012, 2013 and 2014, and 59 during our last year in office. The figures do not, however, beat those of the GSD, which, when looking at the numbers from 2000, show that our peak, as at the May point that I have just described, was 70 in 2008. The total figures for cruise liner arrivals for 2014 stood at 181, an improvement on the position in the previous year, which stood at 170, and a considerable improvement from the position in 2012, where the number stood at 173. However, in terms of a comparison to our last year in office, they are not quite there yet, given that in 2011 our call number stood at 187. Current numbers certainly remain a far cry from our top figure in 2009 of 238. (*Banging on desk*)

2020
 2025 In terms of cruise passenger arrivals, we see once again how – thank you for that (*Interjection and laughter*) – doing a comparison up to the main points from 2000, the Government has improved the position over the years 2013 and 2014, but still, I must point out, a good distance from the position in 2011 and 2012. These last years still maintain the record years up to the May point in terms of passenger arrivals. As for the overall annual figures for which we have complete figures in 2014, we see a healthy figure of almost 300,000, which is an improvement from the position in 2012 and 2013 but still, but still I must admit, underperforming in comparison to our final year in office where the figure stood at 325,000, and again that buoyant record year of 2009 where the figure stood at almost 350,000 passengers.

2030 Mr Speaker, given the volatility at the Frontier, we must continue as far as reasonably possible and make every possible effort to ensure that passengers continue to come and that one day perhaps, one day perhaps, we can reach and even surpass the GSD record of 2009. In this context we can never lose sight of the stiff competition that comes our way from very nearby ports in Spain such as Cadiz and Malaga.

2035 On air arrivals here we are seeing what I would term again as healthy figures when one looks at the visitor arrivals by air. The jump is reflected in a 6.2% increase from 2013 to 2014, which was alluded to by the current Minister for Tourism – a relief, no doubt, given that the figures for 2013 showed a slight drop of 1.1%; 6.2%, however, remains a far cry from our buoyant figure of 25.4% increase experienced between 2010 and 2011, (*Banging on desk*) but we hope from the Opposition benches that the positive trend will

continue and we encourage the Government to continue to make every possible effort to make the fullest use of that great GSD legacy that is the Gibraltar International Airport. (*Interjections and banging on desks*)
 2040 Certainly if we win the next General Election (*Laughter*) –

A Member: The most challenging bit of that sentence is ‘we’! (*Laughter*)

Hon. D J Bossino: – *we*, Mr Speaker, we, will continue with a policy of securing more flight
 2045 connections and greater connectivity so that the numbers keep on coming, thereby strengthening what is a very important sector of our economy. (**A Member:** Hear, hear.)

I will dwell on one particular segment of the previous air traffic surveys. Here we see, in table 6.01 that the total number of flights has failed to reach the peak that we saw in 2007 and 2009, where the figure stood at around the 2,100 mark. Although there has been a gradual increase since this Government’s time in office from 2011, it has once again failed to reach the healthy GSD figures which we had in this particular
 2050 area.

I wish to place on record my unreserved welcome of the new connections which have been secured to the UK, as again the Minister for Tourism alluded to in her debate. I think the Minister referred to three in particular. No doubt the dream of both sides of this House will be to see the opening of Gibraltar to the world outside of the UK and certainly other areas of the EU, as it is Gibraltar’s right to enjoy without hindrance and without restriction. (**Two Members:** Hear, hear.) (*Banging on desks*) Whilst on this subject, Mr Speaker, this is a point which was actually agreed, black upon white, signed, sealed and delivered and promised by the Kingdom of Spain under the Cordoba Agreement. The right of Gibraltar Airport to enjoy the fruits of EU legislation in the area of aviation is ours by right, but on this occasion it was actually
 2055 supported by the Kingdom of Spain contractually in the Cordoba Agreement, which it then chose to unilaterally and unhelpfully withdraw from. This is condemned in the strongest possible way by the Opposition and we lend our support to this Government (**A Member:** Hear, hear.) in all its efforts to ensure that our rights in this regard are not trampled upon. (**Two Members:** Hear, hear.) (*Banging on desks*)

No doubt aviation and other issues will be addressed by the team at the Gibraltar EU Office. We have welcomed the opening of the bricks-and-mortar presence in the EU and particularly the appointment of Sir Graham Watson to the team. He will, we are sure, bring very welcome advice and knowledge to Gibraltar’s general benefit or, as the Deputy Chief Minister said during the course of his intervention, his network of connections. Whilst welcoming this initiative we have already flagged the issue of costs. We see, in this regard, that the estimated cost of retaining the office goes up by £115,000. No doubt we will have an opportunity at the committee stage of asking for details of the increase.
 2060

Moving on to the land frontier visitor arrivals, we have seen a further dip, interestingly, than in 2013 and 2014. I say that because I would have expected the figures to have dropped significantly in 2014 following the troubles with Spain the previous year where that country targeted in a very direct and unfair manner our land frontier. This is a pity, because the figure stood at around the 11 million mark in the few years before we left office in 2010 and in 2011, and in fact that same figure maintained itself during the course of 2012 when the hon. Gentlemen were already in office. The figure has now, unfortunately, dropped to 9.7 million.
 2070

On tourist expenditure the figures set out in the Tourist Survey Report for 2014 show a significant drop. Although significant, Mr Speaker, it is positive, on closer analysis, to see how expenditure in the visitor arrivals at hotels section has in fact increased from last year. The Chief Minister made a reference to the 3.1% increase in the number of marriages since 2011. He said – in jest, I hope – that even the love is up, but the fact that married couples from outside of these shores now have to stay a night here, as the Minister said, resulted in an increase in expenditure in this particular category. It is also interesting to note that the forecast outturn in both company and income tax is expected to go up for 2014-15 so that at least insofar as the Government’s tax revenue is concerned there has been no impact in this drop in figures in relation to tourist expenditure. It is also noteworthy that the forecast outturn figure for 2014-15 in respect of tourist site receipts is about £200,000 higher than the actual received figure for 2013-14.
 2080

Moving on to the hotel occupancy survey, here we see a steady figure of around 60%, which is stubbornly refusing to shift in an upwards direction. I am sure we would all want that figure to rise much higher than what it currently is. By way of anecdote I can tell hon. Members that my brother, who has been in the industry now for many, many years in the Far East, in Hong Kong and now in Singapore, would shed a tear if he saw figures as low as that, given that he is normally used to dealing with 90%-plus occupancy figures. But the positive comment to make, however, is that they are at least steady and are not dropping in any significant way, but much more must be done to bring visitors here, whether for leisure or business purposes, and see those figures go up.
 2090

In this connection I wish to pause here for a moment and record the Opposition’s utter delight at seeing the refurbishment of the Rock Hotel. This is something which some hon. Members may know is very close to my heart, given that my father, James Bossino, dedicated more than 40 years of his professional life to
 2095

the hotel, 24 of which were as its general manager. (**A Member:** Hear, hear.) (*Banging on desks*) I think indeed that my father was probably the first Gibraltarian manager of the hotel and certainly – probably – its youngest, at the age of 33. I am also pleased to see that the Caleta Hotel’s ambition to refurbish and extend its offering. I have had the opportunity of meeting its general manager at the hotel’s wonderful restaurant and he gave me a first-hand account and insight of the ambitious plans the owners have for the expansion of the hotel’s facilities. This is something that we really take for granted, but really the iconic views and positioning of those two particular hotels are second to none.

The Chief Minister, in a recent article in the *Gibraltar Chronicle*, talked about private enterprise driving economic growth and taking its place to Government. Our tourist product must surely be one of those engines for growth, and in this regard I think that whoever wins the next election should be challenged to make sure that our hotel occupancy figures rise as much as possible.

Finally, but in relation to this particular area, I want to make reference to the superb Literary Festival, which has now seen its second successful year and going on to a third. (**Two Members:** Hear, hear.) (*Banging on desks*) Mr Speaker, what a fantastic and delectable literary feast! (*Laughter*) I can say this from first-hand experience. This is something which no doubt my party in Government will seek to continue to foster as it not only brings new blood and new visitors to Gibraltar, and with them hopefully greater expenditure, but perhaps more importantly greater cultural awareness. It opens Gibraltar up to the world in a completely different way. It is an initiative which makes all Gibraltarians feel very proud indeed. The further point I would mention, going back to statistics – and perhaps the Chief Minister in his reply can address this point – is that revenues received for 2013 and 2014 came in at a modest figure of about £300,000 whilst the forecast outturn for this same year comes in at an even more modest figure of £60,000, and I would look forward to the... £60,000 from £300,000... Sorry? (*Interjection*) In relation to Gibraltar Literary Festival. I think it is a specific item, yes.

Moving on swiftly to commercial and consumer affairs, I wish to highlight, I think, two particular points. The first one is the I think very positive indeed legislative initiative taken in relation to the Fair Trading Bill, which is due to be debated, I think, shortly in this House, possibly tomorrow or indeed Friday. The Government has known for a very long time that the Opposition has been disposed to working closely with the Government in relation to this particular initiative. The aim of having a single point of contact for all businesses to sort out all their licensing and other regulatory needs, as far as possible, is something which we support and welcome. Other features, such as the amendment of the law relating to the protection of consumers’ interests, are also something to be welcomed. I have spent, personally, many hours reviewing the Bill – certainly the first incarnation of the Bill – and then with the Minister and both his Civil Service and his external counsel team, and I think we have managed, going clause by clause of the first incarnation of the Bill, to iron out some of the difficulties that we encountered and which hopefully will have produced a better law. We shall see in practice how this Bill plays out, and I see that there is already provision made in the Budget Book for the funding of the Office of Fair Trading at head 26(8), coming in at £120,000.

The second point I was going to mention under this head is the Business Nurturing Scheme. The Minister very helpfully provided me with a full information sheet setting out the terms of the scheme, black upon white, as to how it is going to work – a far cry, I must say, from the supposed start-up policy which we discovered and which featured No.6 and Town Range as registered offices. Very few people believed, or indeed believe now, that they were in fact start-ups. The point I have made in relation to the Scheme is that a lot of care must be taken to avoid the pitfalls which I have referred to when we have debated the points in previous sessions in the House and which have been encountered in the UK in relation to defaults. It is important that Government money which has been loaned in this way is returned and paid back to the taxpayer. This, after all, is Gibraltar’s money. It is, dwelling on the positive aspects of this initiative, nevertheless a good development and one which will hopefully see the starting up of new businesses in Gibraltar, because everything possible must be done to foster and encourage the entrepreneurial mindset of our people.

Moving on to the Port, we see a continued growth in the number of vessels registered at least up until the 2013 point, which are the latest figures I have. The same can be said of the number of active registered vessels registered under the Gibraltar registry. Clearly, very strong and secure foundations were laid by us and we have seen continued growth in this sphere.

Pausing there once again for a moment, Mr Speaker, I assume that the Chief Minister, whom I consider to be an intelligent man, does not really believe that he has presided over – he is taking notes, no doubt for the reply tomorrow – an Alice in Wonderland economic miracle. I appreciate that this has been a theme of our time in Opposition from the time of the first Budget debate in this Parliament. This is significant, because the reason for this is that they have been boasting about their supposed economic miracle from barely six months after they were elected. The Government does not seriously expect the electorate to believe that Gibraltar was facing economic collapse under Sir Peter but that it is now somehow rolling in it. Surely he should be mature enough to acknowledge that any economic prosperity, or that some of the economic prosperity that he is now boasting about is due at least in some measure to the economic

2160 foundation stones which were laid by the former GSD Government. That, I would humbly recommend to him, would be a much more reasonable position to adopt.

2165 As far as the Gibraltar Port Authority is concerned it is worrying that this year, unlike last year, we are seeing how the forecast outturn figures for 2014-15 show expenditure outstripping income by £645,000. One of the culprits appears to be, from a read of the Budget Book, advertising, marketing and travel, which came in at £295,000 when the estimated figure for the same year, 2014-15, was £80,000, and whilst marketing is very important... Apparently, the figures are wrong, but the Chief Minister will no doubt correct me. Whilst marketing is very important, a very close eye must be kept on making sure that the marketing is effective and leads to tangible results. If the Government can assure us that this further expenditure will result in say more ships being registered in Gibraltar and therefore greater income and economic activity, then that is something which this Opposition will not be critical of – but results there must be; if not, an alternative strategy must be found and must be found soon.

2170 I raise the matter of the further increase in the Port Authority budget in the context of a drop in tonnage dues and berthing charges. These figures are reflected at page 8 of the Budget Book, where it was estimated that tonnage dues and berthing charges would bring £4 million and £1.2 million respectively, making a total of £5.2 million. The drop is about £1.65 million, so that all told we are expected to receive £3.55 million. We are clearly not in the happy situation which we have been in previous years, and certainly last year, which is that, in effect, the Department was paying for itself. The Hon. Minister Balban's predecessor, Minister Costa, put a lot of emphasis on and extolled the virtues of running the Department in this way. An explanation will have to be given as to why it has not happened this year and what the intention is for next year.

2180 I do welcome, however, that the bunkering charges revenue is expected to come in at £60,000 higher than what was the original forecast for this year, although about £45,000 less than the actual receipts for this particular activity for the 2013-14 financial year.

2185 Moving on to my other area of responsibility, employment, this is an area where clearly, Mr Speaker, despite the Hon. Chief Minister's best efforts, I continue to shadow Mr Bossano in training. Despite his valiant attempt – this is the Chief Minister's valiant attempt – at making a distinction between skills on the one hand, for which the Hon. Minister Costa has taken responsibility, and training, I must say that I have never come across such a distinction in my life, despite having read on the subject quite extensively. UK and other international reports fail to make the distinction which the Hon. Chief Minister made, but the reality is not only that Minister Costa was actually given responsibility for both skills and training, as gazetted following the reshuffle. So the only possible interpretation that I can give is that Mr Bossano would have none of it and he has firmly retained responsibility for training. And that is fine – (*Interjection*) Mr Speaker, that is fine, because I have no intention, despite Mr Bossano's aggressiveness towards me in his intervention, (**Several Members:** Oh!) of being high-handed or nasty (*Interjection*) – exactly – in my comments towards him. We have said all that there is to say to each other in the relatively short time that I have been shadowing him. I have described him as a leopard which does not change its spots, and –

A Member: It's a compliment.

2200 **Hon. D J Bossino:** Well, he took it as a compliment, but I didn't mean it that way, and he has accused me of lying on three separate occasions in one GBC interview. I know he does not believe me, and I appreciate this may not be the most popular thing to say from the Opposition benches, or certainly from the party that I am a member of, but I still do enjoy listening to him, even if I disagree entirely with many of his ideas and policies, and I think the performance we have had this afternoon – a man of his age spending two hours on his feet giving that speech with so much energy... I was speaking to him privately in the antechamber and he told me that he got up this morning at 3.00 a.m. to prepare the speech, so it really is... There is more than one difference between him and me, and it is not just the letter in our names! (*Laughter*) He certainly has much more stamina than I could ever have. But I want to say for the record that therefore it has been an honour, a privilege and an experience to have shadowed him, the Father of the House, over the last two and a bit years in the lifetime of this Parliament.

2205 In relation to the Future Job Strategy, what can I say? He has heard me set out our objections to this policy on previous Budget occasions and in press releases, and what there clearly is is clear blue water between the Members opposite and ourselves in relation to this particular policy initiative of theirs. He believes that it is the best thing since sliced bread, and we say that it fails to do what it says on the tin. It fails generally to provide proper training and real training leading to real jobs for our young and unemployed. (**A Member:** Yes.) (**A Member:** Hear, hear.)

2210 There is, however, a unity of approach on both sides of the House insofar as the aim which all three parties represented here share, and that is that we want, as far as possible, priority to be given to Gibraltarians in the area of employment. But what the GSD says is that these jobs should go to the Gibraltarians because they are the best equipped and qualified to do them. A future GSD government... and

in honour of Minister Isola, who says that my learned and hon. Friend, the Leader of the Opposition was unable to come up with any positive policies, I am going to try and do so in relation to this area.

Minister for Financial Services and Gaming (Hon. A J Isola): Good for you!

2225

Hon. D J Bossino: Thank you! (*Laughter*)

2230 A future GSD government would want to see a fundamental shift in the attitude we have towards vocational training. We should give much, much greater focus and assistance to those who do not wish to follow the academic route necessarily and want to further their education pursuing a vocational one. We want to devise a policy which will provide the gold standard which employers and businesses want. We want to ensure that businesses are fully engaged in the process of devising the apprenticeships and perhaps even traineeships which lead to internationally recognised qualifications which employers in Gibraltar want. We want employers, through business participation from the beginning of the process, to offer jobs to trainees and not because they are contractually bound to do so. Doing it the GSLP way is a contrived way of securing employment, which is probably and in many cases only being obtained because the relevant company is in return obtaining a lucrative Government contract.

2235

2240 This brings me to one particular discrete area of concern and it relates to the significant increase that there has been in the number of companies in the approved list of Government contractors. The figures set out in the auditor's report for 2012-13 show that the number has increased from 53 in June 2012 to 185 in March 2014. We have also seen how, just in 12 very short months since the Government took office, the number of registered employers in this industry grew from 519 to 593, almost a hundred more. One very obvious concern is whether this growth will be sustainable if construction activity drops. How will this continue to be sustainable into the future?

2240

2245 The Hon. Minister Bossano has made certain points which I want to consider a bit more carefully, where he says that actually the growth in employment is outside the construction areas, but from a very basic glance at the survey report we see that, certainly in percentage terms, by far the biggest increase in employment is in construction at 41.4% – almost, interestingly, the same figure by which it dropped in 2012.

2245

2250 Moving on to financial services, I wish to focus on the considerable upheaval in the banking industry with the loss of the Norwich & Peterborough Building Society and the withdrawal of Barclays Bank from its retail operations. The impact on the community is multiple through the loss of mortgages, savings, investment products and payment services. We welcome that the existing market participants have, where possible, sought to meet the challenge to serve the community, and in turn we welcome the creation of the Gibraltar International Bank by the Government, which really has taken place in record time and they have to be congratulated for that. (*Banging on desk*) But the bank, Mr Speaker, needs to urgently fill the gap left by Barclays, and we trust that its team of tried and tested professionals will meet that challenge quickly as well. We again emphasise that the GIB needs to be managed independent of Government's wider political ambitions and look to the Board of Directors to ensure its prudential management in the interests of the community and taxpayer as ultimate shareholder.

2250

2255

2260 We also have to keep a close eye on whether indeed new businesses are coming to Gibraltar, despite the Hon. Minister's valiant efforts in relation to his marketing strategy. The number of licensees overall does not paint a pretty picture. This is not fiction; it is fact – we have debated this point across the floor of this House already. We cannot necessarily say that it is due to any changed conditions in Gibraltar, but it is a reflection of where we are as an industry, and especially in insurance, if I could highlight that, with the impact of Solvency 2, which means significantly higher local capital requirements for many local companies and few entrants would no doubt have a very serious impact on the industry.

2260

2265

2270 But what we can say is that we need to buckle the global trend to remain competitive. This means we need to manage increased regulation and increased cost of regulation with an approachable and flexible local regulator, with speed to market being paramount. It is all about our regulatory offering compared to other jurisdictions. That is where we retain an advantage because of our size. It is our unique selling proposition, so to speak.

2270

2275

In the field of regulation we continue to see a plethora of EU directives and regulations. I think some of them will also feature in Bills we will be debating shortly in this House and they are a challenge, as we all know – previous Governments have known this – to implement, given Gibraltar's very small size. But we need to be competitive and look to the Financial Services Commission to exercise budgetary discipline, as its fees seem to be in an inexorable upwards spiral. I would, in this connection, highlight the significant amount which has been budgeted for in respect of the subvention to the FSC, which was I think at £1.078 million in the forecast outturn figure for 2014-15, with an estimated further figure for this coming financial year of £560,000.

2280

In conclusion – that is 30 minutes – in conclusion, none of us should assume that we will be Members of this House at the next Parliament. Quite apart from party selection procedures there is also the small

matter of a General Election and all of us here will have to make personal decisions as to whether we seek re-election. This job is not easy – I think I speak on behalf of all of us – and, in many respects, such are the demands of politicians that it is very difficult to discharge your duties as an MP and, certainly in my case, do your job as a partner in a law firm. Doing, in effect two jobs instead of one, which is not the case for Members opposite, but it is for those on this side of the House who hold alternative employment, adds a considerable strain not only on your professional life but on your personal life too.

Whatever happens, Mr Speaker, in my case, I wish to place on record that for me it has been a pleasure to have served in this House as an MP. For those of us who have been political nerds from our teens –

A Member: Hear, hear.

A Member: Some of us are nerds now!

Hon. D J Bossino: But not in our teens, unfortunately! Participating in frontline politics in this way has been, from a very selfish perspective, very gratifying indeed. Membership of this House has also given me the opportunity to meet many people of this community and beyond, which I for one have found very enriching.

I do want to place on record also what an honour it has been for me to have stood as part of a team with the outgoing backbencher, Sir Peter Caruana, in 2011. I deeply and genuinely felt at the time that Gibraltar needed four more years of GSD government under his leadership. I had no particular intention of standing in 2011, principally, Mr Speaker, because my family was then still very young, and indeed still is, but I answered the call and stood. Alas, after a nail-biting election night, as the Hon. Minister Costa will recall, it was not to be and the GSD lost to my former political allies and those of my generation in the alliance.

I was in active politics when Sir Peter first became leader of the GSD and a lone Member of the House. I and my party at the time, the Gibraltar National Party, opposed his views principally on the grounds of his support of the Brussels process, which I was always against, persuaded by the Hon. Mr Bossano's arguments. Never in my wildest dreams and he is not here to hear this, but never in my wildest dreams – and I told him to his face – did I think that Sir Peter would ever be Chief Minister of Gibraltar or indeed serve as its Chief Minister for almost 16 years, and less so that I would have stood with him as part of his team 20 years after he first entered the political arena.

He knows full well that I am far from a *pelota* – and the English translation I think would probably breach the rules of this House! I have never flattered him for the sake of it; quite the contrary – I normally like to belittle his achievements, even if only in jest, because that is his style too. But all in all I think we will all agree that if we had to choose one particular political achievement, and in my view there were many – ‘He did much which was right’; I think I am quoting the Hon. Chief Minister earlier today – his finest first hour must be his ability through pure intellect, stamina and will to fend off that ill-conceived attempt at subjecting Gibraltar to joint sovereignty rule with Spain. (*Banging on desks*) For that alone Gibraltar should be eternally grateful to him. We must all therefore, on both sides of this House, do everything in our power to leave absolutely no stone unturned to make sure that no Foreign Office mandarin or Spanish diplomat or politician gets the idea that that particular spectre can ever raise its ugly head again. (**Two Members:** Hear, hear. (*Banging on desks*))

Mr Speaker, finally on Sir Peter I think it is fair to say that he will be missed, at least by some of us, in the next Parliament and I certainly look forward to reading his book.

As for the future, the next Parliament will have its many challenges. Whether it be the British Referendum on the EU, our public finances, dare I say the LNG power station, (*Interjection*) the Victoria International Football Stadium or a tumultuous Spain, all of these things will impact on Gibraltar in generations to come.

My sincere hope is therefore that the political leadership of our nation should centre and focus on debating these many real issues in a mature way. Name-calling and personal attacks should be assigned to the rubbish bin. Debating the issues and finding common ground on these important and existential matters – and Sir Peter made reference to some of them this morning – which impact on our nation is what must take centre stage.

Finally, to quote the following from Minister Isola in his last year's Budget speech, where he said:

‘I have always held the view that to be involved in politics there are two fundamental criteria that you are required to have, the first of which is a good sense of humour and the second to do the right thing for the right reasons.’

– I could not agree with him more.

A Member: Hear, hear. (*Banging on desks*)

Mr Speaker: Being the political animal that I am, (*Laughter*) and since I think we are off the air and therefore it is less likely that there will be –

2340

A Member: The radio, Mr Speaker. We are on the radio.

Mr Speaker: I was just going to say, being a political animal...

2345

A Member: No, say it, sir!

Mr Speaker: If next month was not July, I would have thought that there was going to be a General Election. (*Laughter*)

2350

Chief Minister (Hon. F R Picardo): Well, you never know, Mr Speaker! (*Laughter*)

Mr Speaker, after that very elegant and erudite contribution, which was obviously the lead contribution for the Opposition, (**A Member:** Hear, hear.) I move that the House do now adjourn until tomorrow morning at 11.30, when I shall reply to the contributions we have heard from all hon. Members, in particular, from one nerd to another, to the hon. Member opposite.

2355

Mr Speaker: The House will adjourn to 11.30 tomorrow morning, when the Chief Minister will be exercising his right to reply to the debate.

The House adjourned at 8.35 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.52 a.m. – 3.02 p.m.

Gibraltar, Thursday, 25th June 2015

Business transacted

Order of the Day	2
Government Bills.....	2
Appropriation Bill 2015 – Debate concluded – Second Reading approved	2
<i>The House recessed at 3.02 p.m. and resumed its sitting at 4.36 p.m.</i>	33

The Gibraltar Parliament

The Parliament met at 11.52 a.m.

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

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

Order of the Day

GOVERNMENT BILLS

**Appropriation Bill 2015 –
Debate concluded –
Second Reading approved**

Mr Speaker: The Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, good morning to all and apologies for arriving a few moments late to this Chamber. Technology does not always co-operate with those who rely on it!

Mr Speaker, this has been a historic debate on the Appropriation Bill in many ways. The numbers reflect historic achievement for our community. They demonstrate an economic performance which is the envy of any other European nation; indeed, if we are not to compare ourselves with larger economies, which would not be fair, even of emerging nations and smaller economies. And, as I have said from the beginning, that is not because this Chief Minister is able to produce an estimate of £1.8 billion of GDP or because this ministerial team is able to do it; this is the fruit of the work of everyone in our economy and we do not claim credit for it.

I have the honour and distinction of being allowed to get up in this place and announce those results to the nation and to the world. But this is not my work. I am not going to do what others have done before me – not Mr Bossano – which is to come here and pretend that they – one individual! – are responsible for holding the reigns in such a manner that they are the ones who must forever be thanked for that growth! That is not true and it would be a pretence to do that. I stand here as the lightning rod, Mr Speaker, of the work of every economic actor in our community, announcing what they have achieved, not claiming the credit for having done the hours of hard work that are reflected in the numbers that we are announcing during the course of this debate.

Mr Speaker, one of the things that I want to do this year in the course of my reply, is that I will not only be responding to the speeches of hon. Members opposite, I want to also reflect to the community some of the things that Members on this side of the House have done and the work that they have been embarked on for the past three and a half years.

My first point of substance, Mr Speaker, must of course be perhaps a little bit out of the tradition in this reply: instead of seeking to denigrate, I want to start by congratulating the Leader of the Opposition for his contribution this year.

I think, certainly from the point of view of those of us on this side, from the point of view of those of us who are going to take him on in the General Election, I want to congratulate him for having pitched it absolutely perfectly, from the point of view of those of us on this side. He was shrill, he was hyperbolic, he was everything except the statesman that Mr Bossino was yesterday evening – but he would not know about that because he was not here to hear him.

And he was absolutely right, Mr Speaker. Let me be clear in my position, the Leader of the Opposition was absolutely right when he said that politics is about trust. Absolutely right! And the next election will be about trust and about not big, Mr Speaker, huge lies – *huge* lies! – told to the people of Gibraltar.

So, Mr Speaker, this debate also has been turned into a debate about trust and that is where I want to go first. Because even in the course of his reply, he was dealing with the issue of liquefied natural gas and the safety of LNG as a fuel for bunkering and for power generation and the storage of that fuel. So trust is particularly apposite a quality to be talking about.

40 Mr Speaker, in particular, after another historic element of this debate this year, which is the Government's need to suspend Standing Orders halfway through the debate to make a Government Statement, to make an announcement about Lloyd's Register making an announcement themselves, which, as I will show in a few moments, demonstrated that everything we had heard pedalled for the past two weeks about the Lloyd's Register Report was actually the furthest possible from the truth that one could
45 imagine.

But in that respect, Mr Speaker, in respect of this debate about trust and LNG, one of the things I want to start with is to reflect on how we respond to each other on the substance of issues in this debate and in every debate, and parliamentary etiquette and the way that the traditions of this Parliament are honoured or dishonoured by specific Members.

50 And, Mr Speaker, the Leader of the Opposition breached parliamentary etiquette in the most incredible way in the past 24 hours. He spent most of this debate out of this Chamber! Now, Mr Speaker, it is normal for Members who are dealing with work to be in and out of this Chamber, but in the history of Budget debates in this House, as a mark of respect for the debate and for each other, the Leader of the Opposition and the Chief Minister, the Leader of the House, have sat through and heard every single contribution ever
55 made during the course of this debate, because we are the ones leading the respective teams that will have to answer and have an overview over all of the issues in politics.

Yesterday I had to adjourn, Mr Speaker, because I had urgent business after making the Statement in the House, which I will come to a little bit later, in order not to do Mr Reyes the disrespect of him making his speech, which I am going to reply to, and not being here to hear it. I could simply, Mr Speaker, have said, 'I have urgent Government business and Mr Reyes will provide me with a note of his speech or one of my
60 colleagues who is being shadowed by Mr Reyes will give me the feedback of the things I have to reply to.'

As it turns out there is very little to reply to but, Mr Speaker, I adjourned the House in order to be here, to do Mr Reyes the respect of listening to him, even if he had got up to call me every name under the sun, it is my obligation to be here to hear it, to be able to reply.

65 And it has been the tradition of this House, Mr Speaker, for generations of democratic debates about the spending that this community will do, that the Leader of the Opposition and the Leader of the House are both here to hear the full debate.

Mr Speaker, you would have thought that, given that the Leader of the Opposition has said repeatedly that the most important issue facing our community is the public finances – that is when he is not saying
70 that the most important issue facing our community is the LNG facility, but when he has the finance bug – he says it is the public finances that matter the most, that he would have sat through the debate on the public finances.

In particular, Mr Speaker, you would have thought that he would have wanted to be here to hear the speech of the person that he is likely to be describing in the coming minutes, hours, weeks or months, as the
75 other greatest Gibraltarian of all time, namely Joe Bossano. Because short of sending him a Valentine card, I do not know how else he can pretend to endear himself to him, to pretend that they share a political philosophy. Nothing could be further from the truth because Joe Bossano, as we will hear, is a man proud of not changing his spots and the other gentleman picks up spots as he walks along the streets! (*Laughter*)

80 But he did not even honour the evacuation generation by being here to hear the one of that generation who was going to deliver a speech. Mr Speaker, you are not supposed to deliver speeches, although you sometimes give us the benefit of your wisdom, but this Member of the evacuation generation was giving a speech on the public finances, on the Gibraltar Savings Bank on the other book.

85 The hon. Gentleman says we operate two books. I will come to that in a minute. But on the other book – the one he says we do not debate – there was a keynote speech yesterday, Mr Speaker, and he was not here. Not just in breach of etiquette, in breach of his own measure of what he says is the most important issue facing our community.

I suppose, Mr Speaker, he did not want to hear the things that Joe Bossano had to say. It was in fact a master class on how to run a savings bank – and I will come to it in a few moments – but the absence of the
90 Leader of the Opposition from this House was probably the rudest parliamentary failure in the time certainly that I have been a Member of this House. And how one behaves in Parliament, Mr Speaker, reflects on one's respect for democracy. If you make, repeatedly, points which you say are important, but you are not willing to hear the response, however much you may disagree with it, however much you may not like to hear it, it shows your quality as a democrat.

95 I have sat through what I might variously describe as the most vicious attacks on my colleagues and myself, or the most comedic parliamentary behaviour, depending on what mood one might be in, in the time that I have been a Member of this House, having to put up with listening to erudite but venomous

contributions or the most boring contributions one might imagine, Mr Speaker. But one is here because ‘Parliament’ – ‘*parler*’ – means talking and it is not one-sided talking, it is not just hearing your own voice, it is not just putting *your* argument.

100 Democracy is about the respect one gives to the other side as well and how one takes it on board, Mr Speaker, and develops one’s thinking and puts it to people. And that is what was so rudely absent from the Leader of the Opposition’s behaviour yesterday. Mr Speaker, that was really the least parliamentary behaviour I have seen in the time I have been in this House.

105 And he was wrong to leave also for another reason, because if there is one thing that the brilliant Joe Bossano does well, it is to speak in this House and, as I told him when he spoke in the debate on the Dr Giraldi home, I thought he deserved not one award of silk for his advocacy but two. I mean I think he should honestly be known as the Hon. Joe Bossano QC QC MP! (*Laughter*) Indeed, Mr Speaker, it is a very good case for him to be called *Sir* Joe Bossano but that is for another time; probably one of the longest serving parliamentarians in the history of the Commonwealth, but the other side do like to do him down.

110 And Joe Bossano, QC QC MP, (*Laughter*) Mr Speaker – he loves being equated to lawyers, I know! – (*Laughter*) yesterday explained, chapter and verse, pounds, shillings – in honour of the evacuation generation – and pennies, what we are doing for Savings Bank depositors, how badly they did it in the time that they were in Government and the woeful state of the Savings Bank when we were elected in December 2011.

115 But, having said all of that, Mr Speaker, the Leader of the Opposition need not fear, because I am going to take him through exactly the same figures this morning anyway, because I know that they make him squirm, Mr Speaker, and seeing him squirm is one thing that certain Members on that side of the House, I think, love more than even Members on this side of the House.

120 And he was not here to hear Neil Costa. Well, Mr Speaker, I do not think Neil Costa could be described as a Hollywood B actor even by his greatest detractors, but after his performance last night nobody will ever be able to describe him as anything other than an absolute A-lister! (*Banging on desks*)

125 Mr Costa was absolutely on fire, Mr – I have got to be careful talking about fire; somebody might think there is a fireball of LNG near Mr Costa, but he was absolutely on fire yesterday, Mr Speaker, as people say these days! Absolutely in top form, and he was able to deliver an excellent rendition of the four years of hard work and effort that he has put in alongside this dedicated and committed team of Ministers. It is a real pity that the Leader of the Opposition rudely decided to leave the House and miss such a brilliant performance, if I may say so, Mr Speaker.

130 In fact, in particular, given how much the Leader of the Opposition needs to learn how to deliver a speech, because he could have learned a thing or two from watching Mr Costa’s brilliant delivery yesterday, given his flat and indescribably monotonous performance the day before. But the most incredible disrespect, Mr Speaker, by not being here, was actually not reserved for Joe Bossano QC QC MP or for Neil Costa; the greatest mark of disrespect in the Leader of the Opposition’s absence from the House yesterday, was reserved for his own Deputy.

135 For his greatest enemy, I think, as he perceives him to be. Not for any of us on this side of the House, Mr Speaker, because the greatest slap in the face, the harshest signal of derision and disrespect he reserved for Mr Bossino. What a way for a team leader to behave – not to be here to listen to the speech of his own number two. These are speeches, Mr Speaker, which require a lot of effort, from all Members of this House – even the Leader of the Opposition whose delivery was so uninspiring; we all put in a lot of work to these speeches. I mean I suppose he probably did not put in as much because all he did was read us his press releases of the past six months – all over again!

140 But hon. Members put in a lot of work. I do not think the community realises the pressure that all Members are under to deliver a good speech, to summarise in an hour or two or perhaps even less, the work that they have been doing and how important it is and how it reflects on the spending of this community. And his own Deputy, Mr Speaker, got up to deliver his speech in the absence of his own Leader. What a way for the Leader of the Opposition... Indeed, Mr Speaker, what a way for any leader of any team, for any leader of men and women, to behave to a key member of his team.

150 And what he missed, Mr Speaker, was – as I will demonstrate in a few minutes – an excellent intervention on which I congratulate Mr Bossino. He was actually widely congratulated last night by Members on both sides of the House, for what was a measured and erudite intervention which made all the points he needed to make, without setting out to cause offence and without failing, nonetheless, in his duty to bring us to account in one or two areas of real dispute between us, which I will deal with later in my intervention, but without having to call anyone anything. Indeed, Mr Speaker, the only name that he used, the only insult that slipped off his lips, the only off-colour reference was to have called one Member of this House ‘a nerd’!

155 Mr Speaker, he was actually applying that term to himself when he described himself as ‘a political nerd’ and I said that I shared that description of self with him and we have shared that description with each other for many years since our very happy teens at Bayside.

In fact, Mr Speaker, in parliamentary terms what we had yesterday from Mr Bossino was a breath of fresh air. Indeed, it was parliamentary oxygen when compared to the self-indulgent name-calling that the hon. Leader of the Opposition succumbed to in his reply over lunch on Monday. When Mr Bossino spoke, we were treated to loyal opposition at its best. It was probing, it was questioning but never gratuitously insulting and again I congratulate him on behalf of the Government for that.

But the current leader of this Opposition, Mr Speaker – and I say current not because I want him to go; I sincerely hope that he remains the Leader of the Opposition for many years – was happily not here to take any lessons from his Deputy and therefore will not be able to ape him – I do not know whether Mr Cortes and Mr Netto will allow me the use of the term ‘ape’ – or learn from him and his excellent performance yesterday.

Indeed, Mr Speaker, there is one thing that I was happy about yesterday in historic terms, thinking back for a year or two. It was actually that the Leader of the Opposition managed to force, through the executive of the GSD, that they should vote in their leadership election through the intimidatory device of a show of hands rather than a much more democratic system of a secret ballot.

I was delighted, in historic terms, thinking back, that Mr Feetham had managed that and that therefore that intimidatory way of ensuring that all those who have pledged allegiance and the one whose allegiance may have been bought in one way or another, had to put up or shut up on that issue and were not able to express their view secretly and more democratically, Mr Speaker.

And please may that be the case for many years to come – for *many* years to come – because, as the hon. Gentleman has said, Mr Speaker, he intends to stay as Leader of the GSD whatever happens at the next election, and I sincerely hope that is the case. I sincerely hope that whatever happens at the next election – although I think we all harbour a view and a prediction that is probably common to all of us in their heart of hearts as to what will happen in the next election – whatever that may be, I do hope he remains as Leader of the Opposition, Mr Speaker.

And I have no doubt actually – I have *no doubt* actually – that he will, because, whatever the result of the next General Election, Mr Speaker, even if the polls are wrong – and I do not mean Polish people; the hon. Member says we must not believe the polls; I do not know which particular poll he does not like or want people to believe but I will not succumb to rumour as to polls or anything like that – even if the polls are wrong, and we win by 85% and they only get 15% or we win by 95% and they only get 5% – the sort of thing that might happen if people lose trust in a leader and see that they have been hoodwinked with the reports of danger which are not actually genuine; that sort of thing, Mr Speaker – even if he only gets 5% of the vote, he is right, he will remain as Leader, because he has shaped the executive of his political party in such a way that it is a reflection of himself and his family. He has got his brother on his executive, he has got his closest friends on his executive. You know, I think even if Sir Peter Caruana were to come back now and he had lost the election by 95%, the executive would still put Danny back at the top of the Party, Mr Speaker.

Well, look, Mr Speaker, in political terms, chapeau. That level of insulation and protection against the democratic result is, I suppose, to be honoured, but at least there is not a snowball’s chance in hell that the GSD is going to change its leader for a winner any time soon.

And there are people, Mr Speaker, on our side of the political divide who are so incensed by some of the things that the hon. the Leader of the Opposition does and the danger that he represents, not to us politically but to Gibraltar and to the wellbeing of our community – as I shall demonstrate in a few moments – that they say we must get rid of this guy, as people, I want to say, in politics. And, Mr Speaker, as I say to them, they must not succumb to that temptation. They need to realise that the hon. Member, the hon. the Leader of the Opposition, is the most important Member of *our* team going into the next election.

And when we were here, Mr Speaker, debating the finances of our nation – the thing that he has repeatedly been saying until two weeks ago was the most important issue facing; the central issue facing us in the next election – he was absent. And he was absent, Mr Speaker, trying to deal with the after effects of having been rumbled on the conflict of interest behind his Lloyds Report. Well, I say ‘*his* Lloyds Report’, Mr Speaker, not really *his* Lloyds Report at all. He has been rumbled in having been taking cash for questioning the safety of LNG as a fuel for Gibraltar! £100,000, Mr Speaker! Rumbled, Mr Speaker! But I think, even now, too foolish to realise the extent of the rumbling.

So what did he do, Mr Speaker? He made clear to anybody who was following this debate that his interest was actually outside the House; that all he is interested in doing now, having obviously lost the debate on the public finances, is to rouse a mob in any way he can to try and make his way to No. 6 Convent Place.

Well, Mr Speaker, given how he has behaved in the past 48 hours, people may start realising that he is not such a bright spark! (*Laughter*) Yesterday he left this place to go and continue to peddle that report – his sour grapes tenderers’ report, the sour grapes failures’ report – which had been paid for, for him so that he could question the safety of LNG. Cash for questioning, Mr Speaker!

He went down to Waterport Terraces, instead of being here at the time when he needed to be here. Members of this House, Mr Speaker, traditionally always do not plan things for this week – *(Phone ringing)*
 220 Urgent instructions for Joe Bossano QC QC *(Laughter)* coming in and disturbing the peace, Mr Speaker!
(Laughter)

Members of this House, Mr Speaker, do not plan things for Budget week because it is the key political week of the year. This week and National Week are the two key political weeks of the year. We do not plan things in the evenings because we do not know how late we will sit. It is normal; it interferes with
 225 professional life, Mr Speaker.

When I was sitting on that side, a hard professional week might just happen to be combined with a hard political week if it was Budget week, Mr Speaker, and I did not have the benefit that they have, that I tell them when the Budget week is going to be. Sir Peter used to spring it on us. He might say on a Thursday, ‘And on Monday we are coming back and that will be when we take the Budget debate’. But you know things have changed. Nobody plans for this week.
 230

So, Mr Speaker, to have seen that the hon. Gentleman *planned* and distributed the leaflet in their mendacious style to try and scare people: ‘Meeting. Be scared half to death! 6.00 p.m. at the podium of Waterport Terraces!’ Mr Speaker, it felt like an advert for a new movie. ‘Poltergeists will be visiting you between 6.00 p.m. and 8.00 p.m. next Wednesday!’ *(Laughter)* Just when you thought it was safe to go
 235 back into the atmosphere – gas! *(Laughter)*

He planned not to be here, Mr Speaker. He planned not to be here. He went down to Waterport Terraces, of course, to meet the hordes of people who were going to be there to hear his message of doom and so he thought, ‘Well, now, do I leave the 15 or 16 bods in the House and go and meet the thousands at Waterport Terraces, or do I do honour to my duty as the Leader of the Opposition and stay with the 15 or 16
 240 at the Parliament and leave the thousands waiting for me – for the gas messiah to arrive; the man who will liberate them from the fireball, to arrive?’

And he obviously, Mr Speaker, as a politician, did the political calculation and he said, ‘Out of the 17 there 10 are never going to vote for me’ – well, actually he might be wrong about that; it might be closer to 16 – are never going to vote for me – ‘so I will go down and meet the hordes awaiting me for their liberation from the danger of the fireball!’
 245

I guess, Mr Speaker, he might have been a bit late, because when he left here, before going there he had to go and put on the sandwich board – the sandwich board he walks around with which on one side says, ‘We are bankrupt, the debt is illegal’ and on the other side it says, ‘The end of the world is nigh by fireball,’
 250 *(Laughter)* which is the inspiring message that the Opposition is selling our people about our future.

Well, having put on the disguise, Mr Speaker, and having made his way down to Waterport Terraces, it turned out there were more people in this House than in the podium of Waterport Terraces *(Laughter)* and, in fact, even when you do the numbers, most of those who were there turned up with him! *(Laughter)*

You could not make it up, Mr Speaker! In fact, there were more people in this House listening to Joe Bossano and his Deputy than there were in the podium of Waterport Terraces listening to him peddle the dirty business of one of the failed bidders of the power station contract.
 255

Mr Speaker, when it comes to accepting cash to question Governments, Members of Parliament in the United Kingdom have resigned for less than what the hon. Gentleman has been found doing and if I thought it was in my partisan interest that he should go, I would be calling for his resignation immediately! But I have made that mistake once before, Mr Speaker, and I have had to apologise to him for having called for his resignation before, because much more Machiavellian operators than me have reminded me that the last thing that I want is for him to go – so no call for a resignation today.
 260

In fact, Mr Speaker, what I want to do is to encourage him to continue with more of the same asinine performance that he has been doing until now in the post of Leader of the Opposition. As, in fact, Mr Speaker, he was doing the next time I saw him after he left the Chamber yesterday, mobile phone superglued to ear, and he was then next to be seen entertaining Gibraltarian families on ‘*Carry On Newswatch*’ or perhaps *Not the Nine O’clock News*, given that *Newswatch* is on at 8.30 p.m. That was the next time he made an appearance.
 265

And let me deal, Mr Speaker, with the spectacle that we were treated to yesterday evening. Last night on *Newswatch* Hon. Members will have seen a report of the events of yesterday in this House – a serious issue about the partisan abuse of the Lloyds-registered technical report. That was the lead item, Mr Speaker. And of course it is a matter of substance that I will be dealing with in greater detail in the course of this reply.
 270

But before I get to the substance of it, Mr Speaker, what I will say in response to what I saw yesterday on television about the response of the Leader of the Opposition to what happened in this House – the serious statement from the Government, the seismic effect of it – is that it was really quite remarkable. Did he address the issue of the funding of the report by a competitor in a tender process – a failed competitor tender process? Did he address that in any serious way? Did he apologise to the public in any measure, or indeed, Mr Speaker, to his own party? Did he engage in the debate of what exactly the report was about and
 275

why he had cynically exploited its conclusions so transparently? Did he do any of that, Mr Speaker? No, he did not do any of that. He did not do *any* of that!

280 And if I may say so, Mr Speaker, his performance said *so much* about him, because the response from the Leader of the Opposition to having been rumbled on the abuse of the Lloyd's Register Report – on his reliance on the sour grapes of a failed tenderer, on him having taken this notional £100,000 report, Mr Speaker – his response was to say that, 'The Chief Minister is a Hollywood B actor'. That is what he said. I am not even as good as Mr Costa, who I think is a Hollywood A Minister! (*Laughter*) I am a 'Hollywood B actor'.

285 Mr Speaker, let me tell him I sincerely welcomed that. I sincerely welcomed that, I really did, because it said so much about him. It said so much about his style of politics and, in fact, Mr Speaker, the way that, on television last night, the venom dripped from the Leader of the Opposition's lips and tongue, it was clear to me, and I think to everyone in this community, that there was more of a risk to his life from his swallowing his own poison, than there ever will be from a fireball of LNG. That is what he demonstrated last night.

290 Indeed, Mr Speaker, it is clear that there is a new vein of support for the GSD. He is not doing that badly; there is a new vein of support for hon. Members opposite, which is patently from the most venomous and poisonous elements in our society. One just has to see that venom drip on social media. I guess that is the new GSD, Mr Speaker – the GSD in which exciting things are happening. Really exciting things, I suppose, Mr Speaker, like the Leader turning up and saying, 'Guess what, boys and girls, I have someone who is going to pay us a £100,000-report to rubbish the Government's LNG proposal and we are going to win the election by sweeping up all the votes at Waterport Terraces!' Something exciting is happening in the GSD.

295 In fact, Mr Speaker, so exciting that I understand that the Leader of the Opposition told one particular member of the public who was keen to share the conversation with me, that despite the Party's low ratings in the polls, they would win the election. They would win the election. 'The GSD will win the election,' he told this member of the public. And he said, 'for a simple reason,' – for a simple reason, he said – 'Hombre' – which discloses the gender of the person (*Laughter*) – and this is what he said – 'they either vote for Piccy – is that me? I guess it is – 'when I am telling them that he is going to put a bomb outside their front door or they vote for me when I tell them I am not – *y ya veremos*.'

300 Mr Speaker, we are all lawyers here – even now I suppose Joe Bossano QC QC, by acclamation – (*Laughter*) and we all understand the rules on hearsay, so I put very little stock by that and there may be Chinese whispers in it; there might have been some reference to *la perra* as well, which I have heard him make – the money, Mr Speaker – but it is so him, isn't it, Mr Speaker? It is so him and it is so clear now what he is prepared to do to claw his way into Convent Place.

305 All he needs to do now, in his view, is to somehow tarnish our plans for the power station and the LNG storage and regasification facility, Mr Speaker, and that is why we have seen the events of the past two months develop as we have in respect of the debate on LNG. In fact, Mr Speaker, there is a saying in Spanish to describe that sort of close collaboration which, given the announcement by the Hon. Mr Licudi about the teaching of Spanish in our schools, even our most infant children will soon be able to understand, and it involves *el hambre*, or the hunger, meeting *las ganas de comer*, the desire to feast or eat.

Well, Mr Speaker, it is very clear to us now that that is exactly the sort of relationship that has developed between the hon. Member and the Spark Group of Companies.

310 I am going to deal with this issue now, Mr Speaker and the substance of the report and the politics of it. Whilst yesterday I only made a factual statement, I have to now join up the dots for our community, in political terms. And in doing so, I want to emphasise one thing and everything else I am going to say after this must please be read with this caveat in mind.

315 I am *not*, in what I am going to say, imputing knowledge, or seeking to tarnish anyone else on the Opposition benches. I am not imputing to them any knowledge whatsoever of the things that I revealed yesterday and the things I am going to reveal now. I believe the only person on the Opposition benches who knew the facts I disclosed yesterday and who knows the facts I will disclose now, was the Leader of the Opposition himself. And if, in shorthand, I talk about the Opposition, I do not mean to impute knowledge or motive to any other Member of the Opposition.

320 Because, Mr Speaker, it is only *his* insatiable hunger to become Chief Minister that I believe has been behind what we have seen; his insatiable hunger to become Chief Minister whatever the consequences; that vaulting ambition of Macbeth, which I have referred to in a previous year which blinds him completely. It is the chip inside him, to talk in modern computer terms, which is programmed for him to become Chief Minister by any means necessary. And that is so dangerous, Mr Speaker, in anything in life. When somebody is prepared to reach an objective by any means necessary, morality goes out of the window; common decency goes out of the window, let alone –

335

Mr Speaker: May I draw the attention of the Chief Minister, just so that he keeps it in mind, that there is a Rule of Parliament, 45(6), ‘No Member shall impute improper motives to any other Member.’ So I would ask him, in respect of what he is about to say, to keep that very much in mind.

340

Hon. Chief Minister: Indeed, Mr Speaker, I have kept it in mind in preparing these remarks because there is no improper motive in wanting to become Chief Minister. You have achieved it yourself. The motive is to become Chief Minister, and there is nothing improper about that. It is about how one gets there, Mr Speaker.

345

And when one does things by any means necessary, whatever the motive – whether to become Chief Minister or otherwise, even morality and the family values of this community, the core of the Rock of Gibraltar, what makes us strong and steadfast, what has delivered our achievement, our values as a community – those strong family values... that goes out of the window when you achieve things by any means necessary; and that is what his desire to become Chief Minister, by any means necessary, is leading him to.

350

You see, Mr Speaker, what has become transparent to our community today is that he has done a pact with a commercial entity that lost out in a fair process of choosing a new power station and a new LNG bunkering facility; a pact worth £100,000! He has conspired, Mr Speaker, against the interests of Gibraltar and its people in exchange for £100,000 paid in kind by a group of Russian and Gibraltarian businessmen who have shown an unscrupulous desire to make profit in however ruthless a manner as may be necessary.

355

That is the reality of what we have seen unfolding before us in the past 24 hours. Of course the Hon. the Leader of the Opposition does not present it quite like that. He, as ever, pretends the opposite. He pretends he has a genuine concern; he pretends that this advice is not one motivated by commercial concerns and that it can, therefore, be taken at face value.

360

Indeed, Mr Speaker, although he is not here in this House but he is politically very active, the Chairman of the GSD, who appears to have come under some sort of spell by his dear leader, introduced the Lloyd’s Register Report to a press conference at the Elliott Hotel two weeks ago in a manner that we can now see was entirely deceptive – *entirely deceptive!*

365

Now, either the Leader of the Opposition hangs him out to dry or accepts that he shared in that deception. We can now demonstrate to the community that what Mr Trevor Hammond said was actually entirely untrue. It was actually the *opposite* of the truth. When presenting the report, Mr Speaker – and you can see this on a YouTube video, unless they have hastily taken it down, but if they have, we downloaded it – Mr Hammond says this:

‘As Danny...’

– short term for the Leader of the Opposition –

‘... has said, the report is by Lloyd’s Register, undoubtedly Europe’s most expert organisation at providing these reports, if not the world’s most expert organisation, and it needs to be made clear Lloyds would not risk their reputation over something as relatively small to them as LNG bunkering in Gibraltar...’

370

– and, indeed, they demonstrated that yesterday.

‘This report is straight down the line because Lloyds have absolutely no reason for doing otherwise...’

And then he said this:

‘and, as Danny has said...’

375

– and therefore he cannot really cut him loose because he was repeating what Danny said, although Danny is not in the video, surprise, surprise –

‘and, as Danny has said...’

‘... contrast that with the reports that will be produced by Government which will effectively be produced by commercial interests who have a vested interest in ensuring this project goes ahead, because they will get an awful lot of money.’

380

That is what the Chairman of the GSD said. The Hon. the Leader of the Opposition is laughing; maybe it is one of those laughs like the one that he was feeling when I finished my speech and he had to respond, of the sort that start in the bowel rather than in the brain. He is laughing, Mr Speaker, because he has been so caught out and his Chairman has been so caught out, because actually it is *their* report that is

the one prepared by a commercial interest with a vested interest – the opposite of what they pretended their report to be.

385 Their report is one of people who will get an awful lot of money if we are not able to do the right thing for our community; they get elected, they cancel the plans and then they give these people either another opportunity to bid or have already done a deal that they are going to give them the power station, or the facility.

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

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

Now, I have been very patient in listening to what he has to say. He has over-stepped the mark by a country mile but I have allowed it. But, Mr Speaker, what he has now said is absolutely, categorically false!
395 It is imputing to me a motive. What he is saying is that effectively I have agreed to publish this report, or that this report has been commissioned because of some favour that I have promised to somebody and that is absolutely wrong and it is a lie, Mr Speaker, and it is in breach of the Rules of this House!

Hon. Chief Minister: Mr Speaker, the Point of Order contains a Point of Order which is that I have said something which is a lie. The hon. Member needs to withdraw that. Before I deal with the Point of Order, the hon. Member needs to withdraw the use of that unparliamentary language.
400

Mr Speaker: Last February, I recall that the Chief Minister actually called the Leader of the Opposition a liar and it escaped me and every other Member in the House, I think – I do not know whether it was shock, even Sir Peter Caruana was here and no-one raised the issue that the Chief Minister had called the Leader of the Opposition a liar so I did not make a ruling at the time. But I have kept it in mind, as hon. Members can see, so that on the next occasion when it happens...
405

The reason why Members should not call each other liars, should not say that they are lying, is that it is an accusation, if you like, an attack on the whole dignity of Parliament, in that all Members here are regarded as being honourable persons. That is why you do not call a Member a liar. Therefore, the use of that word is unparliamentary and has to be withdrawn. You cannot call a Member a liar; you cannot say that he is lying.
410

As I say, it lodged in my mind. I made a very careful note of the date that it happened and I said the next time I am not going to let it by. So it is a word that I ask, whatever Member uses that word, has to be withdrawn.
415

Then we can also deal with the question whether there has been any improper motive on the part of the Chief Minister... which the Leader of the Opposition is entitled to defend himself of course.

Hon. D A Feetham: If Mr Speaker wants me to formally withdraw the word 'lie', of course I will happily do so. But, Mr Speaker, the factual statement is this: he has said that, effectively, we have commissioned a report in exchange for favours. That is what he has said. It is an improper motive and it is in breach of the Rules and I am saying categorically to him, here in his face, that it is not true. I am entitled to say that is not true.
420

Mr Speaker: The hon. Member is entitled to say, 'That is not correct. That is not true.' You are not using the word 'liar' that is misleading. Those are the words that are normally used in Parliament but not 'lie'.
425

I think in my view what the Leader of the Opposition has said amounts to a withdrawal.

430 **Hon. Chief Minister:** I am grateful, Mr Speaker.

Now dealing with the issue of the improper motive, Mr Speaker, I have no problem in this debate accepting that I am not imputing improper motive to the hon. Member but I will be bringing a motion, a substantive motion, that deals exactly with this point and then we can deal with it.

Mr Speaker, the vested interests are clearly on the side of the GSD, or rather again – I am careful to say – the Leader of the Opposition and Spark, together, conniving against the best interests of this community because of their commercial interest and his political interest.
435

Mr Speaker, when I said that I was not imputing knowledge to Members on the other side, just to him, I was very clear in saying that, because actually this debate is about trust and transparency; and, as people will see as I get on with my reply, it is about dealing with the pretence of a lack of trust in Government, the pretence of the lack of transparency by Government, that I will be addressing.
440

But in accepting, Mr Speaker, as I have when I have set out, that it is only him on the Opposition benches that I tarnish with knowledge of the way this report was obtained, I am also demonstrating that he lacks transparency with the rest, even, of his team; that he does not trust, even, the rest of his team; that he

445 is again a GSD leader behaving as a one-man band. And doing a deal, Mr Speaker, with a defeated commercial operator, for whatever motive – we will be able to look at that in more detail in the future – but a vested interest, dripping in sour grapes, funding their report and demonstrably the ones who have failed in their bids under this Government.

450 And what happened, Mr Speaker, is that these vested commercial interests to which he has allied himself, to which he has married his political fortunes, put before Lloyd’s Register a proposal so amateurish and so devoid of technical understanding, that of course Lloyd’s Register have said that it would be very dangerous and it should not be proceeded with without amendment.

455 It is literally, Mr Speaker, the equivalent of saying, ‘Dear Lloyd’s Register, may I ask you whether I can trust my three-year-old son with a Bunsen burner and a lighter on the carpet of the living room?’ And Lloyd’s Register will say, ‘No, of course you cannot. You should not trust him with a Bunsen burner until he is 15, you should make sure he does not use it on the carpet, you should do it in a laboratory style environment and then he would probably be alright, but make sure he wears goggles so that he does not hurt his eyes and gloves so he does not hurt his hands!’

460 But if somebody were to put as amateurish a suggestion as, ‘Can you tell me and advise me on whether I should trust my three-year-old with a Bunsen burner, some gas and a match?’ the answer would be like the one that Lloyds has given the clowns that have put the proposal to them! And anybody would have therefore rejected the suggestion.

465 And you see, Mr Speaker, the thing that makes this debate even more pertinent is that what Lloyd’s Register have said no to is not our plan for a power station or our plan for gas storage; it is a fool’s plan, it is a nonsensical plan which no reasonably qualified person would ever have put to anyone, less still to a reputable organisation such as Lloyds, whose reputation actually survives intact, the Leader of the Opposition’s attempts to mire them in this debate without their knowledge.

470 The plan put to Lloyds by the bright sparks at Spark, Mr Speaker, was to have a single skin gas storage tank, parallel to the cruise liner terminal – a single skin gas storage tank parallel to the cruise liner terminal! That is the height of nonsense! Who would propose that? Of course you get the result that Lloyds have given you and which the hon. Gentleman has quickly pedalled down to Waterport Terraces to sell. It could never be otherwise.

475 And that demonstrates, Mr Speaker, that the whole purpose of the report was not to get a genuine opinion on whether gas and LNG storage etc there could work and whether it was the right thing for our community; the whole purpose of seeking that report, the allied purpose of the sour grapes commercial interest of Spark and the vaulting ambition of the Leader of the Opposition – the whole joint enterprise – was to get a result that would discredit proper plans which are carefully thought out and to prejudice everyone against LNG. But this community, Mr Speaker, is made up of right-thinking people who see through political devices like that.

480 And there is a lot more to go, by the way, and the hon. Gentleman can get up and say that he has been patient and allowed me to do it, but actually it has got nothing to do with that. He has got to sit and take it because I am the Leader of this House responding on a Bill and I have the right to speak within the terms of parliamentary language in response to the speeches we have heard so far. So he is not allowing me to do anything, Mr Speaker, when he is sitting here listening to this – listening to how much we have been able to rumble his dastardly plans.

485 Mr Speaker, why do I say that the plan has been thought out – the proposal put to Lloyds has been thought out – to engineer a rejection, to engineer a statement that it is not safe? How can I justify that? Well, because it is now absolutely clear to us, beyond peradventure, that by the time that Spark go to Lloyds, their plans have been rejected by the Government. So they are not going to Lloyds with live plans to get Lloyds to say they work so that they can come to the Government with a report that says, ‘This works’; they are not seeking validation of their plans. By the time they go to Lloyds, they have allied themselves to the Hon. the Leader of the Opposition’s cause which has, for two months previously, already been to say that LNG should not be done there or in any other place in Gibraltar.

495 They have allied themselves to the rejectionist attitude. What they said two months before could be done, or three months before or six months before or any time before could be done and they would do for good money, suddenly they want to see rejected. And they do that by the time we have not proceeded with them and they have allied themselves to him. So by the time they are submitting their proposal to Lloyds, they are already seeking to ensure that the Lloyds Report is going to say the things that the Leader of the Opposition wants it to say.

500 Mr Speaker, I can reveal today in Parliament, that Spark made proposals to the Government outside of the tender process. They made proposals that were not compliant with our requirements and were technically flawed. They made proposals directly to Ministers and, for those reasons, those proposals got nowhere. That was last year and early this year, Mr Speaker, so that by the time that Spark goes to Lloyds, they know that we have awarded a contract for a power station and not to them, and they know that we are

505 talking to parties under the PIN notice about gas supply which will not include them and *then* they go to Lloyds.

And that is when they put to Lloyds something as nonsensical as whether you should allow a two-year-old to swim without water wings, something as nonsensical as whether you would trust a three-year-old with matches, something as nonsensical as whether you would trust Daniel Feetham to run your country!

510 Of course the answer from anyone with any expertise is going to be no, as it will be from the electorate to the last question I pose, Mr Speaker. But as Lloyds are a responsible, reputable people, and according to Trevor they are being paid £100,000 – or at least so he says – they then set out to put in writing what needs to be done to mitigate the risk of the nonsensical proposal that has been put to them.

515 And one of the things they talk about is location and another thing they talk about is method. And yesterday when, in their frustration at the way in which their report was being distorted and used for political ends – let me be clear, Mr Speaker – something Lloyds were not aware of, I can also disclose today that Lloyds were not aware that their report was going to be used for political purposes, that it was going to be handed to a political party – although the Members opposite have pretended it was prepared for their purposes.

520 Lloyds finally exploded – to use the terminology the Opposition like to apply to LNG – with a statement that started to clarify matters. And that statement, Mr Speaker – reproduced today in all of our national newspapers, so that everybody can read it for themselves and can understand for themselves what it said – that statement first sets out that they were not asked to consider LNG bunkering, although it is one of the things Mr Feetham says he rules out as a result of the report. In fact I think he has ruled it out before, even without a report.

525 And second, Mr Speaker, they say that with obvious modifications – which are clearly necessary to the moronic proposal that was put to them – the risks... those risks which the report on the moronic proposal discloses and which Trevor and the Leader of the Opposition have been so keen to exploit, can be *entirely reduced*. Not my words, Mr Speaker, they are in the advertisement that everybody can see in today's newspapers because the Government has wanted everybody to be able to read the letter for themselves; and not even a journalist's view of the letter, the statement from Lloyd's Register themselves.

530 Not my words, the statement says: 'the risk can be entirely reduced'. Not 'a little bit reduced and we can live with the risk', not 'greatly reduced and we can live with the risk'; *entirely reduced*. Completely. If you use the word 'completely', Mr Speaker, and you want to emphasise it more, you look in the thesaurus and it says 'entirely'. So this is completely reduced '*dale la redundancia*'. More than just completely: *entirely reduced*. (*Banging on desks*) Entirely reduced means eliminated, Mr Speaker. Eliminated.

535 What Lloyd's are saying in its press statement therefore, is that there are ways of making this facility, if properly planned and applying the Health & Safety Executives standard to it, entirely safe. And the Leader of the Opposition yesterday on television said, 'The statement from Lloyds changes nothing.'

540 Changes nothing, Mr Speaker? Trevor and him have been peddling that this is impossible to do, that it is too risky.

Mr Speaker, to say that this statement changes nothing in the debate, suggests that it has not been read. That somebody has gone on television to defend their position on the report without reading the statement. It is absolutely incredible that the Hon. the Leader of the Opposition could think of nothing better to do last night than to call me a 'B-rate actor' and not deal with the fact that just this preliminary statement from Lloyd's, talks about risk being *entirely reduced*. I wonder, Mr Speaker, whether the Leader of the Opposition explained it that way to the hordes at Waterport Terraces. I think the hordes had read it for themselves and that is why they were indoors watching Mr Bossino, Mr Bossano and Mr Costa on Parliament.gi.

550 But what a disgraceful way to do politics, Mr Speaker, scaring savers on the Monday and scaring residents of an estate on the Tuesday. And then Lloyd's, Mr Speaker, further down their statement, go on to talk about the health benefits of LNG because it can mean less airborne pollution from the burning of diesel – that which the hon. Gentleman is so wedded to – and how commercial and bunkering activities can be promoted. None of that was ever said in the hyperbole of the presentation of the report by the Hon. the Leader of the Opposition two weeks ago. I do not think any of that was said in Waterport Terraces yesterday, Mr Speaker, none of that.

560 All they are doing is peddling the fear of risk and danger. Fear and risk of danger which the people who they rely on says can be entirely reduced, ergo eliminated – GSD word ergo, eliminated. (*Interjection*) I am hoping, Mr Speaker, that in translation they might understand what we mean. (*Laughter and interjection*). They are peddling that fear of risk and danger, fear of accidents based... Yesterday evening at Waterport Terraces on a report that has been discredited, not because of the expertise of the people who prepared it, whose reputation stands intact, but because of the submission of a nonsensical plan by a vested commercial interest.

Let me share something with Members of this House and those of the community who might be watching, Mr Speaker. Two weeks ago, the Sunday after the Germany game, when – actually, I think just a

565 few days after or before the report was made public by Members opposite – I had a meeting with a director
of Spark, on a Sunday in my office, on the issue of the power cuts that we had suffered during the Germany
game. I think it is entirely appropriate that the Chief Minister should consider power such an important
issue – power generation, Mr Speaker, not political power – that if there is a massive failure from a
contractor that supplies to the Government, the Chief Minister should be on top of those things and dealing
570 with them.

I do not mind telling the public, Mr Speaker, that on the night of the Germany game, whilst the
Germany game was still on, because of the power cut I was, with Manolo Alecio and the Minister
responsible, actually down at the Spark Plant and down at Gibelec to try and understand what was going
wrong. Of course I did not know *really* what was happening at the time, as we now know – the light of the
575 new dawn has now shone even on what has been happening and going on between the Leader of the
Opposition and Spark.

But that Sunday, Mr Speaker, I required a meeting with one of the directors of Spark to seek
explanations. Damian Carreras, the Director of Spark who came to see me, volunteered – because I did not
ask him this question, Mr Speaker, this was after the report had come out, he volunteered, because it was
580 not something I would put to him, in my office, in the office of the Chief Minister of Gibraltar, unprompted
– he said that they, Spark had nothing to do with the preparation of the Lloyd’s Report which had been
provided to the Opposition. Nothing to do with it.

I did not ask him a question, I was not cross-examining him – but Members have heard right. This
person came into the office of the Chief Minister of Gibraltar and volunteered this now patently false
585 information. It is now confirmed that they were actually the ones preparing the report with the Leader of the
Opposition.

Mr Speaker, people who lie to the face of the Chief Minister disrespect that office – and not Fabian
Picardo with it – they disrespect every single one of the people of Gibraltar: every single one of the people
of Gibraltar. And that therefore was a falsehood, an untruth, and a lie told to all the people of Gibraltar
590 through my office. A deception in which the Leader of the Opposition is not a bit player, Mr Speaker. Quite
unlike me, you see, he is no ‘B Actor’.

He is an A-lister of deception, he is the star of this Hollywood movie. He is at the very top of a
conspiracy that had no regard for the interests of our nation and every regard for his own personal interest.
You see, Mr Speaker, what we have here in an election year – because this is clearly an election year, the
595 rules and the law provides for it – is a disgruntled company conspiring with the Leader of the Opposition to
turn an election. There is, Mr Speaker, I can tell the nation today, potential interference with critical
national infrastructure. We are investigating whether the power cuts we have experienced have been
brought about in order to destabilise the Government at a time when the Opposition wanted to have the
debate about power generation and its future.

I am not a conspiracy theorist, Mr Speaker, I believe that Elvis is dead and that Jack Kennedy was killed
by Lee Harvey Oswald and that there was not a second gunman on the grassy knoll. But the coincidences
that we have experienced with the failure of the Spark Plant and the timing of it, as well as the timing of the
collusion between the Leader of the Opposition and Spark, leads us to have to investigate these things. Let
600 us be clear, Mr Speaker, our gaming companies, our lawyers, our accountants, our insurance companies,
our finance centre, all our business leaders, the elderly, the infirm, those with babies and young children,
not least our football fans will never forgive the Hon. the Leader of the Opposition if we have suffered
power cuts for him to push the issue of power generation further up the political agenda.

It is one thing, Mr Speaker, to take industrial action, give notice of when you are going to do it and be
covered by the Trade Union and Disputes Act in the 1970s and 1980s to fight for parity and pay rises; but it
610 is quite different, Mr Speaker, to bring about power cuts in the country with the largest gaming industry on
earth, during a Euro qualifying game.

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

He is now completely going beyond what is reasonable, what is parliamentary. What he is really saying
615 – and which is completely and utterly untrue, it is false, it is untrue – he is saying that I have been at the
centre of a conspiracy so that there are power cuts. That is absolutely untrue, Mr Speaker, and that kind of
accusation has never been made in this House and he is breaching Parliamentary Rules and he is exceeding
what is proper by a country mile. And I note – because it has been brought to my attention – that indeed
Spark’s have today come out with a statement actually disputing any question of them being responsible for
620 power cuts. (*Laughter*) But, Mr Speaker, what he is saying about me is absolutely false, it is not true; and
quite frankly he should be brought to order because this is unparliamentary and beyond the Rules of this
House.

Hon. Chief Minister: Mr Speaker, I am prepared to accept the position that the hon. Gentleman puts.
625 He says he has nothing to do with it and I sincerely hope for the sake of our democracy that he does not;

and if he says he does not, I have no evidence to suggest the contrary and I accept his word. He has told the people of Gibraltar today in the Parliament that he has nothing to do with it. I have been talking only about if.

630 So, Mr Speaker, he says he has nothing to do with it and as a democrat and as a Member of this Parliament, I sincerely hope that turns out to be true. We will see. We will let the investigations take their course, Mr Speaker; but he will accept of course that if it turns out that he is found to have been involved, then his denial today will be even more of an indictment of his involvement and will mean that he is finished, not just as Leader of the Opposition, but politically for ever. But look, I accept his position, I accept his position.

635 Anyway, Mr Speaker, let us quickly look now at what it is – oh and by the way, dealing with the Spark’s statement which I have not seen: surprise, surprise that Spark have said that they have nothing to do with it. Well, Mr Speaker... and he immediately knows about it, well never mind. (*Interjections*)

Hon. D A Feetham: It was on social media.

640

Hon. Chief Minister: Oh, it was on social media! Oh, Mr Speaker, well, then the Leader of the Opposition *would* know about it if it is on social media, Mr Speaker.

Let us quickly look at what the collaboration which has been established between the Leader of the Opposition and Spark has done for Gibraltar so far. The hon. Member may be familiar with a publication called *Bunker World*. Indeed, I think it is a publication we have sometimes debated in this House when reports have appeared in *Bunker World*. People who do bunkers, some of our best clients, Mr Speaker, rely on what is said in *Bunker World*.

645

Bunker World on 11th June: ‘Gibraltar sets aside bunkering report’. *Bunker World*, on 15th June:

‘LNG bunkering report at centre of political row in Gibraltar’.

But, Mr Speaker, on 23rd June in *Bunker World* – with LNG being the hot topic in the bunkering industry, with Algeciras fighting to be the Western Mediterranean’s top bunkering port for LNG in the future, with this being the subject debated in all the bunkering conferences in the world, with Gibraltar under this Government trying to see whether we can continue to be the leaders in this field, but with him already having said that he rules out LNG bunkering – on 23rd June, thanks to Daniel Feetham’s collaboration with Spark, in *Bunker World* read by all our clients and the ones we want to be our clients:

650

‘Gibraltar LNG bunkering plans in disarray’.

Thank you, Spark. Thank you, Daniel Feetham. That is what the world is reading about Gibraltar as a result of the donation in kind of £100,000, allegedly, to the GSD by the provision of this report, by somebody who has been a member for 12 years and is a supporter that wants to help the GSD – according to the way it was put, I think, on one occasion by Members opposite. Bad, bad, publicity for Gibraltar, Mr Speaker.

655

660 And then, what do we find that the industry talks about in the same week that the ‘Gibraltar bunkering in disarray’ headline hits the international press in *Bunker World*, what is the other headline on LNG?

‘Carnival Corporation to purchase the four biggest cruise ships in the history of cruising, to carry 6,000 passengers and propelled by LNG, gas storage and regasification on board.’

Well, if the head of Carnival is reading whether to bring his cruise ship passengers on the Western Mediterranean ports to Algeciras or Gibraltar and he reads this in the same publication that he is reading his press release on, we do not seem to be advancing our common cause as a people.

665 Carnival obviously now thinks that carrying passengers in LNG-fuelled ships with gas storage and regasification on board is safe. Cruise ships will therefore likely be made in this way in the future. Carnival is one of the leaders in the industry. It is likely that other companies will pursue what Carnival is pursuing. Carnival is using that as a selling point for people who want to lower their carbon footprint as a moral issue when they cruise. And the hon. Gentleman, apart from the bad press he is giving us, has already said publicly there will be no LNG bunkering in Gibraltar if he becomes Chief Minister.

670

Well, Mr Speaker, I can tell him he is not popular in the port. Having written off LNG bunkering, as he has, he has written off the medium and long term future of our port and the jobs that go with it and the revenue that goes with it. Is he not concerned about revenue, Mr Speaker? This is not about putting commercial concerns before safety. Is he not concerned about revenue? If things can be done safely, shouldn’t we be doing them, and shouldn’t we be in that market?

675

If you have concerns about safety, you do not fly. You certainly do not fly into Gibraltar Airport if you want a zero risk mentality – especially if you think the Air Traffic Controller might be too busy reading a

report. And of course, Mr Speaker, one of the things he is also writing off is our future as a cruise port. Imagine what this would do to our passenger numbers, let alone our bunkering revenue.

680 Mr Bossino, yesterday, in a much more visionary view of where Gibraltar should be going, said that one of his dreams shared by all of us on this side of the House, is making tourism a more important and reliable part of our economy going forward. I cannot say pillar, Mr Speaker, because Leading Counsel, Leading Counsel – twice – sitting next to me, would make me sit down because of course he does not believe that there are any pillars other than our people, our land and the best use for them, but an important part of our economy going forward.

685 But, if we say that we cannot have LNG facilities and storage, and it is so dangerous and we will not even allow an STS out in the centre of the bay, surely if we are going to be consistent – not the forte of the Leader of the Opposition by any measure – we would also be saying that the cruise ships cannot dock at Gibraltar, because they are within 400 metres of Waterport Terraces, where there are easily maybe 900 to 690 1,000 people living. Never mind there are going to be 6,000 sleeping on top of the tank.

So, Mr Speaker, what would this nonsense commitment do, that he has given, not to do LNG bunkering. He would not be able to sell LNG bunkers to the cruise ships that are going to have this storage facility, and they would not be able to come in, and we would not have the huge increase in passenger numbers which would enable me to reply to Mr Bossino in a future Budget debate even more forcefully about how well we are doing in passenger numbers – although calls might be lower, because he has in one shot, assassinated or 695 blown up two industries, bunkering and cruise liner tourists.

Well, Mr Speaker, I am just passed by the technologically savvy Albert Isola, an article appearing a moment ago, and which I also have to refer to this House and to the community, appearing in the publication that is known for its devotion and love to the Rock and the people of Gibraltar, called *El Confidencial Digital* in Spanish – elconfidencialdigital.com – the hon. Gentleman, when I read this to him, he will want to put it on social media, so it is elconfidencialdigital.com and if he presses the button on his i-Phone he can then put it on Twitter or Facebook.

Mr Speaker, it talks about, it has a big heading ‘Security’ it says in Spanish, ‘Risk of catastrophe in Spain because of the new gas facility in Gibraltar’. Subheading ‘A report from Lloyd’s assures that an incident at the plant would affect thousands of people.’ Incredible, Mr Speaker, incredible. I thought this was going the only thing I was going to be able to point to the damage that they were doing, that *he* is doing, Gibraltar in his marriage with Spark. And yet look at that, our best friends are aligning themselves with him.

That could not have come at a better moment... Mr Isola is very prescient because I was about to move on, in relation to the power station generally and not just the LNG aspect, that the Hon. the Leader of the Opposition has the ignominy of being quoted with approval by the Partido Popular leadership in Brussels, not just *El Confidencial Digital* but by the Partido Popular leadership in Brussels, Mr Speaker. So, not content with rubbishing Gibraltar’s reputation in the bunkering world – I am not going to suggest he is rubbishing our reputation with *El Confidencial Digital* readers, they hardly have a high regard for us I am sure – he has now become the poster boy of the Partido Popular leadership in Brussels.

710 This is what *Señor de Grande*, the Leader of the Partido Popular in the European Parliament had to say to the Commission in a question a couple of weeks ago. Question to the Commission:

‘According to local press reports in Gibraltar,’

– congratulations to our media who are obviously read far and wide –

‘the leader of the main Opposition party in the colony’

– even they understand that there might be another one soon, given the job he is doing –

‘(the Gibraltar Social Democrats), Mr Daniel Feetham,’

715 – there you are quoted by name by *Señor de Grande* –

‘has announced that, after months of study,’

– it turns out it was actually just June that they were studying –

‘in which he consulted experts in power generation and the environment, he is opposed to the construction of a new electric power station on the north mole of the harbour. (Filling works are in progress on the mole for the purpose.) The reason is that he believes the plant would endanger public safety.’

‘The leader of the Gibraltarian Opposition recently drew attention to the risk of explosions on the new thermo-electric power plant which the local authorities of Gibraltar are building.’

Before the Lloyds Report, Mr Speaker.

- ‘1. Has the Commission received detailed information about this project?’
2. Has the Commission assessed the risks to the safety of residents near the project for a new electric power station on land to be reclaimed from the sea on the north mole of Gibraltar harbour?’

725 Thank goodness, Mr Speaker, that this community can rely on this Government. Indeed Mr Speaker, not
even on this Government, not even on this administration, on the professional work that the civil and public
servants of Gibraltar do in everything they turn their attention to. Not the politicians; the guys on the ground
– the Hector Montados, the Manolo Alecios, the Liesl Torreses of this world. True professionals in what
730 they do whether they do it for us or they do it for them when they are in Government, Mr Speaker. The
people who make Gibraltar tick. Thank goodness that they do things so well, so conscientiously, that they
care so much about their community – so much more than those who recklessly throw away these remarks
that are then picked up by the Partido Popular. That even our old antagonist, that other Partido Popular
favourite, Mr Arias Cañete had to read out this answer which must have stuck in his throat a little bit, this is
the answer given by Señor Arias Cañete in the Commission.

735 In answer to Question 1:

‘1. The Commission has received no information about a project for a power station in Gibraltar. There is no EU
legislation requesting a Member State to inform the Commission on its detailed energy projects (except for nuclear
infrastructure)

2. The safety assessment of a project is under the sole responsibility of the Member State, without any assessment
from the Commission.’

That must have stuck in Cañete’s throat. If we had done anything wrong, Mr Speaker, on the
reclamation, if we had failed in some way, then they would have had a field day with us. So my thanks, on
behalf of the people of Gibraltar, to the professionals who are dealing with the new power station project
and the LNG facility and who are under so much pressure as a result of the unconscionable behaviour of the
740 Leader of the Opposition. (*Banging on desks*)

Let me carry on, Mr Speaker, dealing with how the hon. Gentleman manages to assist, to help those and
to work with those almost – metaphorically although not in the same room and probably not even talking to
each other – but all of those who want to rubbish Gibraltar internationally. And in doing so, I want to
analyse what he said in this House on Monday, and what he said about what he said in this House on
745 Monday on television.

Mr Speaker, he said that I was leading a Government that does not deserve the trust of the people
because it is the most opaque Government in Gibraltar’s history. And yet, forget the numbers of meetings –
there are more meetings than ever, they ask more questions than ever, we give them more information than
ever – but already absent at the meetings, there is more information in the public domain than ever. It is not
750 just more meetings, all the information that we used to ask for – which they sometimes did not give and the
information they did give is now provided monthly on the website – and the only issue that they take is that
sometimes because of the pressure that the people in our statistics office are under, and the magnificent job
that they do and they produced a brilliant census whilst doing it, they are sometimes a couple of days late
and they may not be able to ask a question based on the latest available statistics.

755 Mr Speaker, there are reams of information put out. The information that we had to pull like teeth and
sometimes did not succeed in obtaining is now available online. What don’t we give them? We do not give
them the names of the borrowers of Credit Finance Company Limited; and we do not share their view about
the way that Government companies are incurring expenditure and how they use the money in the pool of
companies. That is not *not* to give them information, that is not to share their view, Mr Speaker. They have
760 more information about the Savings Bank than they ever had, they have it every month when they used to
have it before at a different time. It is really quite incredible, Mr Speaker. Do they think that people believe
this?

Then he went on to condemn our spending priorities, and on the new power station. He was still saying
on Monday, Mr Speaker, he was going to cancel our contract and he was going to go back to theirs. So
765 went from the Mole, or the Upper Rock; does he put this on the corridor of the Barbary Partridge up at
Lathbury or does he put it on the new land at North Mole? They were going to put a power station in
Lathbury Barracks.

I used to accuse the hon. Gentleman of doing a left, right, left, right and he pre-empted that this year. He
said, ‘I am pre-empting you saying left, right, left, right you say it every year.’ Not any more, Mr Speaker,
770 he is very clearly right. He has adopted the methods of the right wing, he has adopted the policies of the
right wing, but he is condemning Gibraltar to a debate on Rock/Mole, Rock/Mole, Rock/Mole. Does he
realise what he is doing? He is saying we should go back to the old plan if he is elected. As if he could, Mr

775 Speaker. It would require another couple of years of getting the tendering back, getting the environmental assessments back – incredible. (*Interjection*) Unless, as Mr Isola says, he gives it straight away to Spark. It would take *years* to be able to get the power station project going again up at Lathbury.

780 And then he said this, Mr Speaker: ‘What we have witnessed over the last four years, is the systematic destruction of parliamentary governance in Gibraltar; the use of the Gibraltar Savings Bank to fund Government expenditure and projects with Credit Finance Company Limited and Gibraltar Investment (Holdings) Company Limited’. And he said this made a complete nonsense of the budget, because rather than being open and transparent as he pledged, I had done everything I could to keep from taxpayers what I am spending their money on, and I had not played it straight with taxpayers, he said. Well, Mr Speaker, what does he think I am spending on?

785 Even assuming that he was right in everything else that he says which I will demolish in a moment, how does he think that I am spending this money in a way that taxpayers are not aware of it? Can’t he see the cranes? Doesn’t he see what we are building? Does he think we are spending money... well, I suppose on what? On feathering our own nest, our No. 6, The Palace? Well, look, you can see it, you might not agree with it, it is in the book; you might not agree with it, but it is there. So the idea that we are hiding the spending... the problem is that he identifies all the spending and says he would not do it. But then he does not say which project he would not do, because he does not want to annoy the people who want a berth at the Marina, he does not want to annoy the people who are going to have their children in the new school – he does not want to annoy *anyone*. Well, talk about wanting to be all things to all men and being seen through by everyone, Mr Speaker. The hon. Gentleman has guaranteed that everyone sees through him, even the people sitting around him.

790 The fact that we are spending via companies, Mr Speaker, if that is the most heinous offence we have ever committed... what about them and their spending through companies? Where does that leave the greatest Gibraltarian of our times as he describes the hon. the backbencher? If I am the worst Chief Minister ever for that reason, how can he be the greatest Gibraltarian of our time? It is just incredible. At least I am not going to lend £20 million to developers to develop something in the middle of the town and become an equity partner of them. Something, by the way, we found out only because I asked a question in this House, apparently the most heinous way of finding anything out. And then he said he did not know how the eye-watering debt of £847 million, which is wrong but it is his calculation... how was that made up? I will come in a moment to a part of my address where I am going to adopt all of his theories and show him the effect of them on the GDP ratios.

800 He said, Mr Speaker, that the architect of the rainy day fund, the disciple of budgetary discipline and of not living beyond one’s means. Mr Bossano the hon. QC QC, has left a man in charge of his party that has absolutely no conviction for the core values of those founding fathers of the GSLP as far as these issues are concerned. I thought we could not talk about fathers and GSLP, Mr Speaker, I thought that elicited an immediate crackerjack from the hon. Gentleman.

805 Well, Mr Speaker, look at the rainy day funds, look at them. Is it that this horrible Chief Minister has undone the rainy day funds? No, the rainy day funds were undone, as the hon. the backbencher said yesterday, by him. Because the big philosophical divide of the 1990s and the ‘noughties’ as he described it, was the divide between Joe Bossano’s rainy day fund theory and his spend for growth theory. That is what the hon. the backbencher, who the hon. Gentleman describes as the greatest Gibraltarian of all time – or *our* time, because he does not want to annoy the daughter of the other great Gibraltarian – that is what he said, Mr Speaker.

815 And what has happened in that respect? Now, is there an element of consistency here, are the rainy day funds at zero? Am I really that awful a Chief Minister, that I have spent all this money and undone the rainy day funds? Have I stopped the father of the GSLP from accumulating his rainy day funds? And by the way, this idea that anybody is left in charge of the GSLP is really a GSD way of thinking, Mr Speaker. The GSLP belongs to all its Members. It is not run by one man, it was not run by one man when the hon. Gentleman was the Leader or while I am the Leader, we really are a democratic party of all our Members. Clearly, and in particular given what we have discovered about the way the Lloyd’s report was handled, that is not the case on the other side.

825 So what has happened to the rainy day funds? Rainy day fund inherited from Opposition *re* Community Care. In other words, assuming that by giving money to Community Care, that independent trust, what we are doing – and this is an issue that has appeared in social media recently – is not requiring the consolidated fund to give them money to pay pensions because they have their own fund, they do it independently and therefore we do not have to go the GSD method of giving them the cash each year so they can spend it.

830 How much was in that on 9th December 2011? Hang on, we left it at £65 million in 1996 and let me think, at rates of about – it must have grown by 35% inflation – it would have been in the region of, oh it must have been almost £100 million in it by the time we got it. *Zero*, Mr Speaker. So if he is a disciple of rainy day funds, he at least needs to be factoring that in to who he calls the greatest Gibraltarian of all time,

the person who allowed the trustees to have to spend that money and did not continue to give them capital.
Zero.

835 How much have we given, Mr Speaker? One hundred and thirty four million in total by the end of this financial year! (*Banging on desks*) It is because it is a manifesto commitment. But look, if that is the way to honour the founder of the GSLP by demonstrating commitment to the rainy day fund philosophy – and everybody describes that as one of the rainy day funds although it is completely independent of the Government – well, honour number one, Mr Speaker.

840 And the Savings Bank Fund: it was £30 million. Joe Bossano told us yesterday, in 1996 – he was not here to hear it – £30 million. So I mean inflation... what was it, £60 million by the time we came in on 9th December 2011, £100 million? It was *zero*. The other established rainy day fund of this community in the Savings Bank in its reserve, Mr Speaker – *zero*. So how can he dare to get up and preach about rainy day funds? He does not know what he is talking about and he is demonstrating it by putting himself in the firing line with remarks such as that which are so easy to reply to.

845 Then he says, ‘You are operating two books. One book which is the budget and the other book which is your borrowing from the Savings Bank – and that is off-balance sheet.’ That is a snazzy term, Mr Speaker, accountants use it, ‘off-balance sheet’. So he has used that term, see if I can capture the imagination, it is off-balance sheet. Has he looked at the balance sheet? This is the balance sheet of our community, these are the estimates; the one that comes out after this debate is the *actual* and it sets out the revenue and expenditure that we expect. And then the auditor audits this. He seemed to have forgotten on television recently, when he was debating with me, that we had an auditor.

850 Can I ask him and anybody else in our community who might manage to have a copy to hand, to look not in the detail hidden away of this book, but in the index, Mr Speaker? Can I invite him to look up the words Savings Bank, indeed Savings Bank Fund, Appendix L, page 210? Off-balance sheet? It is in the index of the balance sheet! All he needs to do is his homework, his understanding. All he needs to do is look at the numbers and then he gets a breakdown of where the money is invested in detail. And then all that is referred to in the audited accounts – and we are having the debate! He is saying we are hiding it, it is off-balance sheet. It is there on the balance sheet, Mr Speaker, we are talking about it.

860 He disagrees with how we are spending it he says... although I am sure he would do it if he were here, but where can he conject the argument that this is off-balance sheet, that we are operating two books. Look, Mr Speaker, it is the same book.

865 It is so difficult to argue with somebody who lacks understanding and I so miss Peter Caruana; and I know I am not the only one, because at least when you argue with somebody who knows what they are talking about, it is easier to reach some conclusion. Even if the conclusion is that you agree to disagree. But there is nothing hidden, Mr Speaker, and one has to be a dyed-in-the-wool disciple of the hon. Gentleman. One needs to see him as a political messiah – and actually after today he is more likely to be seen as a political pariah – to believe that there is anything hidden. It is in the same book and this is soon to be available for £5. I think we should be charging more, just the paper is worth more than £5 now. So how can anybody pretend that there are two books and that things are not going through the House?

870 He might disagree with what we are doing with it, that is fine, he is paid to do that, to disagree – at least that is his interpretation of loyal Opposition. And he says that there is growth – 10% and all the rest of it – but it is all being fuelled by Government spending. I had a whole section that I was going to refer him to about that, Mr Speaker, I had gone back to the *Hansards* where Sir Peter had indicated that was the way he wanted to do things. But helpfully Sir Peter himself yesterday explained his spending for growth criteria and explained that in particular when there was a time of crisis and banks were not lending it was important that the Government spend in our community, and when there were projects to be done.

880 Sir Peter’s view now is that we have done most of the projects that need to be done; he would say that wouldn’t he? But he explained this, Mr Speaker, in a way that just so completely flies in the face of what his new leader, his successor, has said in the course of this debate that at least I understand why the only part of Sir Peter’s erodent valedictory goodbye to this Parliament, which he had to read, was the bit in which he pretended to praise him. It was not lost on any of us. I think that his eulogy of Sir Peter was much shorter than mine, and that Sir Peter’s eulogy of him was the only part of his speech that he had to carefully write and read, Mr Speaker. It certainly did not come naturally.

885 Then, dealing with the issue of LNG in his speech, he said this... well, in fact, asked by the interviewer on *GBC* he said this about the things he had said in his speech:

‘You spent a large part of your address tackling the issue of an LNG power station and bunkering facility at the North Mole. Is this a key electoral issue for you?’

Of course the key electoral issues had been nepotism before. Now that we have demonstrated that there is no nepotism, and in fact we do more work with people on that side than we do with every other sector of the community, because we are open to all, he does not talk about nepotism. Then it was the stadium, but

890 when 1% of people in a poll – which he did believe – said that the stadium mattered to them in an election and 99% said it did not, the stadium is no longer relevant. So now the key electoral issue is LNG – well it was until yesterday and the Lloyd’s Report.

But he said this:

‘Absolutely, I can give you a cast iron guarantee’

895 – well his guarantees are not worth much –

‘to all those people living in Waterport Terraces, in West Side One, in West Side Two, in Europlaza, in Peninsular Heights, this LNG bunkering facility the Government is planning to build is not safe, and if we are elected, not only will that not be built, but we will not build an LNG power station at North Mole.’

‘This LNG bunkering facility’ – but he does not know what LNG bunkering facility we are going to build, that is his other complaint. We have not settled on the plans yet so how can he say it is not safe? How can he be against something that is not yet planned? Something that is not yet out in the public domain? What is he against? Maybe what he is against, Mr Speaker, is the single skin tank alongside the cruise liner terminal which would require cruise liner passengers to get on to the ship like this, let alone the danger of it being single skinned.

900 And he said, ‘Anyway, it is going to take four more years to build that power station, it is going to be beset by problems.’ He is already looking into the future like he looks into the future and says he is going to win the 2019 Election, even if it is not held in that year. All of this is crystal ball gazing, Mr Speaker: beset by problems, we may as well scrap it, start from scratch – but he is going to build a new power station immediately in his next term, because how is it going to take four years?

905 It is going to take two years, it is not going to take four years. There are not going to be any setbacks – although engineering is engineering. And it is the wrong decision to go back to that we are going to use diesel. And if he was sitting here, he would be saying what I am saying about LNG being the future, Mr Speaker. He is not sitting here, but he wants to sit here. And he is just thinking about votes, he is not thinking about Gibraltar. But the greatest Gibraltarian of all time in *his* estimation told him yesterday that the time has come to stop thinking in purely partisan terms when we are thinking about the future of Gibraltar. And he is not taking his erstwhile leader’s advice, so I suppose I should not be surprised that he is not taking mine.

915 But if he does not want to take my advice, I do not mind. I do not mind, that is his problem, Mr Speaker, he never takes my advice. Bossano, Caruana, Picardo: all those names he hates in different ways, we are all different and we have all done things in different ways at different times, in different styles. But the one thing we have in common is that we have led winning teams, not abysmally failing teams. So I am really happy that he is not going to follow Joe’s advice on debt, he is not going to follow Peter’s advice on a non-partisan approach – or my advice on anything, because perish the thought he might twig and start listening and he might turn things around.

920 On one particular issue where we have a serious disagreement, is this issue of finances. I have dealt with the fact that he says we have two books and that he cannot scrutinise things, but actually he can because they are in the same book and he scrutinises them every month, Mr Speaker, which is *res ipsa loquitur* that he is wrong. Every month we have the same debate about what we are spending on, every month he is looking at things with a magnifying glass. Which is fine, that is what he is paid for, but it demonstrates that we are looking at it and it demonstrates that there is parliamentary scrutiny.

925 And then, Mr Speaker, he says on trust, ‘This is a Chief Minister who is prepared to answer no to the question whether the Government has directly or indirectly provided any loans to the owners of the Sunborn when in fact a Government-owned company had provided a loan of between £30 and £40 million.’ Well, when he wants to scare people, he says, ‘This is savers’ money, it is not the Government’s money.’ When he wants to say I am a liar, he says, ‘It is the Government’s money, and when I asked you whether the Government had lent, you said you had not.’

930 He has got to make up his mind, Mr Speaker. Either I am profligate in spending savers’ money and therefore savers have to be careful, or it is Government money and I should have answered yes. He cannot have it both ways – I put it to his election. At least Mr Benzaquen, a speaker of his Executive, does not appear to have agreed with him on this subject, having written to *The Chronicle* saying about this subject, true that it was not Government money. But then he went on to say that this was all done through a company we had incorporated in secret. He just says these things, Mr Speaker, he says these things. Every time he opens his mouth his brains fall out. (*Laughter*) Frankly he should take an action against his brains for failing to perform.

940 How can you say that a company has been incorporated in secret? It is not possible to incorporate companies in secret. There is a Companies Registry, the company only exists when it is on the registry, the registry is public, Mr Speaker –

945 **A Member:** And he is a lawyer.

Hon. Chief Minister: And he is a lawyer and was Minister for Justice – but he is not QC QC; he is not even QC. (*Laughter*) It is impossible to incorporate a company in secret. Just in case he has got confused, the debate today internationally – sometimes he might switch on the news and something might flash in front of his eyes and he might not realise what it is about – is about whether we should disclose in all of Europe and indeed in the rest of the world, the ultimate beneficial ownership of companies on the register. It is not about whether the companies are public or private in the hidden sense, it is not possible to incorporate a company in secret. Unless, I suppose what you mean is you go to Liechtenstein, you appoint some nominee directors, you leave a letter as to what happens when you die and your son takes over and manages the money. I mean that might be incorporating something in secret but that is not what we are dealing with here.

950
955
960 But he thinks he can get away with it, Mr Speaker, and I suppose his sycophants – if he has any of them left after what has happened in the past 24 hours and people must be running away from him like the pariah, politically, that he is – are now going to start repeating ‘Danny caught them incorporating a company in secret, and putting it on the public register in secret.’ (*Laughter*) If things were not this serious, they would actually be funny.

965 Then he said that we have taken advantage of the fact that any debentures issued by the Gibraltar Savings Bank which they are using to fund their programme, is a debt of the bank and not a debt of the Government. Taking advantage of it, Mr Speaker? Where was he during the last election? The whole debate was Sir Peter saying, ‘Look, this issue is... I can get rid of this public debt in five seconds, I can just make it a debt of the Savings Bank.’ (*Interjection*) In some measure, although I do not accept any of what was said at the time, Mr Speaker, but in some measure we have just followed the advice of the greatest Gibraltarian of our times.

970 But he must have taken absolute and utter leave of his senses, or forgotten his senses, or left his brain behind at Spark, Mr Speaker, when he said this:

‘... the only possible explanation for the huge explosion of Gibraltar Savings Bank debentures, where the Gibraltar Savings Bank was paying between 4% and 5% interest, the interest rate. No credible bank in the world is paying that kind of interest. Those interest rates are there to attract more debenture holders, so that the Government can then use the money for its own expenditure.’

975 Mr Speaker, again pen engaged before brain and then tongue engaged before thought. Has he forgotten that it was – he does not like me calling him the backbencher, so I am going for the other term now – the man who *he* says was the greatest Gibraltarian of *our* time, now carefully nuanced not to offend anyone... the greatest Gibraltarian of our time who fixed the rates at 5%? (*Laughter*). (*Banging on desks*) It is just too easy, Mr Speaker. All we have done, two months ago, is lower the rate. That busts his argument so completely, so completely that it is actually quite incredible that he did not think that through and not give me this very easy goal to score.

980 But he does not do much thinking, Mr Speaker. Let me just show him exactly what has happened in the Savings Bank, given that he was not here to hear the masterclass given by Mr Bossano yesterday. It is a real pleasure to hear Joe Bossano when he is in full flow. I will always remember his contribution in the Giraldi Home Enquiry, when he took silk twice. But this is what he had to say yesterday when he was out peddling the distortions of the Lloyd’s Report. In fact, Mr Speaker, I think Mr Bossino was very kind yesterday in saying that even though he might not agree with Joe Bossano, he enjoyed his contributions and it said a lot for a man aged 76 to do two hours on his feet in this place, and having got up at three o’clock in the morning to write his contribution. And I would say that there is life in the old dog yet, except of course there is more life in the old dog than there is in any of us younger dogs sitting around the table; (*Laughter and banging on desks*) and just as spotty as ever, too; (*Laughter*) and all of them in the same place, all those spots in the same place.

985
990 And he said this, Mr Speaker, and the hon. Gentleman would be wise to listen to these words of the founding father of the GSLP, the rainy day fund man, the man he says he agrees with and who does not agree with me, and all the rest of it. My dear Joe Bossano, he said this:

‘In 1988 I set out to expand the role of the Savings Bank. It was not an easy task in those days because the Secretary of State had the last word and the Foreign Office had to consult with the Bank of England. The reply from the Bank of England was that the Savings Bank was supposed to be a small colonial bank, as if it was still in 1832, and we should not be allowed to get any bigger.

Well, as the Leader of the Opposition will know, the GSLP Government of the 1980s was not the sort of Government that took no for an answer.’

995

This is much better than being in Waterport Terraces with a few hangers-on.

‘So I used my well-known powers of gentle persuasion’

and I have yet to come across those, the gentle part at least –

‘and they finally agreed to let me get on with the job of making it profitable, and a growing institution.’

1000 Then he set out the history in financial terms, of the bank:

‘We inherited in 1988 a Savings Bank with £2.6 million in deposits – £2,672, 384.89 to be exact. The profits for the financial year 1987-88 were £60,187.96. The profits for the year were retained by us and added to the reserves increasing them to a level of £398,227.

In our eight years we increased deposits, profits and reserves. In other words we did then what we are doing now. By March 1996, deposits had grown from £2.672 million to £179.433 million, an increase of 6,715%.’

In case people think they have misheard, Mr Speaker, it is a 6,715% increase.

‘On this level of deposits we made a profit of £4,705,698 in one year compared to the £60,000 in one year in 1987-88. We added the profits to reserves and left them there for the GSD to spend when they came in the following May.

The reserves we inherited in April 1988 had been £398,227.’

1005 So, less than half a million.

‘The reserves the GSD inherited from us in April 1996 were £30,549,249.’

1010 So the GSLP Government increased the reserves from £400,000 to £30.5 million. And then he went on to say:

‘The reserves we inherited from the GSD in 2011 were £1,444.’

1015 With all the greatest of respect to Mr Speaker and the fact that many years of inflation have passed, the AACR left £400,000 when they left in 1988. The GSLP left £30.5 million when they left in 1996. The GSD, the party he is so in love with that he will never leave it, left £1,444. What unrequited love, Mr Speaker.

Joe Bossano, carrying on, said:

‘So perhaps the Members Opposite may forgive me if I feel that I do not have to accept any lecturing from them on prudential management or looking after our people’s money. We had the same moaning from the Opposition between 1988 and 1996 as we get from the Opposition now, Mr Speaker. The same idiotic arguments about risk and exposure’.

As clear as ever there...

‘But taking it to new heights, if the GSB lends to the Government and the Government fails to repay, the liability falls to the Government as guarantor, how much circular can an argument get! In case Members Opposite think that GSB lending money to the Government is new, it was already happening before 1988 but on a small scale as the whole of the assets was only a couple of million pounds.’

1020 Before 1988, not before 1996, before 1988 under the AACR.

‘However, by 1996 the GSB was investing in Government Debentures to the tune of £59.334 million.

This time round, however, the critics did not even try to have an element of truth in what they say. So for example, the former Tax Collector, gamekeeper turned poacher, Mr Chris White had the audacity to claim that we had UK ex-pats like him, I suppose, who he says are the depositors of the £1 billion who I am providing with risk-free investments at the expense of exposing Gibraltar taxpayers.

This, even though I have told the GSD Opposition in this Parliament on more than one occasion that 99% of the deposits are from local sources and not expatriate money.’

Can you please listen to the argument so that we can have it on a sensible basis?

‘...– not that I see anything wrong with accepting expatriate money, which would be very welcome.

Mr Speaker, as a political gimmick this takes the cake. Mr White should stick to advising his clients how to reduce their tax liabilities.’

1025 Very wise words indeed, if I may say so.

‘The Savings Bank between 1988 and 1996 was an important part of our economic plan for growth and prosperity. It has been since 2011, and will continue to be in the future.

The GSB we inherited in December 2011 had £273 million of deposits and £1,444 in reserves. The results for 2014, audited and published last year, showed deposits at £856 million’

– 99% from local sources – note Mr White and anybody else –

‘profits from the year of £8.91 million and reserves of £11 million. For the year ending March 2015 we expect, subject to audit, around £1 billion in deposits, around £9 million in profits, and around £20 million in reserves.’

Mr Speaker, we shall defend our stewardship of the Savings Bank when the election takes place and will continue to grow its deposits, profits and reserves when we are returned to Government.’

If I may say so, Mr Speaker, (**A Member:** Hear, hear.) (*Banging on desks*) to Joe Bossano’s words, Mr Speaker, vintage Bossano in every way. What a pleasure it is to be able to quote a Jedi Master in his brilliant interventions yesterday. (*Laughter*)

1030 But, most importantly, Mr Speaker, a reflection to Mr Bossano that it is a very good thing indeed that this particular leopard does not change its spots. Very good for the community, very good for savers in the Savings Bank and very good that we can deliver great growth again and again doing the things that Joe Bossano has demonstrated that he can do so successfully for our community, in the past and is doing again.

1035 Mr Speaker, really for the people, the issue of the Savings Bank is really now *who do you trust?* Do you trust Joe Bossano and Albert Mena, the Financial Secretary with your money, given the track record that Joe, in particular, has established and the reputation of Albert Mena? Or do you hand over control of this money to Mr Feetham? That is really the litmus test for people, Mr Speaker. Joe Bossano and Albert Mena, with the track record of Joe Bossano and the reputational integrity of Albert Mena, or Daniel Feetham and what he is saying about the bank? Who do you trust with your money, Mr Speaker? That is the question – I
1040 think that is a no-brainer, Mr Speaker, even for people without brains, which means even he must know the answer.

What is the main accusation on debt? He says, Mr Speaker, that the debt in Gibraltar now is larger than ever if we include company debt, which you can’t see in the book, but is there by his measure being the amount in the Savings Bank investment and credit finance, by his measure, which we do not agree. But he
1045 says that is what it is, it is in the book. Well, company debt is *not* government debt and it never has been government debt. It wasn’t when they were in power, Mr Speaker, when they were happy to spend through companies, but now they want it to be government debt.

So what I am going to do now, Mr Speaker, is to for one moment allow myself the horror of putting myself in his brain, in his mind, and accept that company debt is government debt and even accept another
1050 premise which is wrong, which is that what he says is the company debt is the company debt. In other words, I am going to accept all the false premises of his argument as true. So please do not turn around and say that I accepted any of this, I am just doing it because I want to demonstrate to Members Opposite how wrong they are, even in respect of this particular interpretation. So for one moment, Mr Speaker, I will put myself in the horror of his brain. Oh, I have just seen a spark fly! (*Laughter*)

1055 Gross debt, Mr Speaker, with company debt in 2008 – when the hon. Gentleman started his journey with the GSD in Government, the first time he was elected in 2007, in 2008 when he was in Government with the person he calls the greatest Gibraltarian of our time – gross debt *with* company debt was 17.8% of GDP. That assumes, Mr Speaker, that they have to understand that there was company debt. There was company debt at the time, even of the hospital, Mr Speaker. That is the thing they clapped so hard when Sir Peter
1060 talked about his legacy. He was against it in 2003; he has told us on a number of occasions. Gross debt including company debt had grown by 2011-12 – their last financial year in office, with him included – enormously from 17.8% of GDP to 51.2% of GDP. It jumped from 17.8% to 51.2%, under them.

And what has happened since? Assuming all the things that were wrong in the way that they wanted to calculate debt, what has happened since then? Well gross debt today, Mr Speaker, including every penny
1065 paid as investment in redeemable preference shares in credit finances debt, which it is clearly not, but I am going to do the exercise anyway, is estimated to be 49.2% of GDP. It was 51.2%, it is 49.2%, two points down. And that is if every penny of the investment in credit finance were debt of the Government, which it is not. They are redeemable preference shares, down a whole 2%, even using his nonsense figures. Using the figures he wants to use, it is down, using that £400 million as debt.

1070 But let us do another thing. Even he will accept that the amounts lent by credit finance to third parties are not government debt, because they are lent to third parties, they are somebody else’s debt. The Sunborn, they like to talk about, that is Sunborn’s debt, not the Government’s debt. So let us take out the amount that we will see and what I like to call the balance sheet and he doesn’t like to call the balance sheet of credit finance on the website – that thing which he says we hide but we put every month on the website, Mr
1075 Speaker. That is spending that is the second book but is every month available to him to come and quiz us

about here, and which is referred to in this book, Mr Speaker, under the Savings Bank fund. If we take out that debt, which is third party debt, then gross government debt against GDP is 45.71%, Mr Speaker. But if we do a really precise calculation and we take out of there as well the payment of the commutations, because that is not government debt, clearly, Mr Speaker. None of it is, but anyway. And we take out the third party debt then the gross debt including company debt, assuming that every other penny is company debt, although it is in the pool and not spent as the hon. Gentleman pretends it is, but assuming all of that erroneously, the gross debt to GDP ratio is 42.9%. So what they left at 51.2%, Mr Speaker, we have reduced to 42.9%. What is the problem? Even doing the calculations erroneously, as he wants to do them, and using the information in the book and on the website, everything which is public, Mr Speaker. Everything he says we are hiding, but which is public, quite unlike the way that he was hiding who had funded his Lloyds report.

Just to understand it in household terms, Mr Speaker, what is happening is that we are earning more each year. Our salary as a community is bigger. We used to earn £340-odd million under them, we earned £559 million next year, at least, Mr Speaker. The overall income into the household has grown, not just one actor but all actors together used to bring in £1.1 billion, now we bring in £1.8 billion, next year, at least.

Debt as a share of income in the household was higher under them, even when including company debt, which should never be included and has never been included. This Gibraltarian family, Mr Speaker, is doing very well indeed and there is no need to pay any heed to the claims of illegal debt, debt ceilings being breached, or any other nonsense of the sort that he and his disciples put about.

What is most galling, Mr Speaker, is that in this respect, as in every other he does not think of the consequences of what he says. He said on television that we had exceeded the legal borrowing limit. He has not said it again. I think the tongue, again, engaged before brain and even his advisors have told him that he went too far, and he was so looking forward to that programme he had said. If he was right and if he was able to peddle effectively what he is saying, and if he were able to persuade anybody to cause a run on any bank except the Savings Bank, where you cannot run from anyway, it would mean that he would have achieved that we would not be able to pay civil servants, that we would not be able to fund schools, that we would be in crisis. Mr Speaker, is that what he wants?

He wants to persuade people, institutions that deal with the Government of Gibraltar, that we are ‘skint’, he used the word here, Mr Speaker. And therefore, what he is saying is that we should not pay any civil servant, we should not pay any service, we should stop spending. We, Mr Speaker, when we found ourselves with very little money, did exactly that, we stopped spending on the things we did not have to spend on. But he is saying we have exceeded the debt limit. If we have exceeded the debt limit, Mr Speaker, that is a legal issue. Every penny has to go to get us back to that. Well, look I will tell the civil servants I see he does not want me to pay them. But it is, thank goodness, Mr Speaker, not the case in any way or by any measure.

People much more experienced than him – institutions much more understanding than him of these issues, have X-rayed us, not because they pay any heed to what he says, but because we had a revolving credit facility that had to be renewed because we were going to do an expression of interest exercise that was going to lead to a huge investment in Gibraltar. Gibraltar has been X-rayed, Mr Speaker, and his arguments looked at as well, of course. The Principal Auditor X-rays us every year, but he does not seem to have much regard for the Principal Auditor these days, given what he has said on television.

And what has happened, Mr Speaker? The revolving credit facility has been renewed without a problem and an investment of £1.1 billion into communities is likely to be confirmed very shortly. Banks do not lend £50 million to countries that cannot repay them – well, not these days anyway. People do not invest £1.1 billion in economies that are not going to prosper because the public finances of the place are going to crash. Mr Speaker, he might not like it but that is the reality of the situation. When independent third parties come and look at what we are doing and what we are saying, they side with us, thank goodness, not with him on this subject. Not with him or his merry bunch of men.

There are two points there to take. The first is that, I suppose it is one of the things that sets us apart from them, that when we obtain loans we do not obtain them on terms which we do not intend to keep to. In other words, we do not say to banks we will pay this money back by adding 5% on the cost of utilities every year for the next 20 years, only to have a Member of the Cabinet that agreed that deal say, ‘Oh, we never intended to do it.’ That is a loan, Mr Speaker, obtained in a manner which this Government will never obtain a loan.

Then, of course, there is another consequence of what he has said; he has said in this House, on a number of occasions that we are ‘skint’. I think the Hon. Mr Figueras whispered that word to him and he adopted it – not blaming Mr Figueras he wasn’t on his feet, it was Mr Feetham who was on his feet. To summarise his argument he said we were ‘skint’ and on television he said, ‘The debt has exceeded the legal ceiling,’ well, Mr Speaker, they have no choice now. This book, and let me show him... because I do not think he has even looked at it. This Bill is to enable us to spend £½ billion more. If he votes yes to this Bill he is recognising that we are not ‘skint’, because he is giving us licence to spend £½ billion more. So if he

sticks by his guns, and believes we are ‘skint’ and believes we have exceeded the debt limit he has only one choice, two really. He can abstain, and take the cowards way out, or he can vote no and stand by his principles. But what he cannot do, without accepting that he has been wrong all along, and that we have been right all along, is vote yes. So when he votes yes – because I assume that he will bring the consistency to this debate that he brings to everything that he does, we will feel vindicated in every argument we have had in respect of public finances.

Mr Speaker, I am very concerned that we are on the cusp of probably the most divisive and dirty general election campaign this community has ever seen. The way in which social media actors, supportive of the hon. Gentleman opposite, are behaving on social media, denigrating even the Chair of this Parliament in ways which I believe are frankly, defamatory and potentially even criminal, are frankly unacceptable. If that is the way that this general election debate is going to continue I think that we will emerge even stronger winners, because if there is one thing that Gibraltar does not like, Mr Speaker, it is a dirty politician. It is a politician who goes into the gutter to try and make an argument. Who cannot make a rational political argument to try and persuade people, as gently as Joe Bossano has made an art in the past 43 years, Mr Speaker. I counsel everyone in this community, because we are very political, that we should have the debate, it should be harsh and it should be forceful, but it should not descend into the sort of behaviour that we are seeing from some of their social media actors, Mr Speaker.

The Hon. Mr Bossino in his address, which I have already described in positive terms – I do not think I should fall into the trap of continuing to eulogise him otherwise I might be doing his political back a disservice and he might find himself the subject of an assault soon – talked about tourism and I think we share the views that he expressed, and I have indicated that. We have very few concerns about the tourist expenditure survey because that is a finger in the air, whilst the receipts from companies etc, which is real cash, are continuing to go up. So it would appear that there is something happening there and either we are about to get much more cash in if tourists come back and spend more, or actually a lot of tourists come and do not spend anyway, although we estimate what they spend, we might need to fine tune what we take from them.

But, Mr Speaker, what are we going to do in tourism should the heavens fall in and the GSD form Government? We are going to lose 6,000 passengers per cruise call every time Carnival Corporation pass the Straits of Gibraltar with one of their spanking new ships.

It was actually very refreshing to hear, Mr Speaker, his intervention in respect of our EU office commitment and the work that Sir Graham Watson is doing. Such fantastic work that he is doing with the people from Gibraltar who are there with him, learning through him about the institutions, and I think that is going to be work that – as everything that the Hon. the Deputy Chief Minister does – is conscientiously done and delivers in the long-term interests of the community. The Hon. the Deputy Chief Minister always says to me, ‘Remember that lobbying is a long-term gain ambition and that you don’t immediately see a return, but you do many years from now.’ As somebody who started to talk to Sir Graham Watson over a decade ago, and has turned him into a real champion of Gibraltar. I think he has demonstrated how right he is about that and what a fantastic job he does when it comes to these things. Mr Speaker, he was *very* kind about Sir Graham Watson and the office in the EU, but he said he was concerned about cost. I think we all agree that we want things done, but they cost money. If you want to get a D list actor to represent you it costs less than if you want to get an A* representative in Brussels, and we have gone for the A*.

Mr Speaker, he was very kind also in his remarks about the Minister for Equality and Tourism and the work that she is doing. I am grateful for that because she puts in a huge amount of effort, as do all Members on this side of the House. And although he has disagreed vehemently with some of what she has done, and some of what we have done, in particular in the field of equality, it is absolutely to his credit that despite those continued disagreements, which is what politics is about, and life is about, he recognises the work that we are all doing on this side of the House, and I want to thank him for that.

The Literary Festival, which he thought was a fantastic thing, was created by us and we are very happy to have done that and we are very proud to have done that. Calentita was created by them, and it was a very good thing too, and we have continued it and improved it and I think – and I am not saying improved it to claim any credit – they might have improved it if they had been in government. I think festivals like that, a food festival, a literary festival, also a music festival, a jazz festival, all of those things are the sort of things I think we all agree – certainly those of us who are capable of agreeing across the floor of the House – are exactly the sort of thing we need to be doing in order to promote Gibraltar as a place where niche tourism can prosper.

Mr Speaker, he, I think will allow me this moment to praise also, Steven Linares for the work that he has done. Gibraltar does not often have a government which can announce that it has opened two new art galleries in the space of, I think, under a year. The Mario Finlayson National Gallery of Art and the Gibraltar Exhibition of Modern Art, the GEMA, and it is to the credit of Steven Linares that that has been achieved. Steven is a real driver of the Ministries that I have encharged him with and he is tireless in pursuing the objectives of this Government. And in particular, Mr Speaker, he has not just done that, he has

also delivered a fabulous jazz festival every year, which people are enjoying more and more and is becoming more and more popular. And he has delivered something that I think people could never have imagined would be as fantastic as it is, which is the Gibraltar Music Festival which goes from strength to strength. *(Banging on desks)* I am sorry that Fabian Vinet is not in the House, I see he has left – he would have heard me eulogise his Calentita achievements. I lament the fact that we have not yet had Marillion for the Gibraltar Music Festival, *(Laughter)* but I am very happy as an 80s man to have heard Tony Hadley singing in Gibraltar and to soon hear Simon Le Bon and the gang with Duran Duran on Saturday night. There is everything for every taste, for every generation. I think the only person who does not enjoy the Gibraltar Music Festival is the Leading Counsel to my left who is busy working on his legal briefs that Saturday night – nay, now that Saturday and Sunday night, because what seemed a dream only four years ago is now actually a two-day festival.

It is popular to denigrate Joe Bossano but if you look at what he does and actually there is very little grounds for really criticising him because he has produced results like never before. It may be popular to denigrate others, it may be popular to denigrate Steven Linares, he has *delivered* art galleries and now festivals like no other Minister for Culture has before and he deserves recognition for that. I am grateful for the hon. Gentleman for giving me the opportunity of doing so in his kind remarks about the Literary Festival, something which of course Neil Costa, with his energy and enthusiasm and intelligence was one of the prime movers of. I think what Neil has achieved in that respect, apart from all the other things he has done in the time that he has been a Minister with me since 9th September 2011, that is one thing that *the minute it happened*, became established. The minute we had our first literary festival everybody said, ‘We are not letting go of this.’ People across the partisan divide, people who don’t care about politics, people who just love their books and love Gibraltar and love literature suddenly said, ‘We are not going to let anyone get away with not having a literary festival now as an annual event,’ and that is a huge credit to the way that the Literary Festival was organised in the first year. It immediately became a feature of our lives. That is the way to do Government, Mr Speaker. *(Banging on desks)* I usually bang from a sedentary position, Mr Speaker, and it is strange to bang when one is standing up.

If I may say so to the hon. Gentleman, again, in the same way that that is the way to do Government, his way is the way to do Opposition and it was a pleasure to hear him and to take the points that I am taking now.

Mr Speaker, we believe in strong growth in the port. The number of ships coming in 2012, which was the year which we inherited because they are booked in 2011, was 172. He likes to look at the number of cruise calls, rather than the number of passengers, and by 2015 it is 212. So he can judge us against their best year, but obviously the fairer thing, and given that he is a fair man and I am giving him the credit for it, is to judge us against their last year. In other words what we took over and how we are growing it and that has grown by 212. Of course, the size of the increase should not just be measured in the numbers of calls, but in the numbers of ships, because in the same way as these magnificent new LNG ships are going to bring in 6,000 passengers already the larger ships are bringing in four-odd thousand passengers and the number of passengers in 2012, the numbers that they left us was 290,395 already the joint efforts of Samantha Sacramento and Neil Costa in the period that he was Minister, 302,697. Of course we all want more, of course we all want to emulate the highest year there might have been. I do not know whether that was under the GSD or the GSLP or the AACR. We want to be higher than the highest there ever was and that is where we are going, but I think we are demonstrating the trajectory in this place.

The only thing that he said which was a slightly snide reference was to these companies at No. 6 and Town Range. I fear, Mr Speaker, that the longer I see him sitting there, the more he is likely to catch the infection, although he has done very well to avoid it, the infection that there is such a thing as a secret company, nothing to uncover or nothing secret, Mr Speaker.

But actually work that is done very very well indeed because if you look at the numbers of companies then the fact that they are up is a good thing and he seemed to be against the numbers being up. The more economic actors there are, the more revenue there will be. The fact that there are more economic actors by way of companies in the construction industry is a good thing. The fact that there are more people employed by them is a good thing and this demonstrates that this start-up scheme – he might not like how we referred to it – actually worked very well indeed.

I forgot to take a point that he had asked me to take in my reply, Mr Speaker, which was to explain to him why revenues were estimated to be down from £300,000 to £60,000 in respect of the Literary Festival and I can tell him that the information I have from the office of the Minister is that because in one year two years of revenue were booked together, for some reason, and in this year we are not just booking one year we are booking half a year because revenue comes in over years but the better way to do it is to book in less of the revenue.

He said, Mr Speaker, that I should not pretend to be the ‘saint’ – he didn’t use that word, he might not feel comfortable with using it, ‘The saint delivering an economic miracle.’ I do not pretend to be, Mr Speaker. He said I should recognise the contribution of the GSD in that respect. Of course I do and he was

1260 here for what I think might have been fairly described as a fulsome remarks that I made in respect of Sir Peter's valedictory remarks. I said that we were building on 16 years of GSD Government, and we were not denigrating what had been done. We disagreed with a lot of it, and we would have done things in a different way, but of course, we were building on it.

1265 When you look at the economic position when we took over, if you are looking at usable cash reserve, if you are looking at the bank, if you are looking at community care, that was the position then. Look, the economy is running. The economy had grown to £1.1 billion. I am not pretending I have created an economy that next year is going to be at £1.8 billion. All I am saying is...and I am not claiming the credit for myself, as I said earlier. I happen to be the person who makes the announcements, who has the reins, but not responsible therefore for everything, with the 10 others, that delivers the growth in the economy to £1.8 billion but from £1.1 billion. So I give full credit for the growth between 1996 and 2011 to the hon. 1270 Members who were here, but not because they delivered it, but because they were the ones in charge then of the economy that delivered it, and everyone in it that delivered it. But he is absolutely right; I am not pretending that we started an economy on 9th December 2011, but we did start to replenish the pots and he has to accept that the data is there. It is not our data; it is data from independent civil service of the Ministry for Finance and the Treasury that demonstrates the size of the pots today. And he will allow me to say I do not believe that that is a miracle, I believe it is just the fruit of management in the way that we have done it. 1275 The Hon. Mr Bossano's intervention yesterday demonstrated what the growth had been in particular in respect of the Savings Bank.

He does not like the Future Job Strategy, Mr Speaker. But it is a strategy also that he has to accept has worked in terms of getting people in to work. Those people are now people with real jobs, they have real dignity and they are making a real wage which is paid at the minimum wage, at least, Mr Speaker, whilst under them it was not.

1285 When he says that they want to do all these things that they want to do and they want to grow tourism and they want to grow the port. All I will say to him, Mr Speaker is that if he wants that – if he really wants the port to grow in bunkering, if he really wants the port to grow in cruise calls, if he wants the port to grow in passenger numbers, given the stated position of his leader, not allowing LNG bunkering, not allowing cruise ships with LNG on them, etc to call at the port, I invite him formally now, to cross the floor, and he will be very welcome on this side of the House. (*Laughter*) Because of the objectives that he has set out, which are common objectives to people here, and I offer him the hand of friendship that is always there, but in political terms also and to come over, and he will be a very welcome Member of this side of the House. 1290 (*Banging on desks*)

Mr Speaker, (*Interjection*) he reflected on how difficult it is to be in this House, not just for Ministers but for everyone, and in particular for someone who is a partner in a law firm – and I know that because I have been a partner in a law firm at a time when this House was not as structured as it is now, when you did not know when you had to be here and you did not know what time you might adjourn to and you could not fix meetings. But I will put it to him, because we have been political nerds together since the 1980s, that actually there was one thing that he failed to reflect, which is actually harder, and I am sure he will agree with me: it is harder to be a good husband and a good father – that is very hard indeed.

1295 Then, Mr Speaker, he expressed his own views of a deeply felt need for Sir Peter Caruana to continue in politics for four more years in 2011. Well, I was very generous, I think, with Sir Peter Caruana yesterday, but if anybody had asked me on 8th December 2011 whether I thought he should stay around for another four years, whipped as we were in those days, nothing could have been further from my mind. Now that we have persuaded him of so much else, he did not say it but I detected in there that he believed that we have not done so bad a job, actually, and that there was no need for Sir Peter to stick around and that he was seeing numbers which were not so bad.

1305 He told us about how he had been persuaded by Leading Counsel on the issue of Brussels many years ago and how he never thought that Sir Peter would become Chief Minister. Well, Mr Speaker, it was generous of him to say so, and I think we have all been very generous in the way that we have dealt with Sir Peter's intervention yesterday. But there is one thing that I still would not be able to accept, and that is that in a referendum in Gibraltar a Gibraltar Chief Minister might recommend an Andorra style solution, and I think that is another reason why the hon. Gentleman might want to think again and realise that there is room for 11 on this side of the House if he ever decides... especially given the way that he was abandoned by his peers yesterday, Mr Speaker. There was more tumbleweed on the other side than there were Members of the Opposition to hear him, and yet all of us – almost all – were here. If you believe, as Mr Bossino does... But there was no leader; there was no Peter Caruana. If the hon. Member will allow me to say, the biscuits on some occasions obviously got the better of temptation, because he was not here for the whole thing! (*Laughter*) I sat through the whole bleeding thing! 1310 1315

Mr Speaker, he says, absolutely rightly, that debating issues and not insults should be the way to do things. Well, I consider that I am somebody who deals with appropriate force with the attack put on me, and if he looks at my opening speech he will find that there were no insults in it. If he looks at the speech that I

1320 am responding to, in terms of his dear leader, he needs to understand that the insults did not originate on this side of the House.

Mr Speaker, I want to thank Mr Reyes for his intervention yesterday. I am sorry that I had to delay him by having to adjourn the House. He was also very generous in complimenting Steven Linares and the work that he has done. This was obviously the last intervention, of this Parliament at least, for him and he was very good in acknowledging the work that we have done.

1325 He said that we had not yet fulfilled our commitment in relation to instruments and the orchestra, but actually, in the speech just before that Steven Linares had indicated how that is going to be dealt with.

He is absolutely right to say that we have not been able to progress with as much alacrity as we would have wanted in relation to the new Theatre Royal project, and that is something that we are working on designs of and he will see the fruit of that. It is not going to be possible in the time left before the General Election – short of bringing in a Meccano set – to have a new theatre, but we are working on that already and the work is very, very advanced.

1330 Mr Speaker, the publication date for completion of the refurbishments was also something that the hon. Lady had given just, I think, a few hours before the hon. Member spoke, so I think he needed to take that into consideration in his speech.

He said he is disappointed because we are not building flats for rental, but actually we are building flats for rental because we are building flats for rental for the elderly. He recognised that and said that was not enough and said we are building Charles Bruzon House. Well, actually, we are not just building Charles Bruzon House; we are also building Sea Master Lodge, so there are two sets of homes being built for the elderly for rental. Why are we not building other rental blocks? Well, for a simple reason, Mr Speaker: because by building these apartments, the people who will move into them will release the rental accommodation, so we get 154 rental flats by building 154 rental flats for the elderly. For the elderly we will build one-bedrooms – not 1RKB that means, but one bedroom, kitchen, bathroom and sitting room – and for families we would have to build three-bedrooms, four-bedrooms and all the rest of it. We get back very large flats, as he will know. We get back five-bedroom, three-bedroom, four-bedroom properties that a single elderly person may be living in now, by producing this type of accommodation.

1340 If I may say so – and the Hon. Mr Bossino will be pleased to hear me say this – I think that one of the things the GSD did in the time that they were in office, which was one of the best innovations and developments, was the creation of Bishop Canilla House, which then led to Albert Risso House. We are continuing that strategy in building Charles Bruzon House and Sea Master Lodge and in that way releasing apartments for rental. And anyway, Mr Speaker, what money would the hon. Members like me to spend on rental flats? If they think that I am doing too much by refurbishing the existing, how should I build new? If I build new I am not going to have to refurbish the existing.

1350 Another thing he said, Mr Speaker, was that the works being done to the existing housing stock, not the refurbishments – which I have talked about; he has got the timetable for the completion of those in the hon. Lady's speech – but the works done in each apartment... the complaints due to... that the Housing Works Agency has to do... that that is not working well and there is no transparency. Well, that is not true. As the Hon. Joe Bossano indicated, and I think he responded immediately, there is a quote from the Housing Works Agency, then that quote is put out to three quotes from the companies that are then going to do the work. And there are *very* many, very many happy clients and we have broken the back of the backlog.

1360 Is it always perfect? The hon. Gentleman needs to know that in building work nothing is ever likely to be perfect. You do an extension to your home and you are very happy that it is finished, but then you start to snag and you have to fix. The best builders in the world require snagging. If there are works that are not completed properly, in the words of the Hon. Mr Bossano, please let us know and we will ensure that we deal with it. In the old days, Ministers were not allowed to call and make complaints – shadow Ministers, rather. Shadow Ministers had less rights than citizens. Today, you know you can pick up the phone and we will deal with an issue that you put to us in terms of a constituent. If there were I do not know how many thousands of outstanding complaints and there are now a handful at any time, well that is a very good thing and most of them have been done properly. There may be some complaints in respect of some, and already Joe Bossano has told us how that is dealt with.

1370 Mr Speaker, he then talked about the criteria for the allocation of affordable homes and said that we were not doing it properly and that there were complaints about it because we were not following the proposal to allow people who had sold and then gone to Spain etc... We are following the housing list first and foremost, and then the other criteria is published – and it is published at the time. What we are not doing, which hon. Members opposite did do – and they accused us of not being very socialist in the way that we dealt with things – what we are not doing, is selling four or five-bedroom homes to the highest bidder. We are selling four or five-bedroom homes to somebody who might require a three-bedroom home if, by the time we have gone through the housing list, everybody who is entitled to a four or five-bedroom has said they do not want to buy. Then the three-bedroom entitlement is able to choose from what is left.

1380 That is how we did it. That is not how it worked in the time the hon. Members were in office. As he knows,

the highest bidder won. So if you were prepared to buy 100%... If you were a single person, energetic, enthusiastic and intelligent – a single person, a barrister, young, free and single at the time – able to afford a beautiful maisonette on Waterport Terraces with views of the new LNG facility, when it comes... (Laughter) a four-bedroom maisonette and you had the money to buy 100%, the GSD sold it to you before selling it at 50% to somebody who had a family and six children. We think that was not very socialist and we think that was the wrong criteria, so now we sell to the people as entitled, not based on the percentage that they are prepared to buy – although good luck to those who did.

In relation to mortgages, Mr Speaker, I think it is very clear now that actually there are going to be much more mortgages available than are going to be required. People sometimes forget that Barclays is still going to be in the market for mortgages, although it is not in retail banking – I think mortgages over £100,000 – and therefore anybody who is buying 100% of a property is going to be able to go, even in respect of affordable homes, to Barclays, as I understand it.

Mr Speaker, he was extraordinarily kind to the Hon. Minister for Equality in the work that she does internationally with him and others when they travel to Commonwealth Parliamentary Association meetings. If there is one thing that has always united the House it is the work that we do in the Commonwealth Parliamentary Association. The Clerk of the House is very helpful in organising all those events and successive Clerks have worked very hard indeed. It is one of the bits of the work of the House that we forget about, and I know Members enjoy it in part because of the spirit of camaraderie that we take out there together, where party-political affiliation is forgotten and Gibraltar always comes first.

Thank you for the words that he used about Samantha Sacramento and the work that she has done there. She was, when first elected to this House on 9th December 2011, a person who had no parliamentary experience. The way that she has discharged the conduct of her responsibilities in the time that she has been here has demonstrated her huge ability – she is a bit Joe Bossano-like and does not like to be praised – and demonstrated why it is that she has brought such value to this community and delivered so much in such a short time.

Mr Speaker, I want to thank him also for the work that he and colleagues on his side of the House do in respect of the Commonwealth Parliamentary Association when we go out there. It is an important job that we all do for Gibraltar. Recently, Joe Bossano showed how it can be harnessed to make important points, like the rights of all the Overseas Territories to be represented in Commonwealth heads of government meetings when those happen.

Mr Speaker, he did not talk about the issue of allocation of housing, which was the recent press release by Members opposite – I assume because he realises that there is a non-point there and the Minister allocates housing as the allocating authority under the law that *they* created. The 155 allocated, most of them are on advice, but not all of them, telling her to put to your charities here, move people here etc. But what was telling was the speech from the hon. Lady, where she indicated in fact that 490 direct allocations had been made by hon. Members when they were in government, not 190 we had done 155 – 490 on one occasion. I think it was one week, actually, and it was just before the 2007 General Election – or the 2003 General Election, I forget – for flats at Mid Harbours, for flats which did not exist, as I am energetically, enthusiastically and intelligently reminded, and all of those allocations were made not even, not by the Housing Allocation Committee, not by the Housing Minister, they were made by the Chief Minister from No. 6 Convent Place, as Sir Peter yesterday amusingly reminded us.

Mr Speaker, the Hon. Mr Figueras gave an intervention, which I am going to deal with now and I want to start with a reflection. Some years ago, when we were in this House debating, I called him my ‘erstwhile friend’ across the floor in the debate, and I am very pleased we are no longer ‘erstwhile’ – we are now, once again, firm friends. But he said that having meetings in public of the DPC does not mean that it is any more open, transparent or accountable, because the people cannot vote out the DPC over the Government. Well, if he has those thoughts, they are so far away from the types of thoughts that the GSD used to have in office, which were that not only did they appoint the DPC, they held the meetings behind closed doors. There is room for a little one here if he wants to come over too, because we believe in more democracy but what we do not believe in is appointments being made to DPC by a general public vote, either by show of hands or by secret ballot. The Government has to do something we appoint the DPC, but actually we do not appoint the DPC to a very great extent; this House appoints the DPC and we vote the DPC by creating the legislation on behalf of the public, and the town planner and all the other people he has issues with – the office, not the planner – are put there by public vote of the people.

Mr Speaker, he said there was no problem with investing in Gibraltar, the place we call home, which I thought actually was very telling and I entirely agree with him and I think flies in the face of what we have heard from the Leader of the Opposition. He is keen to see private industry taking the wheel of the growth in our economy, which I agree with and I indicated in my opening speech I think is what is happening. The only dark cloud that he sees is Credit Finance. Well, as he has seen, I think, during the course of the debate, Credit Finance is no dark cloud. The Savings Bank is getting stronger than ever.

1445 I am not going to go into parking and things like that, but the one thing he talked about was the cost of the Mott McDonald report, and I put it to him he got that wrong, Mr Speaker, and that he has added all of the totals for the financial years 2012-13, 2013-14 and 2014-15 to reach the sum of £838 million-odd that he talked about, or £829 million. Actually, £586 million of that is made up in a different way. Part of it is traffic counters – that is £60,000; the fees of the consultants are £380,000; and the purchase of speed radars and speed enunciators, speed cameras, which are coming soon, is £140,000. So it is not quite like the hon. Gentleman suggested.

1450 Mr Speaker, the one issue on which he and I, and the Government and he, have a big difference is the issue of the Marrache case. On 7th February 2012 Benjamin Marrache and Solomon Marrache presented a constitutional motion to the Supreme Court seeking their discharge as defendants in the case which was pending against them. The motion was based on three grounds: (1) that the Legal Aid (Fees and Expenses) Rules 1981 were *ultra vires*; (2) that the Legal Aid (Fees and Expenses) Rules 1981 were unconstitutional in that *inter alia* their rates were so low that criminal defendants were precluded from effective representation; and (3) that the claimants’ rights under section 8(2)(c) and (d) of the Constitution, the right to be provided fairly with representation at the public expense where the interests of justice so require – that is what the Constitution says – had been violated and that they had not been provided with legal representation in circumstances where the interests of justice plainly so required and where they had been and remained unable to do so through impecuniosity themselves to secure this.

1460 James Neish QC, of Triay Stagnetto Neish, was asked to advise on the likelihood of success of the constitutional motion. His advice was clear and categorical. On 2nd March 2012 he advised the following, and I am going to reveal this advice, Mr Speaker, conscious of the fact that the Government is not obliged to reveal the legal advice that it receives. He said this:

‘I consider that the motion’

– what I have just read to him–

‘is likely to be successful. Alternatively, the grounds relied upon in the motion are likely to constitute good grounds for appeal.’

1465 Mr Neish was also provided with a copy of a draft Legal Aid Bill which had been prepared by the previous administration – the one he often refers to – specifically by the Leader of the Opposition when he was Minister for Justice. This is the Bill which the Opposition have so criticised us for not introducing. Mr Neish was asked to advise whether the position would be different if changes were introduced to the Legal Aid Scheme with improved rates as set out in schedule 4 of the draft Bill provided to him, which the Hon. the Leader of the Opposition claims credit for having drafted as Minister for Justice. Mr Neish QC advised as follows:

‘I do not consider that the proposed new rates are likely to secure effective representation unless a competent practitioner can be persuaded to act at those rates. New rules were published in March 2012 which allowed Messrs Marrache to secure effective representation and which allowed them to be tried on charges of serious fraud. They were subsequently convicted and sentenced to 11 years and seven years imprisonment respectively.’

1470 Had we done what the Opposition had been urging us to do it is likely, as advised by Mr Neish, that they would have been discharged and would not have been tried at all. We acted responsibly, therefore, Mr Speaker, and in the public interest. Gibraltar’s reputation as a financial services centre is too important for us to risk by allowing people who acted criminally – because they have been found guilty – to get away with it, as was finally the case in that matter.

1475 In any event, Mr Speaker, what could possibly have been our alternative interest in funding their legal aid and not the legal aid of others? Can Members opposite explain to us why they think we might have done this for the Marrache brothers and not for others? I do hope that they are not allowing rumour and innuendo to fuel even their most exotic fantasies. Why would we want to spend money on legal aid that we did not have to spend, if we were not advised by an eminent leading counsel – not Joe Bossano, but James Neish QC – that we *had* to do it? If they have a different allegation to make, they should make it; or else they will realise that if they had been in government they would have had to do this too. If the law developed by them failed this advice, as it did, it could not be implemented and therefore we had to act immediately.

1485 Mr Speaker, I pray to deal now, with the Hon. Mr Netto’s intervention. Let me start by saying that Mr Netto did not say a word about health. I understand he is now supposed to be shadow... Oh, right, okay. Well, if he is not, I apologise. I thought he was supposed to be shadowing. So let me just take the point on health, whether it was Mr Netto’s responsibility to make it or not. But we have not heard a word from Members opposite about health. I think that demonstrates how healthy the Gibraltar Health Authority has

1490 become over the past four years. (A Member: Hear, hear.) (*Banging on desks*) There was a lot to say about
the Gibraltar Health Authority three and a half years ago, but nothing now, and I think that demonstrates
that of all the people who have been Minister for Health – and there have been many good ones and all of
them, of course, with the right aim to ensure that our community has the best possible healthcare – few have
achieved as much in as little time as John Cortes. (A Member: Hear, hear.) (*Banging on desks*) Not for
1495 good reason is he *Dr* John Cortes, Mr Speaker. It is not just the Barbary Partridge, that secretive species,
that benefits from his expertise, but every upright mammal walking in this country of ours. He has done an
excellent job. It is a real pity that during the course of this Budget debate and the way that the news is taken
over by this Budget debate we have not seen the prominence given to the introduction yesterday, I believe,
of electronic notes in the Gibraltar Health Service at last, which, by the way, is compliant with another
1500 manifesto commitment, a huge step forward for our community and something of absolutely huge
importance. I am not going to say more about Mr Cortes in respect of the work he has done in Health and
Utilities and all the rest of it, because a lot of the work he has done he has done with me, and what we have
uncovered about Spark etc has been uncovered together.

But the Hon. Mr Netto talked about Gibraltar being a banana republic, Mr Speaker. I do not know
whether he realised what he was saying, because in a banana republic we would not have had the problems
1505 we have had with Spark and with the report. These would have been dealt with in quite a different manner.
We would never have got to this sort of headline in a banana republic. He needs to understand that his
words will be picked up and that when we say things we have to be careful how we say them and why we
justify them. I have showed them just how much disclosure they have. All the numbers they need are in the
book. There is nothing hidden and no reason to call anyone in this place a person who is in charge of a
1510 banana republic. But if there were a reason to call Gibraltar a banana republic I am going to remind him of
it.

A banana republic, amongst the many things that require that definition... and it is related, as he knows,
to things that happened in South America and the Caribbean in the 1950s and 1960s. A banana republic is a
country that goes to a lending institution and secures a loan on one premise fully intending not to comply
1515 with the criteria for lending. In other words a country that goes to a bank – for example, the Royal Bank of
Scotland – and asks them for a loan for a power station, for example, and tells them in their business plan
that the way that they are going to repay is by raising electricity charges by 5% a year, signs on the dotted
line and secures that financing – as we were told was the case because we have been told that the contract
was signed, the financing was secured – and then a Minister in that government says publicly that they had
1520 no intention of complying with their obligation under the contract. That is a banana republic, Mr Speaker.

He will be very happy to know that after 9th December 2011, having washed him away from office, he
no longer secure borrowing in that way; but I am very grateful that he was honest enough, as he always is,
Mr Speaker, to go on television and tell the truth. He, for a good reason, vomits his brains every time
1525 somebody puts a microphone in front of him, and I welcome that because he tells us the truth and he told us
the truth on that ‘Viewpoint’ programme about having absolutely no intention as a government of
complying with any obligations, and then at the Piazza, drunk on equality, he told us the truth about
progress in Gibraltar on issues of social justice and equality in the time that we have been in power and the
time that they were in power.

Now, Mr Speaker, it is tuna season. (A Member: Steady on!) Tuna season is the time when people go
1530 out big-game fishing, and they see the fish, with the hook caught in its mouth, struggling to get it off. Today
we have seen two such tuna: we have seen the Hon. the Leader of the Opposition wriggling like no-one, but
caught on the hook; and what we saw yesterday, when the hon. Member spoke and he had to spend about
15 minutes trying to get himself out of the truth that he had spoken at the bottom of the Piazza when he told
us how much progress had been made on progressive the issues, was the other tuna – skipjack tuna, in fact
1535 – but he was not getting out of it. It was very clear that he had said what was true downstairs and was trying
to say something which was not true during the course of his intervention.

The Alameda Gardens are better than ever, Mr Speaker, and nobody is going to persuade anybody
otherwise, however much the hon. Gentleman might try and do so.

The fact that the GSLP did not train women civil servants and therefore they had to start was something
1540 that he went on about – and how we were bad for equality – in trying to justify his position. Mr Speaker, I
do not accept that, but let’s take a leaf out of Mr Bossino’s book: if that was true in 1996 it must have been
true in 1988 also, because they did not find any women promoted before 1988, who were the only
women... He said there were no women. And why is it that he does not say Gibraltar had not yet started the
process of training women and yet Gibraltar was changing, people were starting to get mortgages etc? He
1545 says Joe Bossano and the GSLP had not done it, which we do not accept, but why doesn’t he say Sir Joshua
did not do it? Why doesn’t he say the AACR and the IWBP did not do it? Why? Because obviously he does
not want to have political issues with others in his executive. He wants to pretend that the world started in
1988 and that then the New Testament started in 1996. If we are going to do things the way Mr Bossino
suggested that we should and give credit backwards, we must also understand when there are problems

1550 backwards. So if there was a problem in 1996 there must also have been a problem in 1988 – and I am making no comment about that, Mr Speaker, but I am just asking the hon. Gentleman to recognise that.

Mr Speaker, the hon. Gentleman talked about the power station. He said there was an elephant in the room. Well, the elephant has been exposed today. Jaime is a good man, he is not just somebody who is going now with our best wishes, but he cannot talk about power stations and issues like this seriously. 1555 These are too serious an issue for somebody to be pretending that we can go from North Mole back to Lathbury, that Lathbury would have been ready, that the ESG is against... Has he even read what the ESG has said? The ESG has said it was concerned because of the Lloyd's report before they knew the reality of what was behind the Lloyd's report. I think the ESG are very responsible, Mr Speaker, and I said so yesterday on 'Newswatch', and I think when they see the reports that are available they will have a different view. 1560

Mr Speaker, then he talks about *aqui no se pesca*. Well, that was never our slogan, but he wanted to make the point because he likes to make political points.

He said that the sewage plant was our failure. Well, Mr Speaker, he knows we are much more advanced in relation to the sewage plant than they ever were. We are on the cusp of signing something. He says that 1565 we have allowed La Línea to use the failure of a sewage plant here as the argument for the Western Beach faeces. Doesn't he remember that the Western Beach faeces problem started under them? And doesn't he know, because he does not follow it, that the European Commission has recently accepted that the Gibraltar problem with the sewage plant, which is leading to a pilot case which we hope to stop because we have granted the contract, is not the issue that creates the problem on Western Beach? I think he is only 1570 following half of the debate.

Mr Speaker, he has been an advocate for the rights of Moroccans for many years and I recognise that and praise him for it, but he cannot pretend that the problem for the Moroccans started again under the GSLP, because before 1988 there was the same problem and people were deported not to have children here; it was even worse.

1575 **A Member:** If you fell pregnant.

Hon. Chief Minister: Exactly, deported pregnant, Mr Speaker.

So there were a lot of Moroccans in Gibraltar who had not been recognised nationality under the AACR, 1580 there were a lot of Moroccans who had their lot improved after 1988, there was more to go. You did some work in it in Government as a party, when you were in Government – not work that we thought was the best way to do it. But, Mr Speaker, can he at least recognise that we have done a lot of work and we have broken the back of the problem, and there is now no backlog of applications for British Nationality by Moroccan citizens.

I do not know whether he represents his party in that because the ex-chairman of his party was saying that we were wrong to have done it, and is on social media as saying that Gibraltar is too small and we should not have done it. But I am very proud of the fact that we have done it and we have got rid of the backlog and we have a vision as to what is happening with nationality. Then he went on to talk about the Joanna Hernandez case, and all this problem, and to say that we had denigrated Judge Parker, the President 1590 of the Court of Appeal – it is just absolute nonsense, Mr Speaker. And given that it is his valedictory, I am not going to get into the detail of it, and hope that he rides into the political sunset, happy with those things which he may have done, which may have been a positive contribution, and with everybody thinking that at the end of the day he is a good man with a good heart who has tried to do the best that he could.

But I will tell him one thing before he goes, Mr Speaker. (**A Member:** Yes!) If I needed to invest the 1595 money of savers in the Gibraltar Savings Bank, the remaining £600 million which they say we have not put in credit finance, up to the billion, I would buy shares in Jaime Netto for what they are worth and sell them for what he thinks they are worth – and then we would really make a pile for all the savers.

But well done, Mr Speaker, for spending 16 years of your life in this place, it is not easy – or 20 years – and although we have disagreed on just about everything, God speed for the future at a personal level.

1600 One of the things that John Cortes reminded us of was our first visit to KGV – it was an absolutely horrible experience. I am very pleased that we have now opened Ocean Views and that we will soon be opening other facilities there for dementia and dementia day care. But one of the things that he said which stuck with me... and people sometimes in the cut and thrust of the debate, too often what makes the headlines is the minutiae of the argument between leaders but people do not sometimes realise just how 1605 much work is being done by other Members of the Cabinet. And he said that there are now more operations than ever, there are now less cancelled operations than ever, and the work on electronic notes, etc, has been done.

Mr Speaker, certainly I will give him one thing: the number of operations is certainly up. We have seen more people lobotomised – given from what we have heard in the past 48 hours than I expect it was 1610 possible in three and a half years! But anyway...

Mr Speaker, some of the work that I have done, I do with my long term political friend Dr Joseph Garcia, and if there is anybody who understands Dr Garcia's commitment to politics on the other side, then it is Mr Bossino, because we all started together. Ironically, I think, at the Rock Hotel, when his father was the manager, that we all managed to get together one fateful day there, and ended up in a political party, having expected I think to go for a drink and a television debate! And in fact I recognise that Mr Bossino Senior is here today and I want to echo the words that Mr Bossino Junior had here to say about his commitment to the hotel industry, and the fact that he was probably the first Gibraltarian appointed to the post of manager of the Rock Hotel all those years ago.

But if anybody understands the commitment of Dr Garcia – another GP in many ways who sorts out problems in my Government before they get to me – it is Mr Bossino and me. And it has now been many years that Dr Garcia has been involved in politics, many of them completely unremunerated – not that he is in it for remuneration – and many of them with people not realising the value that he would bring to the administration of the affairs of our nation if he became a Minister. I think people do now realise that, and the work that he is doing with me internationally, in Europe in particular and in Washington, I think is really shining through. (A Member: Hear, hear) (*Banging on desks*)

Mr Speaker, I have said something about Paul Balban and the work he has done with me on the ID cards, although he is not here, but I think I said that during my main intervention; and I think I have thanked Albert Isola for the work he has done with the Gibraltar International Bank; and Gilbert Licudi for the *fantastic* work he has done creating a university, two new schools, a marina, the new Ministry of Information Exchange which has been created in the time that he has been here – all whilst continuing to be Minister for Justice and for Education, amongst so much else. And Joe Bossano I have spoken about in such glowing terms, that I am prevailed upon by him not to do so again, let alone during the course of this debate.

Mr Speaker, it was not me who said that the Hon. the Leader of the Opposition is not of GSD stock, but if we ever needed any evidence of it we have seen it this week. What we have opposite us is not the GSD any more: he has single-handedly managed to destroy what that party stood for. It is now, Mr Speaker, really the 'nasty party'. He complains that we have an investment in Bayside: well, haven't we invested already in the two schools that most needed it? Did he ever go to KGV?

It was *them* that developed the airport before developing the two new schools that we are developing, before delivering a new KGV, before doing *any* of the things that we did. They delivered an airport and courts and the new prison instead of delivering a new Bayside. Doesn't their conscience turn on that?

Well, the hon. Gentleman is really exceeding himself in the way that he is conducting his affairs. He knows he is not going to win the election because of his existing and continuing lack of credibility, so he is doing what those of us know he does in exactly that situation: cornered like a rat he just raises the stakes further and further, double or nothing.

On the Savings Bank, pretending that we are exceeding debt; pretending that there is off-balance sheet on lending when actually all of those amounts are in exactly the same balance sheet. On the issue of the liquefied natural gas facility, Mr Speaker, well the Hon. Leader of the Opposition is a political fraud. He is a political fraud who has been found out on the economy. He is a political fraud that has been found out on public finances and he is a political fraud, the layers of which I am really going to relish peeling off in coming weeks and months so that the public can see how he has tried to corrupt the political process. How he has corrupted his party and now how he has tried to corrupt this parliament by taking Russian and Gibraltarian monies to finance his atrocious campaign of defaming our professionals, undermining the GEA, and undermining the professionals who make it up.

Mr Speaker, this is an axis of greed, an axis of cynicism, an axis of conspirators against the good of Gibraltar ready to do anything to advance the unholy alliance between their commercial and political interest. This is ambition on steroids, combined with business on speed.

People will want to disassociate themselves politically from him forever, after the events of this week. When I was Leader of the Opposition their previous Chief Minister during the course of this debate said that I was not fit to govern, Mr Speaker. That was not for him to say and is not for me to say – it is for the public, it is not for this parliament to decide who should be in it and who should take what post in it. That is for the democratic process. I will leave it to people to decide who should be fit to govern and who becomes the next Chief Minister of Gibraltar; and I trust that Members of the Opposition will actually do the right thing in relation to the Lloyd's Report, if only after they have exhausted all other possible options.

There are many good people in the GSD, Mr Speaker, many of them are telling us that the spirit of the party they joined is dead. They see the party that represents wholesome Gibraltarian ideas now as the GSLP, which always has. They see today how we represent the older and younger generations' aspirations. We represent hard work and their old insignia represents opportunism. There are people in the GSD who are worried about finances because of the things their leader tells them – and they do not want it to be true, even though they do not accept our version of events. And there are those who are so bloodthirsty for

power, who really hope that we are skint, so that it might bring down the Government, so that we might fail.

1675 They do not care that Gibraltar might fail, they do not care that the whole Gibraltar edifice might teeter, just to say that they saved it, or rebuilt it. And this is not what the GSD used to represent. I have never agreed with them but this is not what they stood for. At a time in our history when some people felt that we were wrong, although we did not believe so ourselves, they acted not out of ambition but out of genuine concern for our community – wrong though we believe they were. However ill-founded they were then, the party of Peter Montegriffo and the party of Peter Caruana is not the party that we see opposite us today.

1680 For all the reasons that I have indicated already, it is clear that if hon. Members are going to be honest to the things that they have said during the course of the debates so far in and out of this House in the past three and a half years, they must vote against this Bill or they are voting to allow us to spend another half a billion pounds. We have governed for all of Gibraltar, Mr Speaker, in the past three and a half years and if we are elected again after this election we will do so again – without discrimination based on partisan support. Everyone who brings something good for Gibraltar we will work with, and we have demonstrated that. All talent will be harnessed for the good of Gibraltar.

1685 Louis Montegriffo who was a member of the executive committee of the GSD and who now is in private practice as an estate agent, wrote in the introduction to one of his business magazines, in the March edition of this year, the following:

‘I really wish that I could tell you something different and throw caution out there, express concerns etc, but I just can’t, it’s simply not the case.’

1690 Mr Montegriffo is to be thanked for his honesty. The reality is that none of the issues that the Leader of the Opposition is raising cause real concern to those who understand the issue, Mr Speaker.

1695 The mission we decided to accept when we became the Government of Gibraltar was – it was said by Members opposite – impossible. They said it was absolutely impossible, that we had embarked on a ‘mission impossible’. But with true Gibraltarian grit, with hard work and with the determination of members of this Government on my side of the House and the hard-working people in our economy, impossible is nothing, Mr Speaker. Today, I can proudly boast for my colleagues and on behalf of my Government, that what they said was impossible is today a mission accomplished in many areas.

1700 Rounding up now: the Gibraltar that we inherited in 2011 was one of a golden legacy, apparently, of undisclosed loans to developers, £4 million lent to OEM of legal actions coming out of our ears, leaving Gibraltar with only £2 million of usable cash reserves. How dare any Member Opposite raise the spectre of bankruptcy or an illegal debt ceiling as the Hon. the Leader of the Opposition has done. The spectre of bankruptcy is sitting on the benches opposite. They were the ones who were going to come here to raise the debt limit, or not be able to pay for what they were doing.

1705 This is a rotten legacy of legal claims. We have won against OHL but we still have the Bruesa case to go on. But in any event if, when we win cases which relate to the time that they were in office, it is because they did things well when they were in office then they should at least recognise that they have won the Harbour Views litigation because we had done things right when we were in office – something that they have never done.

1710 But I want to doff my hat to Members Opposite for a particular reason, they are garnering support. It is true that they are garnering support, we should not pretend otherwise, because the Hon. the Leader of the Opposition has gathered unto himself all the disaffected who want and did not get an *enchufe*. All those who wanted something they did not deserve and did not get it because they did not deserve it are flocking to him. All those who were given feedback about the reasons why they did not get a job, which shows that they did not get it because they did not deserve it and they were not best for the job, they are all flocking to him now. All those who could not accept the truth about their own abject failure and wanted jobs and promotions they did not deserve. All of those, Mr Speaker, I now see are close to the GSD and the hon Gentleman.

1720 Even those who wanted and expected the bloodbath after the election, and their blood thirst was not satisfied, they are flocking to him – because he hath gathered unto himself with the clarion call of an end to the culture of entitlement everyone who believes that they are entitled to something and did not get it. (*Laughter*) That is what he is playing on his flute as the Pied Piper selected to lead the GSD into the political oblivion to which they are confining themselves.

1725 Mr Speaker, four years ago during the course of this debate it was said that I was unfit to govern. I am very happy to say I have proved them wrong. Four years ago they said our manifesto could not be delivered and we proved them wrong. Four years ago they said that they would win the election: the general public proved them wrong. This year will be no different. They are wrong about debt, they are wrong about gas, they are wrong about the Savings Bank and I, we, and the public will prove them wrong again.

1730 I am pleased that we have endured the debate that we have had. It demonstrates that the party opposite is clearly riven with divisions – clearly torn apart by competing ambitions and clearly not able to aspire to taking the reins of our great nation’s affairs. Mr Speaker, this is not the ‘GSD B-Team’ sitting to your left, it is the ‘GSD D-Team’ – shorn of talent, devoid of credibility, lacking in substance exposed as a fraud, dangerously ambitious and politically finished.

1735 I have heard nothing which was remotely the type of analysis one might have expected to hear from an alternative government; whilst we said we would change things – and we have. We said we would govern as a team, as a Cabinet – and we have. We said we would have parliament meet monthly – and we have. We said we would lower our debt and grow our economy – and we have. We have done what we said we would.

1740 This is the history of our time in Government to date. That is why we deserve the trust of the Gibraltar people. That is why we have *earned* the trust of the Gibraltar people. And, Mr Speaker, I have heard nothing in this debate from the few members of the Opposition who have turned up and spoken to persuade me that this Bill should be anything other than commended to the House and our community as a whole so that we can now move on to laying even stronger foundations for our nation’s future. (*Banging on desks*) (**Several Members:** Hear, hear.)

1745 Mr Speaker, I would move that the House do now recess until – (*Interjection*)

Mr Speaker: I have to put the question.

1750 **Hon. Chief Minister:** Oh, you have to put the question? (*Laughter*)

Mr Speaker: I now put the question which is that a Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2016, and further sums of money to the service of the year ended 31st day of March 2014 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1755 **Hon. Chief Minister:** Sorry, Mr Speaker...

Mr Speaker: Clerk.

1760 **Clerk:** The Appropriation Act 2015.

Mr Speaker: The Hon. Chief Minister.

1765 **Hon. Chief Minister:** Mr Speaker, for the blessed relief of being able to have a lunch, I propose that the House do now recess until 4.30 this afternoon.

Mr Speaker: The House will now recess to 4.30 this afternoon.

The House recessed at 3.02 p.m. and resumed its sitting at 4.36 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.36 p.m. – 8.33 p.m.

Gibraltar, Thursday, 25th June 2015

Business transacted

Order of the Day	3
Bills	3
Committee Stage and Third Reading	3
Appropriation Bill 2015 – Committee Stage and Third Reading to be taken at this sitting	3
First and Second Reading	3
Supreme Court (Amendment) Bill 2015 – First Reading approved.....	3
Supreme Court (Amendment) Bill 2015 – Second Reading approved	3
Committee Stage and Third Reading	6
Supreme Court (Amendment) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting	6
First and Second Reading	6
Fair Trading Bill 2015 – First Reading approved	6
Fair Trading Bill 2015 – Second Reading approved	7
Committee Stage and Third Reading	14
Fair Trading Bill 2015 – Committee Stage and Third Reading to be taken at this sitting	14
First and Second Reading	14
Gibraltar Land Titles (Amendment) Bill 2015 – First Reading approved.....	14
Gibraltar Land Titles (Amendment) Bill 2015 – Second Reading approved	14
Committee Stage and Third Reading	15
Gibraltar Land Titles (Amendment) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting.....	15
First and Second Reading	15
Private Trust Companies Bill 2015 – First Reading approved.....	15

Private Trust Companies Bill 2015 – Second Reading approved.....	15
Committee Stage and Third Reading	17
Private Trust Companies Bill 2015 – Committee Stage and Third Reading to be taken at this sitting .	17
First and Second Reading	17
Purpose Trusts Bill 2015 – First Reading approved.....	17
Purpose Trusts Bill 2015 – Second Reading approved	18
Committee Stage and Third Reading	18
Purpose Trusts Bill 2015 – Committee Stage and Third Reading to be taken at this sitting	18
First and Second Reading	19
Trusts (Private International Law) Bill 2015 – First Reading approved	19
Trusts (Private International Law) Bill 2015 – Second Reading approved.....	19
Committee Stage and Third Reading	20
Trusts (Private International Law) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting.....	20
Committee Stage.....	20
Appropriation Bill 2015; Gibraltar Land Titles (Amendment) Bill 2015; Supreme Court (Amendment) Bill 2015; Fair Trading Bill 2015; Private Trust Companies Bill 2015; Purpose Trusts Bill 2015; Trusts (Private and International Law) Bill 2015	20
<i>In Committee of the whole Parliament</i>	20
Appropriation Bill 2015 – Clauses considered and approved	20
Gibraltar Land Titles (Amendment) Bill 2015 – Clauses considered and approved.....	40
Supreme Court (Amendment) Bill 2015 – Clauses considered and approved	40
Fair Trading Bill 2015 – Clauses considered and approved.....	40
Private Trust Companies Bill 2015 – Clauses considered and approved	42
Purpose Trusts Bill 2015 – Clauses considered and approved.....	43
Trusts (Private and International Law) Bill 2015 – Clauses considered and approved.....	44
Bills for Third Reading	44
Appropriation Bill 2015; Gibraltar Land Titles (Amendment) Bill 2015; Supreme Court (Amendment) Bill 2015; Fair Trading Bill 2015; Private Trust Companies Bill 2015; Purpose Trusts Bill 2015; Trusts (Private and International Law) Bill 2015 – Third Reading approved: Bills passed	44
Adjournment.....	45
<i>The House adjourned at 8.33 p.m.</i>	45

The Gibraltar Parliament

The Parliament met at 4.36 p.m.

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

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

Order of the Day

BILLS

COMMITTEE STAGE AND THIRD READING

Appropriation Bill 2015 – Committee Stage and Third Reading to be taken at this sitting

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice of the Committee Stage and Third Reading of Bill be taken later today, if all hon. Members agree?

5 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Appropriation Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

Supreme Court (Amendment) Bill 2015 – First Reading approved

Clerk: We now move to a Bill for an Act to amend the Supreme Court Act.
The Hon. the Minister for Education, Justice and International Exchange of Information.

10 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):**
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Supreme Court Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Supreme Court Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

15 **Clerk:** The Supreme Court (Amendment) Act 2015.

Supreme Court (Amendment) Bill 2015 – Second Reading approved

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):
Mr Speaker, I have the honour to move that the Bill be now read a second time.

20 Mr Speaker, this Bill makes amendments to the Supreme Court Act, so as to set new training requirements for barristers and solicitors who wish to commence practice in Gibraltar as from July 2015. The format and content of these requirements are the result of extensive discussions and agreements between Her Majesty's Government of Gibraltar and the Bar Council. The Chief Justice was consulted regarding the changes and he fully supports the new requirements. In fact, Mr Speaker, some of these

25 amendments arise following not just discussions, but calls from the Bar Council for harmonisation of training requirements for both barristers and solicitors.

The current system, Mr Speaker, is that whilst barristers are able to be admitted and enrolled as barristers of the Supreme Court, under the Supreme Court Act upon completion of the Bar professional training course, solicitors are nevertheless required to undertake a further two-year training period after completing the common professional examination before they can be admitted and enrolled as solicitors of the Supreme Court. In addition, solicitors and not barristers are required to undertake a professional skills course before admission.

30 Mr Speaker, given the fused profession in Gibraltar, whereby barristers and solicitors essentially undertake the same type of work and have the same rights of audience in our courts, both her Majesty's Government of Gibraltar and the Bar Council felt that the current disparity between the training requirements for barristers and solicitors could no longer be justified.

35 In fact, Mr Speaker, what was happening was that barristers, upon completion of their training, could come back to Gibraltar and be enrolled immediately as barristers of the Supreme Court and undertake solicitor work, given that we have a fused profession. Whereas solicitors, who did the professional training, still had to do two more years before being able to be enrolled as a solicitor of the Supreme Court and that was an anomaly which we could not allow to stand any longer.

40 In addition to that, Mr Speaker, local law firms that were previously approved by the Law Society as training establishments, authorised to undertake the two years' training period for solicitors, were having difficulty in renewing their approval. This meant that it would be very difficult, if not impossible, for those who qualify as solicitors to carry out their training in Gibraltar.

45 The new requirements which are given effect by the Bill, which amends the Supreme Court Act, will apply to both barristers and solicitors equally and include the following elements: (1) an academic course in Gibraltar Law; (2) practical training over one year in an approved establishment in Gibraltar; and (3) a professional skills course.

50 Mr Speaker, the academic course in Gibraltar Law will be delivered by the University of Gibraltar as from September 2015. It will involve 24 lectures over the academic year. The lectures will be presented by members of the Gibraltar Bar with a particular interest and expertise in the areas of law covered, and in the case of lectures on accounting for lawyers, by a local accountant.

55 The practical training element, Mr Speaker, will require barristers and solicitors to undertake a one year's training contract at an approved establishment. The minimum criteria for approval as a training establishment will be a Gibraltar firm that contains at least three practitioners – one with at least ten years' standing and two with at least seven years' standing.

60 The proviso, Mr Speaker, in the Bill is that the Chief Justice may in exceptional circumstances approve an establishment which does not meet these criteria and may set other conditions. This training, Mr Speaker, would cover at least three of the following four areas of legal practice: commercial law, property law, litigation and private clients. The professional skills course is expected to be undertaken towards the end of the year's training and will include advocacy and communication skills, client care and professional standards, and financial and business skills.

65 The new requirements, as with current practice, may be waived by the Chief Justice for outside counsel wishing to be admitted to the Gibraltar Bar for a particular case. In addition, the Chief Justice would have the discretion to waive the requirements of the practical training and professional skills course – but not the academic qualification in Gibraltar Law – for any barrister or solicitor wishing to practice in Gibraltar, if he was satisfied that such barrister or solicitor already had the necessary training or experience.

70 Furthermore, this Bill also contains provisions amending sections 34 and 35 of the Supreme Court Act, which are not directly related to the new training requirements.

The amendment to section 34 corrects a typographical error in the paragraphing of subsection (3) and the amendment to section 35 updates the offence of unqualified persons practising in Gibraltar. So a person not enrolled as a barrister or solicitor in Gibraltar, who exercises or holds themselves out to exercise a right of audience before any Gibraltar court, or carries on or holds himself out to carry on any activity which under any enactment is restricted to barristers or solicitors or both, or provides or holds himself out as able to provide for reward legal services of any description in or from within Gibraltar to members of the public or businesses generally, then such a person would be guilty of an offence and is liable on summary conviction to a fine at level five on the standard scale.

80 Mr Speaker, I want to give notice of an amendment I am proposing to make, a minor amendment, which has just arisen and which I propose to make at Committee, and that is to clause 1 in its title and commencement.

Clause 1 provides that the Act will come into operation on 1st July 2015. There are currently, Mr Speaker, a number of petitions for call to the Bar before the Gibraltar Court. I understand and I expect that all those petitions will be heard and be decided on before 1st July, but what we want to do is simply make an amendment to this to allow a little bit of flexibility in case there is any slippage of two or three

85 days. We would not want an Act which comes into operation on 1st July to interfere with petitions which are already and currently before the Supreme Court if they are already being dealt with, as I understand they are.

90 So therefore I will be proposing that that should be amended to a day appointed by the Government by notice in the *Gazette*, with different days appointed for a different purpose, which is a standard phrase that we use. If there is slippage, the intention is still that the Act be commenced on 1st July, but if there is a one or two day slippage then we will have that flexibility so as not to interfere with pending cases before the Supreme Court.

Mr Speaker I commend the Bill to the House.

95 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

100 **Hon. S M Figueras:** Yes, Mr Speaker, I rise to say that this side of the House will be supporting the Bill and mostly really to reminisce of how it used to be. Certainly, I remember during the Bar year, knowing that we had the advantage that we did over our English counterparts in returning to Gibraltar qualified as barristers and knowing that we would be enrolled and admitted immediately and that we would be able to start practising from the moment we arrived in Gibraltar.

105 The experience, Mr Speaker, of doing that and not having the training that this Bill contemplates introducing, was one of much stabbing in the dark, if I am honest, and I was at Hassans, which is not to say that there was more stabbing in the dark or less by any means, but there was obviously no formal training and that was the rule of the day and everybody got on and hoped and prayed that they were going to pick it up along the way. It was only really down to the generous giving of time of some of the practitioners – many actually in most cases – in the firms that we were able to find our way through the mine field, because of course we would return from the UK with much fresh in our minds that we promptly had to disregard to learn something new, particularly in the companies context where our Bill was based on the English 1929 Act, and that is certainly not what we had been taught in the UK.

110 So I certainly welcome this. I understand as well that concerns that have been raised by relevant bodies have been addressed. In relation to the academic course, I have had the opportunity of discussing with the Hon. Minister what that course might entail and the practitioners that might be cast with providing it and I have to say it is exciting, certainly from this side of the House, as I am sure it is from theirs.

115 The fact that the training requirements will be equalised between barristers and solicitors is probably going to be of benefit to the profession because of course, as we all know, so much of our work is solicitor-style work that it seems only right that the training requirements should be equalised, and that will likely have the effect that more people choose not to don a wig during their professional training in the UK and return probably a little better prepared for the style of practice that is prevalent in this jurisdiction.

120 This side of the House has no problem with the amendment proposed by the Hon. Minister and I look forward to seeing how the training develops and learning of its delivery in the new academic year.

125 **Hon. G H Licudi:** Mr Speaker, we are grateful for the support of the other side of the House and the words of the hon. Member.

130 These new requirements, which as I mentioned have been the subject of consultation and agreement with the Bar Council and consultation also with the Chief Justice, have generally been... or rather have been universally accepted and received with glee by all members of the profession, certainly everyone that I have spoken to and I am aware. (*Interjection*) Yes, well members of the profession. (*Laughter*) That is why I say by all members of the profession.

135 The hon. Member has mentioned that concerns were raised by relevant bodies and in fact no concerns have been raised, certainly to me, by any member of the profession. There was some correspondence by a group of students, who were now going to be required to comply with these requirements and to that, correspondence separate and individual replies were given by myself, by the Chief Justice and by Melo Triay as Chairman of the Bar Council. So we each addressed all those issues and we have not heard any further; therefore I hope that they are satisfied with the responses that they have received.

140 As the hon. Member has mentioned, the system we had is that to return to Gibraltar you are called to the Bar and in some cases thrown in at the deep end with no form of practical training; but that in itself was not so much the problem. The anomaly of solicitors having to do two years and barristers having to do no practical training at all when they were *both* doing the same job and in particular barristers doing the work of solicitors, that was something that needed to be corrected. What we have done is reduce the time that solicitors have to do from two years, as they are required to do in the UK, to one year and increase what barristers have to do from nothing to one year. So it is a compromise. So it harmonises and also adds the new and exciting prospect of a brand new academic requirement in Gibraltar Law, which has never existed.

145 I would add, Mr Speaker, just to end, that this new academic course, although it is a requirement for those who want to practice and be called to the Bar, it will in fact be open to everyone, whether you work in financial services, banking, gaming or anywhere else, and you want to have an oversight of what Gibraltar Law is about in any field, then that is something that anyone can enrol.

150 I would commend the course to the hon. Member. We would be very happy to see him at the University as from September.

Mr Speaker: I now put the question, which is that the Bill for an Act to amend the Supreme Court Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supreme Court (Amendment) Act 2015.

COMMITTEE STAGE AND THIRD READING

Supreme Court (Amendment) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting

155 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

160 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

Fair Trading Bill 2015 – First Reading approved

Clerk: A Bill for an Act to establish and provide for the functions of the Office of Fair Trading and the Office of Fair Trading Commission; encourage businesses to comply with consumer law and improve their trading practices; streamline and simplify the trade licensing system and re-name the modernised system as business licensing; establish enforcement powers for the Business Licensing Authority, being part of the Office of Fair Trading, in cases of non-adherence by licensees; establish a single point of contact as part of the business licensing procedure; amend the law relating to the protection of the collective interests of consumers; enable action to be taken against conduct which may significantly harm the interests of consumers; and for purposes connected therewith.

170 The Hon. the Minister for Business and Employment.

175 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to establish and provide for the functions of the Office of Fair Trading and the Office of Fair Trading Commission; encourage businesses to comply with consumer law and improve their trading practices; streamline and simplify the trade licensing system and re-name the modernised system as business licensing; establish enforcement powers for the Business Licensing Authority, being part of the Office of Fair Trading, in cases of non-adherence by licensees; establish a single point of contact as part of the business licensing procedure; amend the law relating to the protection of the collective interests of consumers; enable action to be taken against conduct which may significantly harm the interests of consumers; and for purposes connected therewith be read a first time. It reads like a speech actually.

180 **Mr Speaker:** I now put the question, which is that a Bill for an Act to establish and provide for the functions of the Office of Fair Trading and the Office of Fair Trading Commission; encourage businesses to comply with consumer law and improve their trading practices; streamline and simplify the trade licensing system and re-name the modernised system as business licensing; establish enforcement powers for the Business Licensing Authority, being part of the Office of Fair Trading, in cases of non-adherence by licensees; establish a single point of contact as part of the business licensing procedure; amend the law relating to the protection of the collective interests of consumers; enable action to be taken against conduct

which may significantly harm the interests of consumers; and for purposes connected therewith be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

190 **Clerk:** The Fair Trading Act 2015.

**Fair Trading Bill 2015 –
Second Reading approved**

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I move that the Fair Trading Bill be read a second time.

It is both a pleasure and a privilege to have the opportunity to present to Parliament what I am sure this House will agree, is a project that will, amongst other things, take that leap in easing the administrative burdens of establishing a business in Gibraltar.

195 The Fair Trading Bill and the establishment of an Office of Fair Trading in Gibraltar have been in the making for the better part of three years, due to the breadth of our research and consultation. Mr Speaker, with your indulgence, I will abbreviate the Office of Fair Trading to OFT during the course of this speech.

200 As some Members of the House are already aware, the OFT is a statutory regulator, set up by Her Majesty's Government of Gibraltar as a watchdog to protect consumer interests and ensure that a fair marketplace is adhered to by all businesses. It will study the market, issue information and educational guidance, enforce consumer protection law, prohibit practices that significantly harm consumer interests and simplify the licensing regime.

205 Mr Speaker, I must at the outset thank the hon. Member opposite, Mr Damon Bossino MP, for reading the Bill and for his very useful suggestions, most of which I am sure he will be pleased to learn have been incorporated in the Bill.

210 Mr Speaker, for the most part our differences are highlighted in public and not our agreements or collaborations. I therefore wish to highlight that Members of this Parliament can and do in fact work together and in this instance our joint endeavour is to draft better law, which can only be of benefit to our community.

Mr Speaker, leaving aside my gush for my partisanship, I should note that on 18th March of this year, our officers of the Department of Business and Employment held and open seminar on the OFT. It was clearly the collective opinion of the participants that the Bill should commence as soon as practicable and that the introduction of best practice guidance could not be introduced soon enough.

215 The general consensus after all the research and feedback received was that the following three elements would be essential to the success of the OFT: licensing, which is currently out of date; regulation, which is not fully in place; and enforcement, which is not currently in place.

220 The purpose of this speech, Mr Speaker, is to set out how the Bill, when put together, will form the legal premise from which Gibraltar's OFT is launched, standing proudly at the forefront of the Government's regulatory revolution for consumers and businesses alike.

225 Part 2, Mr Speaker, establishes the Office of Fair Trading, as well as its duties and functions. At the end of each financial year, clause 4 requires that the OFT assesses performance and any relevant developments throughout the year, as well as the extent to which it has met its main objectives in the form of an annual report which must be laid before this House. The OFT has a duty to obtain and provide information to the public as to its functions and consumer protection measures. It is envisaged that the OFT will be active in its informative role and will engage the public by publishing educational materials and carrying out educational activities.

230 The OFT will review commercial activities that relate to goods or services supplied or offered to consumers in Gibraltar in order to become aware of any practices that could significantly harm the interests of consumers. The OFT is not there merely to act as an after-the-event type of complaints handler; it will be active and forward looking in its approach and engage with the general public. It will strive to improve potential for growth in an environment that is well regulated, neutral and fair for all involved. In this spirit, the OFT is granted a power under clause 7 to formulate proposals as to any aspect of the law or proposed changes.

235 The OFT Commission – known in the Bill as 'the Commission' – is the quasi-judicial body of the OFT established by clause 10. It is responsible for implementing decisions, upholding consumer law and hearing referrals from the OFT alleging that a person or business has significantly harmed consumer interests. The Commission does not initiate inquiries independently; all of its activities are undertaken following a reference to it by the OFT or a Minister.

240 On issues of law, the Commission has the power to refer a case for the opinion of the Supreme Court under clause 15 of the Bill. In this respect, the rules of the Supreme Court apply to the Commission in the same way as it would apply to the Magistrates' Court.

245 Part 4 of the Bill allows for complaints to be made to the OFT, either by individuals or designated consumer bodies. Designated consumer bodies are appointed by the Minister and published in the *Gazette*. Consumers may not always have the knowledge or information necessary to judge whether markets are failing them, known as information asymmetry. The Bill therefore allows for designated consumer bodies to make a super complaint to the OFT, while they consider that a feature or a combination of features of a market for goods or services is significantly harming consumer interests. In that way the designated bodies on behalf of consumers refer the matter to the OFT. They are a fast track to ensure that these complaints are considered within a shorter time period, being 90 days from the receipt of all information relating to the complaint.

250 By virtue of clause 19, a consumer or a business may also make a complaint to the OFT. The ability for businesses to also be able to make a complaint is important. For this reason the definition of 'consumer' in the Bill includes persons who are acting for the purposes which are wholly or mainly outside of the businesses – for example, goods bought by individuals primarily for their own personal needs, but also for their businesses, are also afforded protection under the Bill.

255 If the OFT has reasonable grounds for suspecting that any feature or combination of features of a market in Gibraltar for goods or services is or appears to be significantly harming consumer interests, it may refer the matter, in accordance with clause 20, to the Commission for review. The Minister may also make a reference to the Commission where he is not satisfied with a decision of the OFT not to make a reference, or where the Minister has brought information to the OFT's attention that he is not satisfied, or she is not satisfied, that the OFT will decide to make a reference. The content to be included in references to the Commission, such as the place where the goods or services are supplied or acquired or the persons by or to whom they are supplied, are more particularly set out in the Bill.

260 Before the OFT makes a reference, it will use its best endeavours to communicate with that person and obtain from them an assurance in the form of an undertaking. An undertaking is a satisfactory written assurance given by the person concerned that they will refrain from behaving in the manner described as being significantly harmful to consumer interests. The undertaking may be extended to an individual to refrain from such behaviour or by a body corporate, as a director, manager or similar officer, or has a controlling interest in the company.

265 The OFT can investigate and ask the relevant business to give evidence and, at clause 24, to help decide whether a reference is necessary. An undertaking in lieu of reference will come into force when accepted by the OFT. It may be varied or suspended by another undertaking or may be released by the OFT. No reference will be made in relation to any feature or combination of features of a market if (a) the OFT has accepted an undertaking within the previous 12 months; and (b) the goods or services fall within the same description as the goods or services described in the reference. This will not stop a reference being made to the Commission, however, if the OFT considers that an undertaking has been breached, a reference may still be made where the person giving an undertaking supplied false or misleading information to the OFT.

270 Mr Speaker, one of the main criticisms of the UK's OFT model was that it failed to actively identify risks of malpractice, instead relying on complaints from consumers and information from other third parties and it is for this reason that Gibraltar's Fair Trading Bill has introduced street level consumer protection officers. The CP enforcers' primary role is to protect the collective interests of consumers and ensure a level playing field for all businesses. The enforcers will be required to: monitor and check advertisements for accuracy; visit businesses to review the practices and inspect weighing and measuring equipment used for businesses; inspect and test goods for safety; check licences to ensure they are in place and up to date; ensure that no person is selling goods to consumers without a licence; and act and investigate conduct that could appear to harm consumer interests.

275 In order to provide and impose effective deterrents, the OFT must be active on enforcement. If a business has conducted itself in a way that could be significantly harmful to consumers, the OFT will consult such business to try and remedy their harmful conduct at an early stage. If this fails the Commission will become involved. An enforcement order issued by the Commission would name the suspected person who was engaged in conduct that significantly harms consumer interests. It will direct the person to comply with the content of the order sometimes within a specified time period.

280 Businesses, Mr Speaker, need not fear the law however. The OFT will, as soon as is reasonably practicable after the data is sent, prepare and publish advice and information explaining the provisions relating to CP enforcers and indicating how the OFT expects such provisions to operate. At both seminars held this year, such explanations and guidance were put forward and discussed with the attendees. Any person aggrieved by a decision of the OFT, the Minister or the Commission in connection with a reference, may appeal to the Supreme Court, but an appeal may *only* be brought on a question of law and an appeal must be made within 28 days of the Commission's decision.

Mr Speaker, part 9 deals with business licensing and is therefore an important and central component of the Bill. The Trade Licensing Act 1978 will be repealed upon implementation of the Fair Trading Act, which makes the way for a modern and streamlined business licensing procedures. In line with the improvements of a licensing regime, we have replaced the term ‘trade licence’ with the modern equivalent, a ‘business licence’.

Mr Speaker, the revised licensing provisions are forward thinking and in line with European Union requirements. A prime example of this is the new statutory presumption that an applicant will be able to carry on business in Gibraltar, subject to obtaining the required licence. There is also a presumption that a licence will be renewed subject to there being no breaches of the terms of the licence having taken place.

Trade licences previously run in calendar years from 1st January to 31st December. Under the Bill, a licence will continue in force for one year from the date it is issued and will thereupon expire.

The OFT, Mr Speaker, will cover a wider reach of businesses and services to avoid incidents of unlicensed malpractice. From feedback received from the industries, those who did abide by the existing regulatory regime often felt cheated by those who are able to avoid regulation by selling goods or providing services without a licence. Gibraltar needs to ensure a fair playing field, not just for the benefit of consumers, but equally as importantly for businesses as well. The ability to licence sellers of goods is invaluable as a consumer protection tool. Licences will not only cover trade, but also services of any kind not already catered for under existing legislation. In other words, all businesses and services not regulated under Gibraltar legislation are caught by the Bill.

As the law currently stands, a licence can only relate to a single property. Under the Bill, however, the Licensing Authority has a discretion to allow more than one licence over a single premises. To do so, the Authority will need to be satisfied that the existing licence can co-exist in a compatible manner with a licence to carry on business of a different type at the same premises.

Further, Mr Speaker and as a vitally important step forward, the requirement to have premises may be waived entirely in cases where the Licensing Authority is of the opinion that such businesses do not need premises in which to operate, such as, but not limited to, online services. To protect the OFT’s position, a person who knowingly gives any false information when applying, or with regard to an application to object, will face a fine of up to level 3 on the standard scale. Previously, Mr Speaker, there was no administrative procedure for a licence to extend the licence, which led to existing licence holders making manuscript amendments to a new application. The new Act corrects this.

In order to encourage productivity and enterprise in Gibraltar, provision of licences may be granted to start-ups. The pre-condition for such a provisional licence is that the applicant has premises that are being or will be constructed for the purposes of being used for a business in Gibraltar. Provisional licences may also be granted where premises are being altered for the purpose. The provisional licence would only be granted on the condition that such premises are fit for use within 12 months from the date of issue of the provisional licence, following which the provisional licence automatically expires.

The new Bill, Mr Speaker, removes the statutory discretion to refuse a licence on the basis that the needs of the community in Gibraltar, or in the area of where the trade or business is to be carried on, are adequately provided for. This removal reduces the risk of monopolies and provides consumers with a greater variety of competitively priced goods and services in accordance with Directive 2016/123/EC on the services in the internal market.

In the spirit, as well, of the EU Services Directive, member states should facilitate the establishment of productivity in new business. As a result, in addition to the reduced grounds under which a person may launch an objection, the Bill also introduces a filing fee payable upon the lodging of any objection. Business licence hearings, Mr Speaker, were previously held on an *ad hoc* basis, usually once a month. These meetings must now be held at a minimum of fortnightly intervals and whereas the previous trade licensing meetings were called to consider all applications, the Business Licensing Authority will *only* call for a hearing if either of the following circumstances are met: that it is deemed necessary for the purpose of considering the applications or where an objection has been received.

Mr Speaker, it is imperative that the licensing hearings are carried out in an objective and impartial manner and for this reason any person who has a disqualifying interest in the matter being heard, being for reasons of financial interest, having an interest in a competing business, organisation or relationship, or personal relationships, will be prohibited from considering the application, which allows the Authority to alert itself to potential risk of conflicts at all times.

Mr Speaker, also in an important modernisation and overhaul of the current system, the concept of business licensing will be revolutionised by the introduction of an online area for information, forms, payments and advice in relation to business licensing. Increasingly, Mr Speaker, daily tasks are carried out online and this Government is steadfastly committed to introducing the legislative and logistical structure to accommodate the digital era. The information that a Government places in the public domain forms a crucial part of our engagement with the general public. The introduction, therefore, of an online information

portal and the new online business licensing system will steer us towards the technologically modern way we intend to conduct our business.

In line with the EU Services Directive, Mr Speaker, there will also be an office within the OFT known as the Single Point of Contact. The Single Point of Contact aims to drastically ease an applicant's administrative burden. This will become the first port of call for new businesses that intend to set up in Gibraltar. The Single Point of Contact is a convenient one-stop shop providing information and guidance on the various licensing and registration requirements, historically handled by a multitude of Government Departments. An applicant will be able to collect and complete these forms at the Single Point of Contact. Whereas previously forms had to be delivered to several different locations, the Single Point of Contact will also accept completed forms and redistribute them. It sets out that these forms may relate to a business licence, town planning permits, environmental health permits, registration as a business, trade or profession and registration for tax and social insurance.

The Single Point of Contact provides applicants with all information and procedural formalities by electronic means, so that these can be accessed and completed remotely as well as manually. The facility will also include the provision to help and support electronically and/or by telephone for its users in accordance with clause 98.

Mr Speaker, schedule 3 of the Bill is divided into two clearly distinct parts, both of which cover areas that require a licence under the Bill. Further, any category whose business involves handling client monies or holding financial deposits for clients will be required to evidence to the OFT that the business has put in place a separate client account within three months from the date of issue of the licence.

The Minister has the power to issue codes of conduct or consumer codes as guidance for certain categories of licence holders to follow in their practice. The codes, which we are to publish in conjunction with the opening of the OFT, are comprised of a consumer code for estate agents, a consumer code for travel agents and a consumer code for all those licenced businesses that require a client account under the Bill.

Mr Speaker, to conclude, the Government has worked earnestly to bring into fruition the legislative provisions of the Fair Trading Bill in a way that is capable of being read by the non-legal person and avoids legal jargon. By its simplicity, the legislation marks the passage of the piecemeal consumer protection currently found in our law and ushers in a modern and unified area of consumer protection, complaints redress and enforcement. We also ensure a fair level playing field for businesses by mandating that all businesses play by the same rules and that no one inures an unfair advantage.

Further, in the spirit of the European Union Digital Single Market, Gibraltar is taking bold steps to create an open and flexible market within the supervisory and regulatory framework established by the OFT. Our outdated trade licensing legislation and lack of consumer enforcement powers did not match our aspirations for economic growth.

Gibraltar, Mr Speaker, must strive to maintain choice in our markets and allow for new businesses to flourish. We aim to give applicants access to services at a single point of contact, without having to resort to paper-based processes delivered throughout Gibraltar. By digitising information services and allowing consumers to submit applications for business licences online, businesses would be able to establish themselves much more efficiently. I believe that this legislation caters for the dynamic nature of the digital economy in which we live.

I also firmly believe that the new streamlined application system and Single Point of Contact will be an effective way to bring fresh ideas and business to Gibraltar. Making life simpler makes doing business a more user friendly experience for those involved and provides consumers with greater choice. After all, Mr Speaker, the less time that business people spend lodging applications, the more time they will have to dedicate to their businesses.

Mr Speaker, I commend the Bill to the House.

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

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

Hon. D J Bossino: Mr Speaker, yes, just to thank the Hon. Minister for the recognition of the work done by the Opposition. I am grateful for that, and he knows that this side of the House will be supporting the Bill. He heard me yesterday during the course of my intervention in relation to the Appropriation Bill.

So going into the meat of things, Mr Speaker, just to raise a few points which arise from my further very quick review of the second incarnation of the Bill, I would refer him – if he could take a note perhaps in his reply later on and give an explanation or assistance – in relation to the words in clause 10... does he have it, it is clause 10(2) and it reads:

‘The function of the Commission is to ensure a level playing field between businesses for the benefit of consumers and the economy.’

I think he may recall that during the course of our discussion – and this is one of the clauses which has survived in the new Bill – I think I mentioned that I found some difficulty with those words because – and I know that the intention has been because he has told me throughout that the wording should be as non-legal as possible, but I think, certainly in my mind in many respects it has given rise to more complications than less and perhaps he give some explanation as to whether there is any case law or any form of guidance as to what that will mean in practice and legally.

Moving on, Mr Speaker, I am glad to see in clause 20 the removal of some of the tests which were reflected in the wording used in relation to references to the Commission. I think it was a very confusing in the first draft of the Bill where it referred to preventing, restricting and distorting good consumer practice or fair trading. I think that has now been changed to – if the House bears with me – significantly harming consumer interests. Perhaps, if he could confirm in his reply that that is the uniform test, which applies irrespective of the matter that is being addressed in the particular clause in the Bill, whether it is a reference of the OFT Commission or any other rules. I think the test is now standard and the test now is significantly harming consumer interests, but I would be grateful for his confirmation in relation to that.

Moving along, again, from a quick review of the Bill, I see that that the erroneous cross references to the previous clauses have also been addressed, which is very useful indeed.

Mr Speaker, if I could ask the Minister also to take a note of this particular clause – it is clause 28(5)(b) and I will just double check that it is still there in the new Act... I think it was when I saw it – where it reads:

‘For the purposes of this part a benefit is a consumer benefit’

I will ignore (a)...yes, so it would read:

‘For the purposes of this part a benefit is a consumer benefit’

Then you have got (a):

‘if it is a benefit for consumers...’

– blah, blah, blah.

And then (b) it says:

‘The Commission believes that...’

I am not sure that the wording quite flows as nicely as it should there, because I think that (a) and (b) ought to be read disjunctively. So you read the first bit:

‘For the purposes of this part a benefit is a consumer benefit’

And then it goes on –

‘The Commission believes’

I think there maybe something missing there.

Then if he could give an explanation of (b)(i) and (ii) which again I think survives, where it says –

Hon. N F Costa: Will you give way?

Hon. D J Bossino: Yes, of course.

Hon. N F Costa: Mr Speaker, just on that point, if I am following the hon. Gentleman correctly, I am referring to section 28, subsection (5)? (**Hon. D J Bossino:** Yes.)

Well, it reads:

‘For the purposes of this part a benefit is a consumer benefit –
(a) if it is of benefit to consumers or future consumers in the form of –’

Then it has paragraphs (i) and (ii) and:

‘The Commission believes...’

Hon. D J Bossino: Yes, he is absolutely right, and that clarifies completely the point that I was making.

475 But in any event (b)(i) and (ii), I do not necessarily need to read the entirety of that clause, but I thought
when I first read it, Mr Speaker, that the wording was rather woolly and I did not quite understand it.
Maybe if he could specifically home in and focus on that particular section and provide the House with
some explanation for its current existence in the Bill in its current form.

480 Clause 70, subsection (4), again I am very happy to see the drastic tidying up that we see there, because
I think in the original draft of the Bill... yes, in the original draft of the Bill I think we had erroneous
references. I see that Miss Miles, who assisted the Minister in relation to the drafting, who but is nodding
her head. I think it was a very specific to the death of a licence holder and it has now been made much
wider and I think as it currently stands, Mr Speaker, it now works. It now very definitely works and it
makes it much more user friendly.

485 Just a final point, Mr Speaker, and perhaps this is a point I could have raised at the Committee stage, but
in schedule 2(5), this is a point... yes, probably more properly raised... can be raised – but at least I can
give him notice, and maybe it is an amendment that he could himself suggest. (*Interjection*) It is schedule 2
at 3(5) to be precise and it reads:

‘The Chairman of the Commission may be removed from office only for inability to discharge the functions of his
office...’

490 – I will forget the brackets –

‘or for misbehaviour and shall not be removed expect in accordance with subparagraph (5)’

495 So it is not clear which subparagraph (5) it is referring to. Is it that paragraph? Is it that subparagraph
itself? Maybe it should just simply read ‘in accordance with this paragraph’ or ‘this subparagraph’. It is just
a suggested wording, but I think it may be a bit of a nonsense as it currently stands. (*Interjection*) Thank
you. You are so kind.

I think that is the end, Mr Speaker, and I am grateful.

Hon. S M Figueras: Mr Speaker, yes, I am grateful for the opportunity to contribute to this debate.

500 Mr Speaker I would ask a specific question in relation to schedule three in the business licensing classes
and in particular to clause (b)(6) which is drafted as online services provided from Gibraltar. I appreciate
that I have not given notice to the hon. Member, because I have not actually looked at it until today
(*Interjections*) Well, it is not my area of responsibility, so hardly that shameful, Mr Speaker. (*Interjection*)
505 Schedule 3 (b)(vi) and I am very happy that I have decided that I will make the comment that I will declare
just in case, because *asi esta el ambiente* that a potential interest because it is... Isolas is the firm for which I
work that has drafted this and so I just put that out there so that you are aware of it before I raise the point,
because it is not a point in any event. I will revert to the point and sit down quickly because I can see that
the longer I stand, the longer I am a target, Mr Speaker.

510 ‘Online services provided from Gibraltar’ strikes me, Mr Speaker, as being very wide and in capturing
all online services. Mr Speaker, the hon. Member may or may not be aware that there are websites out there
that are special interest blogs and special interest web publishing where the income from which websites is
purely affiliate marketing commissions based, and therefore it is not a service, as such. I wondered when I
saw it, given my particular interest in that kind of activity in any event, whether it might be possible
perhaps to suggest an amendment that might exclude that kind of business. Again, I appreciate the lateness
515 of the notice, but it may be something to think about at this stage because, Mr Speaker, you see that is the
kind of activity where many entrepreneurs might start out in online business, as such. They may be writing
about the subject that they are interested in and they may be able to generate some income as a result of the
availability, the very easy availability of online affiliate marketing initiatives.

520 I would suggest, Mr Speaker, and it is something for the hon. Member to consider, whether perhaps we
might be able to exclude services other than special interest web publishing, where the income arises
exclusively from affiliate marketing commissions. Again, I leave it to the hon. Member to consider. I have
drafted a potential amendment to that clause and would move it if he considers it relevant. In fact, if he
would like to have a quick word about it behind the Speaker’s chair, if that is appropriate, Mr Speaker, then
I am more than happy to do that too.

525 **Hon. N F Costa:** Mr Speaker, I will take first the Hon. Mr Bossino’s questions to me.

In the first place, he asked me about the reasons why at clause 10, subclause (2), the specific reference
to level playing field, and I think that I have explained during the course of my speech and in my
discussions with him over the phone and in my office that the main thrust of the Office of Fair Trading Bill

530 actually, interestingly, was not so much from consumers, but from businesses. It is the legitimate complaint
and gripe of licenced businesses who play fairly by rules and by certain codes of conduct that there were
other players within the Gibraltar market who were not playing by the same rules or by the same conduct.
Therefore, whereas there is no case law because that part of the Bill is specifically from us – drafted by us –
535 I do not think that it will be a difficult point on which the Supreme Court will be able to adjudicate, for that
simple reason, and for the reason that the schedule – I believe it was schedule 3 – sets out all of the
businesses that are to be licenced by this Act. But in the body of the Bill it also says that the licences to be
issued by the Business Licences Authority are for those businesses which are not already caught or covered
by other legislation – Financial Services legislation and the Supreme Court Act for Barristers and Solicitors.
540 So we are talking, by exclusion, of a set of businesses not already covered and therefore the Supreme Court
I think will have a very easy time to be able to determine whether the business falls under schedule 3,
whether it is a business that needs to be licenced as a result of that schedule, and because it is not covered
by any other enactment. Therefore all that the phrase does is ensure that everyone, who is not already
covered and should be covered, *is* covered, so that no business gets away with not playing by the same
rules.

545 In respect of consumer interests, he is absolutely right when he says that the consumer interest test is the
standard test throughout the entirety of the Bill.

In respect of the mismatch of cross references, as the hon. Gentleman knows, and as I explained,
because of the numerous numbers of drafts, there were certain sections which did not correctly cross
reference to others and I am grateful to him, as I told him in my bipartisan gush speech, for pointing that out
550 to me.

In respect to the Hon. Mr Figueras, in the first place to remark about his preface to the question, there is
very good *ambiente* in this House; and secondly, if he were to – (*Interjection by Chief Minister*) At the risk
of irking the Hon the Chief Minister, who is already alerting me to the fact that he does not like this level of
bipartisanship, if he puts to me a proposed amendment, I will be more than happy to consider it by the time
555 we get to the Committee stage.

Hon. D J Bossino: Will you give way?

Hon. N F Costa: Yes, of course.

560 **Hon. D J Bossino:** Just before he sits down, I think, unless I missed it, there is one point which I think
he has left out, which is an explanation in relation to the wording in 28(5)(b), did I miss that?

Also, it just occurred to me when he was speaking about the home grown wording in relation to a level
playing field, I think in his discussions he told me that there was some EU Directive influence in relation to
565 this. Is that correct? No? Do you remember when we discussed about it, it did not actually feature in the
first pages of the Bill and...

Hon. N F Costa: Yes, Mr Speaker. My discussions with the hon. gentleman, although not seared in my
mind as having been unpleasant, I do remember what we spoke. The EU Services Directive comes in in the
570 points that I pointed out in the speech, which are essentially the Single Point of Contact and also making
sure that the grounds that said that you could not set up a business if that particular area of Gibraltar was
already catered for, had to be abolished because it was deemed to be anti-competitive.

In respect of section 28(5) subparagraph (b)(ii), the Commission will always have to carry out a
balancing exercise and there will be occasions where a particular market feature complained of has good
575 aspects and bad aspects, and therefore the Commission will have to determine whether the good outweighs
the bad.

Mr Speaker: I now put the question, which is that a Bill for an Act to establish and provide for the
functions of the Office of Fair Trading and the Office of Fair Trading Commission; encourage businesses to
580 comply with consumer law and improve their trading practices; streamline and simplify the trade licensing
system and re-name the modernised system as business licensing; establish enforcement powers for the
Business Licensing Authority, being part of the Office of Fair Trading, in cases of non-adherence by
licensees; establish a single point of contact as part of the business licensing procedure; amend the law
relating to the protection of the collective interests of consumers; enable action to be taken against conduct
585 which may significantly harm the interests of consumers; and for purposes connected therewith be read a
second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Fair Trading Act 2015.

COMMITTEE STAGE AND THIRD READING

**Fair Trading Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

590 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

**Gibraltar Land Titles (Amendment) Bill 2015 –
First Reading approved**

595 **Clerk:** A Bill for an Act to amend the Gibraltar Land Titles Act 2011.
The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Gibraltar Land Titles Act 2011 be read a first time.

600 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Land Titles Act 2011 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Gibraltar Land Titles (Amendment) Act 2015.

**Gibraltar Land Titles (Amendment) Bill 2015 –
Second Reading approved**

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Gibraltar Land Titles Act 2011 be read a second time.

605 In accordance with a manifesto commitment, as listed in page 19, this Bill makes various amendments to the Gibraltar Land Titles Act 2011, to address concerns of legal practitioners with respect to registration of deeds.

610 When the Act was commenced, together with its accompanying regulations, it introduced significant procedural changes, with the aim of tightening up the regime of registration of deeds. Many lending institutions complained about the inordinate amount of time it took them to retrieve registered deeds, post-completion, from some legal practitioners. Registered deeds provide security to a lending institution against a loan or mortgage that it has given out and it is understandable that the said institutions would want them in their safe keeping immediately after. In order to rectify the situation and allay fears held by lending institutions, the Act came about.

615 Problems arose when the transitional provisions commencing the Acts and deadlines – where unregistered deeds were to be registered before the new Acts came into operation – were not achieved by some legal practitioners. In order to rectify the situation, pursuant to the Acts, they would have to make an application for late registration to the Supreme Courts. They claim that this was burdensome, an expense they had not catered for and that it was unfair.

620 I take this opportunity to advise the House that the Bar Council has been consulted before this Bill was presented to Parliament today, with submissions received from only two lawyers advocating a complete overhaul of the land registration system which has existed in Gibraltar since 1888. The merits and costs of moving away from the current system is something which may be explored as a long-term project. It will take more detailed consideration and was not in our election manifesto. In the meantime, and in the light of
625 the manifesto commitment, the Bill contains the main changes to deal with the concerns raised by legal practitioners and the Registrar of Land Titles at the time.

Mr Speaker, I commend the Bill to the House (*Banging on desks*)

A Member: Hear, hear.

630 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

I now put the question, which is that a Bill for an Act to amend the Gibraltar Land Titles Act 2011 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

635 **Clerk:** The Gibraltar Land Titles (Amendment) Act 2015

COMMITTEE STAGE AND THIRD READING

Gibraltar Land Titles (Amendment) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

640 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

Private Trust Companies Bill 2015 – First Reading approved

Clerk: A Bill for an Act to make provision for the voluntary registration of private trust companies and for matters related thereto.

The Hon. the Minister for Financial Services and Gaming.

645 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the voluntary registration of private trust companies and for matters related thereto be read a first time.

650 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the voluntary registration of private trust companies and for matters related thereto be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Private Trust Companies Act 2015.

Private Trust Companies Bill 2015 – Second Reading approved

655 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Private Trust Companies Bill 2015 be now read a second time.

660 Mr Speaker, private trust companies, or PTC's, may already be established in Gibraltar. Any limited company may act as a trustee provided that it is not carrying on a licensable activity. Typically, however, such a company will notify the FSC (a) that it has been formed to administer a trust settled by one or more individuals; (b) that this is its sole purpose; and (c) that it will not receive remuneration for providing trusteeship... in order to be able to act as a trustee of any one or more trusts, often the trusts of the family.

665 Mr Speaker, while this provides a simple and cost-effective process for establishing a PTC, the lack of a formal registration procedure sometimes prevents clients and intermediaries from recommending Gibraltar as an appropriate jurisdiction for the incorporation of a PTC as there is no legislative or regulatory framework from within which the PTC is formally recognised and can operate. Introducing a law to govern the operation of PTC's will provide greater legislative protection and certainty and encourage potential clients to consider Gibraltar as an attractive jurisdiction in which to establish a PTC structure.

At present Gibraltar is at a disadvantage compared to other international financial centres, which have made specific provisions for PTC's in their legislation. Indeed, Mr Speaker, it is appropriate to report and to mention to this House that the Society of Trust and Estate Practitioners, who have been promulgating this legislation together with a series of other Bills, some of which we will be considering today... some seven years ago – are delighted at the steps that we are taking. There are numerous benefits to appointing a PTC as a trustee of a trust in place of professional individuals or licenced professional trustees.

Mr Speaker, I must also mention the approach that we have adopted towards implementing this legislation. A mandatory registration regime could be unfairly and unnecessarily onerous, especially on PTC's in respect of which the cost of registration and renewal might be disproportionate to the size of the trust fund. We therefore felt that a voluntary system of registration would provide, for those who chose to submit to it, a legal framework within which a PTC could be officially established and operated, whilst at the same time provide flexibility for those seeking to opt out of it.

The legislation therefore fills a gap in Gibraltar's offering as an international finance centre without prejudicing those who may have felt caught by a mandatory system of registration. Notwithstanding the voluntary character of the PTC regime however, Mr Speaker, the proposed legislation provides for, among other matters, the establishment of a register, and for inspection of the register by members of the public and registration and renewal to be accompanied by a declaration of compliance.

Before I close, I should briefly mention that amendments have been notified to you, Mr Speaker, in writing and these largely comprise the correction of minor errors and stylistic changes; however, we also decided, after input from the Finance Centre Council, that it served no purpose not to include the name and address of the registered administrator in the register and that information will now therefore be fully available for public inspection.

Mr Speaker, the Government is confident that the legislation we are proposing will be of great addition to Gibraltar's trust offering especially, but by no means exclusively, in the context of family offices. Once again, Mr Speaker, the Government is indebted to the efforts of those individuals and firms, as well as the Committee, drawn from the private sector in bringing this Bill to fruition.

Mr Speaker, I commend this Bill to the House. (*Banging on desks*)

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

Hon. S M Figueras: Mr Speaker, yes.

The Opposition will be supporting this Bill, as it will be supporting the other two Bills, which effectively, as a package, deliver for the financial services industry in various different respects. Some very positive changes and initiatives, which many in the industry have agreed for a long time, were needed and probably overdue.

Certainly, Mr Speaker, the Bills have clearly been drafted in consultation with the relevant stakeholders and in that regard, having reviewed them, there is nothing we need to add to the debate, other than that to say that we, on this side of the House, welcome the arrival of these initiatives and look forward to benefiting, certainly in a professional context, from the advantages that this will bring in due course.

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

Mr Speaker: I now put the question, which is that a Bill for an Act –

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, Mr Speaker.

Mr Speaker: Mr Speaker, sorry.

Hon. G H Licudi: Mr Speaker, I also welcome and will be supporting this Bill – (*Interjections and banging on desks*) That is, of course, no surprise, but I do so with a great deal of pleasure because this Bill, and as the hon. Member opposite has mentioned, the two Bills that follow – and I will not be making the same speech three times, hon. Members will be glad to know, which will be for the Purpose Trusts Bill and the Trusts (Private International Law) Bill – are good for business, good for the industry and generally good for Gibraltar. They have been much awaited and are needed tools to increase the range of products and armoury that professionals in Gibraltar have to offer the financial services world.

I remember... and the hon. Member, Mr Isola, has mentioned discussions or steps promulgating these measures as far back as seven years ago, and I certainly remember being in private practice and having discussions with colleagues at Hassans and elsewhere about the need to include this type of legislation to the financial services offering that we already have in Gibraltar. I started work when I was Minister for

Financial Services in this area and I am very glad to see that my learned and hon. colleague took over that work and this now sees fruition during this term of office.

730 Gibraltar primarily, as we all know, Mr Speaker, is a services jurisdiction – that is primarily what we do. We offer services. We have a competitive world out there and the greater the range of products and the greater the range of tools that we have in Gibraltar, the greater our competitive edge. We are required to remain at the top of our game and for our professionals to remain at the top of their game by having the necessary tools and that is what we in Government are required to do: facilitate that work; work in
735 partnership with a private sector; provide the tools that are necessary; promote the work of the industry and thereby to improve the offering of Gibraltar. That is how Gibraltar moves on. That is why we have got the resources we have in the Finance Department with the senior executives who go round, visit conferences and talk about what we do in Gibraltar and it is important that we come to this house and we enact these pieces of legislation so that that message gets out there and that Gibraltar continues to be recognised as the
740 first class jurisdiction that we all recognise that we are and that we will continue to be for many years.

Thank you Mr Speaker.

A Member: Hear, hear. (*Applause*)

745 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the voluntary registration of private trusts companies and for matters related thereto be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Private Trust Companies Act 2015.

COMMITTEE STAGE AND THIRD READING

Private Trust Companies Bill 2015 – Committee Stage and Third Reading to be taken at this sitting

750 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

Purpose Trusts Bill 2015 – First Reading approved

755 **Clerk:** A Bill for an Act to make provision to allow for trusts for a purpose or purposes otherwise than for charitable purposes and for matters related thereto.
The Hon. the Minister for Financial Services and Gaming.

760 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision to allow for trusts for a purpose or purposes otherwise than for charitable purposes and for matters related thereto be read a first time.

765 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision to allow for trusts for a purpose or purposes otherwise than for charitable purposes and for matters related thereto be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Purpose Trusts Act.

**Purpose Trusts Bill 2015 –
Second Reading approved**

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that the Purpose Trusts Bill 2015 be read a second time.

770 Mr Speaker, ordinarily a trust will contain identified or identifiable beneficiaries and the duties imposed upon trustees are owed to those beneficiaries. Charitable trusts established for one or more charitable purposes are a long held exception to this principle. With regard to non-charitable purposes however, the law has been slow to recognise that trusts have a role to play.

775 A number of finance centres therefore have taken steps in their legislation permitting the creation and enforcement of trusts, whereby the trustees hold property on trust to carry out specific purposes which do not qualify as charitable and this type of trust is usually referred to simply as a purpose trust. The Bill before Parliament will add Gibraltar to that list of jurisdictions, which includes Jersey, Guernsey and the Cayman Islands.

780 Mr Speaker, there are a number of purposes for which a purpose trust can be useful, which include to fill the charity gap. That is to say, to label purposes which cannot strictly be said to be charitable, but which equally do not require beneficiaries – for example, a request that a trust fund be used for the promotion of peaceful relations between nations.

785 To maintain control over family assets, such as when there is an aim to benefit family, but also to ensure the continuance of a business. A purpose trust might make certain that the benefit of the business is retained without interference from the beneficiaries and the beneficiaries could still receive dividends from the business without right to interfere.

790 Mr Speaker, you will see that the Bill has been carefully designed so as to ensure that, among other things, a purpose trust established in Gibraltar has purposes that are capable of being carried out and are sufficiently certain to be capable of being carried out. We have also made certain that at least one trustee of a purpose trust must be a licensed trustee.

This Bill also sets out particular powers that a trustee will need in the context of a purpose trust, such as, for example the discretion to formulate the means by which to give effect to the purpose of the trust.

795 Finally, the Bill also provides applications to Court by the trustees and other authorised parties, disappplies the rule against perpetuities in common with other jurisdictions that have adopted purpose trust legislation and also creates various offences for breaching various provisions of the Act.

800 Mr Speaker, this Bill is another example of how Government is ensuring the continued growth and success, not just of the trust industry and the financial services industry. As with the Trusts' firewall legislation and the Private Trust Companies legislation, I want to record my gratitude to the Private Sector Committee and those personally involved in the drafting this legislation for their work in bringing this to the House.

Mr Speaker I commend the Bill to House.

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

805 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

I now put the question, which is that a Bill for an Act to make provision to allow for trusts for a purpose or purposes otherwise than for charitable purposes and for matters related thereto be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

810

Clerk: The Purpose Trusts Act.

COMMITTEE STAGE AND THIRD READING

**Purpose Trusts Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

815 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

FIRST AND SECOND READING

**Trusts (Private International Law) Bill 2015 –
First Reading approved**

Clerk: A Bill for an Act to provide for certain matters of private international law in relation to Gibraltar trusts and for connected purposes.

The Hon. the Minister for Financial Services and Gaming.

820

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to provide for certain matters of private international law in relation to Gibraltar trusts and for connected purposes be read a first time.

825

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for certain matters of private international law in relation to Gibraltar trusts and for connected purposes be read a first time.

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

Clerk: The Trusts (Private International Law) Act 2015.

**Trusts (Private International Law) Bill 2015 –
Second Reading approved**

830

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that the Trusts (Private International Law) Bill 2015 be read a second time.

Mr Speaker, the trust industry worldwide is a large, mature and increasingly competitive one. In this marketplace many jurisdictions have enacted so-called firewall legislation, designed to attract substantial investments and deposited trust funds, by providing a secure environment in which local law trusts are free from attack by foreign laws and foreign courts.

835

Typically, firewall legislation does two things. Firstly, it sets out rules that limit the circumstances under which any foreign law can affect a local law trust; and secondly, it prevents the enforcement of foreign judgments that undermine these principles. The Cayman Islands was the first major finance centre to enact such legislation in 1987 and remains a global leader in this field. In response, other centres have reformed their laws and many have since extended the scope of their firewall legislation beyond that of the Cayman Islands. For instance, Jersey has amended its trust law several times in recent years. Guernsey and Cyprus have also amended their legislation. Each successive amendment in each jurisdiction goes further than the last in the quest to provide world-leading protection.

840

In the Bill before you I believe we have struck the right balance between, on the one hand, too little protection, such that the legislation is unlikely to prove attractive in the global marketplace and unlikely to attract meaningful investment, and on the other hand, Mr Speaker, so much protection that we would risk being perceived as a haven for shielding assets. It will, of course, be appreciated that Gibraltar's position is unique. We are bound by EU regulations in the field of private international law, and in particular we are bound to recognise and enforce judgments from fellow EU member states, pursuant of Regulation EC44 2001 and EC4 2009.

845

Moreover, Gibraltar's position differs again from, for example, the Cayman Islands and Cyprus, and then the provisions of the Hague Convention on the law, applicable to trusts and their recognition, apply in Gibraltar. The Hague Trust Convention also applies in many other finance centres, including Jersey and Guernsey. The Convention states that the law chosen by a set law applies to almost all issues relating to the trust once created, but does not apply to preliminary issues necessary for the creation of the trust.

855

Importantly, the Convention also contains a number of exceptions in favour of rules of the legal system designed by Gibraltar's choice of law rules, for related areas of law, such as divorce and matrimonial property, which cannot be derogated from by voluntary act.

Mr Speaker, the legislation of some jurisdictions which have purported simply to exclude the possibility of any derogation to foreign law is not one that Gibraltar could or would want to follow and we are making it clear in this Bill that our legislation is subject to the provisions of the Hague Trust Convention as enacted by the Trust Recognition Act 1989 and, of course, to EU law.

860

Mr Speaker, besides providing for the various circumstances in which Gibraltar Courts have jurisdiction in relation to trusts, this Bill sets out in clause 4 when various questions relating to Gibraltar trusts are to be determined by Gibraltar Law alone, subject again, of course, to the Convention. Moreover, the Bill provides for the regulation of foreign law and foreign judgment orders and decisions in relation to Gibraltar trusts

865

and when foreign trusts *must* be regarded as being governed by and interpreted in accordance with its proper law.

870 Mr Speaker, this Bill is another milestone in this Government's plan to strengthen Gibraltar as a finance centre, and I again, Mr Speaker, for the third time today, want to acknowledge the great work of the Private Sector Committee that has been advising Government on this and the other pieces of legislation referred to earlier.

Mr Speaker, I commend this Bill to the House.

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

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill? I now put the question, which is that a Bill for an Act to provide for certain matters of private international law in relation to Gibraltar trusts and for connected purposes be read a second time.
880 Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Trusts (Private International Law) Act 2015.

COMMITTEE STAGE AND THIRD READING

Trusts (Private International Law) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.
885

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

Appropriation Bill 2015; Gibraltar Land Titles (Amendment) Bill 2015; Supreme Court (Amendment) Bill 2015; Fair Trading Bill 2015; Private Trust Companies Bill 2015; Purpose Trusts Bill 2015; Trusts (Private and International Law) Bill 2015

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

890 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills, clause by clause: the Appropriation Bill 2015; the Gibraltar Land Titles (Amendment) Bill 2015; the Supreme Court (Amendment) Bill 2015; the Fair Trading Bill 2015; the Private Trust Companies Bill 2015; the Purpose Trusts Bill 2015; and the Trusts (Private and International Law) Bill 2015.
895

In Committee of the whole Parliament

Appropriation Bill 2015 – Clauses considered and approved

900 **Clerk:** A Bill for an Act to appropriate sums of money to the service of the year ending on the 31st day of March 2016 and further sums of money to the service of the year ended 31st day of March 2014.
Clause 1.

Mr Chairman: Stands part of the Bill.

905 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might, I have circulated to hon. Members and I think they have received a notice of amendment which I am advised by the Financial Secretary, who is in the House this afternoon, Mr Mena. It is the first time he is in the House with the Government and I am sure all will want to welcome him (**Several Members:** Hear, hear.) (*Banging on desks*) despite the press releases which were related to his appointment – (*Laughter*) and the amendments, Mr Speaker, relate to typographical errors which have crept into the book.

910 I think we have given Members the amendments with the mark-up so that they can spot it. Some very minor amendments, but then they are followed through in the rest of the whole of the book. So if something is wrong, if something is improperly described, then that description has to go through in the book. Then there are one or two at the end, which I will bring Members to when we get to them, where the complement is wrong in two areas. The vote of cash for the complement is correct and so the sums do not change. The number that has been put has crept in as a typographical error.

915 Mr Speaker, whenever you want. There isn't anything to move in clause one... or that you have moved clause one already to stand as part of the Bill and there is nothing to move now for some time.

920 Mr Speaker, so I formally move that these amendments be incorporated... these typographical errors be incorporated in the draft. I think it will be easier for everyone.

Mr Chairman: Unless any hon. Member wishes to raise any matter or has any problem with any of these amendments – they have been circulated and are fairly clear cut – I move that the Committee agree that they be incorporated as appropriate.

925

Several Members: Aye.

Clerk: Clause 2, Head 1, Treasury; subhead 1 Payroll; subhead 2 Other Charges.

930 **Mr Chairman:** Head 1, Treasury, stands part of the Bill.

Clerk: Head 2, No. 6 Convent Place; subhead 1 Payroll; subhead 2 Other Charges.

Mr Chairman: Head 2, No. 6 Convent Place, stands part of the Bill.

935 Does the Hon. Leader of the Opposition wish to raise any matter under these Headings? [*Inaudible*]

Clerk: Head 3, Customs, subhead 1, Payroll.

940 **Hon. J J Netto:** Mr Speaker, may I, with your indulgence... *Mr Chairman*, sorry, I beg your pardon – with your indulgence - go to Head 2 on page 27, subhead 21 (*Interjection*) Advertising and Official Notices?

945 What I notice from the figures here provided is a forecast outturn for 2014-2015 of £1,280,000 from an estimate of £½ million. Given that the estimate is in itself a substantial amount of money, can the Government provide an explanation for the doubling or for the forecast outturn? (*Interjection*) Page 27, Item 21 – (*Interjection*) Page 27, Item 21 – (*Interjection*) Oh, sorry, I beg your pardon.

950 **Hon. Chief Minister:** Yes, Mr Speaker, this figure is every year an estimate because we do not know how much advertising or how many official notices have to be put. There may be more traffic works, there may be less traffic works, there may be more advertising or less advertising and so it is because of that. This is to an extent demand driven. It depends what is happening and what we are advertising in.

Clerk: Head 3, Customs; subhead 1, Payroll; subhead 2, Other Charges.

955 **Mr Chairman:** Head 3, Customs, stands part of the Bill.

Clerk: Head 4, Broadcasting; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 4, Broadcasting, stands part of the Bill.

960 **Clerk:** Head 5, Income Tax; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: The Hon. Mr Bossino?

Hon. D J Bossino: No.

965

Mr Chairman: Head 5, Income Tax, stands part of the Bill.

Clerk: Head 6, Parliament; subhead 1, Payroll; subhead 2, Other Charges.

970

Mr Chairman: Head 6, Parliament, stands part of the Bill. *(Laughter and banging on desks)*

Clerk: Head 7, Human Resources; subhead 1, Payroll; subhead 2, Other Charges.

975

Mr Chairman: Head 7, Human Resources, stands part of the Bill.

Clerk: Head 8, Immigration and Civil Status; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 8, Immigration and Civil Status, stands part of the Bill.

980

Clerk: Head 9, Financial Secretary's Office; subhead 1, Payroll; subhead 2, Other Charges.

Hon. J J Netto: Mr Chairman, could I ask the Government for... have I got it right? I might have got it... secondment. On page 42, Item 2(3) Secondment, is the figure £183,000? Is that the correct figure for the estimate? Is it correct?

985

Hon. Chief Minister: Yes, it is.

Hon. J J Netto: And could the Government therefore provide an explanation... sorry, I beg your pardon. –

990

Hon. Chief Minister: The hon. Gentleman needs to... this is the salary for the Financial Secretary on secondment, Mr Speaker.

Mr Chairman: Head 9, Financial Secretary's Office, stands part of the Bill.

995

Clerk: Head 10, Procurement Office: subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 10, Procurement Office, stands part of the Bill.

1000

Clerk: Head 11, Civil Aviation; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 11, Civil Aviation, stands part of the Bill.

Clerk: Head 12, Town Planning and Building Control; subhead 1, Payroll; subhead 2, Other Charges.

1005

Mr Chairman: Head 12, Town Planning and Building Control, stands part of the Bill.

Clerk: Head 13, Health; subhead 1, Payroll; subhead 2, Other Charges.

1010

Mr Chairman: Head 13, Health, stands part of the Bill.

Clerk: Head 14, Environment; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Mr Netto.

1015

Hon. J J Netto: Can we actually go back on payroll, if I may?

In relation to 1(e) Salaries, I noticed, Mr Chairman, that there was an estimate of £900,000 estimated for 2014-15 and we have a forecast outturn of £780,000. Can we have an explanation as to why it was estimated in relation to the complement figures of the Department and why the drop, because I notice that the estimate for this new financial year is even slightly less than the complement... or rather than the forecast outturn?

1020

So what I am seeing here is a picture between the estimates of 2014-15 in comparison to the new estimate. It is quite a significant drop and that must in one way or another reflect the establishment figures and so could I have an explanation for that?

1025 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Chairman, I believe that this is because at the time there may have been a move – and we are talking about back in 2014-15 – between Departments. Certainly – (*Interjection*)

1030 **Hon. J J Netto:** If you look actually at the establishment figures on page 51, and I do not know whether this is helpful or not, but I notice that under the Department of Environment there has been a movement of personnel. For instance, in environmental monitors, which were in the previous financial year 3 and this year is not. But then if we go to the next page, on page 52, and we see the movement reflected there and also with the Environmental Protection Officer, but I am really assuming a lot of things here and this is why I am really asking the question to get some details.

1035 **Hon. Dr J E Cortes:** Mr Chairman, I am not concerned about the slight drop between last year and this. This is nothing major, but I do believe – and I would need to go back – that it may be that in 2014-15, I think for a while one of the –

1040 **Hon. J J Netto:** In fact, once the Hon. Minister... I think if you look at the bottom of the summary...

Hon. Dr J E Cortes: Alright, yes, thank you.

1045 The Financial Secretary has kindly assisted. I was thinking of a previous year in which we had some areas that were in Environment which were passed, first of all, to my colleague and then they have come back.

1050 But if you look at Payroll, what essentially has happened is that from the Department of the Environment, they have been moved and now entered, instead of being scattered between the Department of the Environment and supernumerary, they have now been entered as a cleansing section. If you go down to cleansing section, there is now an element there of salaries, which adds up to the £740... the £186, and that balances out approximately the figure that you are looking at. So it now appears under the cleansing section, rather than as the Department of the Environment.

A Member: Look at (m) –

1055 **Hon. Dr J E Cortes:** If you look at (m), the zero for last year and the £186 for this year. Yes. I knew there was some change, but I thank the Financial Secretary for his assistance.

Hon. J J Netto: Mr Chairman?

1060 **Mr Chairman:** Head 14, Environment, stands part of the Bill.

Hon. J J Netto: Mr Chairman, I do not know whether... just as we move on from the actual Head itself, there are a couple of other points which I would like to raise. The thing is that we seem to be going too fast and I need some space or rather, time to actually look at some of the details here.

1065 One of the things I would like to raise for an explanation, if the hon. Member goes to page 55, Item 2(c) under the title of Air Quality Monitoring Environmental Agency, and what I am noticing is a slight decrease between the estimate of last year and this year. I was just wondering whether, as a result of the contract in existence for the services of air quality monitoring, there is a reason why that range of services is being limited or is becoming less and less. Why is the explanation of – (*Interjection*) Mr Speaker, can I have a – (*Interjections*)

1070 **Hon. Dr J E Cortes:** Mr Chairman, a number of what is paid for from that Head are contractual with external contractors, and others are certain local things that we do – certain works and certain equipment – and the Department this year believes that we do not have to have the expenditure that we had last year, but it does not mean that there is going to be any less air monitoring. It is just that we spent a bit more last year than this year because we... it is a thing we do not need to repeat every year.

1080 **Hon. J J Netto:** But is it not the case that the Hon. Minister did allude to the fact that there was a need to increase the services, in terms of air monitoring, as a result of new circumstances? I would have assumed, if that was the case, and there was a need to increase the different type of air monitoring. I would at least have expected that the size of the contract would remain the same or, if not, even increased.

1085 **Hon. Dr J E Cortes:** Mr Chairman, the staff of the Financial Secretary has kindly confirmed that what I alluded to earlier was correct, that we did buy certain equipment last year and therefore we do not have to buy it this year. What I said in my budget speech that we were considering, we are now at a point of

revising the contract which is now due for renewal with the UK consultants. We are revising to see how we are going to be changing the monitoring. This may mean that we deploy the existing monitors in different locations, rather than getting new monitors – that is a process that we are going through now. So it may not be necessary to buy any more additional equipment, if that is the case, and clearly we would need to see how we fund that, but that is going to take a while to review.

1090

But the drop here that the hon. Member mentioned earlier is, I can confirm, due to the fact that we bought equipment last year. We do not need to buy it again this year. It has got a lifespan and therefore there is no need to have that expenditure.

1095

Hon. J J Netto: I am grateful, Mr Chairman.

May we move to Item 2(g), Animal Welfare and Conservation, Animal Welfare Centre? We had an estimate of £95,000 for the last financial year 2014-15 and, well, the forecast outturn is more or less that level, but then there is a jump up to £150,000. Can the Hon. Minister provide an explanation of the reason for that?

1100

Hon. Dr J E Cortes: Most certainly.

The Animal Welfare Centre is assisting in the provision of personnel for the increased management regime in the Upper Rock, which we have seen increase this year, and that is what is reflected there.

1105

Hon. J J Netto: And lastly on this section of Head 14, Item 4(f) Commonwealth Park, we had an estimate of £100,000 for the financial year 2014-15 and a forecast outturn of a £¼ million. (*Interjection*) Can the Hon. Minister provide some information as to this over expenditure?

1110

Hon. Chief Minister: It is for the car park, Mr Speaker. We have started to dig!

Hon. Dr J E Cortes: Yes, certainly.

Remember, Mr Chairman, that last year was the initial year of the management contract and therefore there is always an additional amount of equipment and so on to start up any new management programme. That is, again, not going to be necessary this year to that extent and in any case, Mr Chairman, he would have seen a slight increase in the upkeep of planted areas. So if we were to find that there was any shortfall as a result, then we do have flexibility there, but essentially it is due to the fact that a lot of the initial equipment that had to be bought – lawn mowers, spiking machines and so on – do not have to be bought other than in the first year.

1115

1120

Hon. S M Figueras: Mr Chairman, and the Minister can confirm that that just went towards equipment? No?

Hon. Dr J E Cortes: Not *exclusively* towards equipment, but partly towards equipment and security. It is the whole management of Commonwealth Park. But the start-up expenses are greater than the running expenses.

1125

Hon. S M Figueras: Mr Chairman, the point I am getting to is to whether any element of that was in addition to the contractual arrangement with Wildlife or whether this is exclusively for equipment and other needs that were required at the park, rather than as an additional contribution to the contractual payment that is already agreed and paid to Wildlife.

1130

Hon. Dr J E Cortes: This is the whole budget for Commonwealth Park and so it is likely that there would have been a bit of both.

1135

Hon. S M Figueras: And therefore there will have been an additional payment to Wildlife as part of that?

Hon. Dr J E Cortes: Not necessarily. It depends on whether the equipment was bought through the management company, which sometimes happens in contracts, or bought directly by the Department. Essentially it is cost only. It is not that there is a profit element or anything like that, but partly it depends on whether particular items were bought directly or not.

1140

Hon. S M Figueras: I wonder whether the information is available to, perhaps the Financial Secretary.

1145 **Hon. Dr J E Cortes:** Yes, I do not have a breakdown of exactly what was bought. This is something that we are looking at retrospectively, si it is something that, I can either be asked in correspondence or in a question in the House as to what was spent.

We believe that the running costs this year, because it is not the start-up year, will be lower and closer to the £100,000. We are also changing some of the security arrangements and so on, and so we believe that it will be closer to £100,000. But any breakdown as to last year, I can obviously provide that information because that is money spent.

Hon. J J Netto: Yes, Mr Chairman, that is fine, but I just spotted another item which is very close to my heart, much to the discomfort of the Chief Minister.

1155 In relation to Item 2(h) Control of Seagulls, GONHS, (*Laughter*) what I have noticed is that we have gone – as I said, indeed, in my Budget speech – from making a payment in 2012-13 of... I think it was either £84,005 or £85,005. I think it was £84,000 to £230,000, which roughly speaking is an increase of 270% and although I have been highly critical for not having any sense of value for money, because we are culling less seagulls now than we used to do long before the termination of the FERA contract –
1160 (*Interjection*) Less, we are doing less now for much more money – that is what we are doing, and while the Chief Minister may think this is funny, I think that we are talking about taxpayer’s money here – not his money and not my money. We are talking about taxpayers’ money. I think I am entitled to ask, whether he likes it or not – (*Interjection*) Can I get on with my comment? (*Interjection*) Thank you very much. Thank you.

1165 Can I have an explanation therefore – (*Interjections and laughter*) Well, I have not finished my point – (*Interjections*) Exactly, because I am trying to finish my point, but your colleagues are not allowing me to finish – (*Interjection*) The point I am trying to find out is whether these increases in expenditure reflect perhaps an increase in personnel, hopefully to do a much better service than the one we have had in the last few years.

1170 **Hon. Dr J E Cortes:** Mr Chairman, firstly I would like to say that I am taking the benefit of using the Chief Minister’s counsel, the Hon. Joe Bossano QC, QC, who is *not* in favour of my killing any more gulls, and I have to recognise that. Now that he is QC, QC, I have to listen to him a lot more even than I used to before.

1175 There’s a very clear explanation to *both* things, Mr Chairman. There is an increase and this is largely to do with equipment. The time has come to purchase new equipment, which includes rifles, and there has been an increase in the complement. But I think... and do have to point out because the hon. Member has referred several times to the contract with FERA and he said so yesterday in his address.

The contract with FERA was not terminated by me; in fact, it ran into 2012 and then expired and we agreed to hold it. There had been a certain amount of success and there was no need to repeat it the following year, but we continue in contact and we may think about how we use their services in future years. But one thing I have to make very clear is that what was not revealed in Parliament the other day is that the cost of FERA was at least...I do not have the figures, but it worked out at about £120,000-something for a six-week period, when people would come over for six weeks approximately (*Interjection*) cost £20,000 a week... whereas the money is now going to create employment for four or five Gibraltarians all year round.

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

1190 **Hon. J J Netto:** Well, Mr Speaker, that is not an explanation that explains the reason for the increase. The fact of the matter is that the Hon. Minister seems to say that the increase is largely based on the fact that they have had to buy new rifles. Well, are we going to have a situation where new rifles are going to be bought *every* year? (*Interjection and laughter*)

1195 **Hon. Dr J E Cortes:** No, not necessarily. I do not keep a personal tab any more. I used to when I used to be more closely involved in another occupation, but I do not keep a close tab personally on when each item of equipment needs to be renewed. Clearly, if I had to keep tabs on each item of equipment, I would probably keep tabs more on equipment in the hospital than on gull culling equipment, but I don’t have... no, of course, provided the wear and tear.

1200 The thing is that the more seagulls you kill – with an apology to the Hon. Joe Bossano – the more you use the rifle, the quicker the wear and tear and the more quickly you have to replace them. So I do not know whether the point that the Member is saying is that we should actually decrease the money so that we have a less active gull unit, although he has all the time been accusing me of not (**A Member:** Doing enough.) doing enough. There we are. It is one or the other and I would have thought he would have welcomed that.

1205

Mr Chairman: Head 14, Environment, stands part of the Bill.

Clerk: Head 15, Utilities; subhead 1, Payroll; subhead 2, Other Charges.

1210 **Mr Chairman:** Head 15, Utilities, stands part of the Bill.

Clerk: Head 16, Collection and Disposal of Refuse; subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 16, Collection and Disposal of Refuse, stands part of the Bill.

1215

Clerk: Head 17, Gibraltar Health Authority, Elderly Residential Services Section, subhead 1, Payroll; subhead 2, Other Charges.

1220 **Mr Chairman:** Head 17, Gibraltar Health Authority, Elderly Residential Services Section, stands part of the Bill.

Clerk: Head 18, Equality and Social Services, subhead 1, Payroll; subhead 2, Other Charges.

Hon. J J Netto: Chairman, if I may...?

1225

Could I have an explanation? If I can take the hon. Lady to page 64, Item 2(d)(a) Contribution from Revenues Received. I mean if I look at all the other columns right now, I see that the figures almost have the same meaning. The actual 2013-14 in £1,180,000, the estimate for 2014-15 is £1,170,000, the forecast outturn for 2014-15 is £1,170,000 and then there is a drop for the estimate... There must be a sensible explanation for this and if the hon. Lady perhaps could provide that, then I would be grateful.

1230

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Yes, Mr Chairman.

He may have realised that the previous Head we just approved was for Elderly Residential Services, which means that the money has been extracted from here and transferred to Head 17, Mr Chairman.

1235

Mr Chairman: Head 18, Equality and Social Services, stands part of the Bill.

Clerk: Head 19, Tourism, subhead 1, Payroll; subhead 2, Other Charges.

1240 **Hon. D J Bossino:** Head 19, no?

Mr Chairman, can I take the Minister to Head 23(a) under Marketing Promotions and Conferences? There is an increase of about £610,000 from the estimated figure to the forecast outturn and then it goes down to £900,000. So it seems that going forward the standard figure that we see of £900,000 will prevail. Can she explain why there is a blip upwards of £610,000?

1245

Hon. Miss S J Sacramento: Mr Chairman, it is for additional marketing, particularly in relation to the new airline routes (**Members:** Hear, hear.) (*Banging on desks*) Mr Chairman, which would have flown to any airport terminal (*Laughter*) as long as they can land on the runway, Mr Chairman.

1250

Last time I checked, people do not go on holiday to check the airport terminal, Mr Chairman. They go to visit the destination (**Several Members:** Hear, hear.) and, Mr Chairman, generally it is in relation to an increase in marketing. There is also a payment in relation to the School of Hospitality and that is work that the Tourist Board was doing in connection with the University as well.

Mr Chairman: Head 19, Tourism, stands part of the Bill.

1255

Clerk: Head 20, Housing Administration, subhead 1, Payroll; subhead 2, Other Charges.

Hon. E J Reyes: If I may, Mr Chairman, in Head 22(a) under Housing Legal Expenses, I see that the forecast outturn for the 2014-15 shot up to £45,000, given that the estimate is reverting back to £12,000. It must have been because of some particular one-off expense. I do know, Mr Chairman – and it could help the Hon. Minister – that I asked during the course of the year on a couple of occasions what sort of legal expenses had been incurred in removing squatters out of the homes and so on, and from the answers I got it was a figure much, much lower than the £33,000 overspend. So perhaps the hon. Lady has some sort of information available that can show to us why this figure went up by well over £30,000.

1265

Hon. Chief Minister: Mr Speaker, we have had, as you know, a change of Minister halfway through the... in fact towards the end of the last financial year, and I do not know whether our friends from the Treasury would be able to help, but Mr Balban is not here, who was the Minister at the time and might be able to shed some light.

1270 From memory, the decanting is done on the basis of a retainer and so I do not think it is that –
(*Interjection*) No retainer? There is a fixed fee element, I think, for the decanting etc and so this must be an extraordinary expenditure. Let us see whether we can find the bill.

1275 Can I invite the hon. Gentleman that we should continue until we either find the bill or we are able to get the information perhaps from the principal – from Gerry Reading or from some of the other...Ah, we have got it. It has arrived.

Hon. Miss S J Sacramento: Mr Chairman, I am informed that we have had a higher volume of cases which required legal representation in the last year.

1280 **Hon. E J Reyes:** Perhaps I might be advised to perhaps pose the question because I understand the Minister is certainly trying her best to search a higher number of cases. Can she at least confirm that these were not in relation to the removal of squatters, which we had been asking for, but rather that it could be connected with the unpaid rent or something like that? Does she have an indication, or if she doesn't, I think at the next session I can pose a question. Whatever is possible, Mr Chairman.

1285 **Hon. Miss S J Sacramento:** Mr Chairman, sometimes cases are referred for legal advice and not necessarily end up in litigation and so it may have been cases beyond eviction of squatters or beyond eviction. I have myself asked for advice. I have asked for clarification. I have asked for an opinion on the Act. So it may be that we are being a little bit more proactive, in terms of obtaining legal advice, before we actually take steps.

1290 I have noticed that there has been an increase in cases for eviction, but in most cases I seek advice in advance of the eviction and so it means that more referrals are made for legal advice.

1295 **Hon. E J Reyes:** I am grateful for that now, Mr Chairman, and obviously should I require something further, if need be I will even obtain guidance from the Chair and it can be brought up at a future Question Time.

Mr Chairman: Head 20, Housing Administration, stands part of the Bill.

1300 **Clerk:** Head 21, Technical Services, subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 21, Technical Services, stands part of the Bill.

1305 **Clerk:** Head 22, Driver and Vehicle Licencing, subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 22, Driver and Vehicle Licencing, stands part of the Bill.

Clerk: Head 23, Port, subhead 1, Payroll; subhead 2, Other Charges.

1310 **Mr Chairman:** Head 23 Port, stands part of the Bill.

Clerk: Head 24, Economic Development, subhead 1, Payroll; subhead 2, Other Charges.

1315 **Hon. D J Bossino:** Mr Chairman, if I may, with some trepidation, I am going to just make a comment and suggest an answer and maybe the Hon. Minister can confirm it, in relation to the establishment, where we see a significant decrease overall. Presumably, is that because of the change of responsibilities in his Department...?

1320 **Hon. J J Bossano:** The people who have disappeared have taken the work with them – And the money.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): The people that work and the money have all moved together. The people that work and the money.
(*Interjection*) It is now under my colleague and so he has got the people, he has got the work and they have got the money.

1325 **Mr Chairman:** Head 24, Economic Development, stands part of the Bill.

Clerk: Head 25, Statistics Office, subhead 1, Payroll; subhead 2, Other Charges.

1330 **Hon. D J Bossino:** Mr Chairman, if I may, this will be a question for Minister Bossano in relation to Head 24. Can I go back, with your permission?

It is page 87 (2) subparagraph (7), which deals with services provided by Gibraltar General Support Services Ltd. Before, it used to be under the Environment... seems to be the case. Can he explain why it is now under his Department, under Economic Development?

1335 **Hon. J J Bossano:** Mr Chairman, it has not come now under me. It came under me a year ago and he voted in favour. If he looks back, it was under the Environment in 2013-14, okay? These two entities are the entities that were originally created for people to be there on the basis that eventually they would be redeployed to permanent jobs within the public service and I am making sure that any changes are only in one direction, which is down and not up.

1340

Mr Chairman: Head 25 Statistics Office, stands part of the Bill.

Clerk: Head 26, Business, Employment and Social Security, subhead 1, Payroll; subhead 2, Other Charges.

1345

Hon. J J Netto: Mr Chairman, if I can draw the attention of the Hon. Minister for Employment, we are talking about payroll here – (*Interjection*) Talking about employment and more specifically on the question of the Health and Safety Officers. If we look at page 92 on the establishment figures, we have Health and Safety Officer three, which is one, and Health and Safety Officer four, which is two.

1350

Can I first of all ask whether... because of course this is representative of the established figures, regardless of the fact whether someone is in post or not in post – and so therefore then my first question is whether everyone is in post? In other words, whether we have, perhaps, two Health and Safety Officers four, while one could be acting on the higher post of three or is it that we have perhaps, two, three and one four? Can I have an explanation of that?

1355

Minister for Business & Employment (Hon. N F Costa): Yes, Mr Chairman, to answer the question of the Hon. Mr Netto, the officials from Treasury have confirmed my recollection, which is that there is the Principal Health and Safety Officer, which as you know, of course, from the Budget debate, that's vacant, and of the two positions on the Health and Safety Officer four, one of them is vacant.

1360

Hon. J J Netto: Okay. So at the moment what we have basically are two factory inspectors, but how do we reconcile that with the Hon. Minister's statement yesterday – was it yesterday or was it today? I cannot even remember... no, it was yesterday. That is right – when he actually said there were five factory inspectors employed. Have I misunderstood the hon. Gentleman?

1365

Hon. N F Costa: Mr Speaker, I said that there were four operational officers and one administrative officer. But in any case, as I explained to him, the vacancy for the Health and Safety Principal Officer is vacant and the Health and Safety Officers underneath will now apply for that post and one of them may or may not be successful. Depending on that, we may have to then go down the chain, which is why the position is currently as it is.

1370

The position of the Principal Health and Safety Officer is a position that is filled by the PSC and so it is in their hands to fill that post.

1375 **Hon. J J Netto:** Mr Chairman, I can understand the logic that the higher post will have to go out. People will apply and if someone is successful they will get into that particular post and if nobody is successful by the board, then you will go outside. All that I do understand, but what I want to reconcile in my mind, is at the moment, according to the figures presented here, we have got two, whilst the hon. Gentleman is saying there are four. I am removing from the equation the administrative officer, I am talking here about Health and Safety. You can call it factory inspectors. We can call it, if you like, Health and Safety Advisers. Sometimes we have been talking different words, but at the moment under the establishment figures there are only two; whereas the hon. Gentleman is saying four.

1380

Is it – and I am making here an assumption and this is why I want to clarify the matter – is it because the original Health and Safety Advisers that used to belong to what is now the Housing Agency, before that Buildings and Works, probably three years ago were seconded to, under the factories unit, and maybe those two figures under a different head. But at the moment I am trying to reconcile having two figures here, with his statement there are four, but I need to try and square the circle.

1385

Hon. N F Costa: Mr Chairman, just to add to what I have already said, two of the Health and Safety Inspectors are GDC.

1390

Hon. J J Netto: That would have explained the fact of what I have always said from the beginning: we do not have four factory inspectors. We have two factory inspectors, of which, in addition to that we have two members seconded from the Housing Agency to form part of this group, which must be somewhere in this book.

1395

Hon. J J Bossano: Mr Chairman, it has nothing to do with the Housing or the secondment. It is just that there are people who are qualified and doing the work of factory inspectors, but are GDC equivalent grades, but not... (*Interjection*) The fact that it is not shown there is because the GDC grades are shown collectively.

1400

Hon. J J Netto: Where is it? Show me.

Hon. J J Bossano: Under GDC. If the hon. Member has not yet worked out that there is at the back of the book a GDC, he is not going to have much time left before he departs from the House to work it out. They were the ones who put it there in the first place when they decided that in order to make everything more transparent, the GDC complement would then be broken down showing where everybody was.

1405

So it is in the green pages and on top of that, if he looks at the outturn from the preceding year, when they were mine, he will find that there is a block number for the GDC in Head 24, which shows 45. This year it is 17. In the 45 were the people who were Health and Safety Inspectors, who are no longer with me. Part of the reason why we have gone down from 45 to 17 is that not just in the Civil Service, but in the non-Civil Service grades, there has also been a separation of function, personnel and cash.

1410

Hon. N F Costa: Mr Chairman, to add to what the Hon. Minister Bossano has very eloquently explained, if the Hon. Mr Netto cares to hear the answer and not just ask questions which he thinks is going to embarrass us, but is simply going to confirm our position (*Interjection*) he will have read, if he had bothered to read the book when he got it, that on page 93, Head 26(4) in the Gibraltar Development Corporation Staff part, there are 26 GDC. If he adds all of it up, he has his answer. (*Banging on desks*)

1415

Mr Chairman: Head 26, Business –

1420

Hon. D J Bossino: Mr Chairman, can I take the Minister to (2) (12) on page 96? There is a Head there, under Industrial Tribunal Reform, £40,000. Can he tell me what that is? Is that exclusively legal fees or maybe not at all actually?

1425

Hon. N F Costa: Mr Chairman, as the hon. Gentleman knows, the Industrial Tribunal Reform is currently taking place and I have taken them in the past in respect of the legislative reforms that we are conducting and on which he knows that the £40,000 relates to the amounts that may be payable to chairpersons, whilst discharging the function of chairpersons. It is £40,000. It could be less in this financial year or it could be more.

1430

Hon. D J Bossino: And if I can take him back, just one further point, it is 8(f) – can you hear me? – under the Office of Fair Trading. It is one page back and it deals with office, rent, parking space and service charges of £76,000. Can he tell me where the Office is likely to be situated, because clearly there is an expenditure in relation to these items? So it is not a Government Department or Government premises, it is... well, basically the question is where is it going to be situated?

1435

Hon. N F Costa: Mr Speaker, I will be delighted to give the hon. Gentleman personally a tour of the new Europort premises which have been rented for the Office of Fair Trading. I will even allow him to use one of the parking spaces. (*Laughter and interjections*)

1440

Mr Chairman: Head 26, Business, Employment and Social Security, stands part of the Bill.

Clerk: Head 27, Postal Services, subhead 1, Payroll; subhead 2, Other Charges.

1445

Mr Chairman: Postal Services stands part of the Bill.

Clerk: Head 28, Education, subhead 1, Payroll; subhead 2, Other Charges.

1450 **Hon. E J Reyes:** If I may, Mr Chairman, on subhead 2(h), under the heading of Transport of School Children, from an estimate of £16,000, we have a forecast outturn of £45,000, which is a substantial increase. That seems to be an increase in something that somehow or another the Minister for Education is going to establish as a more permanent feature because we are even predicting for this year we just commenced at £55,000. Does the hon. Member have an indication why we have quadrupled from one year to another in respect of what?

1455

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Yes, Mr Chairman. This is over expenditure, which relates to the hire of additional vehicles to cater for the increase in demand as a result of special educational needs children and we expect that demand to continue into next year.

1460

Hon. E J Reyes: I am grateful for that, Mr Chairman.

Further down the page on the subsection (12) Contract Officers, the forecast outturn for last year was £47,000 and that expenditure is not only continuing, but has even been increased by an extra £18,000. Is it in respect of one officer, more officers, and what sort of contract officer is it that we have engaged?

1465

Hon. G H Licudi: Mr Speaker, this is to cover the cost of employers' pension contributions, as well as £8,000 provision in relation to a school counselling service for eight hours per week.

1470 **Hon. E J Reyes:** Sorry, Mr Chairman, but I am not quite clear in that. Something to do with the pension contribution does not really tally in accounting purposes as contracted officers. I think I may have suggested something about £8,000 a week or whatever for someone? Can he repeat it and clarify it for me?

1475 **Hon. G H Licudi:** Mr Chairman, I am informed that it relates to what I have said and also that there was one individual who was incorrectly charged to salaries previously, but it was a contract officer and therefore it should have been charged as contract officer and not to personal emoluments under charges, under salaries.

1480 **Hon. E J Reyes:** I can understand that it has been charged now correctly under contract officer and it is continuing because it even receives an increase of an extra £18,000, which – (*Interjection*) Sorry?

Hon. G H Licudi: That is why there is the increase.

1485 **Hon. J J Bossano:** The change is this year. Last year it was the outturn of £47,000 as opposed to £46,000, which is almost holding in line, but last year there was £47,000 here and an amount in personal emoluments. The increase this year is compensated, in part, by a reduction in personal emoluments.

Hon. E J Reyes: I got that, Mr Chairman.

Which contract officer is it? Is it an educator delivering a service inside the classroom or is it an administrative post? Do we have an indication of what the duties are in respect of the contract officer?

1490

Hon. G H Licudi: Mr Chairman, it is the Educational Psychologist that was previously included, as I understand as payroll, but it is in fact a contract officer.

Hon. E J Reyes: That is fine. I am grateful for that, Mr Chairman.

1495 Two little subheads further down on relief cover of £22,000, I know on the previous page that we do cater already for temporary cover for absences and maternity leaves and so on, which I take it to be in respect of the school teachers. So this must be relief cover, am I correct in assuming, for someone other than a school teacher? If that is the case, what grade or what relief cover is it that has been offered?

1500 **Hon. G H Licudi:** Sorry, which particular subhead?

Hon. J J Bossano: Subhead 40, Relief Cover.

There is a standard provision in every Head now for relief cover that covers maternity, sickness and absences in respect of any other grade that is not already covered. So, in this case, if the teachers have got their own cover in the complement, this would be any non-teaching staff.

1505

Hon. E J Reyes: No. I follow that. Minister Bossano is completely correct in the way he has explained it, which is why last year in the estimate we put down the token figure of £1,000 and it just so ended up

1510 being £22,000. But this year instead of putting once again, as we have done in other cases, a token figure of £1,000, we are already predicting exactly the same £22,000 –

1515 **Hon. J J Bossano:** That normally happens - For example, if we find that there is a token and there are people on long-term sickness or a long-term period of maternity leave, which is known beforehand to overlap the end of the financial year and the beginning, there is not much point in putting a token of a £1,000 in April if you know you are going to be spending more than £1,000 in the first month. So where there is a higher sum, it is because there is an ongoing cover, at the end of March normally.

1520 **Hon. E J Reyes:** I am just checking upon myself. Am I correct in saying that Minister Bossano was able to confirm that this was relief cover, other than for classroom teachers, which are covered under another heading?

Hon. J J Bossano: Yes, that will be the case, yes.

1525 **Mr Chairman:** Head 28, Education, stands part of the Bill.

Clerk: Head 29, Policing, subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 29, Policing, stands part of the Bill.

1530 **Clerk:** Head 30, Prison, subhead 1, Payroll; subhead 2, Other Charges.

1535 **Hon. S M Figueras:** Yes, Mr Chairman, on payroll, I note the estimate for 2015-16 is up by approximately a £120,000-odd and I just wanted to clarify... sorry, Head 30, Prison, (1) Payroll. The main figure, the main estimate and it is at page 113. The estimate is at £1,706,000 over the £1,590,000 forecast turnout. My query was only whether that, as I suspect, incorporates the estimate for the weekend premium that the Hon. Minister announced during his intervention?

1540 **Hon. G H Licudi:** Yes, Mr Chairman. This is an actual estimate, taking into account the complement and what it is expected that they will be paid.

There is, as the hon. Member will see, also an additional amount in respect of overtime and that was because of the announcement that was made as part of the overall agreement that was made with prison grades which now includes payment of overtime instead of time off in lieu, which has been historically the case, and as part of the overall package which has been agreed, that has resulted in that amount being the estimate for this year.

1545 **Mr Chairman:** Head 30, Prison, stands part of the Bill.

Clerk: Head 31, Gibraltar Law Courts, subhead 1, Payroll; subhead 2, Other Charges.

1550 **Mr Chairman:** Head 31, Gibraltar Law Courts, stands part of the Bill.

Clerk: Head 32, Attorney General's Chambers, subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 32, Attorney General's Chambers, stands part of the Bill.

1555 **Clerk:** Head 33, Justice, subhead 1, Payroll; subhead 2, Other Charges.

1560 **Hon. S M Figueras:** Yes, Mr Chairman, in relation to Head 33, Payroll, I note that there is a new section Probation – a total of a £161,000 – and obviously if you look in terms of the establishment figures as well, it is evident that it has moved into there. I was just going to ask whether the Minister could explain why it is that this is happening in this way?

Hon. G H Licudi: Previously it used to appear under Social Services, as I recall, and this year it now appears under the Ministry for Justice and so it is just a move from one Head to another.

1565 **Hon. S M Figueras:** I am grateful for that. It is just that I did look at the establishment figures for Social Services as well and there does not seem to be a corresponding drop in the figures in Social Services this year. That is the only reason I asked actually, because I did check it and it did not crop up. (*Laughter*)

1570 **Hon. G H Licudi:** I can certainly confirm to the hon. Member that the Probation Service *did* exist before this year and therefore this is not something new. It was somewhere else or it must have been somewhere else and now appears here.

1575 **Hon. S M Figueras:** Mr Speaker, just for the information of the relevant people, then they might want to look at the figures in Social Services just to see whether they haven't, you know, let a few people in.

Mr Chairman: Head 33, Justice, stands part of the Bill.

1580 **Clerk:** Head 34, Fire and Rescue Service, subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 34, Fire and Rescue Service, stands part of the Bill.

Clerk: Head 35, Civil Contingency, subhead 1, Payroll; subhead 2, Other Charges.

1585 **Mr Chairman:** Head 35, Civil Contingency, stands part of the Bill.

Clerk: Head 36, Sport and Leisure, subhead 1, Payroll; subhead 2, Other Charges.

1590 **Hon. E J Reyes:** Mr Chairman, in subhead 1 I note the introduction of a salary of £32,000, which on the previous page on the establishment shows the creation of a new position: Sports Performance Director. The Hon. Minister made no reference to this particular post. He did mention some review in the Sports and Leisure Authority. Can he confirm that this post has already been filled or is going to be filled and perhaps a very brief insight into what duties come under this nomenclature?

1595 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Speaker, the Sports Performance Director will be working under the Ministry and not under the GSLA and therefore the £32,000 is because we do not envisage the Sports Performance Director to come into play, or come into work until September, October or November. So therefore it is probably half of what is the salaries as it is not a complete year, because by the time that the Sports Performance Officer is in place, there will be, we reckon, about... it is a calculation of £32,000.

1600 But, yes, the person, whoever that person may be, has to go through the process of the PSC and all because it would be under the Ministry and not under the Sports and Leisure Authority. (*Interjection*) Pardon? Yes, like we did with the archaeologist in relation to Heritage. It is similar.

1605 **Hon. E J Reyes:** Am I correct – a simple 'yes' will confirm it – is it premature to ask the Minister for some information in respect of the duties or would you rather that be the subject of a question because it is still under negotiation?

1610 **Hon. S E Linares:** It is not quite under any negotiation, but mainly the person will deal with things with elite athletes, co-ordinating all the sports associations in order to help them and in conjunction with the Development Unit. So that person is specifically under the Ministry.

Mr Chairman: Head 36, Sport and Leisure, stands part of the Bill.

1615 **Clerk:** Head 37, Culture and Heritage, subhead 1, Payroll; subhead 2, Other Charges.

1620 **Hon. E J Reyes:** Yes, Mr Speaker, in the subhead 2(9), Purchase of Cultural Items, there have been no provision in the estimate and they had to undergo an expenditure of £122,000; therefore for this year, such as the Hon. Joe Bossano reminded all of us, you just leave a token figure of a £1,000 in case it happens again. But given a substantial expenditure in something that had not been predicted or asked for in the previous year's estimate, can the Minister enlighten us on the £122,000 expenditure?

1625 **Hon. S E Linares:** Mr Speaker, most of that was the buying of the Leni Mifsud collection, which is now in the Mario Finlayson National Art Gallery. We had an offer to buy all her collection and all her works, but it is not the full amount and other bits and pieces that have been bought. I think there was a Gustavo Bacarisas that was bought at one point as well and so all these amount to the £122,000.

1630 **Hon. E J Reyes:** May I say, Mr Chairman, with your leave. I am really glad to see that we have continued that practice. I was also responsible for acquiring some Gustavo Bacarisas; in fact we even had to go all the way to Seville to purchase it. But it does make Gibraltar all the richer and I am sure even the hon.

the Father of the House will agree that it is money well spent because it is invested there and it is like a sort of a piggy bank. There will always be enough collectors somewhere in the world that one day might make a bid and give us a substantial profit and so I am glad to see that the Minister and I have managed to convince the Leader of the House to invest in art works.

1635

Hon. S E Linares: Mr Speaker, just to say that at least we have got the Head now, because we never had that Head. It used to come from another pot, sort of thing. (**A Member:** Hear, hear.) Now it is 'Purchase of Cultural Items' and it has got a token of £1,000 and so we got there, yes.

1640

Mr Chairman: Head 37, Culture and Heritage, stands part of the Bill.

Clerk: Head 38, Youth, subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 38 Youth, stands part of the Bill.

1645

Clerk: Head 39, Financial Services, subhead 1, Payroll; subhead 2, Other Charges.

1650

Hon. D J Bossino: Yes, Mr Speaker, can the Minister – sorry, Mr *Chairman* – explain the increase by four in the Senior Finance Centre Executive Head, under the establishment? Also if I can just deal with both points... I have just got two points.

What the subvention to the FSC is about. I think the forecast outturn figures there of £4.78 million and then it goes down to £560,000, can he give me an explanation as to why the subvention arises? On the face of it this year it is the first time that there is a...

1655

Minister for Financial Services and Gaming (Hon. A J Isola): Yes, Mr Chairman, the first point: these are the senior executives that we promised to deliver in our manifesto and subsequently delivered. They are contract officers and they are being transferred into the main complement. So they are from contract coming in. It is the same people. There are not four new – (*Interjection*) There were four (**A Member:** Yes.) and now there are three... plus Jimmy, is four, and so I assume that is where the four come from, but they are not four new people, no. We are not taking on another four. It is the same four contract officers that we are looking at coming through.

1660

With respect to the subvention to the Financial Services Commission, this stems from the announcement that we made some months back in respect of the new strategy for the Financial Services Commission and our agreement to fund the shortfall in costs for the Financial Services Commission over a period of time, which we are doing in partnership with the industry, because the industry in their licence fees have had those fees increased so that within a period of time we step out and they continue.

1665

As you will know, I am sure, the Finance Centre Council, the Financial Services Commission and ourselves are working together on a totally new methodology for the charging of licence fees during the course of this year, which will come into effect next April when those fees are levied and which will review totally the manner in which those fees are currently addressed. I cannot predict what that outcome will be, but in terms of the numbers, we expect to make this contribution over the next 12 months to the Commission as a shortfall.

1670

Hon. S M Figueras: Mr Chairman, what are the terms of the subvention and is it anticipated that any further subventions will be required?

1675

Hon. A J Isola: There is a three-year budget, which we have agreed with them and we are committing to the extent of that budget. I do not expect any overruns and so I do not expect to pay more than we are voting for.

1680

Hon. S M Figueras: Mr Chairman, he says there is a three-year budget, I confess that I do not understand what he means in that respect, in terms of the subvention this year being just over a £1 million. Does that mean, in effect, that there will be a need to continue to pay subvention next year and the year after that, beyond what is being paid this year?

1685

Hon. A J Isola: It is a three-year budget, in the sense that the funding requirements they had to employ the strengthening of the resources and the expertise that they have has been costed over a three-year plan. I say three years because we are committed to funding them for three years. This last year we have had is the first, and so this year and next year, after which we do not expect to be funding them any further and they will be standing on their own two feet. Does that answer the question? (*Laughter*)

1690

Hon. S M Figueras: Partly, Mr Chairman.

Is it anticipated then that at the conclusion of three years they will be standing on their own two feet and there will be a return of funds to Government from the FSC? Is that it?

1695

Hon. A J Isola: It is not coming back to Government and that is why it is a subvention. It is a three-year investment plan that the Government has agreed with the Financial Services Commission, and at the end of which we fully expect them to, from the licence fees, be able to meet their own needs.

1700

Hon. S M Figueras: And finally, Mr Chairman, is the extent of the commitment to investment of the Government three times what has been paid in this financial year?

Hon. A J Isola: No, they are different each year, Mr Chairman.

1705

Hon. D J Bossino: Different in what way? Are they going down? Is the third year figure going to be less than the £560,000? Is that the expectation?

1710

Hon. A J Isola: Well obviously as the licence fees increase, the Government contribution reduces. So what we have had is in the part of the first year a lower amount, in the year we have just passed a higher amount and then next year a lower amount again and then zero.

Mr Chairman: Head 39, Financial Services, stands part of the Bill.

Clerk: Head 40, Gambling Division, subhead 1, Payroll; subhead 2, Other Charges.

1715

Hon. D J Bossino: Again, Mr Chairman, I will group the three points and it is basically seeking an explanation for each of the increases in these areas: (2)(e) Office Rent and Service Charges – that goes from £33,000 to £57,000; the other one is Conferences, Training and Office Travel, and from the estimated figure you see the increase to the forecast outturn from £21,000 to £37,000; and then finally, where we see a considerable increase in the contribution to the GDC, from the estimated figure to the forecast outturn and then going forward for the estimated figure for 2015-16, it also goes up. An explanation for those three increases, please.

1720

Hon. A J Isola: Mr Chairman, in respect of the first one, Office Rent, you will recall that the Gambling Department was within the floor of offices which I share with the Minister for Education and Justice. They were relocated some months back to the ground floor – the former offices of the Gibraltar Regulatory Authority – and then I have a small unit on the ground floor of Europort. Those are the new arrangements, so it is a slightly increased cost from the sharing costs of being with us and being on their own stead.

1725

With respect to Conferences Training and Official Travel, there has been a significant increase in travel this past year with relation to the point of consumption tax and I would expect some of those costs are put into that. We have attended two conferences this year. So that is what was envisaged and the increase has not been there, it has been more on the travel and attending those events in London.

1730

With respect to the final point, there is a contribution of one extra person from the GDC.

1735

Mr Chairman: Head 40, Gambling Division, stands part of the Bill.

Clerk: Head 41, Maritime Services, subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 41, Maritime Services – (*Interjection*) I am sorry. The Hon. –

1740

Hon. E J Reyes: I just wanted to ask something like... on subhead 2(a) Computer Running Expenses, there seems to have been quite a substantial expenditure there which probably Government is considering to have just been necessary last year, because from the estimate of £10,000, which still remains at £10,000, we actually have a forecast outturn of £58,000, but it is down as running expenses, rather than as purchase of new equipment or whatever. Can the Minister enlighten us on how the computer running charges have been so high?

1745

Hon. A J Isola: Yes, Mr Chairman.

The increase in cost was wrongly charged to recurrent; it was a capital cost in terms of new IT equipment and so it will not be there next year, hence the drop back to £10,000 for the forthcoming year. It was a capital cost.

1750

Mr Chairman: Head 41, Maritime Services, stands part of the Bill.

1755 **Clerk:** Head 42, Gibraltar Audit Office, subhead 1, Payroll; subhead 2, Other Charges.

Mr Chairman: Head 42, Gibraltar Audit Office, stands part of the Bill.

Clerk: Head 43, Gibraltar Regulatory Authority, subhead 1, Payroll; subhead 2, Other Charges.

1760 **Mr Chairman:** Head 43, Gibraltar Regulatory Authority, stands part of the Bill.

Clerk: We now move to clause 3 of the Bill, Head 45, Contribution to Government-owned Companies, subhead 1, Contribution to Government-owned Companies.

1765 **Mr Chairman:** Head 45, Contribution to Government-owned Companies, Contribution to Government-owned Companies, stands part of the Bill.

1770 **Clerk:** Head 46, Transfer from Government Surplus; Head 1, payment to Social Assistance Fund, Input Duty, Transfer from Government Surplus.

Mr Chairman: Head 46, Transfer from Government Surplus, stand part of the Bill.

1775 **Clerk:** Head 47, Contribution to the Improvement and Development Fund, subhead 1, Contribution to the Improvement and Development Fund.

Mr Chairman: Head 47, Contribution to the Improvement and Development Fund, stands part of the Bill.

1780 **Hon J J Netto:** Mr Chairman, am I perhaps jumping the gun? (*Interjection*) I think I might be because we will be coming now into –

Clerk: Yes. We now move to clause 4, Head 48, Exceptional Expenditure; Head 1, Giraldi Home Inquiry.

1785 **Mr Chairman:** Head 48, Exceptional Expenditure, stands part of the Bill.

Clerk: We now move to clause 5, Improvement and Development Fund, Head 101, Works and Equipment, subhead 1 Works and Equipment.

1790 **Hon J J Netto:** Mr Chairman, if I may on subhead 1(h) Contribution to the Gibraltar Electricity Authority, I see an estimate there of £380,000. Could I perhaps ask the Minister... I mean it must be for the purchase of perhaps some equipment for the Power Station or something related to that, and perhaps could the hon. Gentleman provide some information?

1795 **Hon. Dr J E Cortes:** That is works and equipment, particularly works that are programmed and that is the estimate that we have included there. It includes, for example, refurbishment to buildings, vehicles, computer hardware, plant and machinery. That is the test equipment. It is a selection of equipment and works.

1800 **Hon J J Netto:** So we are basically talking about plant equipment, vehicles and that kind of thing. We are not talking about any sort of consultant's report or anything of that kind are we?

1805 **Hon. Dr J E Cortes:** Not in the document I have here, no. New building refurbishment, tools, vehicles – (*Interjection*) yes – public lighting, distribution network, Eastside distribution building, contribution to that.

Hon J J Netto: If I can move on, Mr Speaker, I am not quite sure whether my hon. colleagues have got some questions, but I certainly have another one and if I can point it out to the hon. Gentleman?

1810 I am talking about subhead 1 item (y) Government Vehicles and Plant, there is a provision there of £150,000. My point is not so much about the amount of money for the ongoing provision of vehicles in the Government fleet of vehicles, my point is more related... the more I have seen from the figures provided by the hon. Gentleman – in fact I think it was the Hon. Mr Balban, who is the Minister for Transport – that in

1815 relation to the vehicles purchased by the Government in the last few years, the last three and a half years, in relation to the amount of European classification on polluting cars, once we remove the G1 and the Tesla, the hybrid cars, the rest of the other vehicles purchased are classified under the European label either very excessive, excessively polluting, very polluting, polluting.

1820 I know that one of the answers that is a reasonable answer for the Government to say is because some vehicle purchases are for plants working in a particular construction side and by the very nature those particular cars are very polluting. Can I ask the Minister that the environmental filter is focused far greater in the need to ensure that as reasonably as possible when the purchase of cars are made, that they are made in a manner which is less contaminating, because from the figures provided for the last few years they have not been, once you exclude the ones I have said. It seems to me that something that needs to be addressed and if it can be addressed as reasonably possible, then it should be done.

1825 **Hon. Dr J E Cortes:** Certainly, Mr Chairman. It is not my Head, but the Minister Balban is not here, but this is part of the strategy that we will be taking forward.

1830 **Mr Chairman:** Head 101, Works and Equipment, stands part of the Bill.

Clerk: Head 102, Projects, subhead (1) Roads and Parking Projects; subhead (2) Relocation Costs; subhead (3) Reclamation Projects; subhead (4) Other Projects; and subhead (5) Equity Funding.

1835 **Hon. D A Feetham:** Mr Chairman, yes, in relation to equity funding of Government-owned companies, this is where, in the past, there has been contributions to Gibraltar Investment Holdings, as I understand it, by way of equity funding that has then trickled down to all the other Government-owned companies. There is a £40 million actual 2013-14, with an estimate of a £1 million... for £1,000, I beg your pardon, in 2014-15, and the forecast outturn for that year, the past year, is zero. As I recall in previous years, I think it is probably... I may be wrong in relation to this, but I have got a recollection that 2012-13 is about 1840 £70 million and so there has always been substantial contribution. There is a zero forecast outturn 2015, the past year that has gone, and can he explain why?

1845 **Hon. J J Bossano:** Well, Mr Chairman, the initial contribution was partly because of the fact that the companies, for a number of years, had had loss-making situations, which were covered by advances. When the equity was increased, in effect it meant that the capital came into the company and the company repaid the advance.

1850 The provision of £1,000 is to determine whether in the course of the year we want to meet the capital requirements of a company because we think it needs to be done by increasing its capital or we find that the company's requirements, in terms of cash, can be met sufficiently by the £25 million we have now put at the beginning of the year. If the hon. Member looks back he finds that we had the practice initially of putting a token, as we do for Community Care, and then at the end saying the surplus is given. This time, what we have done is we have actually put the provision of the £25 million right at the beginning. If we find, that as a result of expenditure that the company has incurred, it looks as if that is not going to be enough, we then decide whether to up the money that is given from the consolidated fund or we do it by 1855 increasing the capital through the equity.

Hon. D A Feetham: This is the contribution... effectively, this is equity funding. (**Hon. J J Bossano:** Yes.) that is then used in order to fund Government Projects. Correct?

1860 **Hon. J J Bossano:** It is used to repair the balance sheet, basically, which is what we did initially, because in fact for a number of years the balance sheets of the companies were getting to the stage where the shares that the Government held in GIH were at a level that the accumulated losses would have brought us into an area where the nominal value of the shares no longer had any relation to the reserves of the company because the losses were being covered by advances of cash and not by transfers of cash. In effect, 1865 when the big money was transferred after the 2011 election, it was in fact restoring the position of those companies. The last time we moved money into increasing the equity was in 2013-14. Last year we put in a token amount, but we decided there was no need to make use of it and this year we will put a token amount and we will see how the year goes.

1870 **Hon. S M Figueras:** Mr Chairman, yes.

On subheading 1(a)(i), on tunnels and roads to North Front, I note that the actual for 2013-14 was just shy of £7 million and that the forecast outturn for this year is just over £3 million. The £1 million estimate for last year almost looks like it was a token amount given the actual outturn. Is the estimate for next year and therefore, by implication, the amount of work remaining on that project as that figure would suggest?

1875 Or how far along are we in relation to that project? That is what I am getting at essentially, the tunnels and roads to North Front, subheading 1(a)(i).

1880 **Hon. Chief Minister:** Mr Speaker I had the discussion on this subject with the former Leader of the Opposition about discussing these issues behind the Speaker's chair. All I would say at this stage – remember we are in litigation in relation to this matter – is that it is the Government's intention to complete this project as soon as possible, but the litigation has delayed the attempt to complete the project ourselves because of issues arising in respect of liability and the walls that we have inspected – the walls that are under the runway now – having more damage than was anticipated. But the work on the 'dewatering', which is a term I use because it is what I am told, but I have very little technical understanding of what it means... dewatering is about to start and that in any event as I think I said in my main speech, the works to the south of the runway, in other words the road that goes down towards the tunnel and the road that will come through what used to be Devil's Tower Camp and now the Aerial Farm, Beach View Terraces site, and leading to a roundabout there, all of that is expected to be completed by the end of August, because what we have not wanted is to hand over that estate – and we should be ready by the end of August to 1890 September – and then have to go back in with heavy machinery to do works once people are living there and we assume that principally those are going to be families with young children etc and we want to do as little disrupting of that area, which will be pristine, when it is handed over, as possible. I hope that helps the hon. Gentleman to understand. I am quite happy to have a further discussion with him later if he wishes.

1895 **Hon. J J Netto:** Mr Chairman, if I may?

In subhead (4)(n) Camp Bay, construction of groyne, there is a token figure there of £1,000. I wonder whether he can give some sort of explanation as to the need of this particular project and whether we are dealing basically here with the same problem we had in Both Worlds in terms of erosion of soil on this kind of thing, or is it a completely different kind of project whatsoever?

1900

Hon. Dr J E Cortes: This is really the Minister for Technical Services and so I will try and assist in his absence.

1905 There was a study being carried out – and I am not sure as it is not one of my areas of responsibility – as to see whether a groyne was (a) possible because of the depth of water there and (b) whether it would have an effect of increasing the size of the beach. I am not sure of the outcome, but I think that pending the outcome, a token was provided because it was not possible yet to give any details. That is my recollection in my discussions with him.

Hon. J J Netto: I am grateful, Mr Chairman, for that.

1910 Moving on to just a few lines down below from there, Item S Parliament House, again there is a token figure there of £1,000. What I would like to know is what is envisaged, perhaps, that would be done in this new financial year and particularly whether the lift will be done during the course of this financial year?

1915 **Hon. Chief Minister:** Mr Speaker, all that is planned at the moment is the lift, if we finish that process. I know that he was being pooh-pooed the fact that there needs to be more consultation. I certainly think we should just have the lift, but the Heritage Trust is very keen that we should try and hide the lift and there are issues there, but anyway...

1920 And, of course, the monument to Sir Peter Caruana, the monument to Jaime Netto and the monument to Joe Bossano (*Laughter*) which will use a lot of copper and will be very expensive, but other than that... seriously, it is the lift, Mr Speaker.

1925 **Hon. J J Netto:** Mr Chairman, I thoroughly agree with the Hon. Chief Minister there. I mean I can understand people from the heritage position saying putting a lift here will detract from the beauty of the building, the façade, but I really think that there are ways and means and different types of lift, which can be actually adding value and beauty to the building itself, if it is done correctly and nicely, and really we ought to do that and move forward. So if that is done, it will be great.

Hon. Chief Minister: Mr Speaker, I thank him for his support. He and I are entirely on the same page.

1930 I think the other thing that has happened is that the Heritage Trust has asked me for another engagement on the subject and therefore, you know, if we had said no, he would be attacking me for not consulting them. I think it is important that we do have that consultation, but more important is that people with disabilities should have access to this building. This is the most important building, in terms of democracy in this country and they need to have access.

1935 I agree it can be done in a very tasteful way. I think that the existing plans are very tasteful. They take the lift off the building. It is a glass structure and they come in through the window at the end there and I

1940 think it is perfectly acceptable. Then, when you propose that, the argument is that it gets rid of the symmetry. Well, there are two ways of dealing with that: either just putting up with it because it is important or we add two lifts, one on one side and one on the other, which, or at least a glass atrium so that you have symmetry back. Look, this has to be resolved because the important thing is that people who are disabled should not be shut out of this building.

Hon. J J Netto: Well, I certainly support and agree wholeheartedly with that statement, Mr Speaker.

1945 **Mr Chairman:** Head 102, Projects, stands part of the Bill.

Hon. J J Netto: Mr Chairman, there was another item... yes, just one more item, which on subhead (4)(z)(h) Commonwealth Park, page 156 – (*Interjection*) yes, there is an entry there of £200,000. What I am trying to get at, because when we were discussing recurrent expenditure under Head 14, Commonwealth Park, the Hon. Minister in his reply stated that part of the over expenditure from £100,000 to £250,000 was the need to terminate the project... had to buy a lot of equipment, machinery, mowers and things of that kind, but I would have thought that then the expenditure would have finished, but it seems to be like every year putting more and more expenditure. Can the Minister perhaps provide an explanation for this?

1955 **Hon. Dr J E Cortes:** Yes, I can. That is provision for the payment of some of the last few bills from the construction, which had not passed into the previous year. So it is nothing new. It is just to take care of the tail end of the creation of the park.

Hon. J J Netto: So that will be the last payment.

1960 **Mr Chairman:** Head 102, Projects, stands part of the Bill.

Clerk: We now move to clause 6, which is situated at page 145 of the Book, and that is Head 44, Supplementary Provision, subhead 1 Supplementary Funding.

1965 **Clerk:** Page 145.

Mr Chairman: Clause 6, Head 44, Supplementary Provision, subhead 1 Supplementary Funding [*Inaudible*] Any questions? Stands part of the Bill.

1970 **Clerk:** We now move to Clauses 7 and 8, starting at page 162, Gibraltar Development Corporation.

Mr Chairman: Clause 7, Gibraltar Development Corporation, stands part of the Bill.

1975 **Clerk:** Then we have got Borders and Coastguard Agency, which is at page 171.

Mr Chairman: Does anybody have any questions? No? Then clauses 7 and 8 stand part of the Bill.

Clerk: We move to the Gibraltar Health Authority, which is situated at page 173 [*inaudible*]

1980 **Mr Chairman:** Go back to page 171 and there we have Borders and Coastguard Agency. Any questions? Stands part of the Bill.

Mr Chairman: Gibraltar Health Authority. Do you have a question? Stand part of the Bill.

1985 **Clerk:** Gibraltar Electricity Authority.

Mr Chairman: Gibraltar Electricity Authority, page 179, stands part of the Bill.

Clerk: Gibraltar Health Authority, Elderly Residential Services Section, page 183.

1990 **Mr Chairman:** Stands part of the Bill.

Clerk: Care Agency, page 187.

Mr Chairman: Care Agency, page 187, stands part of the Bill.

1995

Clerk: Housing Works Agency, page 193.

Mr Chairman: Housing Works, Housing Works Agency, stands part of the Bill.

Clerk: Gibraltar Port Authority, at page 196.

2000

Mr Chairman: The Hon. Mr Bossino.

Hon. D J Bossino: Yes, I am grateful Mr Chairman.

2005 I mentioned this during the course of my budget intervention and it relates to... it is at page 198, and really what I am seeking is an explanation for the increase in 24, which is Advertising, Marketing and Travel. The estimated figure for assistance was £80,000 and then the actual forecast outturn is close to £300,000 and so it is quite a significant increase.

2010 **Hon. Chief Minister:** Mr Speaker (*Interjection*) but in any event, I think this relates to an increase. We changed the Captain of the Port. Different people do things in different ways, and I assume that this is the increased activity that we have seen from this Captain in the marketing of the Port in the short time that he has been there. I think that is very likely the reasoning.

2015 **Hon. D J Bossino:** I am happy to... perhaps the former Minister for the Port can give the full explanation once he is back. I know he is in the antechamber. I can hear him from here. (*Laughter*)

Hon. Chief Minister: You can hear the energy and the enthusiasm (*Interjections*) and the intelligence coming through.

2020 **Mr Chairman:** Gibraltar Sport –

Clerk: Gibraltar Sport and Leisure Authority at page 199.

Mr Chairman: The Hon. Edwin Reyes.

2025

2030 **Hon. E J Reyes:** Yes, Mr Chairman, I am just seeking a little bit of clarification on page 200, under subparagraph 23, this introduction of Sports Grant, as a general heading, of £½ million, and what used to come before under subparagraph 24, we had £490,000, almost the same amount, but broken down. There was already a subdivision before. I am not quabbling because the figures seem to be the same, but can the Minister confirm that what he has done is amalgamated all the funds there, so as to give the Committee of GSAC more freedom to move between those sub-heads with all the pros and cons that there might be? He might want to enlighten me in the philosophy behind that movement.

2035 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes, Mr Chairman, in fact, as he rightly says, last year – and I have got the book here with the estimates of last year – it was broken down into four different ones. But, as he rightly says, GSAC at one point was probably... because we had last year £150,000, £150,000, £150,000 broken down and therefore the Committee said, ‘Well, sometimes we only spend a £100,000 in one section and only £50,000 in the other’. They were having problems with passing on through the system the monies from one to the other. So we arranged in GSAC, and I said, ‘Well, if you have a lump sum, we can still have those within, divided into four, say’, but we have more flexibility in being able to pass some of the monies for some other things. So that is why this year it is in italics – all those broken down – and therefore they will have more leeway in passing, for example, multi-sports competition to the sports development projects. That is exactly why.

2045 **Clerk:** That is clauses 7 and 8 completed.

Mr Chairman: Gibraltar Sport and Leisure Authority, stands part of the Bill.

Clerk: Clauses 9 to 12.

2050

Mr Chairman: Clauses 9 to 12 stand part of the Bill.

Clerk: The scheduled parts 1 to 10.

2055 **Mr Chairman:** The scheduled parts 1 to 10 stand part of Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Gibraltar Land Titles (Amendment) Bill 2015 –
Clauses considered and approved**

2060 **Clerk:** A Bill for an Act to amend the Gibraltar Land Titles Act.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

2065 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Supreme Court (Amendment) Bill 2015 –
Clauses considered and approved**

2070 **Clerk:** A Bill for an Act to amend the Supreme Court Act.
Clause 1.

Mr Chairman: Stands part of the Bill.

2075 **Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):**
Mr Chairman, in clause 1, I move an amendment to remove the words ‘the 1st July 2015’ and replace those
with ‘a day appointed by the Government by notice in the Gazette and different days may be appointed for
different purposes’.

2080 **Mr Chairman:** Do all hon. Members agree to that amendment? (**Members:** Aye.) So clause 1, as
amended, stands part of the Bill.

Clerk: Clause 2.

Mr Chairman: Stands part of the Bill.

2085 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Fair Trading Bill 2015 –
Clauses considered and approved**

2090 **Clerk:** A Bill for an Act to establish and provide for the functions of the Office of Fair Trading and the
Office of Fair Trading Commission; encourage businesses to comply with consumer law and improve their
trading practices; streamline and simplify the trade licensing system and re-name the modernised system as
business licensing; establish enforcement powers for the Business Licensing Authority, being part of the
Office of Fair Trading, in cases of non-adherence by licensees; establish a single point of contact as part of
the business licensing procedure; amend the law relating to the protection of the collective interests of
consumers; enable action to be taken against conduct which may significantly harm the interests of
consumers; and for purposes connected herewith.

2095 Part 1.

Mr Chairman: Stands part of the Bill.

2100 **Clerk:** Part 2.

Mr Chairman: Stands part of the Bill.

2105 **Clerk:** Part 3.

Mr Chairman: Stands part of the Bill.

Clerk: Part 4.

2110 **Mr Chairman:** Stands part of the Bill.

Clerk: Part 5.

Mr Chairman: Stands part of the Bill.

2115

Clerk: Part 6.

Mr Chairman: Stands part of the Bill.

2120

Clerk: Part 7.

Mr Chairman: Stands part of the Bill.

Clerk: Part 8.

2125

Mr Chairman: Stands part of the Bill.

Clerk: Part 9, clauses 58 to 72.

2130 **Mr Chairman:** Detailed amendments have been circulated to all hon. Members amending clause 73 and clause 74 in fact – (**Members:** Yes.) both of them. So I will put the amendment.

Do all hon. Members agree to the amendment circulated in respect of clause 73? (**Members:** Aye.) Clause 73, as amended, stands part of the Bill.

2135 Do all hon. Members agree to the amendment in respect of clause 74, as circulated? (**Members:** Aye.) Clause 74, as amended, stands part of the Bill.

Clerk: Clauses 75 to 90.

Mr Chairman: Clauses 75 to 90 stand part of the Bill.

2140

There is an amendment to clause 91, which notice has been given and has been circulated. Are all hon. Members happy with the amendment? (**Members:** Aye.)

Clause 91, as amended, stands part of the Bill.

Clerk: Clauses 92 to 100.

2145

Mr Chairman: Clauses 92 to 100 stand part of the Bill.

Clerk: Schedules 1 to 3.

2150

Mr Chairman: Schedules 1 to 3 stand part of the Bill.

Hon. D J Bossino: Mr Chairman, if the Hon. Minister recalls, I mentioned a point in schedule 2 and then paragraph 3(5), where there was a reference to subparagraph 5. Has he considered that and would he be considering an amendment in relation to that, just to clarify that it is referring to the same paragraph?

2155

Minister for Business and Employment (Hon. N F Costa): Yes, Mr Chairman, I have considered the amendment proposed by the Hon. Minister Bossino and I think that – (*Interjections*) Mr Bossino. I thought he would – (*Interjections and laughter*) (**Hon. Miss S J Sacramento:** it's been such a good day! No!) I just keep considering him a Member of the Government and I think that (**Hon. Miss S J Sacramento:** Potential.) section 3, paragraph 5, reads well the way that it does.

2160

Clerk: Schedule 2.

Mr Chairman: Stands part of the Bill.

2165 **Clerk:** Schedule 3.

Mr Chairman: Stands part of the Bill.

Clerk: The long title.

2170

Mr Chairman: The *very* long title stands part of the Bill. (*Laughter*) (*Banging on desks*)

**Private Trust Companies Bill 2015 –
Clauses considered and approved**

Clerk: We now move to a Bill for an Act to make provisions for the Voluntary Registration of Private Trust Companies and for matters related thereto. Some amendments have been circulated beforehand.

2175 **Mr Chairman:** There has been an amendment... a series of amendments... [*Inaudible*]

Hon. D A Feetham: Mr Chairman, we are happy to take the amendments, having already been read out to the House.

2180 **Mr Chairman:** Right. We will do so as we go clause by clause. Okay?
So Clause 1.

Clerk: Clause 1.

2185 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 2, as amended.

Mr Chairman: Clause 2, as amended, stands part of the Bill.

2190

Clerk: Clauses 3 and 4.

Mr Chairman: Clause 3 stands part of the Bill.

2195 **Mr Chairman:** Clause 4, there is an amendment.
Is that agreed to? Then clause 4, as amended, stand part of the Bill.

Clerk: Clause 5, as amended.

2200 **Mr Chairman:** Again, clause 5, as amended, stands part of the Bill.

Clerk: Clause 6, as amended.

Mr Chairman: Clause 6, as amended, stands part of the Bill.

2205

Clerk: Clause 7.

Mr Chairman: Clause 7, stands part of the Bill

2210 **Clerk:** Clause 8, as amended.

Mr Chairman: Clause 8, as amended, stands part of the Bill.

Clerk: Clause 9 as amended.

2215

Mr Chairman: Clause 9, as amended, stands part of the Bill.

Clerk: Clause 10 as amended.

2220 **Mr Chairman:** Clause 10, as amended, stands part of the Bill.

Clerk: Clause 11.

Mr Chairman: Clause 11 stands part of the Bill.

2225

Clerk: Clause 12, as amended.

Mr Chairman: Stands part of the Bill.

2230

Clerk: Clause 13 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 14.

2235

Mr Chairman: Stands part of the Bill.

Clerk: Schedule 1.

2240

Mr Chairman: Stands part of the Bill.

Clerk: Schedule 2, as amended.

Mr Chairman: Stands part of the Bill.

2245

Clerk: Schedule 3, as amended.

Mr Chairman: Stands part of the Bill.

2250

Clerk: Schedules 4 and 5.

Mr Chairman: Stands part of the Bill.

Clerk: The long title.

2255

Mr Chairman: Stands part of the Bill.

**Purpose Trusts Bill 2015 –
Clauses considered and approved**

Clerk: A Bill for an Act to make provision to allow for trusts for a purpose or purposes otherwise than for charitable purposes and for matters related thereto.

Part 1.

2260

Mr Chairman: Stands part of the Bill.

Clerk: Part 2.

2265

Mr Chairman: Stands part of the Bill.

Clerk: Part 3.

Mr Chairman: Stands part of the Bill.

2270

Clerk: Part 4.

Mr Chairman: Stands part of the Bill.

2275 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

**Trusts (Private and International Law) Bill 2015 –
Clauses considered and approved**

Clerk: A Bill for an Act to provide for certain matters of private international law in relation to Gibraltar trusts and for connected purposes.

2280 **Clerk:** Clauses 1 to 8.

Mr Chairman: Stand part of the Bill.

2285 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

We will amend that. It is clauses 1 to 9 stand part of the Bill. The long title, of course, also stands part of the Bill.

BILLS FOR THIRD READING

**Appropriation Bill 2015;
Gibraltar Land Titles (Amendment) Bill 2015;
Supreme Court (Amendment) Bill 2015;
Fair Trading Bill 2015;
Private Trust Companies Bill 2015;
Purpose Trusts Bill 2015;
Trusts (Private and International Law) Bill 2015 –
Third Reading approved: Bills passed**

2290 **Mr Chairman:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Appropriation Bill 2015; the Gibraltar Land Titles (Amendment) Bill 2015; the Supreme Court (Amendment) Bill 2015; the Fair Trading Bill 2015; the Private Trust Companies Bill 2015; the Purpose Trusts Bill 2015; and the Trusts (Private and International Law) Bill 2015 have been considered in committee and agreed to, some with amendments, and I now move that they be read a third time and passed.

2295 **Mr Chairman:** I now put the question, which is that the Appropriation Bill 2015 be... be what? (*Interjection*) – be read a third time and passed. Those in favour? (**Members:** Aye.) Those against?

2300 **Hon. Chief Minister:** Mr Speaker, sorry. I think that you do the list, don't you, and you have to do the appropriation –

Mr Chairman: [*Inaudible*]

2305 **Hon. Chief Minister:** No, because I want a division on the Appropriation Bill.

Mr Chairman: You want a division on the Appropriation Bill? Very well. The Appropriation Bill, we will call a division.

2310

A division was called for and voting resulted as follows:

2315

FOR

The Hon J J Bossano
 The Hon D J Bossino
 The Hon Dr J E Cortes
 The Hon N F Costa
 The Hon D A Feetham
 The Hon S M Figueras
 The Hon Dr J J Garcia
 The Hon A J Isola
 The Hon G H Licudi
 The Hon S E Linares
 The Hon J J Netto
 The Hon F R Picardo
 The Hon E J Reyes
 The Hon Miss S J Sacramento

AGAINST

None

ABSENT

The Hon P J Balban
 The Hon Sir P R Caruana KCMG QC
 The Hon Mrs I M Ellul-Hammond

Mr Chairman: There are three Members absent – (*Interjections*) 13 Members have voted in favour, 1 against, carried. (*Banging on desks*) I thought I had heard a no – (*Interjection*) I didn't. (*Laughter*) So three Members are absent and with all the others that is 14 in favour: the Appropriation Bill is approved. (**Members:** Hear hear) (*Banging on desks*)

2320

I now put the question that the Gibraltar Land Titles (Amendment) Bill 2015 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

That the Supreme Court (Amendment) Bill 2015 be read a third time and passed. Those in favour? (**Members:** Aye.)

That the Fair Trading Bill 2015 be read a third time and passed. Those in favour? (**Members:** Aye.)

2325

That the Private Trust Companies Bill 2015 be read a third time and passed. Those in favour? (**Members:** Aye.)

That the Purpose Trusts Bill be read a third time and passed. Those in favour? (**Members:** Aye.)

And that the Trusts (Private International Law) Bill 2015 be read a third time and passed. Those in favour? (**Members:** Aye.)

ADJOURNMENT

2330

Chief Minister (Hon. F R Picardo): Mr Speaker, the debate on the Appropriation Bill is always a difficult one for every Member of this House that prepares for it intensely. We exchange many views and yet it is now over for another year, and I think we will all be reflective of that and happy that the difficult work of the House at this time is now over.

2335

I thank all Members, Mr Speaker, for their contributions. I thank all Members for voting in favour of the Bill presented by the Government in that respect and I now have the honour to move that the House do now adjourn *sine die*.

Mr Chairman: I now propose a question that the House do now adjourn *sine die*.

2340

I now put the question that the House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.

The House will now adjourn *sine die*.

The House adjourned at 8.33 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.30 p.m. – 4.30 p.m.

Gibraltar, Wednesday, 22nd July 2015

Business transacted

Prayer	3
Confirmation of Minutes	3
Communications from the Chair	3
Ruling by Mr Speaker	3
Papers to be laid.....	5
Questions for Oral Answer	6
Business and Employment.....	6
Q445/2015 Registered unemployed – Details for 2014-15.....	6
Q446/2015 Construction Industry Group – Accident investigation, June 2015.....	6
Q453/2015 Gibraltar Maritime Conference – Cost.....	7
Health, the Environment, Energy and Climate Change.....	7
Q447/2015 Solar thermal systems installations – Financial reward.....	7
Q448/2015 Climate Change Task Force – Key objectives for 2015.....	8
Q449/2015 Waste treatment facility – Renewed tender process; commencement of works.....	8
Q450/2015 Ecopark – Location and facilities.....	9
Q451/2015 Department of the Environment – Prohibited drug on premises.....	9
Q452/2015 Dementia Centre at the old RNH – Details of opening and staffing.....	10
Economic Development, Telecommunications & the GSB.....	11
Q454/2015 Future Job Strategy – Government companies providing employment.....	11
Q455-459/2015 Government cash reserves – As at 30th June 2015.....	11
Chief Minister.....	15
Q460/2015 United Nations Committee of 24– Report to House on discussions with Chairman.....	15
Q461/2015 Tax affairs of the previous Speaker – Investigation into leak.....	16
Q462/2015 Naturalised British citizens in Gibraltar – Number obtaining Government housing.....	16

Q463/2015 Defamation claims brought/defended by Ministers – Taxpayer funding 16

Questions for Written Answer.....17

Adjournment..... 17

The House adjourned at 4.30 p.m. 17

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

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

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

PRAYER *Mr Speaker*

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday 22nd July 2015.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 17th, 22nd, 23rd, 24th and 25th June 2015.

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

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Ruling by Mr Speaker

10 **Clerk:** (iii) Communications from the Chair.

Mr Speaker: On 6th July this year, the Chief Minister wrote to me requesting that I rule on the calls made by the Leader of the Opposition, for the Chief Minister to repeat outside Parliament what he had said in the House about him during his winding up speech at the end of the debate on the Second Reading of the
15 Appropriation Bill, whereupon the Leader of the Opposition would issue defamation proceedings against him.

Specifically, the Chief Minister requested that I should rule as to whether such a threat constitutes an abuse of Parliamentary privilege.

20 In this connection, I wish to refer to and place on record, the Ruling which my predecessor, the Hon. Major Robert Peliza made in similar circumstances on Thursday, 15th February 1990. On that occasion, the Speaker ruled as follows.

‘Matters touched upon at the last meeting of the House have given rise to correspondence being addressed to Members which could inhibit their legitimate activities as elective representatives in this House of Assembly. I thus believe it prudent to bring to the attention to hon. Members and the public generally, the privileges with which elected Members are vested for the purpose of carrying out their duties in this House, and by my doing so, discourage and dissuade people breaching these privileges and in the process, unwittingly perhaps, making themselves liable to the consequences of any such acts of contempt.

Parliamentary Privilege is defined in Erskine May as “the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament and by Members of each House individually, without which they cannot discharge their functions and which exceed those possessed by other bodies or individuals.”

Section 36 of the Gibraltar Constitution Order 1969 states: “The Legislature may prescribe the privileges, immunities and powers of the Assembly and its Members but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom or of the Members thereof.”

Part V of the House of Assembly Ordinance – Powers and Privileges of the Assembly states: “Section 61. There shall be freedom of speech and debate in the Assembly. Such freedom of speech and debate shall not be liable to be questioned in any court or place outside the Assembly.”

Section 62, no civil or criminal proceedings may be instituted against any Member for words spoken before or written in a report to the Assembly or to the Committee thereof, or by reason of any matter or thing brought by him therein by petition, Bill, resolution, motion or otherwise.

The privileges extended to Members individually are far reaching and legally complex. The subject cannot be examined widely and extensively in a short statement as the one I am making today’.

That is Major Peliza.

‘Furthermore, each situation has to be considered on its merit if and when it arises.

Thus to meet the situation that has obliged me to make this statement, I must draw attention to the freedom of speech that elected Members are protected by whilst carrying out functions connected with proceedings within the House.

Members are protected from interference through any form of physical, oral or written intimidation which could be considered to obstruct Members of the House carrying out the duties for which they are elected.

Members who may feel being so obstructed may report the matter to the Speaker, who taking into account the facts and circumstances of the case, will follow up the report as he may deem necessary, bearing in mind that the House collectively in its judicial capacity is the court that will pass the final judgement if so required.

As past examples of what may constitute molestation of Members on account of their conduct in the British Parliament, I quote cases embodying this type of contempt.:

“(a) Challenging a Member to fight on account of their behaviour in the House or any Committee thereof or even on account of remarks made outside the House which touched proceedings in the House.

(b) Writing letters to Members taking notice of speeches said to have been made in the House and threatening to contradict them from the gallery.

(c) Sending insulting letters to Members in reference to their conduct in Parliament or letters reflecting on their conduct as such Members.

(d) Threatening to inflict pecuniary loss upon a Member on account of his conduct in Parliament.

(e) Inciting the readers of a newspaper to telephone a Member and complain of the question of which he had given notice.

(f) Calling in a newspaper for the arrest of a Member and describing him as an arch-traitor.

(g) Sending a letter to a Member threatening him with the possibility of a trial at some future time, for asking a question in the House.”

It will be noted from the above that conduct not amounting to a direct attempt to influence a Member in the discharge of his duties, but having a tendency to impair his independence in the future performance of his duty, will also be treated as breach of privilege.

This statement should make everybody aware that when any of the rights and immunities both of the Members individually and of the Assembly in its collective capacity which are known by the general name of privileges are disregarded or attacked by any individual or authority, the offence is called a breach of privilege or contempt and is punishable under the law of Parliament as may be applicable in Gibraltar.’

25 Such was Sir Robert Peliza’s Ruling.

It is my own considered view that when a Member of Parliament is challenged to repeat outside this House whatever he may have said in the course of proceedings in Parliament, there is no difference in principle, whether the challenge is made by a member of the public, by a barrister acting on behalf of a member of the public, or by a Member of Parliament.

30 Accordingly I am of the opinion that the Ruling that I have read out applies, in its entirety, in this case.

I am making available copies of the Ruling and to the press as well.

Now, that is the Ruling that I have made. Quite apart from that Ruling, under this item on the Agenda of Communications from the Chair, there are a few words that I wish to say coming from the heart.

35 What has occasioned the need for this Ruling has been a very acrimonious debate in particular, during the Budget session, when perhaps I as Speaker should have intervened very much earlier than in the event I did.

In one instance, I asked the Leader of the Opposition to withdraw the word ‘lie’ and on another occasion I fired a warning shot across the bows of the Chief Minister, because I thought he might be in danger of contravening the Standing Order which states that no improper motives must be impugned to a Member.

40 But all that is against the background of a situation when for months, both sides of the House have been engaged in very, very heated exchanges where personal considerations have come to the fore. Personal considerations sometimes are just short of insults. I warned hon. Members – I think it was back in December or at the beginning of this year – that having regard to the fact that this was an election year, I was not going to allow such blandishments across the floor of this House.

45 I think I failed at the last meeting and as such, I apologise to all hon. Members that perhaps I myself, as Speaker, was not up to scratch. But then hon. Members do not make my job much...very easy either. And these exchanges do not just take place here; they continue outside the House.

50 I recall that we all saw the Chief Minister and the Leader of the Opposition on television shaking hands, embracing and promising a New Dawn of more amicability. I realise that friendship at the top of politics is extremely difficult. I realise that politicians often have to be ruthless. But I have been a Member of this House for 20 years and have sat on both sides and there is someone here who has done even longer than I have, twice as much and we were on opposite sides and we have had Members of Parliament like Sir Joshua Hassan and Peter Isola who were not on speaking terms for over 10 years, but they did not use the language that I have heard here in this House in the last six months.

55 I want hon. Members to reflect upon my words. It is not easy to be in politics. It is not even easy to be in this Chair. I dedicated my book to my family because of what they put up with for 20 years. But now that I am not in the political affray, my family are still having to put up with allegations that I am biased and language that is an offence under section 77 of the Parliament Act and hon. Members who are much more involved in the political affray have to put up with much more than I do.

60 Therefore the question is are we going to carry on like this? I would appeal to hon. Members, in particular to the Chief Minister and the Leader of the Opposition, to draw a line under these heated exchanges – to draw a line today.

I am aware of the fact, because I have not had an opportunity to read it, that the Leader of the Opposition has written to the Chief Minister. I have not seen the letter yet, it is in my office.

65 I need to read very carefully over the *Hansard* of the last meeting of Parliament during the debate because as I say, I am convinced that I allowed matters to go too far and I should have intervened and called hon. Members to order. Very, very strong language was used and perhaps I should not have allowed it.

70 So as I say, I apologise for my failings, but unless a line is drawn I do not know what Members are going to be throwing at each other in five or six months' time against the background of an actual General election campaign. It does not make the job of the Speaker easy and I may have to reflect myself, like other hon. Members are doing, whether I am prepared to carry on. After all, what do I get out of it at this stage of my life? I do not need to be here, I can be at 8/7 Buena Vista Road with the hobbies that I have.

75 Nor do I think that it will be very easy for many other people in Gibraltar to be occupying this Chair in the manner that party politics is being undertaken in Gibraltar. We think of ourselves as a mature community, we are proud of our democratic credentials, we have had a legislature now for 65 years, we have an excellent constitution which gives a lot of powers to the Government of Gibraltar and if we really do think that we are mature, I think this is the place to start. Because what I hear outside Parliament and what is communicated to me from the social media, does not lead me to believe that people look upon Parliament and parliamentarians as what they ought to be.

80 I pledged myself to uphold the dignity of this House when I took over office. If that does not happen, I may not be prepared to do so again. So I am speaking from my heart. If I have gone too far, if I have said something that I should not, I beg your pardon. I have not planned it, it is not a prepared statement, it is something I have said after reflecting on what has been happening recently.

85 **Chief Minister (Hon. F R Picardo):** Mr Speaker, you have made a Ruling and a communication and no comment lies on it other than I wish to rise only to say I am sure that on behalf of the whole House, that without dealing with the substance of what you have said, I am sure that none of us here fear that you have failed any of us in any way, or that you fail in the effort that you put into the work that you do and to thank you for your reflections. Forget your ruling, but your reflections afterwards and to say that no doubt all of us will take it into due consideration and to heart. (*Banging on desks*)

PAPERS TO BE LAID

Clerk: (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Chief Minister.

95 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the Table: the Consolidated Fund Pay Settlement – Statement No. 1 of 2013/2014; the Consolidated Fund Supplementary Funding – Statement No. 2 of 2013/2014; the Consolidated Fund Reallocations – Statement No. 3 of 2013/2014; the Improvement and Development Fund Reallocations – Statement No. 1 of 2013/2014; the Statement of Supplementary Estimates No. 1 of 2013/2014; the Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2015.

Mr Speaker: Ordered to lie.

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

105 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the Table the accounts for the Gibraltar Heritage Trust for the financial year ended 31st March 2014.

Mr Speaker: Ordered to lie.

110

Clerk: The Hon. the Minister for Transport, Traffic and Technical Services.

Minister for Transport, Traffic and Technical Services (Hon. P J Balban): Mr Speaker, I have the honour to lay on the Table the accounts for the Gibraltar Port Authority for the financial year ended 31st March 2013 and the accounts for the Gibraltar Port Authority for the financial year ended 31st March 2014.

115

Mr Speaker: Ordered to lie.

Questions for Oral Answer

BUSINESS AND EMPLOYMENT

Q445/2015

Registered unemployed – Details for 2014-15

120

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
We commence with Question 445/2015, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment provide details of the registered unemployed for the final quarter of 2014 and the last two quarters of 2015?

125

Clerk: Answer, the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the number of Gibraltarians registered as unemployed is as follows: the final quarter of 2014 – 228; the first quarter of 2015 – 237; the second quarter of 2015 – 225.

130

Q446/2015

Construction Industry Group – Accident investigation, June 2015

Clerk: Question 446, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety provide details of the accident investigation shown on the Government website for the month of June 2015 in the Construction Industry Group?

135

Clerk: Answer, the Hon. the Minister for Business and Employment.

140

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the matter is confidential and whilst I am not prepared to disclose the information across the floor of the House, I will of course be prepared to do so in private.

The hon. Member will recall that I responded in writing to his last question relating to another health and safety accident investigation in the same way.

145

Q453/2015
Gibraltar Maritime Conference –
Cost

Clerk: We now move to Question 453, the Hon. D J Bossino.

150 **Hon. D J Bossino:** Can the Minister for Maritime Services please advise what the cost of the recent Gibraltar Maritime Conference was?

Clerk: Answer, the Hon. the Minister for Business and Employment, on behalf of the Hon. the Minister for Financial Services and Gaming.

155 **Minister for Business and Employment (Hon. N F Costa):** Mr Speaker, the total cost of the recent and very successful Gibraltar Maritime Conference was £84,623.85, the bulk of which was paid by private sector sponsorship. The cost to the Government was £25,243.85.

160 Mr Speaker, this is a further example of the public/private sector partnership in promoting Gibraltar and her services. This is the first time ever that such an event has been organised in Gibraltar.

165 **Hon. D J Bossino:** Mr Speaker, thanks for the answer. Has the Hon. Minister had an opportunity of receiving a report of the speeches given there? I am not sure that he was able to attend the entirety of the conference, I know he gave the initial speech, in fact I think on behalf of the Minister who in fact has responsibility for that particular portfolio, Mr Isola, who is away out of the jurisdiction, but has he had an opportunity of getting a report?

170 I attended in a professional capacity, I was unable to attend most of them but I did attend the Friday afternoon session which I found very interesting. This is the reason why I wish to raise this point in the form of a question – because there was a particular speech given by a young Gibraltarian, Dion Danino, who had quite a lot to say about how we should best market Gibraltar in terms of the super yacht industry. I would encourage him, if he has not received a report of that particular speech, that he does and perhaps the Government may be able to formulate policy in that particular area.

175 **Hon. N F Costa:** Mr Speaker, to answer the hon. Gentleman's question, I have not received specifically a report from the Gibraltar Maritime Administration, other than to have read the report that I think appeared in the *Gibraltar Chronicle* written by Eyleen Sheil and which I did discuss briefly with, I think it was Richard Montado, but obviously there will be a full discussion to be had by the current Minister for Maritime Services, Mr Isola and the GMA.

180 But certainly the report in the *Chronicle* did seem to indicate there were some important points to consider in the way that we market Gibraltar for yachts and super yachts, so I would agree with the hon. Gentleman, that is one report to carefully digest.

HEALTH, THE ENVIRONMENT, ENERGY AND CLIMATE CHANGE

Q447/2015
Solar thermal systems installations –
Financial reward

Clerk: Question 447, the Hon. J J Netto.

185 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if any person has installed in his property any type of solar thermal systems or photovoltaic panels and has had a financial reward for doing so under the Solar Energy (Deductions) Rules 2015?

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

190 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, just before I give the formal answer, it may be that people have installed in their property, which I would not be aware of. But the substantive answer, in relation to the financial assistance, is no sir, no-one has applied for financial assistance yet. They may have installed, but they have not applied for financial assistance.

195

Hon. J J Netto: Yes, of course that is entirely true. People may have done it and installed it long before the actual Rules came into force. But ever since the Rules have been in force now, no-one has applied but presumably the administration setup is already geared towards considering the application and if it is successful, obviously they will get their reward.

200

Hon. Dr J E Cortes: Yes, Mr Speaker. The Rules were passed relatively recently and it may not have given time for it to sink in. But the Department is going to be promoting this as part of its energy efficient campaign in coming months.

205

Chief Minister (Hon. F R Picardo): Mr Speaker, if the hon. Gentleman allows me to be of assistance, we would not expect to see claims until probably the next financial year – the next *tax* year, sorry – in the sense that people would be submitting their claim with their tax return. So it is likely that as this trickles through and people then decide they want to do the work, then they would be able to make their application when they submit tax returns and I think that is when we will likely be able to make a better assessment of the success of the measure and of the promotion of it, which will likely follow shortly.

210

Thank you.

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

Q448/2015
Climate Change Task Force –
Key objectives for 2015

215

Clerk: Question 448, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state what are the key objectives set for 2015 by the Climate Change Task Force?

220

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

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, the key objectives which are long term and not specifically for 2015, set by the Climate Change Task Force, are included in the Renewable Energy Strategy and the Decarbonisation of the Energy Sector Action Plan, not yet completed.

225

These documents are currently in the final stages of review by Task Force members.

I will, however, give some of the main objectives here. The key Task Force draft conclusions of recommendations are: (1) to achieve carbon neutrality as soon as possible; (2) decarbonisation of electricity supply and lowering of the carbon footprint of transport; (3) introduction and development of energy transition in the direction of renewables; (4) energy efficiency; (5) sharing of responsibility between the private and public sectors; (6) cost effectiveness; and (7) the possibility of energy offsets.

230

Q449/2015
Waste treatment facility –
Renewed tender process; commencement of works

Clerk: Question 449, the Hon. J J Netto.

235

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state by when the ‘renewed tender process’, as stated by the Hon. Minister in his budget address, for the waste treatment facility will end, and by when does the Minister expect works to commence?

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

240

Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes): Mr Speaker, my understanding is that the technical review of the tender submissions is due to be completed in the next couple of weeks. The board will then convene and assess the submissions and reports. I expect this will happen in August and depending on the recommendations, awards should then follow.

245 On average, such plants usually take one and half to two years to complete from date of commission, but again we will not be able to confirm this until the successful tender is chosen.

Q450/2015
Ecopark –
Location and facilities

Clerk: Question 450, the Hon. J J Netto.

250 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say where will the new Ecopark be situated, and provide Parliament with an update in relation to the facilities provided therein?

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

255 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, the Ecopark will be launched imminently. I believe I have a press call sometime next week about this.

260 It will be the Devil's Tower Road area and it will provide a one-stop shop for all waste streams. These include, but are not limited to: scrap metal, bulky items, compressed gasses and ozone depleting substances, vehicle decontamination, glass, batteries, paper, cardboard, paint, tyres, mixed packing recycling, waste, electrical and electronic equipment, lighting and waste oil.

Q451/2015
Department of the Environment –
Prohibited drug on premises

Clerk: Question 451, the Hon. J J Netto.

265 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state if there has been an employee of the Department of the Environment who has been found to have had a prohibited drug within the premises of the Department?

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

270 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, there has been no such incident.

275 **Hon. J J Netto:** Mr Speaker, is it perhaps the case that instead of being a prohibited drug, a report was issued departmentally that an employee may have had a 'prescribed' drug and as a result of that, a report was issued within the Department?

280 **Hon. Dr J E Cortes:** Mr Speaker, I have no knowledge of a 'prescribed' drug. The question refers to a prohibited drug and I have answered that. But I suspect that the answer would be identical if it had been a prescribed drug. I have no knowledge of any such incident.

Mr Speaker, I must add that if it was a prescribed drug with a prescription then therefore there would have been no issue. If somebody has had a cold or some infection and they have antibiotics with them, there is no issue there. But I certainly, the implication is something a little bit more sinister than that and certainly I have no information on that whatsoever – or even heard a rumour.

285 **Hon. J J Netto:** Yes, indeed but there are on occasions particularly a 'prescribed' drug or perhaps a better word 'pharmaceutical' drug, which may have an impact on the work that the particular employee may do – whether it is a particular drug that may impede a person conducting a vehicle or works owed to that experience.

290 But is it perhaps not the case that a report was issued by the Department which in a number of ways related to this issue and also in other ways related to the fact that this individual may not have been in his actual place of work when he should have been? Perhaps that was the reason why a Departmental report was issued as a result of these issues jointly.

295 **Hon. Dr J E Cortes:** Mr Speaker, I have no knowledge of that, I think this is purely speculation. If the
hon. Member has any indication that something improper has occurred, then I suggest that he contacts me
and it will be looked into. But I have no such report and I do not believe that my Department has issued any
such report.

300 **Hon. J J Netto:** Mr Speaker, have we had a situation where recently in the last weeks or months, there
has been an abolition of post of one particular employee of the Department of the Environment which may
have had a relationship to the issues that I am raising now?

305 **Hon. Dr J E Cortes:** Mr Speaker, I have answered my question, I do not think this is a legitimate
supplementary. I have answered my question factually and I have even gone beyond what I have been
asked. Therefore I would need notice of any other question which is so different to the one that I have
correctly and honestly answered.

Q452/2015
Dementia Centre at the old RNH –
Details of opening and staffing

Clerk: Question 452, the Hon. J J Netto.

310 **Hon. J J Netto:** Mr Speaker, given the imminent opening of the Dementia Centre at the old RNH, can
the Minister for Health state the opening date of the centre, and whether the employment of staff has been
completed, stating which grades may be deployed from existing resources within the GHA or the Care
Agency, which grades will be new employment opportunities and provide the new annual recurring cost as
a result of the opening of this facility?

315 **Clerk:** Answer, the Hon. the Minister for Health, the Environment, Energy and Climate Change.

320 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr
Speaker, the date for the opening of the Dementia Centre, although it is close, has not yet been set and is
subject to commissioning and snagging, as in all such projects.

The aspects which will be redeployed to the new centre may include the Memory Clinic and related
activity, subject to final confirmation. Various models of care are currently being considered so that full
details are not yet available.

325 **Hon. J J Netto:** Mr Speaker, one of the reasons why I have asked this particular question was because I
believe that either the Minister for Health or the Minister for Social Services – I cannot remember if it was
in the Budget speeches or perhaps in the months before – made a statement to the effect of saying we are
planning to have this facility open in the month of August. Now, the month of August is only a couple of
weeks from now, hence the reason for my particular questions.

330 Is it still the view that the facility will be ready by August?

Hon. Dr J E Cortes: Mr Speaker, this is why I started my question by saying that this is subject to
commissioning and snagging which in all building projects, particularly some with such a specialised
nature, can always delay the actual commissioning date.

335 Therefore although the end of August is still our aim, it may be that it will slip by a few weeks.

Hon. J J Netto: Yes, but even accepting that you know all construction projects have delays and this
would not be the first one, but whether it is the end of August or the first few weeks in September, we are
really talking about between four to six weeks from now basically.

340 I would have imagined that by now the Government would have had a very clear picture in relation to
not the snagging, but in terms of the facilities to be provided, the kind of staff and personnel that would be
there deployed to make sure that the facility works in accordance with the plan that the management has in
place. And by its very nature, they would have known well, we need so many people of this particular
grade, we need so many people these type of professionals and all these cost x amount of money. Where is
345 the Government in relation to knowing the grades, the professionals, the cost etc?

Hon. Dr J E Cortes: Mr Speaker, a lot of work has gone into this but some of the services provided we
are looking at outsourcing and we are at the moment considering expressions of interest, I think from six or

350 seven providers, each with their own model and each with their own proposals which need to be adjusted.
So therefore there is a variation of possibilities and funding was in fact voted in the Appropriation Bill for
the Centre so that is not an issue.

355 The issue is that we are looking at different possible models and also which services, for example the
Memory Clinic is the most likely will be transferred to the new site using existing staff. And it is this
tweaking which actually is obviously very laborious and we have got to get it right. I believe all that will be
properly done and completed by the time that the commissioning of the building has taken effect.

Hon. J J Netto: Let me see if I understand this clearly. The facilities within the main building itself,
would that be manned and managed both by GHA staff or the Care Agency or will that be contracted out?

360 Or is the Minister saying that there are some facilities like the Memory Clinic which will not be housed
in the main building and such facilities or others are the ones that the Government is considering
contracting out?

Hon. Dr J E Cortes: What I am saying, Mr Speaker, is that we are looking at models in which, for
example, care and so on is likely to be outsourced, specific more specialised, like the memory clinic which
365 is doctor led and specialist nurse led, will continue to be GHA but would be carried out in the RNH site
instead of where it is carried out now.

In the new site instead of where it is now which is in Coaling Island or sometimes in St Bernard's
Hospital so there will be some movement which will vacate areas for other development, will be some
movement to this site. Then there will be other specialised... for example, the doctor who will attend will
370 be a GHA doctor but the care packages and so on – sorry, not the care packages; the caring and so on, we
are considering as I said, six or seven proposals for outsourcing of the care and related activities.

There will obviously be overall management from the elderly residential services or the Health
Authority but this is the model that we are looking at.

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS & THE GSB

Q454/2015

Future Job Strategy – Government companies providing employment

375 **Clerk:** Question 454, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment please provide the names of the Government
companies which are currently providing employment during the training period as part of the FJS?

380 **Clerk:** Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): I
assume, Mr Speaker, the hon. Member wants me to answer it; it is not that he is trying to take away my job
from me and give it to somebody else.

385 The hon. Member has had the names of the companies involved since 2012.

Hon. D J Bossino: Yes, what I wanted to establish is whether there had been any additions to that or
any removals of companies – that is the only thing. But if it is as set out in his reply back in 2012, then I am
happy with the answer.

Q455-459/2015

Government cash reserves – As at 30th June 2015

390 **Clerk:** Question 455, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state what the Government cash
reserves were as at 30th June 2015?

395

Clerk: Answer, the Hon. the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question with Questions 456 to 459.

400

Clerk: Question 456, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please give a breakdown by bank and amount of that part of the aggregate public debt which comprises bank debt, as at 30th June, 2015?

405

Clerk: Question 457, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide this House with a breakdown, by debenture issue, of that part of the aggregate public debt which comprises Government debentures as at 30th June 2015?

410

Clerk: Question 458, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide details of the value of Gibraltar Savings Bank debentures or other debt security as at 30th June 2015?

415

Clerk: Question 459, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown of where and how all the monies deposited in the Gibraltar Savings Bank have been invested and the rate of return on each of these investments, as at 30th June 2015.

420

Clerk: Answer, the Minister for Economic Development, Telecommunications & the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, as at 1st June the Government cash reserves were £28,180,000.

425

The aggregate public debt, consisting of bank debt was Barclays Bank £150 million and NatWest Offshore £50 million.

Government Debentures were as follows: one month's notice, £247,700,000

430

The value of the Gibraltar Savings Bank debentures and other debt security by maturity date was:

One Month	£33,164,200
2015 Debentures	£6,072,400
2016 Debentures	£22,833,800
2017 Debentures	£101,414,500
2018 Debentures	£163,570,600
2019 Debentures	£205,566,000
Other Debentures	£159,044,093
Bonds	£70,594,812
Deposit Accounts	£186,000,000

435

440

The average yield in respect of the different categories of investment vehicles held by the Savings Banks for the month of May are as follows:

On-call accounts with the Bank of England, the Crown Agents and Gibraltar Banks had an average yield of 0.55%. The Gibraltar Banks were the Royal Bank of Scotland, Barclays Bank, National Westminster, Jyske Bank and Lloyds Bank.

445

Floating Rates Notes quoted on the London Stock Exchange now had a slightly higher yield of 1.02%. The Floating Rates Notes are issued by the following:

European Investment Bank, International Bank for Reconstruction and Development, Neder Waterschapsbank, KfW, Republic of Finland, Volkswagen Financial Services, Dexia, GE Capital UK, Westpac Securities, Australia & New Zealand Banking Group, Centrica plc, ASB Finance, Royal Bank of Canada, BG Energy Capital plc, Suncorp Medway Ltd, BMW Finance and National Grid Gas plc.

450

Monthly Income Debentures had a 6% return and preference shares in Credit Finance an average dividend of 5.7%. As previously explained quoted stocks and on-call accounts fluctuate marginally on a daily basis. These fluctuations are not significant.

455

I now hand over to the hon. Member the schedule of the Savings Bank statement listing the investments for the month.

GIBRALTAR PARLIAMENT, WEDNESDAY, 22nd JULY 2015

Answer to Question 459 - Schedule to Question 459

SAVINGS BANK FUND
STATEMENT OF INVESTMENTS

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31/05/2015
SUNCORP-METWAY LTD FRN 06/10/17	£5,000,000.00	100.118 0.173	£5,005,895.29 £8,656.64	£5,014,551.93
VOLKSWAGEN FIN SERV NV FRN 12/10/15	£5,000,000.00	99.997 0.114	£4,999,868.61 £5,722.19	£5,005,590.80
DEXIA CREDIT LOCAL FRN 15/4/16	£4,000,000.00	100.015 0.101	£4,000,591.78 £4,034.14	£4,004,625.92
AUST & NZ BANKING GROUP FRN 4/2/16	£5,000,000.00	100.137 0.060	£5,006,843.15 £2,962.88	£5,009,826.03
GE CAPITAL UK FUNDING FRN 20/3/17	£2,000,000.00	99.811 0.141	£1,996,217.56 £2,824.53	£1,999,042.09
WESTPAC SECURITIES NZ LT FRN 3/10/17	£5,000,000.00	100.000 0.166	£5,000,000.00 £8,316.58	£5,008,316.58
CANADIAN IMPERIAL BANK FRN 15/1/18	£5,000,000.00	100.000 0.096	£5,000,000.00 £4,802.46	£5,004,802.46
NATIONWIDE BUILDING SOCIETY FRN 27/4/18	£5,000,000.00	100.000 0.072	£5,000,000.00 £3,589.24	£5,003,589.24
ASB FINANCE LTD LONDON FRN 1/05/18	£5,000,000.00	100.000 0.088	£5,000,000.00 £4,386.99	£5,004,386.99
ROYAL BANK OF CANADA FRN 4/6/19	£5,000,000.00	100.074 0.232	£5,003,718.34 £11,613.35	£5,015,331.69
BMW FINANCE NV 1.75% 20/11/17	£5,000,000.00	101.808 0.921	£5,090,396.78 £46,027.40	£5,136,424.18
LVMH MOET HENNESSY VUITT 1.625% 20/12/17	£5,000,000.00	101.671 0.721	£5,083,538.25 £36,061.64	£5,119,599.89
PRUDENTIAL PLC 1.375% 19/01/18	£7,000,000.00	100.134 0.497	£7,009,413.73 £34,808.22	£7,044,221.95
ABN AMRO BANK NV 2.5% 18/12/18	£7,000,000.00	103.185 1.123	£7,222,932.54 £78,630.14	£7,301,562.68
JP MORGAN CHASE & CO 1.875% 10/02/20	£4,000,000.00	100.279 0.565	£4,011,162.94 £22,602.74	£4,033,765.68
THAMES WATER UTIL FIN 4.9% 30/6/15	£1,600,000.00	100.343 2.046	£1,605,484.36 £32,738.46	£1,638,222.82
VOLKSWAGEN FIN SERV NV 1.25% 15/12/16	£5,000,000.00	100.711 0.573	£5,035,548.38 £28,674.45	£5,064,222.83
SCOTLAND GAS NETWORK PLC 4.75% 21/02/17	£1,991,000.00	106.051 1.288	£2,111,480.90 £25,651.17	£2,137,132.07
NEDER WATERSCHAPSBANK 0.875% 07/03/18	£5,000,000.00	99.845 0.122	£4,992,231.56 £6,096.31	£4,998,327.87
KOMMUNEKREDIT 1.125 07/12/18	£5,000,000.00	99.802 0.080	£4,990,087.65 £4,006.85	£4,994,094.50
KFW 5.5% 7/12/15	£5,000,000.00	102.651 2.643	£5,132,558.25 £132,152.78	£5,264,711.03
LLOYDS 5.5% 25/09/16	£3,000,000.00	105.859 1.010	£3,175,762.93 £30,287.67	£3,206,050.60
SCOTTISH & SOUTHERN ENERGY 5% 01/10/18	£4,000,000.00	112.094 3.315	£4,483,771.70 £132,602.74	£4,616,374.44
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£2,000,000.00	100.001 0.070	£2,000,022.20 £1,390.07	£2,001,412.27
NEDER WATERSCHAPSBANK FRN 09/04/18	£2,200,000.00	100.000 0.107	£2,200,000.00 £2,351.47	£2,202,351.47
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.018 0.009	£5,000,884.72 £425.30	£5,001,310.02
NET AMOUNT DUE TO BROKER IN RESPECT OF TRANSACTIONS EFFECTED IN APRIL FOR SETTLEMENT IN MAY			(£2,112,052.80) (£25,651.17)	(£2,137,703.97)
GOVERNMENT DEBENTURES	£247,700,000.00	100.000 0.000	£247,700,000.00	£247,700,000.00
BANK OF ENGLAND	£22,432,296.42	100.000	£22,432,296.42	£22,432,296.42
CFC SHARES	£400,000,000.00	100.000	£400,000,000.00	£400,000,000.00
GSBA	£11,000,000.00	100.000	£11,000,000.00	£11,000,000.00
GIBTELECOM	£37,798,895.33	100.000	£37,798,895.33	£37,798,895.33
ROYAL BANK OF SCOTLAND GBP CALL A/C	£2,449,540.25	100.000 0.001	£2,449,540.25 £13.43	£2,449,553.68
CROWN AGENTS	£5,000.00	100.000	£5,000.00	£5,000.00
LLOYDS BANK GBP CALL A/C	£4,409,937.76	100.000 0.033	£4,409,937.76 £1,454.33	£4,411,392.09
BARCLAYS BANK	£68,835,159.69	100.000	£68,835,159.69	£68,835,159.69
NATIONAL WESTMINSTER OFFSHORE	£33,058,514.61	100.000	£33,058,514.61	£33,058,514.61
JYSKE BANK	£21,389,149.85	100.000	£21,389,149.85	£21,389,149.85
CASH	£6,081,000.00	100.000	£6,081,000.00	£6,081,000.00

Hon. D A Feetham: Mr Speaker, I wonder whether the hon. Gentleman can help me with this. According to my calculations, gross public debt is at the figure it has always been for the last several months, £447 million. Cash reserves are £28.8 million and I hope I have heard the hon. Gentleman correctly, that means that the net debt is £418.2 million.

460 Can he confirm that is the level of net debt as at 30th June 2015?

Hon. J J Bossano: That is correct, yes.

465 **Hon. D A Feetham:** And of course, Mr Speaker, it is the highest level of public debt that we have ever had in the political history of this community.

Now, Mr Speaker, in the light of the fact that it is the highest net debt that we have ever had in the political history of this community and in light of the fact that the hon. Gentleman in his manifesto has a commitment certainly to reduce the gross debt by half from the levels that it was, so roughly he is going to have to reduce the gross debt from £447 million to £260 million, does he feel that in the light of these levels of net public debt, which are the highest they have ever been in the history, that he is still on course and on target to reduce that gross debt to £260 million?

475 **Hon. J J Bossano:** Well first of all, Mr Speaker, there is no reference in the manifesto to net debt, as he knows and I know. Secondly, it used to be the mantra of the Members Opposite that it was the height of economic illiteracy to talk about debt in absolute terms and not as a percentage of the GDP. Therefore if he wants to do it in the way he used to do it when he was in Government, he should look at the figures as a percentage of the GDP.

480 And certainly since I am an optimist, I expect to be on target.

Hon. D A Feetham: Well, Mr Speaker, in the light of that I have to say that I am gratified to see that he too, apart from the Chief Minister, has had this Damascene conversion and now he is urging upon me what we used to urge upon him and his side, which was do not look at debt in absolute terms; look at it as a percentage of the economy and look at net debt rather than gross debt.

485 So is he, in the light of what he has just told me, accepting that their entire political discourse during four years of being in Opposition and making all those arguments about high levels of public debt, that really that was misconceived and that really what we should be talking about and that we were correct indeed in talking about net debt as a percentage of the economy?

490 **Hon. J J Bossano:** Well not to the same degree that his discourse in 2003 was misconceived. When he argued that gross debt of £89 million was excessive, irrespective of the level that it represented. So in fact, I do not think he ever used the mantra of the percentage of GDP until he became the Leader of the Party and the Leader of the Opposition.

495 So if he thinks I have been converted to it, I can only be following in his footsteps because a conversion happened to him before it happened to me. *(Laughter)*

Hon. D A Feetham: So, Mr Speaker, we have all according to him been converted. *(Laughter)* I am doubly gratified, Mr Speaker, that we have both been converted. But let me in my own defence say that was not the point that I made in 2003, he knows that. The point I made in 2003 was that the public debt was not £89 million, that the level, the ceiling of public debt at the time was pre-constitution was £100 million and that the then Government had had a PFI arrangement which was an off balance sheet transaction. And if you took that into account that would probably have taken it over the £100 million limit.

505 That was the argument I raised in 2003. But well, Mr Speaker, I am happy that he has converted to our policy in this regard, but I wonder whether he can at least enlighten this House on how he is going to be reducing gross public debt from £447 million to £260 million which is their manifesto commitment, which no doubt bearing in mind that they sing from the rooftops that all their manifesto commitments are going to be met, that this is one that is going to be met and I just wonder whether he can explain that to the House.

510 **Hon. J J Bossano:** Well, first of all, I have not said I have been converted. I said if I had been converted I would only be following his conversion, so it is either a good thing to be converted when it happens to him and not a bad thing if it happens to me.

515 But I have not been converted. I am telling him that as far as we are concerned, the manifesto commitment that we are targeting is still one we expect to achieve and I certainly have no intention of explaining to him how we are going to do it because our function is to believe that what we say but not to teach the hon. Members how they can do it as well if they ever happen to be back on this part of the House.

520 **Hon. D A Feetham:** Well, Mr Speaker, doesn't the hon. Member – and I just wonder whether just for old time's sake at the very least, he might be prepared to accept that – doesn't he think that is a tad unfair, bearing in mind that he is bringing a motion that is going to be debated later, asking me how we were going to be doing something about community care? Well, I am asking well, how are you going to be reducing gross public debt from £447 million to £260 million? (*Laughter*) I can tell the hon. Member, look, pre-judging that that I have no intention of changing his policy in relation to community care, if I continue to be the Leader of the GSD, I can tell him that and I am being straight with him.

525 Now does he not, in the light of that and for old time's sake, let us say, at least want to volunteer how he is going to be reducing gross public debt from £447 million to £260 million, bearing in mind that the net debt – and there is a correlation between the two – is the highest that it has ever been in the political history of Gibraltar, by the election?

530 **Hon. J J Bossano:** Well, the relevance of whether it is high in the political history of Gibraltar or not is, as far as I am concerned, a matter of judgement and I am certainly not prepared to give him any information as to how it is going to be achieved for old time's sake because the old time is now so far back that I would not want to go back that far.

CHIEF MINISTER

Q460/2015

United Nations Committee of 24– Report to House on discussions with Chairman

535 **Clerk:** Question 460, the Hon. D J Bossino.

Hon. D J Bossino: Will the Chief Minister provide a report to the House of matters discussed with the Chairman of the United Nations Committee of 24?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I am not prepared to say more publicly at this stage. A note of the meeting is being prepared by the Office of the Chairman of the Committee of 24, which I understand the Secretariat of the Committee of 24 will circulate to all its members.

545 I am happy to sit down, however, with the hon. Gentleman and provide full details to him privately of the discussion that ensued. It may be that in the future I can say more publicly but at this stage I would be happy to share more privately.

550 Mr Speaker, I want to take this opportunity to thank Mr Bossano and Dr Garcia for their important input during that meeting. Gibraltar sometimes does not seem to realise the important resource that we have in both of them. Dr Garcia's historical understanding of the post-war politics of Gibraltar is unrivalled and I know the questioner has as high a regard for the Deputy Chief Minister's knowledge and ability as I do, although I have been politically clever enough to stick with him and he has not. And moreover, Mr Speaker, Mr Bossano's own expertise in self-determination matters is not only second to none, but seen by many members of the C24 as unparalleled.

555 I will share publicly with hon. Members that Chairman Mendoza was highly complimentary, during our meeting, of Mr Bossano's knowledge of the United Nations Decolonisation subject and indicated how much he himself had learnt from Mr Bossano's interventions in the seminars organised by the Committee of 24 since he became Chairman.

560 **Hon. D J Bossino:** Mr Speaker, can he at least enlighten the House as to what reply he received from the Chairman when he renewed the invitation for a visiting mission?

Hon. Chief Minister: Well, Mr Speaker, he did not say no.

Q461/2015
Tax affairs of the previous Speaker –
Investigation into leak

565 **Clerk:** Question 461, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what has been the outcome of the investigation as to the leak of the tax affairs of the previous Speaker of this House?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the position remains the same as was set out in my answer to Question 619/2014. However, I am advised by the Chief Secretary, who has carriage of these matters, that he will shortly be requesting the Commissioner of Police to carry out an investigation into the leak of the tax affairs of the previous Speaker of the House.

Q462/2015
Naturalised British citizens in Gibraltar –
Number obtaining Government housing

Clerk: Question 462, the Hon. D A Feetham.

580 **Hon. D A Feetham:** Mr Speaker, is the Government now in a position to state how many people of those that have been naturalised British in Gibraltar since 9th December 2011 have obtained Government housing?

Clerk: Answer, the Hon. the Chief Minister.

585 **Chief Minister (Hon. F R Picardo):** Mr Speaker, since 9th December 2011 one such applicant has obtained Government housing and the reference he will see is to such an applicant so that it is clearer and I think it gives him the answer he was seeking when we last debated this matter.

Q463/2015
Defamation claims brought/defended by Ministers –
Taxpayer funding

590 **Clerk:** Question 463, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please state what are the criteria for determining whether defamation claims either brought or defended by Government Ministers should be funded by the Taxpayer and whether those criteria apply to other Members of Parliament?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, my answer remains as set out in answers to Questions 430 and 515/2013.

600 **Hon. D A Feetham:** Mr Speaker, is the Taxpayer funding legal representation? I have to declare an interest, the representation appears to have been provided by my firm but it is irrelevant. This is really the question of whether the Taxpayer is funding that representation against Gareth Gingell or is the hon. Gentleman paying it out of his own pocket?

605 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is asking a question about a matter which is on foot. I am quite happy to deal with it, but where we go with this debate is something that I think we have to be particularly cautious with.

The Chief Minister was seeking representation as to things that were said about him in respect of his office, of his discharge of the office of Chief Minister and in keeping with the principle set out in the

610 questions that I have referred the hon. Gentleman to, that is a matter that is funded for the Chief Minister by the public purse, as is absolutely right and proper it should be.

615 **Hon. D A Feetham:** Mr Speaker, I had occasion to go to the United Kingdom, to travel to the United Kingdom to take advice from specialist counsel in the United Kingdom about statements that the Hon. the Chief Minister made, not in this House, but in fact in a comment that he made outside the House, saying that he stood by everything that he said inside the House, as to whether that represented a republication of defamatory comments and that obviously applied to me in my capacity as Leader of the Opposition because the comments were made to me in my capacity as Leader of the Opposition.

620 Now, what are the criteria for a Leader of the Opposition to actually be able to receive the same treatment as a Chief Minister of Gibraltar and ask the Chief Secretary, 'Well, can the public now fund any advice that the Leader of the Opposition has received in relation to any potential claim against the Chief Minister of Gibraltar?'

625 **Hon. Chief Minister:** Mr Speaker, I dealt with similar issues in the answers to Questions 430 and 514/2013 which I invite the hon. Member to revisit and conscious of the words that you shared with us at the beginning of the session, I do not intend to say more.

Questions for Written Answer

630 **Clerk:** (viii) Answers to Written Questions, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions numbered W82 to W85/2015 inclusive.

Clerk: (ix) Order of the Day.

ADJOURNMENT

635 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now have the honour to move that the House do now adjourn until Monday, 27th July at 3.30 in the afternoon.

640 **Hon. D A Feetham:** Mr Speaker, my wife is travelling on Monday morning, we are going to Spain for an operation on her leg. I am then going to be travelling back with her so it is not possible for me to cancel an operation for my wife which is for health reasons.

Therefore if it is going to be a determination of the motions, I need to be here and if there is any Parliamentary business that can be undertaken without me, that is fine and if he decides to plough ahead, that is fine.

645 But of course I cannot cancel an operation that my wife is having which is for health reasons and has been booked not on the relevant week when we have Parliament and I ask him to bear that in mind in any adjournment.

650 **Hon. Chief Minister:** Of course, Mr Speaker and there is no question of us standing in the way of any operation, most of which are for health reasons. Therefore, Mr Speaker, I would propose that we instead come back on Tuesday, 28th at the same time.

Mr Speaker: I now propose the question that this House do now adjourn until Tuesday, 28th July at 3.30 in the afternoon.

655 I now put the question that this House do now adjourn until Tuesday, 28th July at 3.30 in the afternoon. Those in favour? (**Members:** Aye.) Agreed.

The House will now adjourn until Tuesday, 28th July at 3.30 in the afternoon.

The House adjourned at 4.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.41 p.m. – 5.55 p.m.

Gibraltar, Tuesday, 28th July 2015

Business transacted

Question for Oral Answer	2
Business and Employment.....	2
Q445/2015 Registered unemployed – Corrected details for 2014-15	2
Order of the Day	2
Government Motions.....	2
Social Security (Open Long-Term Benefits Scheme) Act 1997 – Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2015 approved.....	2
Community Care – GSD proposals for replacement – Amended motion carried	3
<i>The House recessed at 1.23 p.m. and resumed its sitting at 3.03 p.m.</i>	21
Community Care – GSD proposals for replacement – Debate concluded; amended motion carried	21
ADJOURNMENT	22
<i>The House adjourned at 5.55 p.m.</i>	22
<i>The House recessed at 1.23p.m and resumed its sitting at 3.03 p.m</i>	21
Community Care – GSD proposals for replacement – Debate concluded; amended motion carried....	21
Adjournment.....	22
<i>The House adjourned at 5.55 p.m.</i>	22

The Gibraltar Parliament

The Parliament met at 3.41 p.m.

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

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

Question for Oral Answer

BUSINESS AND EMPLOYMENT

Q445/2015

**Registered unemployed –
Corrected details for 2014-15**

Mr Speaker: The Hon. Mr Neil Costa.

5 **Minister for Business and Employment (Hon. N F Costa):** Yes, Mr Speaker, in the first place to thank you for your indulgence to allow me to rectify the record.

As I wrote to you on 23rd July in respect of Parliament Question 445, I inadvertently provided the Hon. Mr Bossino the incorrect unemployment figures, and therefore, I would like to read the answer as it should have been read at the Parliamentary sitting of last week, as follows.

10 Mr Speaker, the average number of Gibraltarians registered as unemployed for the fourth quarter of 2014, the first quarter 2015, and the second quarter of 2015 is as follows: the fourth quarter of 2014 – 268, the first quarter of 2015 – 282, the second quarter of 2015 – 204.

Thank you, Mr Speaker.

Order of the Day

GOVERNMENT MOTIONS

**Social Security (Open Long-Term Benefits Scheme) Act 1997 –
Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits)
Order 2015 approved**

15 **Clerk:** Government Motions – the Hon. the Minister for Business and Employment.

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

‘That this House approve by Resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2015.’

20 Mr Speaker, this Order seeks to amend the Social Security (Open Long-Term Benefits Scheme) Act 1997 by increasing the rates of old age pensions and survivor’s benefit by 1.6% with effect from 1st August 2014 and which represents the annual pension increase for that year.

25 **Mr Speaker:** Does any hon. Member wish to speak to the question?

I now propose the question in the terms of the motion moved by the Minister for Business and Employment. Those in favour? (**Members:** Aye.) Those against? Carried.

**Community Care –
GSD proposals for replacement –
Amended motion carried**

30 **Clerk:** Government Motion – the Hon. the Minister for Economic Development, Telecommunications and the GSB.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

'This House:

Notes that the former GSD Government announced its intention of no longer funding Gibraltar Community Care and that it would be replaced by payments channelled through the social security system more favourable than the support provided by Community Care to current and future senior citizens and that this was intended to be put into effect after the 2011 General Election.

Regrets that to date the GSD in Opposition has refused to share with the Government the details of the proposals it claims to have had ready to implement and which they have alleged would be better and more in the interest of pensioners than the existing arrangements, and

Condemns the Leader of the Opposition for withholding this information, which would otherwise allegedly have benefitted senior citizens and calls on him to correct the situation by providing a full detailed account before the General Election of what the proposals for replacing Community Care are.'

35

Mr Speaker, before I proceed with my motion, I want to clarify to the House what this motion is about. Given the comment by the Leader of the Opposition at Question Time, he asked me how I was going to fund the reduction in the net debt. I answered it was not for me to tell him how I intended to finance a policy objective and he claimed that this is what I am asking him to do in respect of the motion before the House.

40

Mr Speaker, either the Member had not yet read my motion last week, or he is incapable of understanding what he reads, which I would say would be fairly lethal for someone in the legal profession.

45

The motion calls on him to do what we have been asking the GSD to do since the day they announced they had an alternative to Community Care, which would give equivalent or greater support to current and future pensioners. From day one, all we have asked is how is this going to work as a statutory social security entitlement and how is it better? And if it is better, we would support it.

50

They have refused to provide this information before the 2011 General Election, during the General Election, after the General Election and at every Budget since. To this question, on each and every occasion, the response has been deafening silence so I hope that on this occasion the House and the interested parties – the 6,000 recipients of Community Care support – will get answers to what are legitimate questions.

The hon. Member advanced the information last week that the GSD under him now intends to abandon the policy that they had been committed to until now and will instead retain community care as presently structured but I am afraid that as an answer, it is not enough.

55

Mr Speaker, Gibraltar Community Care came into existence as an initiative of the GSLP and, as a registered charity, received financial support from the Government. This was done in order to enable it to provide Gibraltar resident pensioners a quarterly household cost allowance, in the knowledge that such a payment contributed to our senior citizens' ability to meet basic cost of living needs.

60

The Government's view was, prior to 1996 – and continues to be, post 2011 – that such a result can be best achieved by providing grants at a level such that the charity will be able to build up its reserves and be in a position to attain a level of investment income on which it can rely in the long term. This is in effect what we set out to do, to ensure so that if at any time a Gibraltar Government had competing demands on its finances and found it difficult to provide support, the charity would still be able to do the sterling work in support of our senior citizens which it has been doing since the day it was created.

65

Although the then Chief Minister in 1998 stated in Parliament that the setting up of the charity was a very good idea, I regret to say that his actions belied his words. On that occasion he said that he applauded the fact that we had taken the opportunity of revenue that was coming in from a particular activity which enabled us to create the fund; that there was absolutely no criticism; that on the contrary he applauded it.

70 The only caveat was that if the source of funding were to drop and there were less funds from which to support the charity, so be it. At the time, the money from this product was £8 million a year and other products contributed to the total £50 million being provided.

I imagine, given the importance of the work of the charity in support of our senior citizens, that he could hardly have said or done anything else, other than place the initiative to set it up. However, he failed to practise what he preached and failed to honour what he promised, and gave no explanation as to why he was doing so, until the GSD had been some 14 years in office.

75 The present leader of the GSD and Leader of the Opposition has constantly praised the record of the previous year of the GSD Government shortly after he stopped trying to remove them from office in the 2003 election. That was when he first claimed to have decided to enter the election campaign, then in competition with the GSLP, because I was not willing to hand the party over to him and he believed I was content to allow the GSD to continue in Government whilst I remained in Opposition as the handbrake on any sovereignty deal with Spain. This incidentally, Mr Speaker, by implication suggested that he believed a sovereignty deal with Spain was a possibility under the GSD Government, unless I was there to put a stop to it.

85 However, shortly after coming a poor third in 2003, he started his journey from fierce critic of the GSD to stalwart defender. This to the extent that he said at the time of winding up his outfit and merging it with the GSD, that if his move put them at risk he would himself pull the plug on the proposed merger rather than expose them to risk. Such was his incipient love affair with the party, even at that early date. A love that has grown since, to the extent that he now intends to cling to the leadership title even if he gets slaughtered in the forthcoming election. Such an example of love at first sight, from outright opposition to selfless suppression of self-interest, is in my experience a rare event in politics. However, it bears a resemblance to a phenomenon in social psychology known as ‘cognitive dissonance’.

90 Be that as it may, the facts are that it was only in the final term of office of the GSD, 2007 to 2011, when he was a former Minister and therefore covered by collective Cabinet responsibility, it was only then that the new explanation was first revealed. Therefore the mantel of responsibility falls on him now to account for and defend the policy with which he is identified as a participant, as a Minister and which his recent statements suggested, continue to be the policy to which the GSD still subscribes under him as Leader of the Party and Leader of the Opposition. At least it was so until last week, when he announced that it was about to change.

100 Even though in March 1996 the charity had assets of £63 million, of which £60 million was in cash, the policy was to continue to build up the reserves and to this end we committed three payments of £5 million each in April, August and November 1996. The Treasury was instructed to make the first payment in April. This did not happen so the first effect of the change of Government in May 1996 was that a grant of £5 million approved before the General Election never reached the charity.

105 The excuse of the GSD administration was that if it had been paid, they would not have asked for it to be refunded; but as it had been overlooked and not handed over to the charity, they had decided not to honour it because the charity had more than sufficient money. Not only did they not make this initial payment, but no other payments were made for any other year in their first term, by the end of which the reserves were down £3 million.

110 In 1996-97 the charity continued to provide support to pensioners without any grants from the Government by relying on its investment income, which was high enough to cover its ongoing costs and leave a small surplus, in spite of not having received the £5 million we had already committed to pay before the General Election. This meant that cash reserves actually increased in this financial year in the first 10 months of the GSD Government – the first time the reserves of Community Care went up under the GSD and the last.

115 In 1997-98 investment income fell below running costs and the reserves went back to the level of 1996. In the Budget of 1998, I raised the matter, pointing out that what had been missing from the estimate for 1997 actual expenditure column was a £50 million grant from the Social Assistance Fund; that the same was true for the forecast outturn of 1997-98 and for the draft estimate for 1998-99.

The over-the-top characteristic response from the Chief Minister was:

It is true that the hon Member made two £15 million contributions to Community Care Limited. It is also true that this is not happening but it is not happening, Mr Speaker, because it is not necessary or was the hon Member proposing to continue to pump in £15 million a year to Community Care Limited regardless of whether it needed to simply so that he could go outside to the Piazza downstairs and when he passed the old folks sitting by the kiosk and say, "I have given you another £15 million of security for the future". How long was he going to try and spin out that nonsense?

120 Well, I am going to go through the 14 years of spinning out the nonsense. *(Laughter)*

Of course, what he knew then and we did not, was that the charity was already failing to cover its running costs. In the 1999 Budget I raised the question again, pointing out that contrary to the view

expressed previously, he had, that the import duty might go down, the opposite was the case and the Government could now afford to resume making capital grants to Community Care. The Government's
 125 response was that the grants had not been stopped because of lower revenue. The Chief Minister said:

Well, I am sure it is not intentional that the hon Member misquoted me. What I actually said was that the capital payments to Community Care were not being made because Community Care was currently fully funded to meet its obligations but that the Government had a commitment to increase its financial provision to Community Care to ensure that that remains so and the Government stand by that commitment. The income that Community Care is making from its present capital assets is sufficient to meet its payment out obligations and the Government see no virtue in tying up capital to meet an obligation which is presently being met but, of course, it is axiomatic that if and when that ceases to be so that the Government will top up the financial provision for Community Care to ensure that they can continue without eating into their capital to continue to make their annual outgoings in terms of payment to the beneficiaries of the trust.'

Whereas the previous years' statements might have been intended to convey such a commitment, this had not been done in such explicit terms. But now there was no doubt. The Government told Parliament that its position had been since 1996 that it would top up the financial provisions to Community Care so that they could continue to meet their outgoings without eating into their capital. It was, we were told,
 130 nothing less than axiomatic. Well, Mr Speaker, never mind whether it was axiomatic; it was not even true.

In 1997-98 the recurrent expenditure exceeded investment income of a charity by £1 million and cash reserves were down. In 1998-99 the move into the red by the charity accelerated and the deficit grew. The random continued in 1999-2000, reaching £2 million deficit in that year.

In 2001 we learned something new: the GSD Government claimed to be *still* committed to providing the annual recurrent costs of the charity so that the reserves of £60 million cash would not need to be depleted. This was the reason given for buying from the charity £3 million nominal value of Gibraltar loan stock on
 135 1st November 1999 and a further £7 million on 1st February 2001.

They told us in Parliament that this was in order to protect Community Care from a diminution in the value of capital assets and that the Government was purchasing the stock so that the capital value would remain as close as possible to the £60 million the charity started with. The message was clear: the House
 140 was told the information on cashflow projections were being produced so that the Government would know exactly at any given moment what the ability of Community Care to meet the commitments were, without having to resort to capital spending. They declared: 'This is the target. That is the criteria that the Government follow on the question of when finance needs to be injected.'

In 2001, when this was being said in Parliament, the annual deficit hit almost £2.5 million and by the end of that year, the reserves had dropped to £57 million from the £63.6 million reached in 1997. The reiteration of the commitment was as clear as the axiomatic of 1998, and as untrue.
 145

The next step to attempt to square the circle came with the rate on the reserves of the Social Security Short-Term Benefits Fund. The £5 million from social insurance contributions had been accrued over a number of years as a result of a larger share of the contribution being attributed to the Short-Term Benefits Fund rather than the Long-Term Benefits Fund. The removal of this money to put it at the disposal of the Government for other expenditure was the first time that any Government had attempted to do any such thing since the beginning of the social insurance system in 1954 and legislation was brought to enable the Government to remove the money from the fund and use it elsewhere as the Government saw fit, finishing
 150 up in the Consolidated Fund or in any special fund.

We voted against this and criticised the Government for making this move; and even more so, for the transfer to the Social Assistance Fund when it had been known for years how important it was to maintain a clear demarcation between the source of funding for social assistance and the source of funding for statutory entitlement to social insurance benefits paid for by contributors.
 155

In the 2002 Budget, I said the following:
 160

'There is one thing in the forecast out-turn which for us is an important issue of policy which has not been mentioned and on which the Opposition feel very strongly and there is therefore a clear political divide in this House. The estimates show that in the financial year just ended, £5 million have been removed from the Social Insurance Short Term Benefits Fund and paid into the Social Assistance Fund. We are totally opposed to this decision. When the Government brought an amendment to this House to provide for money to be taken out from the Social Insurance Fund and transferred to the Consolidated fund or to another special fund we opposed it and argued against it. Social Insurance Contributions are compulsory payments to fund the receipt of identified benefits, they are not taxes on income to provide general revenue.'

Just before polling day in the 2003 General Election, the GSD was still defending the continuation of the charity with capital grants from the Government. They issued a leaflet saying the GSLP statement that the GSD had stopped funding the charity was completely untrue and that they had put in an extra £10 million into community care, clearly showing that they were, at the time, trying to conceal the planned

165 rundown from the electorate so they reversed their policy temporarily and went back to it after they were re-elected.

170 So to put their £10 million in context, we need to understand that this was not a charge on their existing revenue of 2004. There was the unfulfilled commitment from April 1996 of the £5 million approved payment to the charity which was retained by the GSD because the cheque had not been handed over to Community Care after they took office; and secondly there was the £5 million which was not from import duty or Government taxes but from social insurance contribution first credited to and then removed from the Short-Term Benefit Fund.

175 These were the only contributions which were grants not specifically linked to the operating cost of the charity. There was no further funding until 2009 when the charity had totally exhausted its resources and the Government announced its intention of replacing it with a statutory system and started meeting its day-to-day operating costs in the interim.

A projection made in October 2009 showed that by February 2010 the reserves would have fallen to £890,000, from the £63.5 million that we left, and that by March the charity would have been in the red to the tune of £1.9 million, a figure progressively increasing every month after that.

180 The real bombshell, however, was the revelation by the Chief Minister in the 2010 New Year message that the Community Care support arrangement in place since 1990, a total of 20 years, six under the GSLP, 14 under the GSD – 13 years out of the 14 GSD years which were funded by the grants under the GSLP – was about to be done away with, alleging concerns about an EU challenge of which there was no indication. At the time he said: ‘Whatever we may think of the merits of any such claim, it represents a ticking time bomb, and there are children and grandchildren in the future, for which they cannot have recourse to the UK. I am not willing to bequeath this potentially lethal legacy of a massive and unaffordable backdated claim to our future generations and so this year, the Government will, as I said at Budget time, introduce significant reforms to protect Gibraltar from this possibility. This reform will not result in financial loss to our pensioners or recipients to Community Care.’ The reference to the Budget was to 2009.

190 Six months later, in June 2010, he reacted to my statement that he had allowed Community Care to run out of money, claiming that I was saying this to suggest that Community Care payments were in jeopardy, which he said I knew to be a complete and utter lie. Well, Mr Speaker, it is not a lie to suggest that having its own reserves makes community payments more likely to be delivered by the charity than if the charity is dependent, hand to mouth, on the political will and financial capability of the Government of the time – especially when it was relying on the delivery of promises from a Government that said it was ‘axiomatic’ that the £60 million cash reserves would not be depleted but kept intact. He was saying it in 1998 and in 2001, and was now saying in *The Chronicle* interview the contrary – namely, for example, on pensions and Community Care, the complete abuse of a statement by the Leader of the Opposition that the Government has allowed Community Care to run out of money.

200 ‘He did not say’ – meaning me – ‘that as a matter of book-keeping. He said that to transmit to the elderly the view that their Community Care payments may be in jeopardy which he knows to be a complete and utter lie. But did he have any reluctance to worry elderly people in Gibraltar? No. It has been the Government policy for 15 years to run down the fund in Community Care so that we can make alternative and better arrangements. Does that mean that anybody’s payments are in jeopardy? No. Payments for Community Care will come from where they always have – from the Gibraltar Government budgetary finance’, which is not true.

210 This was even more astonishing than what he had said in January: a policy of 15 years deliberately to bring Community Care reserves down to zero, which was the opposite of the commitments given in Parliament describing the opposite policy, namely to preserve the £60 million cash reserves, not to run it down. If it was a policy for 15 years, it is a policy that the hon. Member defends and applauds. And if as a result of this policy to run down the fund, we see this finalised and reached in 2009, then he was already in Government as a Minister and shares the responsibility.

215 A situation which I predicted in my 2009 New Year message, when I said: ‘Keeping the reserves at the level we left them was one promise Mr Caruana broke very soon after he made it. The Government finances are likely to be in surplus for the foreseeable future and no doubt fairly soon some of this will have to be provided on an ongoing basis to Community Care, as his own reserves begin to run out’, something which I have now been able to confirm.

220 So now, the 15-year-old policy of run-down was complete. Was it replaced by a statutory entitlement to equivalent payments through Social Security and enhanced dignity for our pensioners which was supposed to be all the plusses of the new system? No, Mr Speaker. In my contribution to the 2010 Budget, I raised the issue which he had failed to mention. I said:

‘... if the Government has come to the conclusion that there is a risk of Spanish pensioners claiming Community Care payments, as he said in his New Year message, and has had a plan and an alternative to Community Care which will be more advantageous to pensioners, then the sooner he does it the better. We shall judge whether and, if so, how advantageous it is, when we see it. If he has had something better than Community Care for 15 years then it is certainly a mystery why he has not done it before.’

In his reply to my Budget speech, he accused me of being selfish and cynical for saying that, and worrying pensioners to steal a handful of votes from them. He went on:

‘The hon Members opposite, Mr Speaker, have poo poo!’

– he said it –

‘the idea of the need to reform Community Care. So that there is no doubt about the difference between the party in Government and the parties in Opposition on this matter, the Government rejects as irresponsible and un-thought through the GSLP Liberal Alliance’s view that there is no need to reform Community Care in Gibraltar.’

225 Irresponsible and un-thought through – when *we* thought it. I would like to know what they think now that they say they are going to do it.

I asked in September 2010:

‘Can Government confirm whether it is still the intention to introduce this year, significant reforms to the system of Community Care to protect Gibraltar from the possibility of any successful EU challenge, as it said it would do in the Budget session of 2009?’

The answer was:

‘It remains the Government’s intention to carry out this *necessary and desirable* reform, although it may suffer delay until next year.’

230 In my January 2011 New Year message, I said the following: ‘One important issue for us this year is the future of Community Care, the brainchild of our party and the backbone of the financial security of my generation and those that come after us. A year ago, you were told that the arrangements for Community Care payments represented a financial time bomb, ticking away under our children and grandchildren. Mr Caruana said he was not willing to bequeath this “potentially lethal legacy” to future generations and that he would introduce reforms in 2010 that would protect Gibraltar against this possibility as he had promised to do in the 2009 Budget. This year we find not one word in the Government’s message. A time bomb ticking away about which he has done nothing since June 2009. If the danger is as real as this, then it seems a gross dereliction of duty not to have provided the protection he claims to have up his sleeve. We are fully committed to the continuation of Community Care and have yet to be convinced that it needs to be replaced by something else. In Government we would therefore act so that it has its own financial reserves, contrary

235

240 to the GSD policy of deliberately running this down to zero, which is what we have done since 2011.’

In the 2011 Budget, the Chief Minister said:

‘Mr Speaker, I have said before that the Government is committed to reforming pensions and Community Care, among other reasons, to avoid the threat of a future legal challenge for which we could no longer hold the UK responsible, and which may be a financial threat to future generations. Gibraltar is past the stage where the financial support that it gives to our elderly people needs to be in the form of charity. It would be much more compatible with the dignity and respect in which we hold our elderly in the modern Gibraltar that their financial support be a matter of legal, statutory right and not charity. Accordingly, with effect from next year’

– meaning 2012 –

‘Community Care payments will become a statutory right and will be paid in conjunction with old age pensions. Everyone will continue to receive the same amount of money as they do now. There will be no losers. No one will lose out or receive less. But it will be a legal right and not a matter of charity.’

I replied as follows:

‘Community Care’s future is another bone of contention, Mr Speaker. The ticking time bomb under Community Care has been the way the Government has chosen to describe the situation, not mine. If anything can be said to be designed to make pensioners worry about the future of the support they get from Community Care, surely it is to tell them that there is a ticking time bomb, not to say, as we have done, that our policy is to continue with the system. Here we have a classical example of the irresponsible and politically self-serving arguments put forward by the hon. Member opposite. If the Government says it is a ticking time bomb in the Budget of 2009 and has done nothing about it two years later, either it is not such a great risk, as he chose to portray by his choice of words, or he is failing to put in place a better system with a lower risk which he claims to have up his sleeve, having been preparing for this by deliberately running down the reserves of Community Care for fourteen years. The crime that I am accused of is, that having seen no evidence of what he says, and having seen a number of changes introduced which, in my judgement, if anything, increased rather than reduced the exposure to risk and which I do not think is in anybody’s interest for me to spell out, when I say I do not agree with him and that I will hold back my judgement on an alternative when I don’t know what that alternative is, I am accused of scaring our pensioners. This Parliament is being asked by the Government to vote money for Community Care again this year with no attempt being made to deal with the exposure to risk which he says exists, which he says he knows how to cure at no cost to either existing beneficiaries or future generations and which he chooses not to put in place just yet. Why, if there is such a huge risk which he only has discovered after Community Care ran out of money in 2009, why does he not give it priority? As usual with the hon Member, he gave different reasons on different occasions. In January 2010 he said he would introduce it during the year. Towards the end of 2010 he said that there was slippage and that it would happen in 2011. Well, I do not see what priority he has given the Legislation Unit to produce what is required in 2009 if after 18 months the legislation he says he needs to produce was simply not ready. Now it is two years and we still do not know exactly when this legislation will see the light of day or whether the legislation will be published before the general election. We were told in the Budget last year that the danger of the ticking time bomb blowing up was not imminent. Well, I can only say that if someone knows there is a ticking time bomb, knows how to disable the bomb and knows where it is going to blow up, then it is not unreasonable a conclusion to come to, that that is the person who knows all these things is the person that put the time bomb there, in the first place. I cannot for the life of me understand why he has chosen to make such statements which can only serve to encourage others to do something we would all want not to happen without being ready to immediately close the risk. Because I press him to come clean and present his alternative ... when we see it so that we can decide if we can support it when we know what it is, because our position is to reserve our judgement when we know what he is up to, he claimed last year that this meant I had poo pood his idea. Mr Speaker, I can assure the hon Member that poo pooing was not something that I was ever taught how to do, in the area of the city where I was born and bred, near Devil’s Gap. It may be polite public school terminology, but in my environment we always used more, shall we say, robust language, to decry or oppose something. He said last year that his Government sees a real danger for future generations and was going to do it because it was the responsible thing to do to protect future generations without affecting their pensions. Our reply is that we do not see the danger, but if you do, get on with it and do not waste any more time. He claims that this reply makes us unfit to win an election. He insists it will be done but the ticking time bomb that only he sees is not going to explode just yet. Well, there is another ticking time bomb’

245 – I told him –

‘the one he will have to face in the coming general election and that has a definite date by which it will go off!’

And it did and we are here and they are there.

‘Though I accept he is the only one that can decide, for a while longer, when the ticking stops. Perhaps he has chosen not to protect future generations after all and use the risk he claims to see as an election platform’

– which frankly I thought was going to happen – they would campaign on the new policy –

‘because the window of opportunity, if legislation is needed to deal with this issue, is fast closing and if the danger is real he should not delay it one more day. Today he has produced a new version of his motives for wanting to get rid of Community Care. I hope it is not that I started it. He says that the payments are charitable handouts and that they should become a legal right. This is incredible, Mr Speaker. Nobody has ever suggested that the independent entity with charitable status that receives Government funding from the process of import duty, has spent 22 years dispensing charitable welfare payments to those who are too poor to look after themselves. The status of the institution as a charity is because it is not a profit making organisation. To imply, for example, that the social wage extension in 2009, introduced at his instigation, to which I referred above which suggests that up to £5,000 per year can be given to a person with an occupational pension, irrespective of its size, as well as in addition to earning £15,000 from gainful employment, to suggest that this is an undignified and offensive handout, is simply unbelievable. The very risk that he has been hinting at for two years is the one that arises when a Government elsewhere pays out statutory amounts which are not means tested, not linked to any threshold and not linked to the payments of contributions. If he has an alternative that can preserve all the benefits of the present system that are provided by the Community Care entity and intends to stop funding the Trust after December and pay directly the beneficiaries as from January’

– which was the implication of what he had said –

‘together with their social insurance pension, that is not enough to say so in a couple of paragraphs in a Budget. If he is saying that the money we are voting this week to allow the Trust to continue until December and that in January they will no longer have a role to play and that the social security department will be making the same payments to the same person, then he needs to produce the alternative mechanism now and not after the general election. If when we see what it is, we agree that it works, we will support it. We will support any system that is better than the one that is there. But he has got to go further than simply telling us that he thinks it is because, in fact, the description today did not sound like a very safe system to me. I have to say that if payments to pensioners directly by the Government leaves the Government less exposed to challenge and makes it less risky than when a third party, a private charity is making the payments, then, Mr Speaker, everything the experts have been saying on the subject since 1989 has been complete nonsense.’

250 The ticking time bomb was discovered in 2009. The legislation to diffuse it was not yet ready in 2011. We have not been able to complete it by 2015. For a very simple reason, Mr Speaker: no-one in the Legislation Unit seems to know anything about the draft legislation that was supposedly in the pipeline and we are in no position to provide a brief, since we have absolutely no idea what was planned.

255 During the election campaign that followed, the GSD refused to provide any explanation of how the replacement for Community Care would operate and limited itself to say that no-one would be worse off and that it would be implemented early in 2012.

I was accused of being selfish when I criticised the policy of the GSD. Well, how much more selfish can you get than to claim you have already identified and designed, ready to implement in 2012 after some slippage, a system which is much better for pensioners but you refuse to reveal it to the Government of the day so that the pensioners benefit from it, so that they can implement it, so that they can implement what was your policy and what you intended to do? We cannot do this without their co-operation because we have looked at other options a long time ago and there was no way that we, or the officials with expertise who were consulted, could see how it could be done.

265 Mr Speaker, in my previous intervention since December 2011 when I have asked the Members opposite to share with us what this new scheme is, I have made clear that no-one in the relevant Department had any knowledge that there was any such scheme ready to implement in 2010; that it is not the case that there has been some slippage; and that it might have been done in 2011; and that it was not going to commence in 2012; and that it would not have happened if the GSD had been returned to Government.

270 Well, if no such alternative exists, then the Members Opposite participated in an election campaign, promising to deliver a replacement system for pensioners which would be better than Community Care when no such system existed and there was no intention of delivering on this election promise.

275 What this does not explain is why they should want to do away with Community Care if there was nothing to put in its place and why was it necessary to do this in 2009 other than the fact that the reserves of the charity had run dry that year? But in any event, it is not as if there is any evidence that their alternative, even if it ever existed, would have cost less. Unless of course it was not true that everybody that is eligible now would have been eligible under the proposed statutory scheme.

280 This is not the only issue that needs explaining. If in 2009 something happened which led the hon. Members opposite to conclude there was a ticking time bomb and they had a solution which the Social Security Department was not aware of, why have they been unwilling to share it with us so that we could have done something about the ticking time bomb since 2011? We would have been happy to look at a better option if it worked and let them take the credit for thinking of it.

285 If the present system no longer represents such a massive risk that merits the ticking time bomb label, what has changed since 2009? If indeed as we stated in 2010 and as the evidence from the finances of the charity suggests, this was no sudden decision nor was it a case of benign neglect as I had assumed it to be, but a deliberate policy carried out systematically since 1996, then there is a lot to answer for, given that this Parliament was told the very opposite *consistently* throughout the 14 years. A classic example of misleading the Parliament and the electorate on a massive scale in a highly sensitive and very important issue, with no explanation as to why it was done and no apparent reason for doing it.

I commend the motion to the House. (*Banging on desks*)

290 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Minister for Economic Development, Telecommunications and the GSB.

The Hon. the Leader of the Opposition.

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

295 My intervention will be rather short. I hope the hon. Gentleman does not interpret this as a sign of my dismissing anything that he has to say. It was very interesting to hear what he has to say, much of which I think had some force. So I hope that he does not interpret my short intervention as a sign of dismissing anything that he has said today.

300 Mr Speaker, I am going to resist the temptation of striking at his political past in the way that he has struck at my political past. And indeed, I am not going to strike at anybody else on the Government's side, at their political past, because I am not the only one to have changed political parties. Because really, what I want to do is to concentrate on the issue at hand, which I accept is an important one.

305 What I will say is this, Mr Speaker: it does sadden me that somebody who has had the distinguished political trajectory and the distinguished political career the hon. Gentleman has had – and I accept that – that he, almost seems to be caught in a political time warp. He has spent an hour of this Parliament's time, not arguing with me or debating with me, because I have already said that I agree with much of what the hon. Gentleman has said in terms of how we structure this particular issue... The rest of it is periphery, the funding of Community Care. He has spent an hour arguing with the hon. the backbencher, former Chief Minister, who is not even here, Mr Speaker, *who is not even here*, because he has spent an hour with quote and counter quote about what he said about what Mr Caruana said in response. It was almost a valedictory statement of his political career and his political and personal political battles with the hon. the backbencher, Sir Peter Caruana, which I believe are irrelevant in today's political climate and in moving forwards and looking to the future in terms of trying to sort out issues of this nature and trying to see how best one can fund Community Care and make payments to our elderly.

315 Mr Speaker, the motion reads as follows, the second paragraph:

'Regrets that to date the GSD in Opposition has refused to share with the Government the details of the proposals it claims to have had ready to implement and which they have alleged would be better and more in the interest of pensioners than the existing arrangements.'

Well Mr Speaker, I am telling him that the GSD has no alternative to the funding of Community Care in the way that they are funding Community Care now. I have told them!

320 Now, every political party is entitled – and it often happens when there is a change of leadership, or indeed a change of personnel – to change their policy. We have changed ours. If he was really interested... and indeed I would not debate it across the floor of this House because I believe it would be damaging to the greater public interest and indeed to pensioners, who at the end of the day are the ones who benefit from Community Care. If he was really interested in alternatives to Community Care, because, for example... and he has already quoted the hon. the backbencher in 2009 when he said about the ticking time bomb. If he was really interested, why was it a ticking time bomb? He could have written to me and I could have discussed it with the hon. the backbencher and it could have been dealt with behind the Speaker's Chair. Very often the hon. Gentleman asks me, when I ask a question, 'Well, let's deal with it behind the Speaker's Chair,' because it is a matter that may be commercially sensitive. Well, there cannot be anything more sensitive, Mr Speaker, than an allegation that Community Care was a ticking time bomb, and if he were to ask me, 'Well, why is that the case?' I am quite prepared to sit down with the hon. the backbencher for the hon. the backbencher to explain it to me in private and for me to explain it to the hon. Gentleman – in private, not across the floor of this House, not across the floor of this House, because what I am not going to be doing is placing in the hands of the Spanish Government or anybody across the Frontier any ammunitions that they could use against us and against Community Care, which at the end of the day is something that is in place in order to benefit our pensioners. Indeed, it is something that he was the architect for it and it is one of the plusses in his political career, and I do not suppose he would do anything or want me to do anything across the floor of this House in order to jeopardise Community Care. So if that is what he is interested in... If what he is interested in is an explanation, why was it a ticking time bomb in 2009? Well, I will talk to the hon. the backbencher and we can have a conversation behind the Speaker's Chair and talk about it.

340 But, Mr Speaker, as far as policy is concerned we have absolutely no intention of changing the current structure for Community Care, how Community Care is funded and the receipts of Community Care payment by our elderly.

Other than that, Mr Speaker, I cannot usefully contribute to this debate.

345 **Mr Speaker:** Does any other hon. Member wish to contribute to the motion?
The Hon. the Chief Minister.

350 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, the hon. Member opposite in his contribution has suggested that the statement by the Hon. Mr Bossano in presenting this motion, the speech by him somehow suggests that Mr Bossano, to use his words, is caught in a political time warp. Mr Speaker, I think that requires some careful reflection because Community Care, which is the subject of this motion, is actually a very real and present issue for many members in our community. The charity Community Care pays a household cost allowance today to many people who sincerely need or who genuinely need that money. Therefore, to suggest that arguments about the possibility of Community Care continuing to exist

355 not in the political league of 1996-2000 or the league match 2000-03, or even the league match 2003-07, but in the run-up to the General Election in 2011 and what might have been the policy of the current administration were it of the political colour of Members opposite, is not to talk about something which is steeped in history; it is to talk about the issues which are present and real.

360 Mr Speaker, it is true that Mr Caruana, the hon. the backbencher is political history, it is true that the GSD may soon be political history and it is true that the hon. Member opposite is doing everything possible to make himself political history as soon as possible. But Joe Bossano has demonstrated today and in other interventions in this House in the past year that he is very much a part of the present and of the future with his incisive analysis on a number of matters, in particular now on this important subject.

365 Mr Speaker, what we have seen, however, from Members opposite, is not just falling into the trap of once again seeking to portray a Member on this side in terms which are less than positive – I mean accusing Mr Bossano of being caught in a time warp etc; what we have seen, and this is a factual description, I think, given what we have just heard, is a political U-turn of the highest order, and I do not think that the hon. Member opposite has tried to hide that. Perhaps, Mr Speaker, that is to his credit but it demonstrates, in terms of consistency, that it may not be possible to even describe Members opposite in their current incarnation as the GSD, because if the people who stand under the banner are so different and they represent such different policies... Mr Speaker, of course they have the right to change those policies, but are they really the GSD? I put it to you, Mr Speaker, and to all those listening, that the answer is no; that we are seeing a transformation not just of approach to this subject but on many others, some of which we might actually welcome on this side of the House; that the party opposite is not actually the party that we had
370 opposite us until the hon. and learned the backbencher was leading it some 24 months ago.

375 There is an opportunity, Mr Speaker, however, for broad agreement across the floor this afternoon. The hon. Member opposite has in his statement at least recognised the huge value to this community, in particular to our pensioners, of the work that was done by the Hon. Mr Bossano when he was Chief Minister in the establishment of the charity Community Care, ably assisted, if I may say so, Mr Speaker, by Mr James Levy QC at the time, who was, I think, and still is the Chairman of the Trustees of Community Care, that has been able to withstand repeated attacks from people beyond the shores of Gibraltar, not just in Spain, and have therefore demonstrated that the brains of Bossano and Levy together were able to devise a mechanism to protect the income of our elderly people in Gibraltar in a manner as effective as was necessary and which was unassailable even by those who at one stage sank to an unprecedented low and described those arrangements as a scam.
385

390 Mr Speaker, I think that, given the debate in this House has been less than friendly in the past month, this is a good opportunity for the House, in considering this motion and having heard what the hon. Member has said, which I have dealt with until now, concentrate on that issue which I think meets a great measure of agreement between us, and that is to recognise that work that was done by Joe Bossano in what will be, in my view, one of his many very enduring legacies to this community.

It is not lost on me, Mr Speaker, and I am sure on many others, that the photographer who took the portrait of Joe Bossano for the booklet that the Gibraltar Photographic Society issued, I think three months ago, of local personalities, in setting up the shot put in view, just at about the same level as the legendary moustache, a booklet on the accounts of Community Care, which was as visible as all the other well-known and well-loved characteristics of the man being photographed. That, Mr Speaker, will be his legacy – one of his many legacies – and the one good thing to come of this debate is the very large measure of agreement across the floor of the House in that respect. (*Banging on desks*)

Mr Speaker: Does any hon. Member wish to contribute before I ask the mover to reply?

The Hon. Mr Joe Bossano.

395 **Hon. J J Bossano:** Mr Speaker, I think what the hon. Member cannot escape simply by saying, ‘Well, look, this is history, that is the past, and let’s look to the future’ is that we are not talking about 2,000 years ago; we are talking about 2010. That is to say in the year before the General Election his position, as part of the Government, had to be what the House was told. The position of the Government then said, ‘There is no doubt that the difference between the party in Government and the party in Opposition is that the
400 Government rejects as irresponsible and un-thought-through the view that there is no need to reform Community Care today.’ Should I now welcome him to the ranks of the irresponsible and un-thought-through?

405 One of the things about Parliament and *Hansard* is that everything you say in this place catches up with you sooner or later, and when you have got a guy like me who remembers everything over the last 43 years that is not a very safe thing.

What I am saying to the hon. Member... independent of the issue of whether there was a risk or there was not a risk, because it is not a question of us, by mentioning the risk, doing something that is dangerous – we are saying we do not believe the risk exists. But if you tell me that there is a risk and you feel that it is

410 dangerous to explain it to me here, then it is up to you, as has been said when the hon. Member gives the example of asking a question – if he asks the question in public, he gets the answer in private. Well, I am asking the question in public and I have been asking the question in public for the last seven years since it was first mentioned in 2009, but I have never had the answer in public or in private, or an offer of the answer in private on the basis that it was not in the public interest to give me the answer in public.

415 The reason why I did not get an answer is because there was no answer. We still do not know why the GSD wanted to shut down Community Care. We do not know that. If it is true that a change of leadership can make a ticking time bomb disappear, then we have discovered some new concept in life which I have never heard of before. If it is true that the hon. Member was a Member of that party when it was thought irresponsible and un-thought-through to say there is no need to reform it, if that was true then he should be able to tell me without having to ask the distinguished backbencher what it is that made us irresponsible, because he has now joined the rank of the irresponsible if he does not know it himself.

420 I can tell the hon. Member that in my judgement the risk did not exist. In my judgement, the way that it was said that it was going to be done is impossible to do, and I will tell him why. If he goes back to May 1996, in the official opening of the House I revealed that the British Government, before the 1996 election, had tried to commit me to give a written indemnity and an undertaking that Community Care would be closed down after the election, whoever won the election, and I refused to do it. And the first thing I did was to make it public in 1996 and urge the GSD to resist the pressure to close it down, which they did because it is still there, and I am glad that they did. But having resisted the pressure it would appear that, for reasons that were never spelt out, of their own volition they decided that there was a better way of doing it. And it would not have been a controversial thing if from the first day we did not say, ‘Well, look, if you have got something better we are not going to do it, because if you say black we say white, and if you say white we say black.’ We did not say that. We said, ‘If it’s better tell me – show me how it’s better.’

430 The answer is that what I have brought today for the hon. Member might just be repetitive history and living in a different...time warp, but I have to tell him what this record shows is *consistent*, consistent lying in Parliament. That is what it shows and that is serious, because I have given the evidence –

435 **Hon. D A Feetham:** Mr Speaker.

Hon. J J Bossano: Yes, I will give way.

440 **Hon. D A Feetham:** Mr Speaker, obviously it is not my lying, because... He is not making an allegation of lying against me because of course I made no... none of those things, but he is making an allegation of lying against the hon. the backbencher and I urge the hon. the Speaker to show consistency in the way that this question of lying has been dealt with. Mr Speaker admonished me when I said the Hon. the Chief Minister had been lying when he made certain allegations against me, and I think that he ought to uphold the rules as well against the Hon. the Father of the House.

445 **Mr Speaker:** The Leader of the Opposition I think is quite right. I would urge the Hon. Mr Bossano to withdraw what he has just said and perhaps he might think that what was happening was that the hon. the backbencher never got around to revealing what plans he had.

450 **Hon. J J Bossano:** No, no, no, no. No, Mr Speaker, I am not saying he was lying about having plans; I am telling the Parliament that there were no plans. At least there were no plans known to anybody other than him, but he might have had plans in his head. What I am saying to the House is the House was told on several occasions, ‘The £60 million will not be touched.’

455 You can only use the word ‘lying’ in a substantive motion and this is a substantive motion, and if I have to move an amendment to the substantive motion to include the distinguished backbencher then I will do it, but what I cannot accept is that I have to withdraw. If I am telling the House on such and such a date we were told there is an axiomatic commitment that the reserves will not go down, and on such and such a date we are told the Government has been planning from day one to eliminate the reserves, well look, the two things cannot be true.

460 **Mr Speaker:** But in the question of unparliamentary language, such as ‘a lie’, the context is important. It is the context in which it is being said which very often determines the extent to which it is unparliamentary.

465 I take the view that I do not think it is entirely fair, in the absence of the Hon. Sir Peter Caruana, that he should be accused here today of lying when probably... From what I have heard of the history that Mr Bossano has outlined it is clear that he seems to have been the only one who felt that it was a potential time bomb, because given the principle of collective responsibility one would have expected the Hon. the Leader of the Opposition to have known what those plans were, if they actually existed.

470 I can never recall, during the 16 years when I was in Government, that the principle of collective
responsibility did not apply, other than in some cases of foreign affairs where something went from
Gibraltar to London, which history has recently shown all Ministers did not know about. But on an issue
such as Social Security and Social Assistance we would all have been involved and it is clear that the
475 Leader of the Opposition, who was a Member of that Government... There are other Members of that
Government here – they do not seem to have been aware as to what plans there were, neither were officials
aware, so perhaps... I think it would be more correct to say this is what the then Chief Minister had in
mind; he never got around to doing it.

480 **Hon. J J Bossano:** I have not said that he is lying about the time bomb, because if there is something
described as a time bomb it is a matter of opinion and it is a matter of judgement. Something might be
considered a time bomb by Mr Caruana and not considered a time bomb by me. What I am saying is that it
is not possible to say that the GSD Government – because he was speaking not as an individual but in the
name of the Government – the GSD Government gave a solemn undertaking in this Parliament on several
485 occasions that they would guarantee that the £60 million reserves would not be depleted. They gave a
solemn undertaking. And when I said they had not honoured what they committed themselves to, they had
not honoured it, the answer was that *I* was lying. *I* was called a liar for saying they had not honoured it, but
then the person who calls me a liar turns round and said that I am lying because it is not that he did not
honour the commitment, it was that he never intended to comply with it because he was planning from day
one to run the thing to zero. So the two statements cannot be true.

490 If to say that somebody is lying is something that one should not say, I would say one should not say it
unless there is evidence and if anybody makes a statement in Parliament they should back it up with facts,
and I am backing it up with facts because it is not my words – I am talking about the policy of a
Government, not whether an individual person, whether he is the Chief Minister or the backbencher, tells
the truth or does not tell the truth. I suppose none of us are a hundred per cent truthful a hundred per cent of
495 the time. That is not the issue. I am talking about the credibility of a party that is going to an election this
year and making electoral promises. And if they make an electoral promise saying, ‘I’m going to put a new
system in if you get me elected,’ and there is not a shred of evidence that they were going to do it, well,
what do you call that?

500 **Mr Speaker:** Well, I would say that political credibility is not the same as telling a personal a lie in
Parliament. The two are different and therefore, to that extent, if that is what he has in mind then I think that
that amounts to a withdrawal of the word ‘lie’ as applicable directly to the Hon. the Leader of the
Opposition – (*Interjection*) the hon. the former Chief Minister.

505 **Hon. J J Bossano:** Yes, but I am not withdrawing anything, Mr Speaker, let’s be clear. If, in order to
make it consistent with the ruling, I have to move an amendment to include him in the motion, I will,
because as far as I am concerned it is not about him, it is about the party; it is about the party in
Government. The Government of Gibraltar, the person who stands up for the Government of Gibraltar
today is my friend Fabian and he will stand up and say something and say, ‘This is what the Government
510 policy is,’ and that Government policy he is saying in the name of all of us. And if what he is saying is not
true is not true and, all of us are equally guilty. This is not about a person telling a lie; this is about a
Government openly, deliberately and unquestionably saying things in Parliament which are not true – not
even misleading: not true. Because they say there is £60 million and I can prove today that when they said
there was £60 million there was not £60 million, because they say, ‘We are monitoring it closely,’ and I can
515 prove that that Government was not monitoring it closely.

Mr Speaker: It is a fact of political life that Governments, even in democracies, are very often
economical with the truth, and the years go by and then we find out that that is the case. But that is not the
same as deliberately uttering a lie here in Parliament. That is not the same.

520 **Hon. D A Feetham:** I would urge Mr Speaker to be careful here because Mr Speaker, I think,
inadvertently I have to say, is now descending into the political arena. In order to try and get the Hon. the
Father of the House out of a procedural hole because he has a lot of affection for him, he is now trying to
give him the political out, which is the GSD Government was economical with the truth. Well, look, that is
525 not accepted on my part.

Mr Speaker: I have not said that the – (*Interjection by Hon. D A Feetham*) I said that there have been
many instances throughout... I can recall myself being in Government and things being said by Ministers,
by the Chief Minister of the day, which would not stand 100% investigation – because that is politics and it
530 is a fact of life.

Look, you can say somebody is politically corrupt – and it happened in the case of Mr Damon Bossino in the Budget of July 2012 – and that is not the same as saying somebody is corrupt. You can say here a Minister is not to be trusted in a political sense, in a parliamentary sense, and it is not the same as outside in the street saying, ‘This person is not to be trusted.’ It is not the same, that is clear. This is what I am saying about the context in which...

535

Now if the hon. the Leader of the Opposition wants me to name Mr Bossano – is that what...? Or that I should chastise him further... I am trying... Yes, I am trying to give him a way out, because he has been here over 40-something years. I know how obstinate people in our generation can be. As we get on in life we can be *very*, very obstinate, and I do not want to have another unsavoury incident two or three days after... I thought we had had enough recently.

540

Hon. D A Feetham: Mr Speaker, nobody wants an unsavoury incident. I have just seen that Mr Speaker has made a comment which could be misinterpreted and I have just pointed out that it could be misinterpreted.

545

I really do not want to have a situation where every session of Parliament turns into exchanges with the Speaker turned into a central aspect of proceedings; I really do not want that to happen, Mr Speaker. All I have said is that perhaps you have made a comment that could have possibly been misconstrued and I was just pointing that out, Mr Speaker.

Of course nobody wants to have these exchanges about lying. The hon. Gentleman could just simply withdraw, but he seems determined to continue and continue. And of course I pointed out that Rule 45.12 basically provides even if he were to want to move an amendment, he can move an amendment, but my understanding of this is in this particular case he has got to give notice as well, and the hon. the backbencher would have to be here in order to be able to defend himself. Or are we going to have effectively – (*Interjection*) Or are we going to have a motion without notice effectively questioning the conduct of an MP without notice and with that MP not being here?

550

555

A Member: He has chosen not to be here.

Mr Speaker: The Hon. the Chief Minister.

560

Hon. Chief Minister: Mr Speaker, as Leader of the House and trying, insofar as is possible in this situation, not to be partisan, and trying to do a bit of what you are trying to do, which is to give both parties an opportunity here to stand by what they believe, I think what Mr Bossano is saying, without getting into the substance of it, is that when statement A is made and later statement B is made, both of those cannot be true, and perhaps to say that one of the statements that was made – either the first one, to preserve reserves at a particular rate; or the second one, that there was never any intention to preserve reserves – was, one of those was not true is parliamentary language and is a way of dealing with the subject.

565

Alternatively, Mr Speaker, if Mr Bossano goes on to say that what he said was actually the preamble to moving an amendment to the motion which includes that wording, then he would be speaking on a substantive motion, which is the amended motion, and would therefore avoid being in conflict with the rules, subject of course to the fact that it is true that the hon. the backbencher is not here, but notice of this motion has been given for some time and an amendment to an existing motion is an amendment that can be made without notice.

570

However, I would invite both Mr Bossano and Mr Feetham to accept that the possibility is to say that on the occasions that those statements were made, on one of those occasions at least one of those statements had to be untrue, and therefore other people can then reach the conclusions that the ‘L’ word applies if they wish.

575

Mr Speaker: On the question of amending a motion, I have never known in all the years when I was a Member of the House that a motion was moved by the original mover during the course of his right to reply when he is making his winding up speech. It has never happened, but we can check the rules and see what the rules say about amendments. That is Rule 21: ‘Manner of debating motions and amendments thereto.’

580

Hon. D A Feetham: Well, Mr Speaker it is 45.12, and 45.12 says that –

585

Mr Speaker: No, that is another one.

Hon. D A Feetham: No, that is what he wants to do; he wants to question the conduct. Basically what that says is that you cannot question the conduct of a Member of Parliament ‘except upon a specific substantive motion moved for that purpose’. Mr Speaker, it is here:

590

‘and in any amendment, question to a Member or remarks in debate on a motion dealing with any other subject or reference to the conduct of the persons aforesaid shall be out of order.’

My reading of that is that you cannot amend a motion in order to... effectively turning it on its head into a substantive motion questioning the conduct of a Member. You have got to bring a separate motion. That is my reading of this and it flows from the wording:

‘except upon a specific substantive motion... and in any amendment, question to a Member or remarks in a debate on a motion dealing with any other subject any reference to the conduct of the person... shall be out of order.’

595 **Hon. Chief Minister:** Mr Speaker, you have already ruled in that respect when the hon. Member did not like an amendment I was making to a motion about him. That is not the correct interpretation, as you ruled at the time.

Motions under Standing Order 20, Mr Speaker, are said to be possible to be amended by way... A motion which does not require notice is a motion which is being amended when it is being debated in the Parliament. There is no statement as to when, in the course of that debate of the motion, the amendment can
600 be brought. I think that is not something that is provided for, and therefore it must be proper to allow the amendment at this stage as well.

In any event, Mr Speaker, the hon. Member has not yet heard the proposed amendment. He has gone on about it not being possible to call into question the conduct of a particular Member, but a motion could be amended to call into question the conduct of the GSD Government, for example, which is not to call into
605 question the conduct of a specific Member – although given what we are hearing about collective responsibility it seems there was only one Member in the GSD Government at any particular time. (*Laughter*) But the rules, Mr Speaker, do not prevent such an amendment being moved at this stage, and I think if I can call Mr Speaker’s attention to the type of debate which is less acrimonious, when the House is trying to agree something often amendments are made, even when the mover is replying, to try and get to
610 the motion that the whole House can support. In that sort of attempt to work together and have a motion that is supported unanimously I have seen amendments moved during the course of a reply. This is in a more combative procedure, but there is nothing in the rules that prevents that.

615 **Mr Speaker:** That is why I say in over 20 years membership in this House I can never recall an instance where an amendment was moved by the mover during exercising his right to reply, and I remain to be convinced – and I am not, after a cursory glance at the rules – I remain to be convinced that that is within the rules, because I have never seen it happen.

620 **Hon. Chief Minister:** Mr Speaker, can I ask you in this respect, in respect of such a ruling, to point to any part of the rules that prevent it, because if the rules do not prevent it then we are in the territory where simply recollection is not precedent.

625 **Mr Speaker:** Logic demands that once the mover is exercising his right to reply, that is going to be the end of the debate, and now he raises... He himself brings up an amendment to his motion, when all the other Members have spoken beforehand and now they no longer have an opportunity.

Hon. Chief Minister: No, Mr Speaker, you would be absolutely right if that were the situation, but there is of course the right of every Member now to speak on the amendment.

630 **Mr Speaker:** Yes.

635 **Hon. Chief Minister:** So once the amendment is moved it is not as if we then go immediately on to vote on the substantive motion as amended. We then go on to a debate on the amendment, and therefore Members will be able to speak on the amendment should they so wish.

Mr Speaker: I think I would have to take advice. I will have to perhaps consult *Erskine May* or maybe even the Office of the Clerk in the House of Commons before I allow him that, as I say.

640 But I think it is a pity that... We were making progress this afternoon in what was a very sober, interesting debate, and the matter is turned on its head because of an unfortunate word. I am trying to avoid that this should happen in Parliament, but I do not seem to have been, of late, born under a lucky star.

645 **Hon. Chief Minister:** With respect, Mr Speaker, I am the first one to think that you are absolutely right to try and bring temperance to this place and the first person to stand on behalf of all of us here to say that we should reflect on the statement that you made last time. But a Parliament is a place to parlay and to debate and debate sometimes requires disagreement, and disagreement must sometimes be robust; and

robust disagreement, when it is based on the sort of debates that we have heard Mr Bossano present, should not be something that scares any of us, nor indeed the public. This is not a debate that is being conducted in any way that is anything other than entirely proper, and the only issue is whether one word has been used in this debate which is appropriate or not, and Mr Bossano's position is, as I think he has explained more than
650 adequately himself, that in the circumstances he thinks it is appropriate and wishes to use the parliamentary devices that are available to him in order to be able to deploy that wording.

If Mr Speaker thinks that, despite that, the procedure which is being put to him should be followed so that the House can, not *allow* Mr Bossano to use that language but *debate* the use by Mr Bossano of that language, because then the House will be able to consider that, that is of course a matter for Mr Speaker,
655 and Mr Speaker knows that on this side of the House we accept his rulings when we agree with them and we accept his rulings in particular when we do not agree with them, because that is what accepting the right of the referee must be about.

So, Mr Speaker, the matter is entirely one for you but I would ask Mr Speaker that he has raised an issue which I have never heard raised in this House. I think it will be possible to point to a number of motions
660 which have been amended during the course of the reply, whether in combative or non-combative motions, and that Mr Speaker must rule on that subject because I think it severely circumspects the ability for debate if we do not have a ruling from Mr Speaker on this. Not today necessarily, because Mr Speaker has indicated he will want to take advice not available immediately, but I think it is important for the House that we should have a ruling on that subject.

Mr Speaker: I was not here, of course, between 1992 and 2012. It may well have happened during those 20 years. I may well be wrong. It may well have happened during those 20 years and I am just not aware that it did, and therefore it is something that can be looked into and can be checked.

Hon. Chief Minister: Indeed, Mr Speaker, actually I am just shown by Dr Garcia and Mr Costa that the answer actually lies in 21.3, and 21.3 is actually explicit. It says:

‘Any amendment to the motion which a Member wishes to propose in accordance with the provisions of Standing Orders 23 and 24’

– which deals with amendments and amendments in writing –

‘may be moved at any time’

– at *any time*, specific wording –

‘after the question upon the motion has been proposed by the Speaker and’

– and these are the words that I think deal with Mr Speaker's point –

‘before it has been put by the Speaker at the conclusion of the debate upon the motion.’

The conclusion of the debate upon the motion has not yet been reached, and therefore, Mr Speaker, Standing Order 21.3 engages and Mr Bossano is able to move the amendment.

Mr Speaker: But then 24 says:

‘Any amendment may be required by the Speaker to be put into writing by the mover and delivered to the Clerk.’

Hon. Chief Minister: Yes, Mr Speaker, and we have a draft of it in writing ready for the Clerk to pick up.

Hon. D A Feetham: Mr Speaker, this is the point that I have attempted to consistently make in relation to this, because in relation to other types of motions I have been concerned about the practice of substituting effectively an entirely new motion for a new one, without notice, that catches people by surprise. And the way that the rules are structured, in my view, always gives the Speaker an element of discretion, the residual discretion to say, ‘Fine, I have got the written amendment but I require that you give notice.’

When one is dealing effectively with a substantive motion... I have not read it and I can only go by what the Hon. the Father of the House said his intentions were going to be, which was that there was going to be a substantive motion effectively calling into question the conduct of the hon. the backbencher.

A Member: No, it's not.

690 **Hon. D A Feetham:** Well, that was the position at that point. *(Interjection by the Hon. J J Bossano and laughter)* Yes, the Hon. the Father of the House says that I have lied! *(Laughter)* Okay, I take it from him without making any Point of Order.

The issue, Mr Speaker, is that on this question of notice and whether it requires notice, and whether Mr Speaker wants to, in the circumstances, say, ‘No, hang on a minute – I don’t want to deal with this on the hoof for *x*, *y* and *z* reason,’ that particular rule in Standing Orders actually gives Mr Speaker the discretion to say... not just writing, Mr Speaker, because it cannot just be a question of writing, so I just write the amendment out and that is the end of the matter; it is also about notice, because the writing is there to give notice to those who obviously have to debate this matter.

695
700 So Mr Speaker is absolutely right that Mr Speaker does have a discretion in relation to this, but at the end of the day it is Mr Speaker’s decision as to whether... and I really do not want to waste any more time in relation to this because it appears to me that the other motion in relation to LNG is something that we ought to be debating and is something that is going to be thoroughly interesting, to say the least.

705 **Mr Speaker:** I think it is clear from what has emerged during the debate this afternoon, given what the Hon. Mr Bossano has said and what the Hon. the Leader of the Opposition has said, that perhaps it is not appropriate that it is the GSD in Opposition that should be condemned for having refused the information and it indeed is not appropriate that it is the present Leader of the Opposition who should be condemned for withholding information which he does not have, which we have been told he does not have and which nobody in any Government Department seems to have.

710 **Hon. Chief Minister:** Mr Speaker, with the very greatest of respect and summoning all of the collective respect that there is in this House for you, Mr Speaker, you have to be careful not to descend into the arena, and Mr Speaker has to be very careful not to form part of the debate of GSD or not GSD.

715 The Hon. the Leader of the Opposition has said that there is in the rules a residual discretion for you to require notice to be given. Mr Speaker, the rules are explicit: there is no issue of discretion and notice. This is a motion that can be amended without notice. This motion has been on the Order Paper for a month, or for three weeks. This motion was to be debated today, Mr Speaker, at the earliest.

720 If a motion is to be debated, then the possibility of amendments to it arise, including, as you ruled last time, Mr Speaker, the amendment of every word after ‘This House’ or even the words ‘This House’ to the very end. That has been the practice of this House for the 50 years that it has had its incarnation since it was a House of Assembly.

There is an amendment before the Chair, Mr Speaker. It is an amendment that is within the rules. There is no provision for notice and the House needs to get on and deal with this on the basis of the way it has done in its history and in accordance with its rules, Mr Speaker.

725 **Mr Speaker:** Let me have a look at the Rules and perhaps we might get more guidance.
Rule 20:

‘Motions not requiring notice.

Unless the Standing Orders otherwise direct, notice shall be given of any motion which it is proposed to make with the exception of the following-

(a) a motion by way of amendment to another motion being debated in the Parliament;’

That applies here. We are now debating another motion in Parliament and therefore an amendment can be made to it.

730 As I said, I have never experienced that it is made at such a late stage, but I do recall the Hon. the Chief Minister recently doing something similar in one case and I remember I queried it in my mind and I was told this has become the practice. It must have become the practice during the time that I had been away from this House. So on that basis it would seem that the Hon. Mr Bossano can move such an amendment.

735 **Mr Speaker:** Has the amendment been circulated? Do Members of the Opposition have the amendment? No, not yet.

In allowing the amendment, I also have to rule that an amendment to the amendment will also be allowed. I will also allow any Member to move an amendment to the amendment.

Now would the Hon. Mr Bossano then actually propose the amendment?

740 **Hon. J J Bossano:** Well, as I indicated in my previous intervention while you were considering the matter, Mr Speaker, the amendment to which I referred and which I now propose to move makes it clear that the issue is not about whether there was or there was not an alternative in place, because I accept that I have found no evidence of it. Members opposite may not have known any details about it. It was mentioned

745 and it is possible that the person who mentioned it did not share whatever he had in his mind with anybody else, and I do not think that constitutes any evidence of something being said that was not true – because in fact if one person does not share information with anybody else... well, then, nobody can know whether it is true or not.

750 But there is something, which is what I tried to draw a distinction... which is incontrovertible, and that is: was the commitment that was given in Parliament on behalf of the Government by whoever spoke – it is not the individual; nobody who was in the Government can say, ‘Well, I didn’t know that our policy was that we would let Community Care carry on paying.’ The GSD, Mr Speaker, took the credit for all the money that was paid to the pensioners for the 15 years they were there, as if they *were* giving money to the charity, and they were saying in Parliament that they were committed to making sure that the reserves were not touched.

755 Therefore, the amendment which I wish to move to the original motion is to add at the end the following words:

‘And therefore considers that the GSD Government was therefore lying in its statement suggesting it was preserving the reserves of Community Care of £60 million when in fact it later confirmed that it had been planning to run down those reserves to zero from day one.’

760 The confirmation has not come from the GSLP; the confirmation has come because there is documentary evidence that shows that on a certain date it was revealed that, contrary to what I had supposed, I had actually given the GSD the benefit of the doubt and I had actually assumed that they had taken a view in 2009 – and that is reflected in my original statement – that maybe something different should be done with Community Care, because at that point the charity had run out of money.

765 When I made that public the answer that was given was, ‘No, it was not by accident, it was not a question of not having given it money, but it was that it was always planned from day one that the point would be reached when the £60 million would run out and then, instead of continuing with the existing system, we will put something better in its place.’ Whether that something better was there or whether it was not there, whether they intended to do it or they did not intend to do it, the statement that there was a deliberate rundown can be tested against what happened – and what happened was in fact that there was a rundown. It is not that the charity went up and down on different years, which might have been the case – the Government may have had a very good year with a big surplus, which is what we are saying now. We are saying if the surplus is very big we will give more money, and if there is less money at the end of the year we will give less money, but what we will do is we will give the charity the money depending on how much money we have to spare after our recurrent expenditure has to be made.

770 If the position is on a number of occasions the Government of Gibraltar gives a solemn commitment in this House saying – beyond doubt, it is not possible to interpret it in any other way because it is repeated more than once – we are doing all sorts of things, we are even buying their investments from them to make sure they have got £60 million in cash, and that is a solemn promise; we are not going to give money when they do not need it, but they will never have to dip into their reserves.... They are saying that. And when what they are saying is one thing and what they are doing is another thing, then there is only one way of describing it.

780 It may be unparliamentary – it is not a nice thing to say of any organisation or any institution, but in fact when in the House of Commons people are seen not to be telling the truth in Parliament, they are held to account for not telling the truth. It seems that somehow here it is considered less of an evil to say somebody is not telling the truth than to actually not tell the truth. Well look, the truth in Parliament is serious, because if Governments... if we come here, look... My hon. colleague inadvertently gave the wrong information in the House and he has just come today to put it right. Why? Because otherwise it could be said he had been lying and giving unemployment figures that were not correct. Therefore, when you say something and it turns out that you had got it wrong, you come back and you put it right and put the record straight.

785 But of course if I have been able to demonstrate that on the very dates that they were saying, ‘We are preserving the £60 million,’ the £60 million was already not there, it was already below £60 million... Way back in 1999 it was already at £57 million and therefore the only conclusion is that this is not an issue about an individual and this is not a censure motion about that individual who is not here; this is about the conduct of a Government in Parliament in not telling the Parliament the truth of what it was they were doing and revealing it 14 years after the event and saying, ‘This is what we were doing throughout,’ and in fact the evidence that we now have, showing that in fact it was true, that is what they were doing. So what they were doing was one thing and what they were saying was another, and therefore they were lying in Parliament and I move that the amendment be supported so that we tell the truth this time and the record shows what was really happening.

800 **Mr Speaker:** Given that the hon. Member has said that he is prepared to give, he has given the GSD Government the benefit of the doubt, he might be equally generous and delete the word 'lying' and substitute for it some other word, such as 'was therefore incorrect in its statement' or 'was therefore not accurate in its statement'. I will not propose this question with the word 'lying'.

805 **Hon. J J Bossano:** Yes, but Mr Speaker, look, I believe –

Mr Speaker: I am now ruling that it is unparliamentary –

Hon. J J Bossano: You are ruling –

810 **Mr Speaker:** I am ruling it is unparliamentary. I will not propose the question with the word 'lying'. I require that it be amended by a word that is parliamentary, such as 'accurate', 'incorrect', or something to that effect, and then I am being consistent in doing my job as Speaker, which I have a right to do, as I have told hon. Members previously.

815 **Hon. J J Bossano:** But Mr Speaker, if an hon. Member comes here and gives an incorrect number, then that Member is giving incorrect information. If a Member comes here and says something that is not true, knowing that it is not true, then I do not know what you call it and why you think to say –

820 **Mr Speaker:** What I call it is a sense of justice in that the Member is not here to defend himself.

Hon. J J Bossano: But, Mr Speaker, the amendment does not mention a Member. I am saying the Government of Gibraltar was not telling the truth in Parliament.

825 **Mr Speaker:** But I am ruling that that word is unparliamentary, and if he does not withdraw it I will suspend the session.

Hon. J J Bossano: Well, Mr Speaker, then are you saying that I cannot say they were not telling the truth?

830 **Mr Speaker:** You can use some other word which may amount to a similar word – (*Interjection by the Hon. J J Bossano*) I am not having the word 'lying' in a substantive motion of this Parliament in a session over which I am presiding. I am just not having it.

835 **Hon. J J Bossano:** Are you saying, Mr Speaker, that there is now a new rule that I cannot give notice and bring a new motion that says anything about –

840 **Mr Speaker:** I am saying that the word 'lying' is unparliamentary and I will not allow it in a substantive motion before the Parliament over which I am presiding. If he does not want to accept that, the Government can bring a motion –

Hon. J J Bossano: No, no, I want to understand –

845 **Mr Speaker:** The Government can bring a motion against me, and I will then go home and that is the end of the matter.

Hon. J J Bossano: Well, yes, I may want to do that, but that is not the issue.

Mr Speaker: Go ahead and do it! (*Several Members: Ooh!*) Go ahead and do it. Go ahead and do it.

850 **Hon. J J Bossano:** Mr Speaker, I am not saying that I am going to do it; I am saying I *may* well want to do it. But wanting to do it and doing it are two different things.

Mr Speaker: Not that I am going to go home, but that I *may* go home.

855 **Hon. J J Bossano:** Right. What I am asking, Mr Speaker, for clarification on your ruling. Is it that you are saying that under no circumstances a motion can be brought to this House which includes the word 'lying'. Is that what you saying?

Mr Speaker: Not whilst I am the Speaker of this Parliament.

860 **Hon. J J Bossano:** Okay, then, Mr Speaker, are you satisfied with the words ‘not telling the truth’?

Mr Speaker: No.

865 **Hon. J J Bossano:** No.

Mr Speaker: I am satisfied with ‘was therefore not correct in its statement’, or ‘was not accurate’, but ‘not telling the truth’ amounts, it’s the same as ‘lying’.

870 **A Member:** Deliberately misleading.

Hon. J J Bossano: Deliberately misleading?

Mr Speaker: No.

875 **Hon. J J Bossano:** The freedom of speech in this Parliament gets better by the minute, Mr Speaker!

Mr Speaker: Well, the freedom of speech is curtailed, whether Members like it or not, by the rules. [Hon. J J Bossano: Yes.] And they have asked me to and I have to interpret the rules. People do not like it. I am getting anonymous letters accusing me, but it is a fact of life. They may not like it. But freedom of speech is one thing, but there is a law and there are rules, surely.

880 My job is to implement the rules and it is a well laid-down fact of life that the word ‘lying’ is not acceptable. It is unparliamentary. It is unparliamentary when used in a speech; even much more so is it unparliamentary when contained in a motion.

885 **Hon. Chief Minister:** Mr Speaker, I think that we need to reflect on the rules to understand what they are there for and what has been built up over centuries as parliamentary debating procedure. And the procedure, which I do not have to hand but is well known to every parliamentarian, is that you cannot use the word ‘lie’ or say that somebody is lying other than in a substantive motion.

890 Mr Speaker, this is a substantive motion and therefore it is with the very greatest of respect that the Government needs to consider your ruling, not for our sake and for today but for the sake of the Parliament and the right of all Members on both sides of the House at any stage to avail themselves of the rules as they have been established over centuries, not just in this place but in other Parliaments which we take guidance from. Because I think we have to preserve – and I have to preserve not just for the Government but for all Members – the right to use language which is otherwise unparliamentary in a motion, which is what makes it parliamentary, because the rule has always been that you cannot say that somebody is lying or that there is a lie other than in a substantive motion.

895 Now, Mr Speaker, trying to avoid, all of us who have such a high regard for each other, finding ourselves in conflict, can I propose Mr Speaker, that –

900 **Mr Speaker:** Can I propose that I be shown evidence of the fact –

Hon. Chief Minister: No, Mr Speaker, can I –

905 **Mr Speaker:** – that the word ‘lying’ can be used because it is being used in other Parliaments? I have never seen that happen.

Hon. Chief Minister: Alright, Mr Speaker, we will –

910 **Mr Speaker:** And because I do not know that that is the practice, I cannot but rule the way that I am ruling –

Hon. Chief Minister: Well, Mr Speaker, the practice –

915 **Mr Speaker:** – given that I am being required here and now to make rulings, it is not a question of going away and coming in four or five days’ time when one has had an opportunity to try and find out what the position is.

920 **Hon. Chief Minister:** Mr Speaker, you are among the most experienced Speakers that this Parliament has had, not by dint of your period as Speaker but by dint of your service to this community as a *Member* of this House. And if you have not come across that principle, I will of course make it available to you in the

context of dealing with this issue, not for today but for the future, because it is very important that there should not be a ruling on the books of this House which somehow curtails the right of Members of this House, to express themselves in a way that Members of other similar houses are able to express themselves on substantive motions.

925 But can I propose, Mr Speaker, in an attempt to ensure that old parliamentary colleagues such as you and Mr Bossano, for whom I have, for both, such equally high regard, do not find yourselves at loggerheads for any longer, that we recess for five minutes and that we have an opportunity of considering the language of the motion in a way that might enable us all to feel that we have achieved what we each respectively have to achieve and what the taxpayer expects from all of us, and that the House do now recess for five
930 minutes?

Mr Speaker: Yes, thank you, the House had better recess and we have a cup of coffee.

The House recessed at 1.23 p.m. and resumed its sitting at 3.03 p.m.

**Community Care –
GSD proposals for replacement –
Debate concluded; amended motion carried**

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

935 **Mr Speaker:** The Hon. Mr Bossano.

Hon. Chief Minister: Well, I believe, Mr Speaker, it is an opportunity to reflect that the recess has allowed an opportunity for the Government to consider the amendment, to consider the issue with you.

940 I am delighted that there is an element of white smoke, if I can call it that, in respect of the amendment and to I think reflect that there is such deep affection between Members of this House – in particular you and Mr Bossano, who are the same age and have served here for so long – that I do worry, Mr Speaker, that one day perhaps the Leader of the Opposition and I might feel so deeply and so affectionately for each other 40 years from now. But it is very salutary to see that we have been able to progress.

945 **Hon. J J Bossano:** Mr Speaker, the amendment that I am moving has been redrafted so that it now reads:

‘and therefore considers that the GSD Government was deliberately providing incorrect information in its statements suggesting it was preserving the reserves of Community Care at £60 million when in fact it later confirmed that it had been planning to run down the same reserves to zero from day one’.

Mr Speaker, the evidence in support is in my original opening statement, which, as I explained when I opened on this motion, shows that there was a consequential decline from 1997 onwards. That is to say the reserves went up actually in 1997, simply because investment income was high enough to cover the benefits
950 paid to entitled persons and there was money left over. But since no money was put in in the first term, by the end of the first term it was already lower than it was in 1996 and it is impossible for the Government not to have known this, given that they made a statement at a later date, in 2001, that they were closely monitoring the situation to make sure that what was actually happening did not happen. They were telling us they were taking effective, preventative measures, redeeming the debt that was held by the charity which
955 was in fact quoted in the London Stock Exchange, which was Gibraltar Government debt that was trading in London above its par value, and the Government was buying that debt from the charity at the rate that it was selling in the market, so that it would not be redeemed on the maturity date where the value would have been less. And it was saying to us in Parliament this was being done in furtherance of the policy that they would not need to touch the £60 million. That information was not correct.

960 They were buying those things but it was not so that the reserves would be kept intact; it was simply because they were, in effect, doing the very opposite. It was because the assets were being sold in order to pay the benefits, in order to pay the costs. It was only in 2003 that anything happened that was different and then, immediately after 2004, the decline continued and it was only when the reserves reached zero, which was in February 2010, that we had the Government openly explaining that, contrary to what I had believed,
965 that this had not happened as a deliberate policy, it was a deliberate policy and that the deliberate policy that the House was told was being followed was not true. It was incorrect information we were given and therefore we believe it is opportune to reflect this in the motion in a way which is consistent with the rules of the Parliament.

970 I commend the amendment.

Mr Speaker: I now propose the amendment in the terms moved by the Hon. Mr Bossano, and of course all hon. Members are able to contribute, are able to speak about the amendment.

If no-one wishes to do so, I will put the amendment, which reads:

*That the following words be added as the last paragraph of the motion as follows:
'and therefore considers that the GSD Government was deliberately providing incorrect information in its statements, suggesting it was preserving the reserves of Community Care at £60 million when it in fact later confirmed that it had been planning to run down those same reserves to zero from day one'.*

975 All in favour? (**Several Members:** Aye.) Against? (**Two Members:** Aye.) The amendment is carried.

I will now put the motion as amended to the vote. All those in favour? (**Several Members:** Aye.) Against? (**Some Members:** Aye.) The motion is carried.

ADJOURNMENT

980 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House do now adjourn to Thursday at 11.00 a.m.

Mr Speaker: I now propose that the House do now adjourn to Thursday at 11.00 a.m.

985 I now put the question that the House do now adjourn until Thursday at 11.00 a.m. Those in favour? (**Members:** Aye.) Against? Carried. The House will adjourn until Thursday at eleven in the morning.

The House adjourned at 5.55 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11.06 a.m. – 1.23 p.m.

Gibraltar, Thursday, 30th July 2015

Business transacted

Order of the Day	2
Gibraltar LNG Terminal Risk Assessment – Funding of Lloyd’s Register Report.....	2
Debate commenced	2
<i>The House recessed at 1.23 p.m.</i>	20

The Gibraltar Parliament

The Parliament met at 11.06 a.m.

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

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

Order of the Day

GOVERNMENT MOTIONS

Gibraltar LNG Terminal Risk Assessment – Funding of Lloyd’s Register Report Debate commenced

5 **Clerk:** Order of the Day. Government Motions. The Hon. the Chief Minister.

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

‘This House:

Calls upon the Leader of the Opposition to disclose the identity of the person, persons, entity or entities who funded the £100,000.00 (one hundred thousand pounds sterling) cost of the Lloyd’s Register Report titled the ‘Gibraltar LNG Terminal Risk Assessment’.

10 Mr Speaker, many things have happened since I moved the motion which I have just read in the terms in which I have presented it. Indeed, one of the most important things that has happened since I moved that motion is unrelated to the substance of it, but was the statement by you, Mr Speaker, at the beginning of this meeting in which you asked all Members, and in fact specifically asked myself and the Leader of the Opposition, to try to tone down the level of acrimony in the debates between us. I told you, Mr Speaker, immediately that you uttered those words that I would certainly reflect on what you had implored us to do, and indeed today I will of course seek to make my intervention one which is in keeping with your statement as to your feelings about the tenor and pitch of the debates in the proceedings in this House. I am mindful, Mr Speaker, that you made a ruling at the beginning of this meeting and that what you said about tone and acrimony was not part of your ruling but your expression of your own heartfelt feelings as to the sometimes acrimonious tone of the debate.

15 Mr Speaker, let me start by saying that in politics, or at least in politics in Gibraltar, one gets used to being the subject of ‘robust linguistic exchanges’, if I could characterise them in that way. We have an adversarial system of laws, we have an adversarial system of court proceedings and we have an adversarial political system that has not served this community badly, and it has been the case for many years that that is the position, the halcyon days long past were not ones in which there was not also strong disagreement and strong debate on any less important or indeed any less relevant subject, and the debate was in no way less robust.

20 I know, Mr Speaker, that you are a political animal yourself and that you have long relished the political argument, but I get it when you tell us that you want us to stop – not debating, but you want to see us debate in a style which is less acrimonious and more befitting this Parliament in some way, and I will certainly try and reach for a higher standard in that respect, as I always have. I believe that our democracy craves and deserves that. I do not believe that I have ever failed the higher standards in that respect and I think it is important that we look at some of the recent debates in that respect in a moment.

25

30

35 But, Mr Speaker, as I start on this motion and on this debate you will allow me for one moment to remind Members of the House of the practice of others in this place before your time here – before your second time here, if I might put it that way. Indeed, it was just under four years ago, in September 2011, that I was the subject of what I will call an attack by the then Leader of the House, now the hon. the backbencher, which I believe was and is without precedent in the history of this place. I was called many things, Mr Speaker, none of them *bonito*, as they say in Spanish, and not referring to the relative of the tuna, and in particular I was called ‘unfit’ – not generally unfit, which would be quite a fair description of my state of physical fitness, but ‘unfit to govern’ was in fact the epitaph that the hon. the backbencher, then 40 Chief Minister, sought for me. And I say ‘epitaph’, Mr Speaker, because he did want it to be my political epitaph. Indeed, I understand that the hon. Member – and I am delighted to see him here with us today – had promised his colleagues in the GSD at the time that he would finish me off during the course of that debate in September 2011 and in that way secure for himself and his party their so desired fifth successive election win. But it did not happen, Mr Speaker. 45

The debate then in this House, using the strongest possible language of condemnation against me in the mouth of the then Chief Minister and in the language of the motion passed – something that perhaps we will look at later – did not avail the Members opposite of their coveted electoral prize. Indeed, Mr Speaker, I dare say it reflected on the then Chief Minister and the party he represented in a negative way and turned 50 people off from them. That is why I am so keen to heed your call for reflection, Mr Speaker.

That was a harsh debate on finances and in respect of what was best referred to as a ‘social media podcast’; a harsh debate, which when set in the cold light of day – or perhaps I should say read in the cold light of day and analysed with *Erskine May* in hand – showed that the debate was characterised by the manner in which the then Chief Minister had not been kept to the rules of debate by the then Chair of our 55 proceedings.

Mr Speaker, I have no desire whatsoever to imitate that sort of style. I think I have been gracious in my references to some of the work the hon. Member has done, especially after his valedictory remarks during the Appropriation Bill. But that part of what he did and how he did it is not something that I ever want to imitate, consciously or otherwise. Indeed, as a result of that debate I have always sought not just to ensure 60 that I do not imitate him but that I conduct myself much more in keeping with the rules of proceedings in this House and the rules of debate.

Despite that, Mr Speaker, after my opening speech on the Appropriation debate, on the Second Reading, or what we call the Budget debate, when I introduced the Bill on the Second Reading – an introduction that was economic, that set out the success of our nation, that dealt with the measures that were to be applied, that did not call anyone anything – I was again to be subject, by a member of the Gibraltar Social Democrats represented in this House, to much the same tactic I had been subjected to four years earlier. So 65 when the hon. the now backbencher had said in 2011 that I was unfit to govern, his now heir and successor – who would have thought it, Mr Speaker – his new leader, adopted much the same style by starting his intervention in the Budget debate by saying that I was not to be trusted. Not much change in their attitude, Mr Speaker. The hon. backbencher and his chosen successor can at least be seen to be consistent in at least that way. Despite the many U-turns and the inconsistency that characterises the leadership now from the leadership before, the one thing they are consistent in – I suppose I should take it as a backhanded compliment – is their repeated attempts to disparage and to denigrate me and to bring me down in the estimation of right-thinking people generally, members of the public, by attacking my fitness for office and 70 in particular whether I could be trusted with it.

Needless to say, Mr Speaker, I did not threaten to sue either of them, nor did I challenge them to repeat anything else that they had said here outside of this House. Imagine my surprise then when I see that the Hon. the Leader of the Opposition, the now Leader of the Opposition, stating publicly that I have tried to destroy him, denigrate him or in some other way disqualify him politically by the things I have said in a 80 debate. Well, he and his predecessor tried to do just that to me and to others of my colleagues in almost every intervention they made from Question Time to motions to debates on Bills. In fact there is a shorthand way of referring to what it is that they have been trying to do. Let us at least just draw the line in September 2011 and look forward, but we could look back and see this everywhere also. It is, in layman’s terms, attempted character assassination, attempted political character assassination. Some might say that is 85 the political game, not that *we* play it that way. Whether it was for me or the Hon. Mr Bossano or others on these benches, Mr Speaker, their tactic has always been the same – not unsuccessfully, the hon. the now backbencher might say: four election wins is four scalps on the side of the political vehicle.

But I now understand, Mr Speaker, and I think the whole of our community now understands that they consider on the benches opposite that although that is a legitimate tactic for them to repeatedly engage in, it 90 is not a legitimate *fate* for them, even if it is brought about not by character assassination or political character assassination but by simple disclosure of facts. Such is ever the ‘do as I say but not as I do’ or the ‘holier than thou’ of the right wing of the political world, Mr Speaker, so *a la Partido Popular* because *our* style, our style whether we are on this side of the House or on that side of the House, wherever our political

95 fate may put us, is not ever to succumb to the lazy trigger of character assassination but to simply identify and relay facts in debate. In fact, character assassinations come back to haunt putative assassins, Mr Speaker. If not, for example, some of my – or, if I may say so on behalf of all Members of this House, *our* – antagonists across the Frontier, in particular certain individuals who are now being subjected to tax investigations having spent so long talking about Gibraltar and its tax affairs.

100 And so, Mr Speaker, when the time came to make a statement in this House on what we might, for shorthand, this morning call ‘the Spark affair’, for which I had to interrupt the debate on the Second Reading of the Appropriation Bill, I made sure that I stuck to the facts as they were then known to the Government, completely sticking to facts and making no comment in the context of what was a Government Statement for which I suspended Standing Orders. And they were, Mr Speaker, self-evidently damning facts, they did not require comment: facts which illustrated that the company that had been
105 responsible for power cuts in the plant that they rented to the Government was also the company that had funded the preparation of the report from Lloyd’s Register and that the Opposition had presented as being commissioned ‘for the GSD’ – that is in quotation marks, *for the GSD*, and I will come later to when those words were used – by an entity, they said, with no commercial interests in the provision of power or LNG in Gibraltar. That is what they said, Mr Speaker. Those are the *facts*, the facts without comment, just the
110 bare *facts*.

Mr Speaker, when I returned to the subject in the course of my reply on the Second Reading of the Appropriation Bill – I was closing for the Government in that debate – I was equally determined to stick to the facts, and where I did not I caveated my intervention and even agreed at one instance to withdraw an inference which the Leader of the Opposition objected to, telling him that I hoped his assertions were
115 correct in the interest of our democracy. I was praised by many supporters and non-supporters for my intervention in that debate. The *Hansard* of that reply is now available, I see, on the Parliament’s website – and I once again congratulate the Parliament for being able to make *Hansard* now available so quickly to Members – and the relevant extract reads as follows. I am now going to read from the *Hansard*, Mr Speaker. I was talking when I said this:

‘It is one thing, Mr Speaker, to take industrial action, give notice of when you are going to do it and be covered by the Trade Union and Disputes Act in the 1970s and 1980s to fight for parity and pay rises; but it is quite different, Mr Speaker, to bring about power cuts in the country with the largest gaming industry on earth, during a Euro qualifying game.’

120 Mr Feetham then gets up and he says this – I am quoting him, Mr Speaker:

‘Point of Order, Mr Speaker. He is now completely going beyond what is reasonable, what is parliamentary. What he is really saying – and which is completely and utterly untrue, it is false, it is untrue – he is saying that I have been at the centre of a conspiracy so that there are power cuts. That is absolutely untrue, Mr Speaker, and that kind of accusation has never been made in this House and he is breaching Parliamentary Rules and he is exceeding what is proper by a country mile. And I note – because it has been brought to my attention – that indeed Spark’s have today come out with a statement actually disputing any question of them being responsible for power cuts... But, Mr Speaker, what he is saying about me is absolutely false, it is not true; and quite frankly he should be brought to order because this is unparliamentary and beyond the Rules of this House.’

You did not have to speak, Mr Speaker. *Hansard* reflects that the next statement is mine. I said:

‘Mr Speaker, I am prepared to accept the position that the hon. Gentleman puts. He says he has nothing to do with it and I sincerely hope for the sake of our democracy that he does not; and if he says he does not, I have no evidence to suggest the contrary and I accept his word. He has told the people of Gibraltar today in the Parliament that he has nothing to do with it. I have been talking only about it.

So, Mr Speaker, he says he has nothing to do with it and as a democrat and as a Member of this Parliament, I sincerely hope that turns out to be true. We will see. We will let the investigations take their course, Mr Speaker; but he will accept of course that if it turns out that he is found to have been involved, then his denial today will be even more of an indictment of his involvement and will mean that he is finished, not just as Leader of the Opposition, but politically for ever. But look, I accept his position...’

Mr Speaker, the rest of my speech is also worth rereading now and I commend a good reading of it to all those who might have time – there is the summer coming and it is not a bad few pages of the *Hansard* – but there was not another squeak out of the Leader of the Opposition.

125 It is the facts, Mr Speaker, that I disclosed in my speech which were damning of the Hon. Leader of the Opposition – not the language I used, not because of any breach of the rules of debate. Indeed, Mr Speaker, Mr Feetham did not raise any other objection during the course of the debate after that, not a peep, but because the facts as they stood then, to the knowledge of the Government and as presented to the public, were damning of the Leader of the Opposition and his sidekick, the now Chairman of the GSD, who enjoys
130 greater prominence than many of its elected Members – Mr Trevor Hammond – he seems to have taken

much objection since we left this House then. It is the facts, Mr Speaker, that damn them – not any conjecture; not any speculation; not any language, parliamentary or unparliamentary or otherwise that I might have chosen to employ. Just the plain facts.

135 And things have moved on and have become, in the Government’s view, even more damning of the conduct of the politics of the Gibraltar Social Democrats under the leadership of the hon. Member opposite, and that is what I am going to refer to today, Mr Speaker: facts. I can imagine that just the thought of that, just the thought of facts, makes the hon. Member opposite nervous. It is the facts that make him tremble, not the tone of the debate, because the problem with facts is that they just do not go away. They do not disappear and they do not lie. They have a nasty habit of demonstrating the truth that will always stubbornly
140 come out, just like in the case of the podcast debate, the fitness debate where I was eventually, uncannily, four months later when the election was over, proved right when I showed people the doomsday memo that the Financial Secretary had provided to us, which demonstrated we were actually about to exceed the ceiling of debt – and the previous Chief Minister demonstrated that I was right by inviting me at the ceremonial opening of the House to bring a resolution to exceed the debt limit that he had said we were
145 well clear of. Facts, Mr Speaker.

And in the case of the Spark affair the facts get curiouser and curiouser and the reality is clearer and clearer. You see, when we first brought this motion the public had been told by the Hon. Mr Feetham and his sidekick Chairman that the cost of the report prepared by Lloyd’s Register had been £100,000, but the party that had been so opaque in Government for 16 years and had spent three years in Opposition calling
150 for greater transparency at that time would not tell us who had paid the alleged £100,000 for the GSD. But you see, Mr Speaker, a director of Spark, Mr Damian Carreras, as I think I have already told the House, had come to the Office of Chief Minister and had, in the presence of officials who are witnesses to this fact, specifically told the Chief Minister to his face, to the Minister for Utilities to his face and to the Chief Executive Officer of the Gibraltar Electricity Authority to his face that Spark had not had anything to do
155 with the preparation of the Lloyd’s Register Report. That was the position at the time of the presentation and wording of this motion. But things moved on, Mr Speaker, and by the time we reached the Second Reading of the Appropriation Bill we knew it had been Spark who had funded the report in question. There is nothing wrong with funding reports, Mr Speaker, but there is a lot wrong with a Government contractor, who has failed in its duty to provide the services contracting, compounding their failure by stating what I
160 will call for the purposes of today ‘the opposite of the truth’ to the face of their client in the shape of the Chief Minister himself.

That is the nub of the issue, Mr Speaker, and will bring me to propose an amendment to this motion as it presently stands, given that its text has been overtaken by events. So, now that we know who funded the Lloyd’s Report, I move to amend the motion by the deletion of all the words after ‘This House’ and the
165 replacement of them by the following new words. Mr Speaker, “This House” and then the following:

‘This House:

Recognises the importance of a reliable, modern, clean, sustainable, safe and affordable power supply to Gibraltar for its political, economic and social welfare and development;
Welcomes HM Government of Gibraltar’s commitment to public consultation and provision of information on its proposals for the new dual-fuel power station;
Condemns all and any attempts to conflate, distort and thereby misuse any report prepared by recognised independent experts for partisan political gain, for commercial self interest by any party or purposes that work against the general public interest and transparency;
And so therefore in the public interest of the whole of the community, hereby calls on the Leader of the Opposition, in the spirit of transparency that he so often espouses, to instruct Lloyd’s Register Energy or in the alternative call upon the Spark Group of Companies to instruct Lloyd’s Register Energy to release the original, full and un-redacted and otherwise edited version of their Report directly to The Speaker of the Parliament for distribution to all members and general publication in Gibraltar, as well as full disclosure of the cost of the Report paid by the Spark Group of Companies.’

I hereby give written notice of this proposed amendment. Shall I wait for the amendment to be circulated, Mr Speaker, or shall I carry on?

Mr Speaker: Do you have copies to circulate?

170

Hon. Chief Minister: I do not, Mr Speaker, I had extracted... I think I left them on my desk, so that is why I had to do it this way. Shall I wait, or..?

Mr Speaker, this is and must clearly be unobjectionable language for all parties who come to this debate with a clear conscience, and that is why I have worded my amendment in this way. It is not a motion

175 condemning anyone; it is a motion condemning behaviour that nobody can defend and it is a motion calling for unimpeachable clarity, because this is about shining a light on things.

My motion today is about power; not, I should add, the power which the Hon. the Leader of the Opposition so assiduously and eagerly seeks – nothing wrong with that – but the power that keeps our businesses operating, our babies warm and our homes illuminated, the power we have to ensure is securely
180 supplied.

The motion had originally focused, as you know, Mr Speaker, on the anonymity behind the alleged £100,000 report, which was attributed to Lloyd’s Register and circulated by the Opposition in what has become their electoral campaign of ‘No to anything LNG’. In fact, I am grateful that the Hon. the Leader of the Opposition has recently made that clear, that in the election campaign he, in fact, has said they will run
185 will be an entirely negative one. He has told GBC’s Jonathan Sacramento that there will be only one issue or platform for them, and that is ‘No to LNG’. Well, nothing new there, Mr Speaker, because all of their past campaigns have always been just ‘No to the GSLP’, so I guess it is only the initials of what they are against that is going to change.

‘No! Nein! Negative!’ That will be their mantra, be it to the supply and storage of liquefied natural gas to the new power station or even to the new power station being fuelled by it. ‘No! Nein! Negative!’ That will be their mantra in respect of LNG bunkering, which will be a key element in the business which our Port has until now been one of the most significant players in the Mediterranean of bunkering and which the port in Algeciras is working hard on trying to establish for themselves in competition to us. So they are saying, ‘Yes! *Si! Por favor!*’ and we are saying, in the face of the Leader of the Opposition, ‘No! Nein! Negative!’ That is going to be their election campaign, he told GBC.
190 Negative!’

Mr Speaker, the Government having established that the Spark Group of Companies was behind the funding of the report, a version of which was released by the Hon. the Leader of the Opposition, I will not question what his motives were in releasing the report in the form in which it was released, but I will say that the facts suggest motives which members of the public will be able to see for themselves. Sadly,
200 Mr Speaker, this is a very serious issue. There is more at play here than just a mischievous political tactic by a leader of an Opposition, and I shall be calling on him to reflect on some of the statements he has made to the public and perhaps trusted and relied on himself.

The last few months we have heard a great deal about experts, but the real experts have yet to be heard in their unredacted independent voice. Some experts in propaganda and distortion have had a field day in
205 playing with public opinion and manipulating notions of fear among some of the most vulnerable in our population. The tools of those experts in distortion have been misrepresentation and deception, and all of it has been held together by clear self-interest.

I am not going to once again go through the whole story of neglect of the power station and the power network which this Government inherited from the previous administration. I am not going to talk about the failure to take up recommendations made by in-house experts to them over the decades which might have solved the problem. People know how many power-cuts they have had to put up with because of failing infrastructure – infrastructure that should have been replaced over a decade ago.
210 infrastructure

We all know that Gibraltar has to have its own independent power supply. As far as this side of the House is concerned, dependency on Spain is not an option now, tomorrow or ever. We need a reliable power supply because Gibraltar has to fend for itself and provide security to the people and the many industries established here and those that may look to come and invest in the Rock.
215 power supply

If I may say so, Mr Speaker, if some of our contractors were as good as going through main cables in finding petrol with those things that pile, we might actually be much wealthier than we are.

We also have to ensure that we are doing our best to meet international standards and requirements to cut pollution. That has to be put in the balance as well. These are standards that we fully agree with because they are primarily aimed at minimising the impact on people’s lives and their health. These are not esoteric targets set for no purpose. This is about what we breathe in and what it does to our bodies, and that is what we have been working on with our own Gibraltar experts – who are no less expert than those from outside Gibraltar – since the day that we were elected.
220 cut pollution

Thanks to Members’ opposite’s failure to invest in power before our time, grimy, smelly diesel, the very initials of which spell GSD, have been belching out from Waterport Power Station and down at Jumpers for many years longer than they should have. Indeed, Mr Speaker, if they had been re-elected they would have commissioned – they say already; we doubt that – a new facility to burn even more grimy, smelly diesel. And if they are elected now they are committing themselves again to finish our power station – because we will start it before the election – but not to burn clean LNG in it; they are committing themselves to burn
230 grimy, smelly diesel in it.

Mr Speaker, just across the bay in Algeciras for some time, and even now as we speak, port operators there and beyond are keenly engaged in seeing how they can be ready for the LNG bunkering market as this is emerging. Gibraltar’s economy today has to keep looking forward to the future and to diversification if
235 we are to continue to enjoy our standard of privileged prosperity – not just in financial services, not just in

gaming. We have to have an eye to where insurance is going and where online gaming is going and where financial services is going: shouldn't we have the same keen eye on where bunkering is going? Anybody with a keen eye can see that bunkering is going in the direction of LNG. The percentages may be different depending on who makes the estimate of where the bunkering market in LNG or diesel will be. It may fluctuate depending on whether estimation is made in a year where diesel is at a low price or at a high price. It may depend on how quickly the European Commission moves on its agenda to reduce emissions in the Mediterranean. But if we do not move, if we do not have an eye to the future, then Algeciras and Ceuta and Tangier Med will fulfil their aspirations, which some in our community do not seem to share, to be seen as the gateway for bunkering in that commodity when accessing the Mediterranean.

You cannot build an LNG bunkering market in a day, Mr Speaker. Today we are a leading bunkering port and I can tell this House that we are fully confident that we can be a leading player in the LNG market tomorrow as well, but not if the Member opposite has his way. He has already said, 'No! Nein!' to the concept of LNG storage, without which there can be no LNG bunkering. Instead, *our* attitude is to say that we *can* achieve Gibraltar's continued growth in the bunkering industry by focusing on excellence, on meeting all standards on safety and doing everything necessary to give us a solid reputation in that market, and at the same time ensure that of course our people are protected.

We can also ensure the continued growth of our tourist industry by being able to service the cruise ships which are being built with on-board LNG storage tanks and regasification facilities. These too would necessarily be banned from our shores by the Leader of the Opposition if there is to be one fibre of consistency in any of his arguments in relation to LNG. Indeed, Mr Speaker, I understand that some of these ships will have LNG storage tanks which will be close in size to the LNG tanks being proposed for Gibraltar.

But that is not just our view, Mr Speaker. Everything I have said is not the GSLP Liberal political Government saying this. From the Port to the GEA to the Department of the Environment that is the advice we are being given by the same experts who will advise Members opposite if they were ever to form Government again. That is what our experts are telling us we should aspire to achieve, but given that nobody is a prophet in their own land let us be clear it is also the advice we are getting from internationally renowned experts. In fact, I should add that it has been put very emphatically to us by Lloyd's Register – not by the Health and Safety Laboratory, not by any in-house expert, but by Lloyd's Register – that it must be our aim to be fully engaged in the LNG bunkering market and the opportunities that it will bring. By *Lloyd's Register*. It is them, Lloyd's Register, who are saying that they believe Gibraltar has a good future in the LNG market that is coming and that we must be a part of it – not another group of experts, not one group of experts we say are better than the experts the Member opposite relied on to say that LNG could never be done safely here. Actually, it is the same group who said, via their Mr Nick Brown, that the report of Lloyd's Register as published by Members opposite was made up in its presentation of, and this is a quote, 'conflations and distortions'.

Mr Speaker, I have the *Chronicle* of Thursday, 25th June 2015, and in that report of what Mr Brown said... At page 21, just opposite the column that says "Sir Peter is a giant of Gibraltar politics," says the Chief Minister'. There, Mr Speaker, Nick Brown of Lloyd's Register says something which I think is worth quoting to the whole of this House. I am going to read the three paragraphs of the report in the *Chronicle* so that it is set in context and nobody can accuse me of setting it out of context. I am going to be very parliamentary in the way that I read it. In fact, I am going to read four paragraphs:

'In issuing the statement, Lloyd's Register acknowledge that since it handed the report to the commissioning client the document had been placed in the public domain and cited in political exchanges in Gibraltar. Nick Brown, the company's Brand and External Relations Manager, said Lloyd's Register wanted to ensure there was a clear understanding as to its role as an impartial risk assessor and the nature and scope of the report. He said the company was uncomfortable with some of the media reports being published as a result of the political clash over this issue'.

Then the *Chronicle* opens quotation marks and says this:

'There were clearly some conflations and distortions of what the report was about', he told the *Chronicle* in a telephone interview yesterday.'

Page 21 of the *Chronicle* of Thursday, 25th June. That was not the headline of the article, Mr Speaker, but it was right there in the verbatim quotes of the published interview. I am surprised it was not the headline, but look, that is not a matter for a politician.

Of course, we also understand the concerns of people, lay people. Talk about gas and you have one of the two leading political figures in that political party saying, 'This is unsafe, it cannot be done without risk, the world's experts say it cannot be done.' We have to balance that national interest and individual interest and that is always going to be a challenge, explaining issues like this in ways that are not going to blind people with science. But something should always be a given, something should always be clear, something

should always be unimpeachable whoever forms Government after an election, and that is that none of us in this House are ever going to do anything where the safety and security of our people will be called into question. Of course it is true that people will prefer any industrial site to be as far as possible from their own home – I think that is called *nimbyism* – but that is not easy in a place that is two miles by one mile. We have long had to work in Gibraltar to ensure our safety when we are able to also do things that would not traditionally be done anywhere near a conurbation in the way that it is done here: an airport, a Z berth. The MOD have been our partners for three centuries. From cannon to nuclear submarines, all of them pass here and we have always welcomed them. Fortress life, siege life, is unfortunately in our blood. The whole world actually wonders at landings at our Airport: it is almost the ninth wonder of the world. Of course there are airports with lower risk factors than ours in terms of location, I have no doubt of that, but I will make this concession to Mr Hammond and his colleagues at air traffic control: we – the Government and every member of this community, we collectively – all trust the measures they take and that were devised by experts to lower the risks. I have never challenged or questioned Mr Hammond’s expertise as an air traffic controller; it is his lack of expertise whatsoever on LNG that I highlight and his different appetite to risk in respect of that. But those risks of flying are never zero, and they are not just risks for those who are flying or being flown in the aircraft. There are risks in particular in Gibraltar’s geography for anybody who might be affected by an air crash – that, please God, will never happen, but the risk of it happening can never be zero, which is the parameter that Members opposite have set for LNG. Mr Hammond and Mr Feetham will know, Mr Speaker, that by the setting of that standard what they are ensuring is that no bus ever runs, no vehicle is ever driven and that of course the only answer to LNG can ever be no – but not just LNG, everything else. They might have forgotten the explosion of a tank that was burning diesel to produce electricity last Easter at Waterport Power Station.

Mr Speaker, we must strive always to keep up with technology and progress, and those who have perhaps in the past few days seen reports in the United Kingdom will now be satisfied of the substantial scientific evidence that regards diesel as largely *the* dirtiest fuel and a serious risk to health. We owe it to our people to ensure that we move to a more healthy as well as a safer means of producing power. The slogan must surely be not ‘No to LNG’, but ‘No to pollution’, and believe me, Mr Speaker, we are under considerable pressure from the EU to reduce the current levels of emissions in our air. But, sadly, the story I am telling is not one where much on the opposite benches seems to be concerned about health and safety in respect of emissions. In fact, Mr Speaker, I am sure that as they quietly walk away from standing with the Hon. the Leader of the Opposition at the General Election some Members opposite may have cottoned on to what it is that is happening in their name. Indeed, Mr Speaker, if I could just pause there and be so bold as to suggest the title for the GSD’s manifesto for this election. It might actually look quite good with a big narcissistic photo of the Hon. the Leader of the Opposition on the front page and with the words ‘And then there were none’ emblazoned on the front.

Because Mr Speaker, often in Gibraltar we reflect historically on the events of 1972 as the ‘Big Lie’ election. The big lie election of this generation will not be a debate about what some might or might not have been willing to consider in relation to Spain, which was the issue in 1972. None of that could ever happen on our watch; it is not something that would ever worry people with the GSLP Liberals at the helm. No, the big lie election would be about a calculated deception played out ruthlessly, exploiting people’s natural fears and carried out with a deliberate misuse of a brand name like that of Lloyd’s Register. We could also talk about the one in 2007, which was the one about ‘no cherry-picking’, which has been demonstrated to have been a big lie by people from beyond our shores; but anyway, let’s leave the cherries out of it for once. The big lie would be a tactical deception which pretends that this side of the House, the GSLP Liberals, would be even prepared to consider entering into a major and critical infrastructure project absolutely indifferent and reckless to issues of safety, and to be joined in that negligent endeavour by some of the world’s leading blue-chip companies, by some of the world’s leading health and safety assessors of risk and by all of the experts of the Government of Gibraltar – because there are facts and then there is what is put out there by Mr Feetham and his tribe, because at the best of times what is said in Opposition invariably only carries the weight of ambition to take over Government.

Conversely, Mr Speaker, Government decisions must carry the burden of responsibility and careful due diligence, and we in Government have the obligation to work with great officials and professionals to achieve what is best for our country using our skills and resources to their full extent. We must have a power station, we must have clean air, we must also be sure that we produce these safely and responsibly, and in assessing which side is right the sequence of events and statements in this matter in the past few months is of crucial importance.

But before I get into that, Mr Speaker, let me just be categorical that at no time has any decision, revision of decision or instruction been made other than according to the best advice received by the Government. From our experts and from internationally recognised experts there has been a painstaking stage-by-stage approach and with a commitment throughout to be transparent with facts when we have them to hand in a meaningful way. We have listened constantly. Indeed, we have even listened outside

Government, because on 6th March this year, as the ESG aired their views – views which we always listen to with great respect – we issued a statement assuring the public that we would keep it fully informed and consulted. I quote from our press release 145/2015:

‘The Government takes this opportunity to reiterate that the necessary copious studies and assessments regarding the proposed facilities are underway and that there will be a full public consultation upon their completion.’

That could not be clearer. I reiterate that commitment and the reassurance of HM Government that we will not take any steps that would not conform with the best international standards and advice.

Lloyd’s Register is a major international name in the shipping, energy and safety world. It is owned not by shareholders out to make money but by a foundation, and it is fiercely and rightly proud of its independence. We have experienced that first hand when it has bent over backwards to meet those standards in its dealings with us.

We have detailed over time in numerous public statements the steps being taken and our engagement of experts, but the Opposition have wanted to create a myth that no safety report is being prepared or has been prepared. The safety report, Mr Speaker, is necessarily organic as designs and plans change and adapt to circumstances which are technical, physical or legal in nature. That is how projects work. That is how prisons cost double what they set out to cost. That is how courts cost more than double what they were initially budgeted to cost, let alone airports.

The safety experts of the companies working with us making proposals have been working continuously. They will only receive the final verdict on their work when independent experts – in this case the Health and Safety Laboratory – have their final submissions from each company. If the review by HSL and now a further review by Lloyd’s Register require changes to be made, those too will be subsequently reviewed by HSL and then by Lloyd’s Register. *They* have the final say and like all professionals they work together in an open and transparent way.

We are not asking Lloyd’s Register to design LNG storage and supply facilities; we are asking them to look at both the final proposals and the HSL safety reports. HSL have been involved in reviewing proposals every step of the way and we all know that the only reason for this belt-and-braces approach is that the Government would not do otherwise. But add to it the cynical campaign that we have had to suffer, of what Nick Brown refers to as distortion and which Gibraltar has been subjected to – and I use that word ‘distortion’, Mr Speaker, because it is the one that echoes the words of Lloyd’s Register when they were shocked to see what was being done with their report. It has become inevitable, Mr Speaker, to engage with Lloyd’s Register to ensure that their independent judgement is not further abused. The Government wants their good advice. We are very happy to now welcome Lloyd’s Register and I publicly undertake that the Government will obviously not interfere with Lloyd’s Register in carrying out its tasks. We will make the instructions to them and the assumptions that we work on public, and their full report will be made available unredacted. In our statement of 6th March 2015 we also made clear the public consultation will involve our already named experts, including the Health and Safety Laboratory Group, and at that time members of the public and the ESG will be able to ask questions, to comment and to voice any remaining concerns.

We echo the ESG’s view that the priority is to move towards completion of the new facilities, but only after due diligence has been ensured, the environmental impact assessment processes have been completed to international standards and all necessary health and safety considerations have been properly addressed. I do not think we could be clearer, but I understand, Mr Speaker, that the Opposition have muddied the waters and that the cost now of engaging the additional expertise and advice of Lloyd’s Register will be worth every penny. We would rather have been in the position of having the power station up and running long ago, of course we would, but we also had to put up with the Opposition’s ranting over 16 years in Government when they did nothing on the subject – and they still have the gall to ‘LOL’, or laugh out loud, on Twitter when there is a power cut. It has become a joke for them. How sad and cynical. This is a very serious issue.

And so let us look at the core of this motion: who is really behind the commissioning and the abuse of the Lloyd’s Register report, the abuse of a world brand hallmark and a doctored report trying to sabotage Gibraltar’s future power plans and our goal of cleaner air, our basic economic resources and opportunities?

Mr Speaker, whilst the Government is engaged in the process of working carefully towards finalising all aspects of the power station project, the Opposition instead has engaged over several months in a campaign of partly googled and partly referring to experts in demonising LNG in a series of unrelated and often doubtful examples, principally on social media. But of course the LNG experts they were talking about, who were saying that LNG was not safe, could not be Lloyd’s, the ones that they eventually came out with, because Lloyd’s go around the world doing the very opposite. They go around the world evangelising the prospects for LNG, even in crowded urban community areas.

405 When you look at the chronology of this, it is helpful in revealing some of what might have been happening. On 6th June 2015, after some discussion about the experts, Mr Feetham took to a podcast to reveal that Lloyd's Register had carried out a report, but this was after the *a duo* Feetham-Hammond film on the North Mole.

410 Then there is the 10th June press conference, where Mr Hammond not only puts himself forward as an expert on LNG and at times appears to be speaking for Lloyd's Register in what he is saying, but claims that the report has cost some £100,000. Indeed, Mr Hammond specifically told GBC's Jonathan Sacramento that the report had, and I quote – this is a quote from Mr Hammond:

'effectively been funded by a third party who supports the GSD and are willing to commission this report on our behalf.'

415 Those are the words of Mr Hammond, the Chairman of the GSD. But we now reliably understand that the amount paid to Lloyd's Register was significantly less than the £100,000 and that the report, according to Spark, was not commissioned for the GSD but shared with them once completed. So even as to price and as to commissioning it would appear that the community has not yet had full disclosure of the real position.

420 Mr Speaker, many will have paused to think why a generous donor who is earning substantial profits from a contract for the Government would be afraid to reveal who they are, not least in their stated reasons of doing this for solely philanthropic purposes – for the wellbeing of Gibraltar, nothing less.

425 Perhaps even more mysterious is that, under pressure of being told that they have substantially redacted their report, they suddenly decide to issue what they now say is the full report, just days ago. So that report which had not been redacted... they now said, 'Well, I'm now going to give you the full one. The first one wasn't redacted, but now I'm going to give it to you unredacted.' We were told that the only thing that had been not published initially was, only, the cover page. Why hide the cover page from the public in the first instance? What is so dramatic in the cover page that they felt they should not only hide Spark's name but the name of the Lloyd's Register personnel responsible for the report? If Spark wants to hide and blank out their name... I do not see why they would want to, but why also not reveal the personnel at Lloyd's responsible for the report? Well, because, Mr Speaker, this has all been a game, an irresponsible game and a game that has been played on the people of Gibraltar and at the expense of their security.

430 The Government has held meetings with the parties responsible for the preparation of the report and I can tell the House that what I read you from Nick Brown in the *Chronicle* is only the tip of the iceberg of how unhappy Lloyd's are with the political abuse their report has been the subject of. Read what they have said in public carefully. They are an international firm with a brand to preserve. They are cautious in what they say. They, like us, want to get on to the real work of providing that safe, clean and reliable new power plant that Gibraltar urgently needs. But look at the quote from Nick Brown that there were clearly confections and distortions of what the report was about. That is a hugely damning statement from the authors of a report about the way it has been presented by the hon. Member opposite and Mr Hammond.

435 Imagine if someone had said that about something I had said. The hon. Member, perhaps Mr Hammond – I am sure not some others, who have as high a personal regard for me as I have for them, but certainly Mr Feetham and Mr Hammond – would be setting up the gallows in Casemates and contracting a gun carriage to carry me to it from here if anybody was able to accurately say that I had conflated and distorted anything which I presented to this House. It is a good thing the hon. the now backbencher is not in charge at a time when I can be said to have conflated and distorted anything. The political flagellation I would have had would have taken the skin off my back right through to my lungs if I had conflated and distorted something in the view of the person who prepared the report – not in his view but in the view of the person who had prepared the report that I had then misdescribed. Because let's be clear: these are not *my* words about what Mr Feetham and Mr Hammond have presented, these are not the Government's words; these are the words of Lloyd's Register, Nick Brown – a conflation and distortion of their report. Those words in that report in the *Gibraltar Chronicle* on Thursday, 25th June 2015... That is now therefore an objective fact –

445 an objective fact that presents the hook on which the Hon. the Leader of the Opposition has hoist himself, an objective fact from which he cannot get away. The world renowned experts that he so eagerly sought to talk up and rely on, who are rightly recognised as leaders in the field, who are the evangelists for safe LNG in their own areas, they are the ones who have now described the Feetham-Hammond tandem as conflated and distorted in the presentation of their report.

450 Let's go back to the text of the report itself. Why hide the cover page and the inside page? But those two sheets were held back. What those two sheets actually reveal is that whilst a revised and final version of the report was signed off in June last month, the draft report was in fact ready in March and it would appear to me that the Leader of the Opposition was excitedly campaigning on this subject at the time because he thought he had a torpedo that could sink this Government. Because it is clear that he and his high-flying sidekick seemed to believe that the draft report revealed that any form of LNG activity in or near Gibraltar would be catastrophic and an unacceptable level of risk for Gibraltar.

460

But Lloyd's have themselves now said that that is not the case. They would not be working with us if the only advice they had was to tell us that Gibraltar cannot touch LNG. What they are going to do is analyse final proposals from those bidders bidding and scrutinise them to ensure they are acceptable. And in 465 any event, as I said already during the Second Reading, Mr Speaker, the Government and its experts had already discarded the suitability of the use of the sites identified in the Lloyd's Register report as unsuitable. Had Spark's included *our* professionals in the meetings for the report they might have saved time and money, because they would not have looked at those sites. But no, Spark worked without consultation to the Government authorities. The Government actually, however, publicly told Mr Feetham 470 on 18th February 2015 – my birthday – that his unidentified experts were working with wrong or incomplete information, but they kept on working with wrong or incomplete information. Even in March 2015, when the Government said it was doing due diligence and would ensure safety and was acting on advice from experts, the GSD and Spark could have aired their draft report. Clearly, they were not interested in public safety but in holding out until they and the Opposition could play a twisted card to great effect. 475

Did the Leader of the Opposition know that that very month, on 26th March 2015, his putative philanthropic benefactor, Spark, having attended the meeting with Lloyd's Register where the unsuitability of *their* identified locations was the subject of discussion, also then wrote to the Government bidding to build a dual-power diesel LNG station? In the same month! In the same week! In addition to this 480 independent power producer (IPP) power station they were proposing, they suggested – and this is a quote from the Spark document:

'We'

– Spark –

'would also like to discuss the possibility of evaluating investment opportunity of the construction of LNG terminal in Gibraltar. We believe that the first step forward in this matter could be entering into negotiations with GOG of the terms of framework agreement that will establish the basis of our co-operation'

I am not reading in shorthand – that is the English they used.

So, Mr Speaker, whilst they can claim to be philanthropically funding and making available a report saying that LNG is a disaster for Gibraltar, they are seeking a deal with the Government on the very subject 485 in the same month.

And in their 29th June 2015 statement Spark said this:

'We instructed Lloyd's Register to produce a report in January this year. A draft was then provided that confirmed it was not safe to build an installation at the Detached or the North Mole. The final reply was provided in June.'

But the sheet that they hid and subsequently published demonstrated that they had the draft in March when they were writing to make the proposal. Mr Speaker, the duplicity is *staggering, staggering*, and it will be seen as such by members of our community. 490

It is also clear, Mr Speaker, that Spark were never in the league to provide LNG to Gibraltar. I have from even before, in August 2014, a proposal from Spark:

'LNG storage supply and bunkering project description'

– before they even think of going to Lloyd's –

'for HM Government of Gibraltar. LNG storage supply and bunkering.'

and they put our crest on their proposal. A document with the Spark logo and the Government of Gibraltar logo proposing LNG storage supply and bunkering! These are not the calibre of people who could ever have supplied us with LNG, Mr Speaker. I am quite happy to publish this and to give copies to the hon. Gentleman if he wants to see some of the designs.

In my meeting with the excellent Chairman of Lloyd's earlier this month one point that was made very clear was that the big players in the industry are embracing LNG precisely because they are the ones, the blue-chip players, that will be capable of investing in plants, people and standards of the required type to provide LNG safely, not just here but other places in the world. These are the world's and Europe's top 495 blue-chip experts and those are the people we are talking to – the top blue-chip companies that do this work. That is the very high standard of operator that we are working with.

In fact, Mr Speaker, there are issues in relation to the Spark report that I am presently not yet able to discuss, but I invite the public and parliamentarians of integrity on the Opposition benches to look back on all the statements and tweets, the challenges taunting the Government to apologise – they said the 500 Government must apologise – and, to do so, to look back in light of the fact that this report has actually now

been available in raw form for months. That is what the Leader of the Opposition says: the raw form of the report has been available for months. And yet after he says that they publish the full report, which contains all of the information I have now gone through.

505 What about the nub of the matter? Was there any grounds for this concern for the public? Well, Mr Speaker, is the full report now in the public domain? I challenge the Leader of the Opposition to state publicly in this House that he truly believes that the full Spark/Lloyd's Register report is in the public domain. I challenge him to say that there are no further important or even trivial elements left out. I invite him –since I must give him the benefit of the doubt, as I did during the course of the Second Reading – to
510 consider the possibility that *he*, he may have been duped and that the hitherto published versions of the report, those that he referred to as raw, may still actually be less than raw – that they may be cooked and that they may still be redacted versions of what Lloyd's prepared. And let's be clear, Mr Speaker, changing the apparent meaning of a report is a substantial redaction of it, whether you remove many pages of dry data, which may mean nothing to us but may mean a lot to relevant experts, or if you content yourself with
515 a little bit of doctoring, say with changing the title or the findings with a little bit of word processing. As we have seen just from the cover sheets, a bit of both can remove important elements of the information in a complex technical report. It can produce conflations and distortions.

I invite the Leader of the Opposition, if he has it available, to reveal whether he has a totally different version of the report to the one that is published or to call on Spark to reveal also who sat round the table with the experts from Lloyd's when they came to Gibraltar, because that is also essential. Who sat round the table when Lloyd's came to Gibraltar? Because this is far from being a report delivered by the Leader of the Opposition to save us and our community from a fire bomb that would destroy the north-western face of Gibraltar – another remark that they made.

525 What we have found, and we will continue to work to bring fully into the public eye and the relevant authorities if necessary, is a manipulation of pages of the report and its meaning, to which the Leader of the Opposition is either a party or a victim duped into presenting something to the public that is incomplete, redacted, or simply, to use the words of Lloyd's again, conflated and distorted. Whether he is aware of these redactions already disclosed, of others to be disclosed, of more conflations and distortions, is not something I am asserting. I am asking him: did he know about the conflations and distortions, or was he
530 duped into conflating and distorting?

Mr Speaker, politically either is as damning, in my view. If he is a dupe, imagine if he were to be duped also again in the future, not by the Russian in Spark but by the Spaniard at the Ministerio de Asuntos Exteriores. Were he and Mr Hammond duped or tricked into trying to rally the votes of fear in the housing estates? We now know that they knew that the report was commissioned by a commercial interest, although
535 they said otherwise. Did they also know about the redactions that have come to light already, or were they tricked on those?

I was quite touched by Mr Hammond's reply to the Hon. Dr Cortes when he cited his expertise and played the card of being a slighted Gibraltarian. I will tell you about hardworking Gibraltarians, Mr Speaker, who have enough on their plate to be firefighting the reckless and damaging problems being caused by Opposition mischief.
540

The team of Gibraltarian experts from the Gibraltar Electricity Authority, ably led by Manolo Alecio, they give everything in seeking to ensure we have a secure supply of power. They are seeking the best fuel source and the safest working and generating environment. *Their* work is denigrated and disparaged every day by the Leader of the Opposition and those members of the GSD executive who rubbish the work being
545 done on the safe storage of LNG. *Their* work is denigrated and disparaged every time there is a power cut and Members opposite find it funny and laugh on social media. Whilst our professionals frenziedly and efficiently work to restore power, a twitter 'LOL' is all that some opposite can manage.

The great professionals at the Ministry of the Environment who work hard to reduce emissions, not just with a view to our climate change agenda but also so that we can breathe cleaner air: tell *them* that burning diesel – grimy, smelly diesel – is safer than burning gas, in particular in a geography the size of Gibraltar. They will 'LOL' their heads off as they loll their heads. *Their* work, Mr Speaker, is denigrated and disparaged by the Leader of the Opposition when he gets up and says that he will burn diesel if he is elected.
550

If he wants to forget emissions for a moment, has he even bothered to work out the fines he will have to pay on carbon credits if we continue to burn diesel? And what about how our port officers and our planning officers are denigrated and disparaged when we are told by the Leader of the Opposition or the hon. Member for Atajate that they are allowing unsafe ship-to-ship transfers of LNG, or that they might allow a power station to be located in an unsafe location? Denigration and disparagement is what that amounts to; not of me, but of all of those who put hours of hard work in making sure that what is delivered to Gibraltar is good for our people.
560

Mr Speaker, the European Union is pressing for clean air on health grounds and that was precisely why the Government turned to look at reducing pollution by using gas as far as possible. Every step of the way

we have stopped and listened to the experts, we have engaged the top players in Europe and the world and we will publish their advice unredacted.

565 Mr Speaker, as I have told the House already, Daniel Carreras, one of the directors of Spark, sat in my office in front of various witnesses and volunteered the statement that the company of which he is a director had nothing to do with the anonymised report that the Leader of the Opposition had released after months of manipulation to pre-empt and torpedo the safety and consultation process already being undertaken by the Government with blue-chip bidders. A week later, Lloyd's Report Register confirmed Spark is indeed
570 the firm involved.

I ask him today: does the Leader of the Opposition distance himself from a firm that has *blatantly*, blatantly, misled our nation's elected leader, or does he consider that that deceit was acceptable? We may be political rivals, Mr Speaker, but surely when their barefaced untruth is told to Gibraltar's elected leader, whoever he may be, it is a disgrace that this prompts sheer indifference from the person seeking to take that
575 post in future. Imagine a comparable scene in the United Kingdom: the Russians, a Russian-backed company with a major and lucrative Government contract, working in secret with the official Opposition party; the Russians in a meeting lying to the Prime Minister, to David Cameron, in front of a number of witnesses; the Leader of the Opposition, Ed Miliband as he would have been at the last election, says there is nothing wrong with that. Surely not, Mr Speaker.

580 The rules of debate say that I cannot impute an improper motive to any Member of this House. I will not do so in respect of any Member of this House, but if they really wanted to get to the bottom of whether LNG was safe or not, surely they would have wanted to get the Government's input so that the report they prepared might be accurate instead of the nonsense they have put to Lloyd's and which they have subsequently conflated and distorted. Again, those involved in the preparation of the Lloyd's report were
585 surprised at how it had been presented by the Opposition: a very narrow and early-stage assessment of a very specific point being generalised as a global statement on LNG and the possibility of it being used in Gibraltar, whether to supply fuel to the power station or to be bunkered.

In fact, Mr Speaker, I know that it will be difficult to believe – and given the way that Mr Carreras behaved, maybe this is not worth the paper in which I quote it from – but even the totally discredited Spark said this in their press release of 29th June:
590

'Spark did provide Government with our vision of building an LNG bunkering facility at the Detached Mole. As we have said in one of our earlier public statements,'

– on the 29th June they say this –

'we believe there is a safe way and location for an LNG installation in Gibraltar. In this regard we note that the GSD is sceptical about the use of LNG whilst we are not.'

So even Spark, even the director of Spark who is now allegedly a long-term member of the GSD, who supported the Leader of the Opposition with this report and an alleged £100,000 – he should really look after him, Mr Speaker, because I understand there are not many longstanding members of the GSD left – even he does not appear to agree with the one platform on which the hon. Member has said he will fight the
595 next election, which is 'No to LNG'. You really could not make this stuff up, Mr Speaker.

We, and I include there our experienced technicians, were surprised at some of the elements missing from the report as released by the GSD – open-source comparable final reports by Lloyd's Register under the same team leadership that we now know, when the front sheet was finally disclosed, when the unredacted report was finally published in a further apparently unredacted form... under the same
600 leadership, all of their reports include published detailed worksheets of the meetings that take place: where they take place, who is participating, what their qualifications and expertise is, even down to whether or not they were there for the whole of a meeting or just part of it. All of that information is always published with a Lloyd's Register report. It is not published with this one – even this one, which is prepared by the same team that publishes it in all the other instances.

605 And so this highlights also a fresh question for the Hon. the Leader of the Opposition and for Spark – for him in reply in this debate: who was taken to those meetings? In any normal process the key stakeholders would have been present at those meetings – the GEA, the Port and the Ministry of the Environment: I want to put something to the Government, I have brought an expert from outside, I want to ensure that the information I provide to the experts is the right one to prepare the report – bring in the key
610 stakeholders. Those are the ones that you see reflected, Mr Speaker, in all the other Lloyd's Register reports, and yet here those worksheets do not form part of what is published. What is it that we are not being told? Who were the experts present in the room with the experts from Lloyd's Register? Who sat round the table with the Lloyd's team? Who introduced them to the Lloyd's Register researcher when she was here? More and more questions for Spark and for the Leader of the Opposition to answer. And the
615 issue that they have not yet dealt with: how do the Leader of the Opposition and Mr Hammond deal with

the fact that they said that this report had not been prepared by a commercial interest, and yet we now know it was prepared exactly by a commercial interest with a vested interest in LNG, as Spark have subsequently confirmed and have done so again in their 29th June remarks?

620 Mr Speaker, when one is faced with such barefaced inconsistencies it is indeed a pity that parliamentary practice does not allow one to say that persons in such situations are no more than barefaced liars, but one must observe such rules and we cannot therefore be so clear and explicit in describing the obvious untruths elicited and identified.

625 Mr Speaker, as far as how this should have been handled by the Leader of the Opposition if he were genuinely concerned about the safe use of LNG, you do not have to look as far as the UK to see how things should be done. Perhaps hon. Members would care to recall the Giraldi inquiry report. When that report was made public, Members of the Opposition did not need to read it in the press. I believe I acted entirely properly in making a copy available to news editors and to the Leader of the Opposition 48 hours before it was published. I made it available to the press so that they could properly prepare to ask questions at the press conference, and I made it available to the Leader of the Opposition himself.

630 If there was a real concern about LNG and not just a political game being played, why didn't the Leader of the Opposition call me, like I had him, and say, 'Fabian,' – because I know that calling me Chief Minister sticks in his throat – 'Fabian, I have what I consider to be a worrying report available about LNG. You should read it before I hold a press conference in the next 48 hours.' Or in the next 24 hours, or in the next hour, or in the next half hour, or after the press conference: 'Fabian, I've just published this report to the media. It's not going to be up on our website for another five hours. Here is a copy.'

635 Did he do that, Mr Speaker? Not a bit of it. He was not prepared to treat me with the courtesy that I had treated him. He denigrated and disparaged himself by not extending to me the courtesy I had extended to him. I offer him advanced sight of a report; he does not actually put his report on the website for hours after his press conference. I offer him an olive branch in December last year and I get vitriolic attacks as from the beginning of the New Year. That is what most denigrates and disparages the hon. Member in the eyes of the public.

645 Finally, Mr Speaker, reliable information presented to the Government on a number of fronts relating to the Spark Group of Companies, including the Lloyd's report, have prompted investigations and this may require action to be taken in the coming weeks. I do not wish to pre-empt the outcome of these investigations, nor indeed do I think it would be appropriate to do so, save to say that the Government is very confident of the stance it has taken throughout. I do not want to comment on other investigations which are ongoing and which are not being carried out by the Government. We will rely on the experts to advise on and ensure safety and I would invite the Leader of the Opposition, before further relying on the Spark report in his reply, to consider its provenance and the real motives of Spark in providing him with the documentation that they gave to him, especially given that they now appear to be at odds over the future of LNG as a safe fuel for Gibraltar.

650 The Government and Lloyd's Register, acting independently and doing what they do best, which is safety, will show in the coming months that the Opposition presentation of the Lloyd's Register preliminary report was just, as described by them, a conflation and distortion which our community can safely disregard. But the judgement of the public will be harsh indeed on the Leader of the Opposition. The public will not soon forget that the people he said were the top experts in the world say that he has conflated and distorted their report; for those who support – those who *he* said support – his 'No to LNG' platform are actually now saying vigorously the opposite.

655 The public will not ignore the circus of a Spark report which Spark does not agree with. The public will not forgive the clown who told an untruth to the face of the Chief Minister and who the Leader of the Opposition chooses to believe. Indeed, the question of who is the greater fool, the fool or the fool who follows him, may soon come into sharper focus in relation to the Leader of the Opposition if he has just been a dupe for interests far beyond our shores.

660 Mr Speaker, Mr Feetham has called for me to apologise over my statement that the report has been redacted. It has already been proved to have been put in the public domain with key parts missing. Its presentation has been described as worse than redacted but as distorted by those who have prepared it, since at one time it was claimed that the GSD actually commissioned the report with Spark funding. That point could be resolved by him instructing Lloyd's Register or calling upon Spark, if it is the client, to have Lloyd's Register Energy release the full and original unredacted and unexpurgated report directly to Mr Speaker so that all Members may have access to a copy, the provenance of which there can then be no doubt as to and with nothing missing for all our scrutinies. I call on him now to do so.

670 Mr Speaker, the Government has acted responsibly throughout. We condemn the conflation and distortion which Lloyd's Register has stated that Mr Feetham, Mr Hammond and Spark have engaged in, and in agreeing with the way that Lloyd's Register has characterised the abuse and misuse of its report in this way I commend the amendment of the motion to this House. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the amendment to the motion moved by the Chief Minister.

The Hon. the Leader of the Opposition.

680

Hon. D A Feetham: Mr Speaker, the Hon. the Chief Minister – and it has not stuck in my throat to call him such – has spent 30 to 45 minutes of his speech trying to justify his outrageous allegations during his Budget reply the last time we debated this matter.

685

Let's be clear about it, Mr Speaker: he used the Budget reply to turn Parliament into a kangaroo court, making allegations of the worst sort against his principal political opponent without any shred of evidence at all. And let's be clear as well that the reason why he turned Parliament into a kangaroo court during his Budget reply was because he wanted to destroy the reputation of his principal political opponent. He was not concerned about truth. He was not concerned about debating the issues. It was a blatant attempt at character assassination in making vile allegations in this House about corruption and about the Leader of the Opposition being involved in a plot to cut the electricity to families, to babies, to mothers and to businesses in Gibraltar. Unprecedented, Mr Speaker, in this House. It has never been done.

690

When he reflects on those words I want him too to reflect on the first speech that the hon. Gentleman gave as Leader of the GSLP in 2011, when he said this:

'The people of Gibraltar are tired of the politics of insults and innuendo. The people of Gibraltar want a contest of ideas, policies and commitments. This is not a time for mud slinging or empty promises. It is not a time for spin and propaganda. It is not a time for character assassinations. That is the politics of the past and it will be rejected by our people.'

695

Despite those laudable words in 2011, he proceeded to undertake the biggest character assassination that we have ever witnessed in this House – protected, it has to be said, by parliamentary privilege. Mr Speaker, I too want to take him to some of the words that he used in order to describe me during his Budget reply. In a half frenzy he said this, and I quote:

'He'

– referring to me –

'has been rumbled in having taken cash for questioning the safety of LNG as a fuel for Gibraltar! £100,000, Mr Speaker!... cash for questioning.

Mr Speaker, Mr Speaker, when it comes to accepting cash to question the Government, Members of Parliament in the United Kingdom have resigned for less than what the hon. Gentleman has been found doing...'

He then said:

'Their'

– referring to me and Mr Hammond –

'report'

– the Lloyd's report –

'is one of people who will get an awful lot of money if we are not able to do the right thing for our community; they...'

– referring to me and to Mr Hammond –

'get elected, they cancel the plans and then they give these people'

– Spark –

'either another opportunity to bid or have already done a deal that they are going to give them the power station, or the facility.'

A vile allegation, Mr Speaker, of corruption – for that is what it amounts to.

700

I may be many things, and the hon. Gentlemen opposite delight in reminding me of my political past and the fact that I started off my political career in the party that my father founded, ending up as the Leader of the Gibraltar Social Democrats. I take all those criticisms on the chin, despite the fact that there are many Members on the Government benches who have also changed political parties, some more than

705 twice, but when I retire from politics people will criticise me for that or they will be indifferent to me, or they will think that I am competent or incompetent, but they will never say that Daniel Feetham was corrupt, because that is not an alleyway that I am prepared to walk into.

And then, Mr Speaker, he said:

‘I do not mind telling the public, Mr Speaker, that on the night of the Germany game, whilst the Germany game was still on, because of the power cut I was, with Manolo Alecio and the Minister responsible, actually down at the Spark Plant, down at Gibelec to try to understand what was going wrong. Of course I did not know really what was happening at the time, as we now know – in the light of the new dawn that has shone even on what has been happening and going on between the Leader of the Opposition and Spark...

You see, Mr Speaker, what we have here in this election year... is a disgruntled company conspiring with the Leader of the Opposition to turn an election. There is, Mr Speaker, I can tell the nation today, a potential interference with critical national infrastructure. We are investigating whether the power cuts we have experienced have been brought about in order to destabilise the Government at a time when the Opposition wanted to have a debate about power generation and its future.

I am not a conspiracy theorist... But the coincidences that we have experienced with the failure of the Spark Plant and the timing of it, as well as the timing of the collusion between the Leader of the Opposition and Spark, leads us to investigate these things. Let us be clear, Mr Speaker, our gaming companies, our lawyers, our accountants, our insurance companies, our finance centre, all our business leaders, the elderly, the infirm, those with babies and young children, not least our football fans will never forgive the Hon. the Leader of the Opposition if we have suffered power cuts to push the issue of power generation further up the political agenda.’

710 Mr Speaker, it is true that when I raised the Point of Order, he then took half a step back and he said, ‘Well, if the Leader of the Opposition says so,’ but it is incredulous that a Chief Minister, that a Leader of the House, knowing the rules of the House, can make an allegation of that nature without having a shred of evidence at his disposal. Because what you do not do – unless of course the objective of the exercise is what I said at the beginning of my speech: the character assassination of your principal political opponent – is bring allegations of that nature into this Parliament knowing that there is nothing that your political opponent can do about it, because he is protected by Parliamentary privilege, without a shred of evidence, 715 Mr Speaker. That has never ever happened in the history of this Parliament, Mr Speaker.

And of course he had no evidence of collusion between me and Spark and the power cuts. What the hon. Gentleman is actually keeping from the nation is that Spark do not even operate the temporary power generators, because the temporary power generators are operated by a renowned international company, Energyst Caterpillar, with their own employees, and Spark are effectively a go-between between the 720 Government and Energyst Caterpillar. And for his theory – without evidence, that he took a half a step backwards, because he knew the mistake that he had made, and he still has not apologised for it – is that for his theory to be correct, there has to be a conspiracy between the Leader of the Opposition, Energyst Caterpillar, a renowned company with interests all over the world, and Spark.

725 And in those same press releases that the Hon. the Chief Minister has referred to from Spark they also say – I do not know, I am not a party to it – that Energyst Caterpillar have investigated the source of the electricity cuts that he complains about and that they have concluded that it did not terminate within their power plant, and that a third party has also been brought in in order to investigate those very same power cuts and that they too have concluded that it emanated outside the power plant.

730 Mr Speaker, what he also does not refer to is this: that prior to the Spark power generators being brought to Gibraltar – I think it was in April or May 2014 – the Government had in place temporary power turbines, and we know from answers to questions in this House that out of the 40 or so power cuts that were experienced by Gibraltar during the time that those temporary power turbines were in place, half of those were due to defects within the power turbines. That is the Government’s own answers within this Parliament. Well, is that too as a result of some conspiracy between the Leader of the Opposition and 735 whoever manages those temporary power turbines? Certainly not Spark, Mr Speaker.

He has consistently said that this election is going to be the dirtiest election on record. Well, let me tell the hon. Gentleman it is certainly not going to be dirty because of anything that we are doing or intend to do on this side of the House, and my guiding philosophy in relation to how I conduct the next election campaign will be *his* words in *his* maiden speech as leader of the GSLP, Mr Speaker. Those are going to be 740 my guiding words as to how I conduct the election campaign.

745 But Mr Speaker, strip away the kangaroo court, strip away the overt purpose of his Budget reply and much of what he has said today, the character assassination of the Leader of the Opposition, and what is this about? What *is* this debate about? Well, it is about safety and it is about location. If something does go wrong at either the LNG power station or the bunkering installation, what is the effect on our schools? What is the effect on our hospital? And what is the effect on people living in the vicinity of those installations? That is the real issue at stake, Mr Speaker. Everything else is absolutely irrelevant, because no matter how much one reduces risk – and we have accepted and indeed the Lloyd’s report itself provides that risk can be substantially reduced – what you cannot reduce is consequence. What you cannot reduce and

mitigate are the consequences of an accident at an LNG bunkering installation or an LNG power station to the people living in those areas.

The hon. Gentleman, not today, but on other occasions... One of his critiques of the Lloyd's report is that the Lloyd's report is based on two tanks of 10,000 cubic meters. What he does not say is, of course, that the Government came out and invited expressions of interest for a tank with a minimum capacity of 12,000 cubic metres, a minimum capacity, and the Spark report is based on two tanks of 10,000 cubic metres each. But what he does not say – or I do not know whether he has not read the report – is that the report assumes that there are safety measures in place to actually reduce any leakage of LNG to between 60 seconds and I think it is five minutes. Between 60 seconds and five minutes it is not possible, Mr Speaker, for 20,000 cubic metres of LNG to be released, so the size of the actual storage facility in many respects is irrelevant if one takes the premise of the report at face value.

Mr Speaker, what he has singularly failed to do is to alleviate the concerns – which is *his* responsibility as Chief Minister of Gibraltar – of the parents of those children who go to those schools, of the patients who use the hospital and of the people who live in the vicinity of the LNG bunkering installation and the LNG power station, because four years down the road – I will come back to the history of this in a moment – four years down the road from when he first took the decision that cancelled the GSD contract to build a diesel power station in Lathbury Barracks, the only report that has been published is the report that the GSD has published. That is the reality and that is the reality that he seeks to wriggle away from, because it was *his* responsibility – not mine, but *his* responsibility as Chief Minister of Gibraltar – to alleviate those reasonable concerns of those people, and he has done everything in his power to attempt to divert attention from that central issue of safety, to attempt to discredit the Lloyd's report with wild allegations, which he has repeated today, that the Lloyd's report had been substantially redacted.

In his interview the day before his Budget reply what he said was that the Lloyd's report had been substantially redacted by some 80 pages, Mr Speaker. That is what he said. So when people listen to his further allegations of further redactions... What happened to his original allegation that the Lloyd's report had been substantially redacted by 80 pages? And he has challenged me to come to this House to say whether the report that has been published by Spark was unredacted or a final version of that report.

I can tell the Hon. the Chief Minister that I have seen e-mails, because I had insisted on disclosure of those e-mails between Lloyd's and Spark, where Lloyd's tell Spark, 'We enclose the final version of our report' and the attachment is exactly the same as the attachment of the report that has now been disclosed by Lloyd's. And so from 80 pages of redactions, which was the allegation that he made the day before his Budget reply, we now find that the only page that was missing was, I think, the second or third page, which identified Spark. That is it, Mr Speaker, nothing else.

If he has evidence that the Lloyd's report has been substantially redacted in other ways, let him bring it to the House. I am telling him that what I have seen in the communication between Lloyd's and Spark is that the final version has been disclosed. And he knows very well, Mr Speaker, that if there had been any smoking guns in the comparative of the final report that has been published by Spark and the one that we published with the second page missing, he would have already brought it to this House – and he has not been able to do so, and all he continues to do is refer to innuendo and further redactions and words missing here and words missing there.

I do not know, Mr Speaker, where he gets it all from, because he gave an interview on GBC – and I will come to that in a moment on another point – and he said, 'Lloyd's, for confidentiality reasons, cannot talk about the Spark report,' but then he says... again he infers that the Lloyd's report had been substantially redacted and that Lloyd's are conducting a comparison between the report that we published and the one that Spark has published.

Well, Mr Speaker, what is it? Is it that Lloyd's, because of confidentiality reasons, cannot talk about the report? Or is it that the version... in the same sentence a contradiction? Or is it that Lloyd's have communicated to the hon. Gentleman that they are conducting a comparative between the two? I can tell him now, Mr Speaker, that based on the e-mail that I have seen containing the attachment of the final report, the one that Spark has published is exactly the same as the one that we have published.

He then said, about the Lloyd's report, that the Lloyd's report was based on a single-skin tank, and we now know that it was not based on a single-skin tank. Again, I do not know where the hon. Gentleman gets his information from.

Mr Speaker, I want to pay tribute I know that he has become almost a bogeyman, a *bête noir* of the hon. Gentleman and some of his colleagues opposite, but I want to pay tribute to the Chairman of the GSD, Trevor Hammond, for his hard work, for his dedication and for the work in particular that he has done in relation to drawing attention to the risks of LNG to the community in Gibraltar. I hope that the Chairman of the GSD, who has been doing all that hard work without being a Member of this House, will soon join me in this House as a Member of Parliament, as part of a GSD slate. Whether it is on this side of the House or on that side of the House only the people of Gibraltar will decide, but I wish to pay tribute to his hard work today.

810 Mr Speaker, because he has singularly failed to alleviate the concerns of all those people in relation to the safety of LNG and the safety in particular of LNG bunkering at the Detached Mole or the North Mole, or the LNG power station barely 300 metres away from Waterport Terraces, he obviously has to turn this debate into a Punch & Judy show, or turn it, as he did during his Budget reply, into a personalised debate with no other purpose than to character assassinate his main political opponent.

815 The reality is that the Government has played footloose with the safety of people. The Government has mismanaged the issue of power supply, and to demonstrate that and to make good on that case I want to go back to the beginning, because their manifesto commitment in relation to this is as follows. It is at page 32 of his manifesto, under ‘Power generation/Alternative Energy’, and they said this – this is what they promised:

820 ‘We will ensure that Gibraltar’s power needs are provided for and any binding agreements entered into in respect of the new power station will be respected.’

Any binding agreements entered into – in other words by the GSD Government – in respect of the new power station will be respected, and the bottom line that he cannot get away from, either today or indeed prior to the election, is that if he had kept to that manifesto promise our power station at Lathbury Barracks would have been built by now and the power cuts would have been a thing of the past. Hence why he has to displace and dish out blame to everybody else for his own failure, Mr Speaker, for his own failure.

825 From the very beginning he has tried to justify the breaking of that manifesto promise. He has sought to argue – indeed, he has alluded to it today, but specifically in relation to the Lathbury Barracks power station he has sought to argue that the Lathbury Barracks power station had these huge chimneys spouting smoke, as if this were the industrial revolution in the 19th century.

830 I ask the people of Gibraltar: would a responsible Opposition, as they then were, or a responsible party or parties would they have agreed to commit themselves to honouring our Lathbury Barracks power station if contracts had been signed, if it was as bad as they say it was? Of course not, Mr Speaker! Of course not, because by then he had already seen the plans. By then he had already seen the environmental impact assessment. It is a contrived attempt, as much that the hon. Gentleman contrives, to basically just simply justify the fact that he broke *his* promise to the people of Gibraltar to honour any binding agreements that the GSD Government had signed in relation to the Lathbury Barracks power station.

835 Mr Speaker, when during the Budget speech last year, in 2014, he announced to this House that the contract had been awarded to the French company that we ourselves had contracted, that had won the tender for the Lathbury Barracks power station, for £77 million, he gave an interview in the lobby of this Parliament – yes, in the lobby of this Parliament – just after his Budget speech; and pointing to the fact that the GSD Lathbury Barracks power station would cost £120 million and their power station was going to cost £77 million, he said this, and I quote:

‘One is tempted to ask who was going to pocket the half the difference it was going to cost’

845 Another allegation, Mr Speaker, of corruption; this time not against me but against those in the GSD Government that was handling this particular project. And as he well knew when he made that comment, intended as it was to sow the seeds in people’s minds that somebody within the GSD had pocketed nearly £70 million, as he *well* knew, the £120 million that we had contracted with a French company for the new power station was not only for the new power station. It included the new power station, storage facilities, an entirely new distribution network throughout the entirety of Gibraltar, and a new building/offices for Gibelec. How on earth he can make that kind of allegation and keep a straight face... Well, Mr Speaker, only he can do it, because I certainly cannot and I hope that I am never ever in a position to, poker faced, make that kind of allegation about a previous Government without a shred of evidence.

850 But, Mr Speaker, it is on the safety issue that his Government stands politically condemned. When he decided to break that contract – at a cost to the taxpayer of £5 million – that we had signed with the French company, he announced in 2012 that the Government had decided to build an LNG power station at the North Mole. So the Government took a policy decision to build an LNG power station at the North Mole in 2012. At the beginning of 2013 the Government went out to tender for that LNG power station at the North Mole and tenders closed on 30th May 2013. We know, because of statements that have been made in this House and outside it, that the very first time that the hon. Gentleman made contact with their so-called experts, their Health and Safety Executive, was on 7th June, because in their carefully worded press statement at the end of last year they said that the first contact with the Health and Safety Executive was on 7th June. The Health and Safety Executive came to Gibraltar for the first time in January 2014, Mr Speaker. It is not possible for the Government to have had any kind of expert report on the safety of LNG prior to, at the very earliest, January 2014, but it could not have done it before the tenders for the LNG power station closed in May 2013.

865 I ask, Mr Speaker: what kind of a responsible Government makes the policy decision to locate an LNG power station at the North Mole in 2012, goes out to tender and awards the tender without even having expert reports? That is the bottom line here about the way that the Government has handled this particular issue.

870 Mr Speaker, throughout 2013 and 2014 – and he can go back to our press releases and he can refer to them – we had reserved our position in relation to LNG. We had reserved our position in relation to the safety implications of building an LNG power station at the North Mole. But what really brought this debate to a head was the disclosure, during our leaders’ debate in December 2014, that the Government was about to enter into contracts, or was exploring entering into contracts, with commercial entities in order to allow them – not the Government, *them* – to build LNG storage facilities that would then supply the power station but in return allow those entities to do LNG bunkering in Gibraltar.

875 That is when we took and started to take a more robust position in relation to this, Mr Speaker, and it is then that we started to ask, ‘Well, where are all the safety reports in relation to all of this?’ and on 18th February 2014, in press release 95/2015, the Government said this ‘all safety reports associated with the proposed power station’ had been obtained. So all the safety reports associated with the proposed power station had been obtained.

880 And then he said:

‘We are not in a position to publish these reports at this time due to the commercially-sensitive nature of the information they contain,’

– Mr Speaker, the dreaded ‘commercially sensitive information’, which they constantly deploy in order to refuse answering questions in this House and which they have deployed on a plethora of other occasions, in order to refuse to answer questions about Credit Finance.

885 Fast-forward four months, two weeks ago, and the hon. Gentleman giving an interview with GBC – which *everyone* is talking about, Mr Speaker – everyone is talking about, where he says *that there were no expert reports*, that there were no expert reports, that the proposal was still not mature. How mature do proposals need to be when the Government has already allocated the contract for the power station?

890 The reality is that four years down the line his Government has only just published an environmental impact assessment – only just this week. There has been no consultation about the proposals four years after he made the policy decision to locate an LNG power station at the North Mole, and indeed two years at the very least after he has made the policy decision of allowing LNG bunkering at the Detached or the North Mole. And there are no expert reports, Mr Speaker, so he cannot make good his assertions, or the assertions of a Minister for the Environment, that the proposed LNG bunkering installations in particular are 100% safe. He cannot make out that assertion.

895 Returning to my original question: if something does go wrong, what is the effect on our schools? What is the effect on our hospital? What is the effect on the people living in the vicinity? Because I would have expected any reasonably responsible Government to have made sure that it knows the answer to that before it makes policy decisions about locating LNG power stations at the North Mole and bunkering installations at either the Detached or the North Mole. I would have expected that from a reasonably responsible Government.

900 The reality is that he cannot provide the assurances, Mr Speaker, that people living in the area want from *him*; not from me, but from *him*, Mr Speaker, from him. He may say, that of course, that you cannot eliminate risk altogether. That is precisely what we have been saying from the very beginning. You cannot eliminate risk, but you cannot also mitigate consequence in the context of the locations where they have decided to locate this LNG bunkering installation and this LNG power station, because I have already told him that the assumptions in the Lloyd’s report are based on the release between 60 seconds and five minutes. It is not even based on a total release of the contents of those two tanks.

905 Mr Speaker, yes, we are going to fight the next election ‘No to LNG in these locations’ – of course we are going to do that. We do not believe that playing footloose – because that is what the hon. Gentleman is doing – with the safety of these individuals, of the people living there is the right way to go about power supply in Gibraltar, and I give the people of that area – of Westside One, Westside Two, of Waterport Terraces and all those who will be affected if there is ever, God forbid, an accident at the LNG bunkering installation or indeed the LNG power station – I give them a commitment that if we are elected into Government we will not go ahead with these bunkering installations in these locations, and we will not go ahead with an LNG power station at the North Mole.

915 Mr Speaker, before he says to me, ‘Ah, because you see he might consider it in a different location,’ no-one has placed before me any kind of plans whatsoever at all about locating an LNG bunkering installation anywhere else in Gibraltar, let alone anywhere else in Gibraltar that is safe. But of course if the Government were to come to us and they were to say to us, ‘Well, look, instead of doing it at the Detached Mole or the North Mole we are prepared to look at LNG bunkering somewhere else,’ we are prepared to sit

920 down with the Government and look at those locations. We are prepared to look at any location that the Government has in mind on its merits.

925 But the Government is not going to be looking at alternatives, Mr Speaker. The Government is hell bent on moving ahead with its plans in this area. It does not take a rocket scientist to tell him that that is a very bad idea indeed, and I hope for his sake that there is never an accident in the future in these locations, because he is going to have to defend himself in the light of all the comments that he has made during the last four years, and in particular the comments that he has made this year.

930 Mr Speaker, I leave my contribution in this debate with this. The hon. Gentleman keeps on referring to Lloyd's and how Lloyd's are disappointed and how Lloyd's claim that the report was distorted. Well, until I actually see and hear it directly from Lloyd's that they are accusing the GSD of having distorted or conflated their report, there is nothing that I will believe, certainly not the way that the hon. Gentleman seeks to distort quotes from Lloyd's.

935 He has also, for example, claimed that Lloyd's are very angry about the way that the GSD has made use of the report. I have consistently said from the very beginning that Lloyd's Register are not against the use of LNG either here in Gibraltar or anywhere else in the world. Of course not. Lloyd's are in the business of producing safety reports and they have produced safety reports in relation to LNG in many places across the world. The debate is not about LNG *per se*; it is about LNG in these locations.

940 And let me tell him this about this allegation that Lloyd's are concerned about the way that the GSD have dealt with this particular issue, or conflated or distorted their report: before the report was published – in other words the Lloyd's report was published – I met the expert who produced the Lloyd's report and I told him very, very clearly and left him in absolutely no doubt at all that if Spark provided me with a copy of that report that the GSD would make the report public. I told the expert, Mr Speaker, so there has been no misleading by the GSD of anyone – not Lloyd's and not the people of Gibraltar. (*Banging on desk*)

Hon. Chief Minister: Mr Speaker –

945 **Mr Speaker:** Does any hon. Member wish to –

Hon. Chief Minister: Before we carry on with the debate, given the hour – it may be that there are other Members who want to contribute – I am going to propose that the House do now recess until three o'clock for the debate to continue.

950 **Mr Speaker:** The House will now recess to three this afternoon.

The House recessed at 1.23 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.03 p.m. – 8.27 p.m.

Gibraltar, Thursday, 30th July 2015

Business transacted

Order of the Day	3
Government Motions.....	3
Gibraltar LNG Terminal Risk Assessment – Funding of Lloyd’s Register Report – Debate concluded	3
<i>The House recessed at 5.55pm and resumed its sitting at 6.15pm.</i>	30
Suspension of Standing Orders.....	30
Standing Order 19 suspended by operation of Standing Order 59 to proceed with Government motions	30
Royal Gibraltar Police – Conferring of Freedom of the City of Gibraltar – Motion carried unanimously	33
Special Olympics Gibraltar – Conferring of Freedom of the City of Gibraltar – Motion carried unanimously	37
Gibraltar Medallion of Honour – Bestowed upon Mr James Levy CBE QC; Mr George Bassadone OBE; Mr John Bassadone OBE; Judge Felix Pizzarello CBE; Chief Justice, Anthony Dudley; Mr Joe Garcia MBE; and the Hon. Juan Carlos Perez – Motion carried unanimously	39
Gibraltar Medallion of Distinction – Bestowed upon Mr Joe Schembri; Lt Col (Retd) Mark Randall; Monsignor Mark Miles; Mr James Felices; Mr Humbert Hernandez; Mr Alfred Cortes; Mr Henry Pinna; Mr Tommy Finlayson; Mr Joe Gingell; Mr Juaquin Bensusan MBE; Mr George Palao BEM; Mr William Serfaty; Mr Joey Gabay (deceased); Mr Joseph ‘Pepe’ Romero; Mr Mario Arroyo; Mr Robert Balban BEM; Mr Leslie Zammit MBE (deceased); Mrs Jenny Montegriffo; Mr Henry Sacramento GA; Mrs Mariola Summerfield MBE; Miss Carmen Gomez; Mr Brian Callaghan OBE; Mr Ernest Francis (Sr); Mr James Bossino; Miss Georgina Cassar; Mr Chris Walker; Mr Arturo Taylor; Mr Joe Santos GA; Mr Anthony Avellano; Mr John Shepherd Snr; Mr A B Massias; Mr Louis Peralta; Mr Lucio Randall; Mr Charlie Fortunato; Mr James Ferro MBE; Mr Robert Goldwin MBE; Mr Douglas Harrison GA; Mr Salvador Perez; Dr Rene Beguelin; Mr Olivier Wasnaire; and Mr Solomon Levy MBE ED JP FRICS – Motion carried unanimously	42
Bills	46
First and Second Reading	46
Proceeds of Crime Bill 2015 – First Reading approved.....	46

Proceeds of Crime Bill 2015 – Second Reading approved	47
Proceeds of Crime Bill 2015 – Committee Stage and Third Reading to be taken at this sitting	49
Supreme Court (Transitional Provision) Bill 2015 – First Reading approved	49
Supreme Court (Transitional Provision) Bill 2015 – Second Reading approved.....	50
Supreme Court (Transitional Provision) Act 2015 – Committee Stage and Third Reading to be taken at this sitting	52
Pensions (Amendment No.2) Bill 2015 – First Reading approved	52
Pensions (Amendment No.2) Bill 2015 – Second Reading approved.....	52
Pensions (Amendment No.2) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting.....	53
Companies (Amendment) Bill 2015 – First Reading approved	53
Companies (Amendment) Bill 2015 – Second Reading approved.....	53
Companies (Amendment) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting.....	54
Income Tax (Amendment) Bill 2015 – First Reading approved	54
Income Tax (Amendment) Bill 2015 – Second Reading approved.....	54
Income Tax (Amendment) Bill 2015 – Committee Stage and Third Reading to be taken at this sitting	55
Committee Stage.....	55
Proceeds of Crime Bill 2015; Supreme Court (Transitional Provision) Bill 2015; Pensions (Amendment No.2) Bill 2015; Companies (Amendment) Bill 2015; Income Tax (Amendment) Bill 2015.....	55
<i>In Committee of the whole Parliament</i>	55
Proceeds of Crime Bill 2015 – Clauses considered and approved	55
Supreme Court (Amendment) Bill 2015 – Clauses considered and approved	58
Pensions (Amendment) Bill 2015 – Clauses considered and approved	58
Companies (Amendment) Bill 2015 – Clauses considered and approved.....	58
Income Tax (Amendment) Bill 2015 – Clauses considered and approved	58
Bills for Third Reading	59
Proceeds of Crime Bill 2015; Supreme Court (Transitional Provision) Bill 2015; Pensions (Amendment No.2) Bill 2015; Companies (Amendment) Bill 2015; Income Tax (Amendment) Bill 2015 – Third Readings approved: Bills passed	59
Adjournment.....	59
<i>The House adjourned at 8.27 p.m.</i>	60

The Gibraltar Parliament

The Parliament met at 3.30 p.m.

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

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

Order of the Day

GOVERNMENT MOTIONS

Gibraltar LNG Terminal Risk Assessment – Funding of Lloyd’s Register Report – Debate concluded

Mr Speaker: It is the amendment moved by the Chief Minister which is now before the House.
Sir Peter Caruana.

Hon. Sir P R Caruana: Mr Speaker, I am grateful for you calling me.

5 I want to take part in this debate in a much more focused and to a much more limited degree. There is...
This morning we have had the airing of what one could call the debate around the politics of the issue, and I
think it is important not to lose sight of the fact... Both sides have had their say, and of course I endorse for
my part the version of events that the Hon. the Leader of the Opposition has given. That is what I
understand the position to be and I think he has more than articulately put across in his reply the version of
10 events that the Opposition subscribes to.

I hope the hon. Members on both sides of the House will agree with me at least on this, and that is that
whatever are the merits of LNG as a source of power in Gibraltar, it is, potentially at least, a significant
development. If those who are sceptical about the safety arguments, if they turned out to be right, then the
hon. Members have said that they would not do the plant, and that is the subject that I want to touch on.

15 The Hon. the Chief Minister said this morning that what is said in opposition only carries the weight of
ambition to get into government. Well, I can assure the hon. Member that I no longer harbour any ambition
to get back into government, so whatever I say... I can also assure him that my concern for the electoral
prospects of the GSD is considerably less than my concern for the public safety of Gibraltar and getting a
decision on this right.

20 I hope the hon. Members will accept, even if they disagree with me, that what I am trying to express is a
view, and, with the greatest of respect to the Hon. the Chief Minister, whilst it is entirely legitimate for him
– indeed he is obliged – to defend the Government’s policy, including the Government’s judgement about
the pros and cons of LNG and the process by which they are seeking to potentially deploy it, that defence
cannot include and should not include the parliamentary – to borrow his words – denigration or
25 delegitimation of those who have a contrary view, unless he assumes that everyone who expresses a
contrary view is doing it motivated by the bad motive of simply wanting to do the Government electoral
damage. I am not willing to desist from expressing a personal view on this matter for fear of being accused
of doing that, except that I flag up that I have none of the interests that the hon. Member described earlier.

30 So, Mr Speaker, the question then is really encapsulated... and I should add, just before I go on, that
LNG was presented to me as a possibility. I did not include it as a technology on the short list. It was not on
the basis of any technical advice. I think we politicians are called upon to make political decisions, not just
to do what the technical people say we should do; and necessarily, when you make a political judgement it
may well be Luddite in the sense that it is not a view that technically knowledgeable people would make.
That is the context in which I think this issue is best debated.

35 I was struck by something that the Hon. the Chief Minister said this morning almost as an aside, which
in a sense encapsulates my position on this debate – and I hope the hon. Members will give me credit that I
am not commenting in the context of everything that has since happened, because I have expressed this
view in the House. I have expressed several times in the House the view that I am against LNG before any

40 of the current fracas started. The hon. Member said, almost as an aside – to illustrate a point that he was then making, and I have to admit I do not recall what the point was that he was illustrating – ‘Only a few weeks ago,’ – or months ago, I do not remember – he said ‘we had an explosion of a diesel tank,’ and I thought to myself, ‘Precisely. Precisely.’ If diesel, which is considerably less explosive than gas and when it does explode... I am talking about gas in its gaseous form, obviously not LNG in its liquid form. In its gaseous form it is considerably more explosive than liquid diesel.

45 If that can happen in respect of a diesel tank despite the technology, despite the safety precautions, despite the fact that it is thought to be safe, what it demonstrates is that, despite all of those things, events happen. And what might have been the consequences and would they have been greater, in my non-technical way, in my non-technical sense, I assume that it would be much more serious – an explosion around a gas installation – than an explosion around a diesel installation. And there, in a sense, the Hon. the Chief Minister’s aside encapsulated the debate, which is, as the Hon. the Leader of the Opposition said, risk management is always divided into two different questions: the risk of an event happening and the consequences of it happening. The first can be mitigated by technology, and by safety measures, and by quadruple-skinned tanks and by whatever else you want. The consequences of it happening are *much, much* harder to mitigate and really the only mitigation that exists... Actually, the four-skinned tank would not be an example of the first; it would be an example of the mitigation of the consequences, but still it would not be an example. For example, there would be buffer zones and things of that sort.

In other words, I accept that with technology, particularly evolving technology, you can mitigate the chances of something happening, but since we are all agreed that the chances of something happening cannot be reduced to zero and nothing in life is zero risk, then what you need to debate is whether you are willing to accept the risks of the consequences if the event – the possibility of which happening you have not been able to eliminate completely – were to happen. That is the debate and that is the debate about the location, and that is the part of the debate that concerns me.

I will illustrate through an experience that I had when I was sitting in his chair. The hon. Members in the House may recall the proposal many years ago to establish a funicular railway from Casemates up to... I cannot remember where it was going to go – Middle Hill or the north, or wherever it was going. I was assured by the proposed developer that this was safe, and then I called in their technical experts, which is a blue-chip English safety consultancy company – I will not mention them by name, but it is a four-letter name which you will all have heard of, as it has done much work for the Gibraltar Government – and they said, ‘Well, how will you build this?’ I do not know if the hon. Members have noticed – obviously some of them will be aware of it – but there is a spur on the rock immediately behind the Laguna Estate and this funicular had to go through, not round the outside; it had to tunnel its way through the spur and emerge on the gentler rising slope above it and I asked the technical chap, ‘How will this be done? How will this tunnel be done?’ He said, ‘Oh, that’s got to be blasted.’ I immediately remembered the episode of the mole in *Winnie the Pooh* – That’s got to be blasted. Sorry, this is Winnie the Pooh as in the bear, not as in poo-poo, as in the other thing (*Laughter*) – and I said, ‘Well, it’s all very well for you to say that you want to blast a tunnel, but you are blasting a tunnel just behind and just above one of Gibraltar’s biggest housing estates.’ He said, ‘Oh, well, it’s perfectly safe.’ I said, ‘It’s perfectly safe?’ and he said ‘Yes, we’ve got all sorts of experts who place the explosives.’ I said, ‘That’s all very well. I don’t understand any of that. Can you guarantee me that the blasting of this tunnel will not result in a landslip or a rockfall onto the Laguna Estate?’ He said, ‘Chief Minister, neither I nor anybody else can guarantee that.’ So, as far as I was concerned, end of the matter, because – (*Interjection*) Well, fine – you were not there. It was the end of the matter from the point of view of the Government being willing to consider the feasibility of that project. Now, it is the same thing here.

85 The hon. Members may say, ‘Well, there is risk in having an airfield with housing so nearby.’ Of course there is. Do the hon. Members think for one moment that now, in the 21st century, the necessary civil aviation licences would be obtainable to build a runway where ours is in relation to the housing that we have got? An iceberg would have a greater chance in hell than that being allowed to be built today. So many things that we accept because they were already in place would not be allowed today, and I do not think that that is an argument which coherently gets us over the threshold.

90 I do not say of the hon. Members opposite – it would be completely and utterly irrational of me to say to the hon. Members opposite – that they are determined to do this because they do not care about whether there is an explosion with all sorts of dire consequences. But I think, without being accused of suggesting that, I am entitled to raise the question whether the consequences of that happening against the benefits of the project have been properly and sufficiently weighed up and whether, given that the consequences of this happening are particularly dire in this location... I mean, look, the first thing that happens when there is an explosion is that there are injured people. If there are injured people and one of the sites that is in jeopardy is the hospital, then it suggests that we are sitting on the same site the potential source of risk with the resource that you would need to address it if it were to happen. So that raises, to me, issues of location.

I am not a fan of gas. I think Gibraltar is too small for gas. I think there are always going to be location problems; there are going to be piping problems. I am a completely untechnical person, I am frightened of gas, and therefore, when I get invited to make political decisions about gas, I do not rush to the Lloyds report or to this report or to any report; I am just not willing to politically endorse a decision which goes against what I think is in the interests of this community, and it would not matter to me... and therefore I have categorised myself personally as a Luddite on the matter. I do not care how many experts' reports are piled up here from the bluest-blooded consultants that tell me that modern technology has reduced this... and that cruise companies are putting them on their ships and that God knows who is putting it on their aeroplanes. All that is very well. The question is: can you tell me that there is no risk of this dreadful thing happening? First of all, I might ask them whether it is true that if there was an accident the consequences would be dreadful. I suppose that would be the first question. And if the consequences are dreadful, can you assure me that there is no chance of those consequences coming to pass? And although I understand that the hon. Members are entitled to have a different policy, for me, if the answer to that was, 'Chief Minister, we are discussing between a 95% and a 99%... 5%... how long is a piece of string,' I would say, 'Well, is there another location? And if there is another location that is better and that does not have as many risks?' I think that that would be preferable.

I have risen to my feet today, Mr Speaker, not because... I have said in the past before that I hoped to keep my parliamentary contributions, in what is left of my parliamentary terms, to things which I think are important. My biggest concern is that this subject, which is important for Gibraltar, has become so party-politicised, it has become so much a question of the Opposition having one position and the Government having another, the Government thinking that the Opposition's position is based on simple electoral posturing on its part, that there is a risk that the political stakes are thought to be so high that decisions are made accordingly and not by reference to a sensible considered debate, where, if it turns out that the real... the risks of consequences – not of occurrences, but the consequences of the occurrence coming to be are so great that, however small the risk might be of it happening at all, the consequences of it happening if it does are so great that this project should, on balance, despite whatever may be the virtues of LNG... are going to be lost.

Because I think it is arguable both ways in this sense. Ten or 20 years from now, when the people of Gibraltar look back at this episode of the whole LNG debate they will be as entitled to feel aggrieved that Gibraltar had been deprived of the advantages of LNG, if it is really safe and the consequences... as they will be entitled to feel betrayed if this decision is made for the wrong reason, accepting an unacceptable degree of consequence should, however small the chance of it occurring, the accident occurs – as it did with the explosion of the much less harmful, much less dangerous diesel tanks. Most diesel tank explosions are themselves the result of the accumulation of gases in the diesel tank. (*Interjection*)

Mr Speaker, I do not suppose that my good friend Mr Alecio is going to feel denigrated because I express the views that I am expressing now. I personally am not convinced that Gibraltar needs to take the risks, in a small place as we are, of hosting an LNG installation. If it can be located somewhere else in a way that changes the balance of those risks, that would be another matter.

I personally do not like it, I personally would prefer they would not take place anywhere in Gibraltar, but my mind is open enough that if somebody came up with a site where the worst event was incapable of endangering on a significant scale the public in Gibraltar, then logically I would have to moderate my personal views about it to accommodate that new fact.

But that is *not* what I understand the position to be, and I was just wondering whether it is still not too late, in the context of this debate on an amendment to the motion which the Hon. the Chief Minister must know the Opposition could not support... I understand the politics of it, but is it still not too late to arrive at a formula of words that would allow the Government to continue to explore its options; with the Opposition, if it wants to, continuing to oppose LNG but in a way that gives the public at large the comfort that this is happening in a sensible, mature, considered way with the Government... including doing things in a way which is viable in terms of the public's possible concerns about safety?

I think it would be churlish for the hon. Members to think that there is not public concern out there, and I think it would be equally churlish for the hon. Members to think that such public concern as is out there is all generated by the Opposition's scaremongering. I think if somebody were to say to me, 'Look, they're going to build an LNG plant right next to your living room window,' even as a technical ignoramus I would tend to worry about that.

I acknowledge and I support whatever the hon. Members do to advance the interest of port activities, the bunkering industry, the online gaming industry and all the other elements of our economy, but I think they too have to be put in the balance. I do not think it is an argument we can take to the electorate: 'Look, we're going to put this new danger on your doorstep,' – if it is a danger – 'because, after all, it is no greater risk than if you get into an aeroplane and crash. So now, instead of having one risk you have got two. We are going to do this LNG plant because the port needs it, or because the bunkering industry needs it and because Algeciras is doing it.' Those might be reasons why we *want* to do it, but they cannot be the reasons

160 why we *decide* to do it. We have got to decide to do it taking other factors into account as well. I do not say that the hon. Members will not take those other factors into account, although I hear what the Hon. the Leader of the Opposition has said so far about whether that assessment of risk by the Government has taken place in a timely fashion or not.

165 If I had been minded to move an amendment to the Hon. the Chief Minister's motion, which I do not propose to do, it would have included adding a sentence in it that acknowledged some of what he has said this morning in his address, and that is that the Government will not make this decision unless it is supported by independent expert evidence.

170 There was a report in the *Chronicle*... I am not sure if it was in the *Chronicle* or in some other local in the last day or two. I think it might have been a report of the Hon. the Chief Minister's latest direct democracy thing, where he was quoted – correct me immediately if I have misunderstood the report – as suggesting that the Government may now not be involving Lloyd's and that it was up to the contractors doing the plant to do this. I am delighted to hear, from the shaking of his head, that that is not what he said or even an accurate description of the report of what he said.

175 I would implore the hon. Member not to allow the safety case to be collated... even if it is going to be assessed later by somebody else, not to allow the evidence for the safety case to be collated only by those who have a commercial interest in building this LNG plant, because then the result would not be an independent... Everybody knows that if a contractor wants to do something, he can find a perfectly reputable consultant who will find a way – (*Interjection*) no, not lawyers; accountants and other consultants, but not us lawyers – to do it.

180 I do not want to go on and on. I would just like to record two facts. One, that I am and have always been, for reasons that others could, in my case at least, if they wanted to, legitimately write off as being based on layman's ignorance, because I do not profess to have read any reports, I have not read any reports, I do not understand the science behind LNG plants and I am being driven exclusively by my general knowledge, as not the world's least intelligent person, about what gas is capable of and how much more difficult it is to handle than other materials and how much more serious the consequences are of that being handled... So I am against it, even if I am told that the chances are *very, very* small – and to put it into mathematical percentage terms is meaningless to me – if I am also told that the consequences are catastrophic.

190 I remember when the Bencefield fuel dump in England exploded. (*Interjection*) Sorry? (**A Member:** Buncefield.) Sorry, Buncefield, I beg your pardon. I am grateful for that. This was in an isolated site. There were several... I do not know how many... about half a kilometre or a kilometre of fields between it and the nearest... The consequences were catastrophic.

195 It may be that technology has moved to the point where a reputable consultant can come and say, 'There is zero chance of an accident happening on this plant.' Well, look if somebody had told me that you could get to the moon before they got to the moon I would have been equally sceptical, but on the basis of my state of knowledge I am not willing politically to endorse the recourse by Gibraltar to LNG – not because the environmental case might not be fantastic or it may be cheap... Mind you, talking about the environmental case and it being fantastic, if the hon. Member thinks that LNG is... what were his words... 'smelly' – that diesel was (*Interjection*) grimy and smelly, which are two adjectives he could not resist placing in front of the noun 'diesel' every time he used it, I would just ask him why he is having a dual-fuel power station at all; he should just have a gas one. Why invest a significant amount of capital in the diesel part of the plant that you think is grimy and smelly and by itself denigrates the Opposition's contrary position on the matter? The logical thing would be, if that is the view that they have of diesel, is not to use it at all, but perhaps there is a technical reason, a technical explanation for that which I do not understand either.

200 Frankly, I have to say to the hon. Members, and I know that many of them will not believe me, that in the twenty... how long have I been in the House... 1982, 1992, whatever it is, 30-odd years, 20-odd years that I have been in this House, with the exception of the joint sovereignty issue, in my opinion, now the distant voice from the backbench, this is probably the issue of greatest significance... That and the Constitution, I suppose, are the issues of greatest significance that I can recall being debated in this House in terms of its potential future impact, both positive if it is positive and negative if it is negative, for Gibraltar, and I would have thought that, if the situation was not so tense between both sides of the House, this is a subject matter which somehow this Parliament would be capable of organising itself to deal with by setting up some select committee or some standing committee to provide parliamentary oversight. I do not know – some way of the two sides keeping each other comfortable about their motives and about their concerns and about the technologies that they are seeing, and somehow keep the debate contained in a way which, despite disagreements, at least the public will have confidence that its political class is giving the matter proper treatment and not just using it as a political electoral football one way or the other. Both sides have accused the other of doing that – either both of us are doing it or neither of us are doing it, or whatever

220 – but the public perception out there is that this is what is happening to this issue and people do not feel that their concerns are getting the serious treatment that they deserve.

I will not be around in the next Parliament when this project... I do not know when this project is going to come to fruition, but it would have been my wish that the Opposition and the Government could have conducted this issue in a way that inspires more, rather than less, confident.

225 I will continue, in my non-frontline politics, to express the view in this House, whilst I am able to, that on the basis of the evidence that I have been shown, which is nothing and therefore on the basis of my general perceptions of gas, I am not in favour of subjecting this community to – however small it may be of happening – the consequences of it happening, despite the smallness of the chances of it happening.

230 I know that there are counter arguments, and somebody told me during the lunchbreak that this was technology that would now find its way onto cruise ships and things of that sort – well, so be it. We are not talking about the loss of a ship; we are talking about something that could devastate this community on a much greater scale to historic explosions that we have had in the past. I do not say that to scaremonger; I say it only to illustrate my unscientific layman’s concerns about and fear for this happening, if it happens.

235 So, in part I have to say, in the context of my overall position to it, to the extent that the hon. Member has said this morning that the Government is not committed to an LNG plant and will not be committed to an LNG plant unless it gets a technical clearance – I think he said from the Health and Safety Authority, or whatever it is now called... But of course, in a sense, Mr Speaker, that is a misfocus of the question, because the Health and Safety Authority will tell you how safe a plant is in the sense of the first of the two ingredients of risk management assessment. In other words, what are the chances... and mathematicians have a way of reducing these things into mathematical prospects, which I have always found frankly a little bit disingenuous, but they convert the chances of an event happening in percentage terms over so many number of years. So a once-in-a-hundred-years event – (*Interjection*) Once in a hundred years, well fine, but however small a chance is, if it happens... if it happens because otherwise, if there was not any risk of technology going wrong and accidents happen, nobody would bother to take any precautions beyond the technology itself – and we know that that is not true.

240 So I apologise to the House if I have extended myself and if I have indeed repeated myself, which I suspect I have, but I think that this debate is not going to go away, and it can either be fought between political parties for electoral purposes or it can be debated in a parliamentary way, not under the heat of a parliamentary debate – in some other mechanism that the Government would have to construct to give the public confidence that its political class, even if half of it in the end disagrees with the decision or perhaps does not... but inspire confidence in the way it has been held.

I am grateful to the House for its indulgence in hearing me out. (*Banging on desks*)

255 **Mr Speaker:** Does any other hon. Member wish to make a contribution to the debate on the adjournment?

A Member: No, on the amendment.

260 **Mr Speaker:** On the amendment, yes. In effect, it will not make any difference, because if the amendment is carried it becomes the motion; and then, although the Rules of the House allow a debate on the motion, in effect it is an odd situation to be in, in that the whole amendment becomes the new motion.

A Member: You said ‘adjournment’.

265 **Mr Speaker:** Did I say ‘adjournment’? (**Some Members:** Yes.) Oh, the amendment, I meant. I am getting old, obviously! The Hon. Mr Bossano who is slightly older than I am! (*Laughter*)

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Well, as President of the Youth Section of the GSLP, I do not think you can say that to me!

270 Mr Speaker, can I say that I feel as strongly as the hon. Member who has just spoken, about gas – which may surprise him – in a diametrically opposite point of view, which may not surprise him! (*Laughter*)

A Member: Of course. [*Laughter*]

275 **Chief Minister (Hon. F R Picardo):** All is well with the world! (*Laughter*)

Hon. J J Bossano: Therefore I have been the strongest advocate, I think, for using the fuel here when we have been examining the pros and the cons. Yes? More than John.

280 **A Member:** The most sensible.

Hon. J J Bossano: Of course, I did not know the hon. Member was so concerned about being in the proximity of gas, since he has been in the place where most gas has been produced in the last 25 years! (*Laughter*) But I can tell him that it is the fuel that will be used by everybody outside Gibraltar in the next decade, and the only thing that people would see if we did not do it would be that we were governed by Luddites who did not keep in touch with the rest of the planet.

The EU is actually giving people subsidies to move to natural gas, which we hope we can get.

Hon. Sir P R Caruana: There is a place for natural gas in a safe location.

Hon. J J Bossano: Well, the location and the place... All I can tell him is that when somebody first was worried about the location I simply went into the internet and I got the Oval cricket ground, and behind the Oval cricket ground was a gas-holding tanker almost as big as Gibraltar –

Hon. Sir P R Caruana: Yes, but from 1918?

295

Hon. J J Bossano: – with everybody sitting there in front of it.

Hon. Sir P R Caruana: From 1918.

Hon. J J Bossano: But the answer is they have not dismantled it because it could wipe out London. The reality of it is that natural gas is not the same as coal gas, and that different gases have got different boiling points and that water vapour is a gas but it does not explode. So all the technical indicators are that its safety record is better than the alternatives.

You can say that going on a plane is less risky in terms of how many more people die in plane accidents than going on a train. That does not stop people saying, ‘I will never go on a plane in my life because I am scared of flying.’ (*Interjection*) Okay, so the hon. Member is scared of flying, and I have just flown, in 24 hours, and gone to Zurich.

Hon. Sir P R Caruana: If it crashes, [*inaudible*]. Well that’s the consequence.

310

Hon. J J Bossano: Of course, (*Interjection*) but we all – (*Interjection*) Yes, but, Mr Speaker, if we do not do anything in case we get killed, we should not cross the road and he should be staying in Irish Town for fear of getting killed by a motorbike as he comes out of his door. That is the reality. So you have to assess risk in terms of what is the possibility of this happening. Is it one in a hundred? One in a thousand? One in a million? One in a hundred million?

It is not the case that anything that we do in life... The guy who came out to advise us on the disaster that was Appledore died because he choked eating a lump of meat. What were the chances? He stood more chances, I would have thought, of being lynched by the dockyard workers than choking on a piece of meat. If the chances of choking on a piece of meat were one in a million, he did not say, ‘Well, look, I will just not eat meat.’

The reality of it is that if the criteria is that somebody has to say it is impossible that anything should happen and that there should be an accident... well, nobody can say that.

Hon. Sir P R Caruana: But on the location, surely.

325

Hon. J J Bossano: Well, if the location means that if you do it in Gowlands Ramp it does not matter but if you do it in Irish Town it does, then I would put it in Irish Town and he would put it in Gowlands Ramp! (*Interjection and laughter*)

You cannot do bunkering in a cave in the rock, but I can tell him that one of the things that one of the people that Spark brought to us was suggesting was that we should store all the gas inside the rock. I do not know what that would do if there was an accident in there.

So, you see, the issues that he has raised are, I think, separate from the kind of debate that we have been having which has brought this motion to the House, because they are objective concerns based on the fact that something that is new... It is like saying I do not think we should have nuclear submarines because they are propelled by nuclear energy. Well, what are the chances of a nuclear submarine in Gibraltar...? This is not something that we have to put up with, and there are people who argue we should not have nuclear-propelled submarines. Most of us think that the evidence that there is of a nuclear-propelled... as opposed to carrying nuclear weapons, is so small that we think we can live with that level of risk. But if a nuclear submarine in the military base had an accident which made the nuclear fuel produce an atomic bomb, then I suppose it would be even worse than the gas.

340

So the debate is a debate which is academic and theoretical, and we are dealing with reality. And the reality of it is that the use of diesel has to be phased out by the EU requirements and that we will have to pay fines running into millions of pounds if we do not do it. So we need an alternative fuel. There has to be a move to less contaminating fuels, and the natural gas falls into that category. The natural gas is a cheaper fuel than diesel and the natural gas is in greater supply. That is to say the quantities of reserves of gas are
 345 *much, much, much* higher than the quantities of reserves of oil. Therefore, by definition, if the equation of supply and demand changes, gas will continue to be cheaper.

It is the case that, almost on a daily basis, ships are moving from oil to gas, and unless we close the Port of Gibraltar we will have ships fuelled by gas here within the next decade. We will not be able to sell gas to them. They will buy it in Algeciras or (A Member: Or Ceuta.) Ceuta. Spain is making a big bid to be the biggest supplier of gas bunkering. It is a market that we can only choose to be out of on the basis that we give up bunkering in Gibraltar. That is, we cannot do oil bunkering in Gibraltar when there is no longer a demand for oil. So there are a number of reasons for going with gas.
 350

If there was a level of danger that is as high as somebody who does not know anything about it than I think, then I do not think that there would be so many other irresponsible politicians throughout the European Union moving in the direction in which we are moving. This is not something that we have invented, this is not something that we are doing because we have innovated this; it is something that was clear from when he was in Government. He might have dismissed the option without even studying it, simply because the idea of a butane bottle exploding is his concept of what an LNG storage does... I can tell him that one of the proposals that has been put to us is based on something that has got a hundred-year life – the storage has got a hundred-year life.
 355
 360

I can tell him that almost 70% of the storage and the bunkering in areas very close to population is in Scandinavia, which is not an area that is very lax about safety or very unconcerned about it. It is not the case that there is a history of natural gas creating explosions that devastate populations, and therefore, if there was a doubt about this there would be an ongoing debate that would not just be happening in this Parliament, in a place of 30,000 people; it would be happening everywhere else where the thing is happening already and is taking place before us.
 365

Therefore, when we took the decision we took the decision in the knowledge of all this information and in the knowledge of what everybody was telling us. And it so happened that the people who first drew our attention to all of this were the people who are the ones that have paid the £100,000, or whatever, for the report to say that it should not be done. That was in 2012 – not now, not in 2013, not in 2014: in 2012 was the first proposal for LNG.
 370

The very people who claim now to be presumably sufficiently unsure about the safety that they go and do a report – (*Interjection*) No, they know the location. I will tell you where the location was that they wanted it: they wanted it on the Detached Mole. I will send him a copy, if he wants. Yes, I will. I will give him a copy before I leave the House today. On the Detached Mole in 2012, okay? So what is it, other than the fact that they did not get the contract, that has made them do it?
 375

When Mr Carreras came to see me in 2012 he was the one, as a civil servant, who asked to come to my office because he had lived in Russia – because he had a Russian girlfriend and because he had been to University in Russia and he had learned Russian – and he had a friend, Vladimir Kouche, and he wanted to see if I would see Vladimir Kouche, and I did. I did not know Mr Kouche and I did not know Mr Carreras. I saw them because he, a civil servant, brought him to me, as Minister responsible for international investment, as somebody who could promote investment in Gibraltar and I always welcome... I did not ask him if he was a long-term member of the GSD or anything else. If any GSD member comes to me, as the Minister for Economic Development, with an idea that will bring business and create jobs, then I would be very stupid not to listen to him because he does not vote for me. He is doing something that is good for Gibraltar and in the process, if there is economic growth and the jobs are created while I am there, I will also benefit from it, irrespective of how he votes.
 380
 385

So the reality of it is that I welcomed his initiative. I welcomed that he brought Mr Kouche to see me, who claimed to be a senior member of the Federation Council of Russia, and wrote to me on headed paper of the Federation Council of Russia and signed himself as a Senior Councillor of the Federal Council of the Russian Federation, which of course is not too difficult to do nowadays with the internet and Photoshop. Because certainly when I checked all the names of all the people in the Council, his does not appear. But at the end of the day, whether he was a senior member of the Federal Council or the brother-in-law of Putin was neither here nor there. All I was interested in was getting money into the Gibraltar economy, which is what I am paid to do.
 390
 395

The original thing was from a company that was going to place a floating storage in the middle of the Detached Mole, diametrically opposite the hospital – the ideal location for it to explode, and then we will get rid of the hospital in that awful location where he converted the Europort into a hospital. I do not think that was the purpose, but certainly the thing was rejected because it was thought that there would be a level of moving the fuel several times to get it from there into the generating station that was going to be on the
 400

other side, and therefore we decided that they needed to be closer together so that there would be less movement of fuel in and out of barges and different things.

405 But the whole idea initially was in 2012, at the very early stage when no decision had yet been taken, but from the beginning, given that everything that we were aware of showed that there would be a need to get rid of diesel and a need to move to natural gas at some point in time, while we were looking at that it made sense to provide for dual fuel.

410 Why? Well, for two very simple reasons: one is if we have the station ready tomorrow and we do not have the gas storage ready, we have the diesel to start with anyway and we can use the engines with the diesel; secondly, if we have got two fuels and for some reason the interruption of one fuel is stopped, then you can use the other as a temporary measure. But using the other for a week while the LNG tanker arrives is not the same as using the other 52 weeks of the year and then you get the carbon emissions have been so high that you have gone past the threshold and you have to start paying penalties.

415 This is not something that we have decided to do because he does not like gas. That was not one of the criteria in the decision-making process. In fact, I did not know he was so anti-gas. It might have helped to make the decision if I had known, but it did not. (*Laughter and interjections*) So, what the hon. Member is saying is that it is not a decision that we should take without being totally satisfied that, in discharging the responsibility we have as a Government, we have left no stone unturned in ensuring that it is a fuel that is as safe if not safer than diesel, because the other thing would be diesel, and that it is a fuel that is being used
420 by everybody else in Europe and all the measures that are being taken everywhere else are being taken by us and we are meeting all the criteria that have to be met for the safe storage and the safe use of this fuel for the production of electricity and for bunkering. That is going to happen and I think he is right in saying that that is what we should be doing, and I can tell him that is what we are and will be doing and that anything that anybody suggests to us that we may have overlooked... then we will see if it has been overlooked, and
425 if it has then we will make sure it does not get overlooked.

But that is not the issue that we are facing, because the real issue is that the hon. Member may say, ‘Well, look, I just instinctively feel that gas is dangerous,’ and that is it, but of course if he is talking about a location where there are no humans near, there is not such a thing in Gibraltar. And if you say, ‘Well, look, I’m going to put it where somebody else lives because it is dangerous,’ well, how do you think the guy who
430 lives there is going to feel if it is okay if he gets blown up but not okay if you get blown up? (*Interjection*) Yes. So the issue of the location is not one that can be solved.

In any event the safety of the gas in terms of bunkering is something that by definition has already been tried and tested, because people are being given financial assistance from public funds to convert to gas engines in the Mediterranean. Malta is moving from oil bunkering to gas bunkering, Algeciras is doing it,
435 Malaga is doing it – and why is that? Because that is what the customers will want to buy when they get there. (*Interjection*)

But if the hon. Member is saying, ‘Well, look, I think this is so dangerous that we should stop bunkering in Gibraltar, irrespective...’ Yes, because you cannot say it is dangerous to use the gas to produce electricity but it is not dangerous to use the gas to put it in an engine that instead of producing electricity is
440 producing movement. You are using the energetic value of the gas to either propel a ship or to produce electricity. That is what you are using. It is not more or less dangerous. If the danger is supposed to be in the storage, there are people who tell us that, for as long as the gas has been stored in the places which it has been stored longest, the safety record is better than anything else.

445 **A Member:** Correct.

Hon. Sir P R Caruana: Will the hon. Member give way?

450 **Hon. J J Bossano:** Yes.

Hon. Sir P R Caruana: I am grateful to him. Mr Speaker, if you will just let me... It was not what I asked him to give way for, but if I can just comment on the very last thing he said, one of the things that we are glossing over in this debate, which even I, as a non-technical person, think I understand, is that we are glossing over the difference between storage and use. LNG is much safer when it is being stored and
455 transported and supplied to a ship in its liquefied state than it is when it is used and revaporised, which is what will happen in the power station. We have to distinguish between the storage of LNG and plant in Gibraltar that uses the LNG and revaporises it for the purposes of generating the combustion that is required for the generation of electricity.

But just leaving that to one side, Mr Speaker, I hope I have not given the hon. Member the impression that even I, with my lack of technical knowledge and my paranoid fright of gas, (*Laughter*) that even I think
460 that gas is too dangerous to ever be used anywhere and that no, you must never subsidise it and that no Government must ever use it. That is absurd and that is what I mean when I said earlier that we reduce the

discussion to blacks and whites as if greys did not exist in between. The debate is not about whether it is never safe to have an LNG storage or LNG-energised plant, but whether it is appropriate to have it in certain locations, given that there could be an accident and that the consequences may be considerable.

So the hon. Member has asked... It may not be viable for other reasons, it may need to be near the sea or it may need to be near the port, I do not know, I do not know what the project consists of, but it seems to me that, in terms of reducing the consequences of an accident happening, it seems to me that almost anything is preferable to right next door to the area where we are all encouraging developers to build houses for our people. For example, what would be wrong... It may not be viable for other reasons, but would the hon. Member acknowledge that, in terms of the simplistic debate that we are having now, the current site and the site of the ex-refuse plant on the east side of the rock, round the corner from Europa Point, would necessarily be safer? Not because the technology is safer, not because an explosion is less or more likely to happen, but because if it did happen the consequences to the civilian population would necessarily be smaller by virtue of the fact that nobody lives anywhere near there: there are no houses, there are no schools, there are no offices. I am not offering it as a location because I do not know if it is unviable for other reasons, but I cannot accept that there is not a sensible debate to be had about location – not in terms of the technology, but in terms of simply mitigating the consequences of the technology failing in the context of the 2% or whatever percent it is that is offered of the risk of something happening.

I am obliged to him for giving way.

Hon J J Bossano: Well, Mr Speaker, I think the answer to that question is the answer he gave himself, which is that the storage is not the problem. The problem is when it is in gas and not in liquid. So if we had it stored in Europa Point we would not have it stored in gas; we would have it stored in liquid.

485

Hon. Sir P R Caruana: No, the plant, not the storage.

Hon. J J Bossano: Oh, you mean the generating station in Europa Point? I see, and what do we do with the ships? *(Laughter)*

490

Hon. Sir P R Caruana: *[Inaudible]* ...the bunkering is different, Mr Speaker...*[Inaudible]* the bunkering is LNG, you see. *[Inaudible]*

Hon. Chief Minister: LNG? The policy is ‘No to LNG’, not ‘No to G’. *(Interjection by Hon. D A Feetham)* It’s not ‘No to G’, it’s ‘No to LNG’.

495

Hon. J J Bossano: Look, the location is the location that makes the most sense for a variety of reasons, but if there was an element of risk that could lead to the kind of threat to decimating the population of Gibraltar, then the answer is we would not even look at it. It is as simple as that. Who wants to be in Government and kill half of the Gibraltarian population because the gas-generating station blows up?

500

Nobody has suggested that there is a... If the answer is... ‘Can you tell me then that it is impossible to do that?’ no more than I can tell him... I will tell him what I will tell him: I think it is more possible that there will be a third world war than that that will happen, but it is not impossible that there will be this. But the possibility of a third world war in what we have got today happening in the world is greater than of this catastrophe that wipes out all the people in all those estates. And I think it is just convenient for the Leader of the Opposition that there are all these estates, because he knows that he is going to lose the election and all he is trying to do is to lose it less badly by getting people to say, ‘Well, look, there is only one issue: I am not going to put the gas outside your door, so although you would not vote for me for any other reason, vote for me on the basis that hopefully I get in and I will not put the gas outside your door.’

510

Because, you see, the ace that the hon. Member opposite brought out of his sleeve was that he gave indicators of what was going to be revealed. He announced this revelation of this devastating report on a number of dates before it actually happened as the thing that would clinch the argument and make us go into retreat and give up LNG. And of course that depended on the credibility and the examination of the motives of why the most committed people to LNG from 2012 on suddenly go and get a report saying that it should not be done in that area. In fact, it does not say that. It says that if you do it there without taking the necessary safety precautions... well, of course, if you do it anywhere without taking the necessary safety precautions – if you do anything anywhere without the necessary safety... If you put petrol in a petrol station underneath so that you can pump it up and put it in a car, and on top of that you start producing a fire, well then you know you are running a risk which you would not do, because normally you know that you should not have a fire near a petrol station.

520

So logically, if you can then go to somebody to say, ‘Well, look, suppose somebody did this with things that are known would not be done by any real professional and you leave them out of the equation...’ Or is

it that they actually sent to the people in London what they gave us? Because if that is what they did, then what they should have done was send it to them before they gave it to us.

525 If they come with a proposal in 2012, they come with a proposal in 2013, they come with a proposal in 2014 and there are only two things that we know about them – apart from the fact that one of them may or not be in the Council of the Russian Federation – and that is that they are both long-term members of the GSD, which is one reason for wanting to attack the Government, and the other is that they did not get the contract they were hoping to get, which, if they had got it, notwithstanding being GSD members, they
530 clearly would not have been campaigning ‘No LNG’ because it would have been *their* LNG that they would be saying no to.

The reality of it is that I think that these two persons, one of whom gave up his job against my advice... I told him I did not think it was a good idea to give up a secure job in the Civil Service to join his friend and set up a company, but if that is what he wanted.... He decided to take that risk and he brought me potential
535 investors, and of course they engaged the people who brought the engines that we have hired.

Well, I can say to you, Mr Speaker, that I have to say that I think it is absolutely disgraceful that somebody who has come to me with proposals should then spend the money that he is earning on the Government contract on something that the Government is doing, which they were committed to and proposing before anybody else, and they do it so as to give it to the Opposition so that the Opposition would
540 use it as a weapon in an election campaign, instead of going to the Government and coming to me and saying, ‘Look, although we proposed the gas, we have now actually done a report and, because you have been so good with us and you have tried to help us with all the problems we have had, we think you should see this report.’ That would be what honest people could be expected to do, and I must say I am astonished with the behaviour of these two individuals because the reality is I was grateful to them for all the efforts
545 that they made.

In the last letter that I got from Mr Kouche he says:

‘I am very excited to let you know that I am returning to my beloved Gibraltar.’

Well, if that is what he does with his beloved Gibraltar, no wonder they do not want him in Russia and they want him here! (*Laughter*)

You have got a situation where the only use that that report is is to enable the hon. Members opposite to put a campaign on one issue based on the strength of a report that has been financed by people who were
550 the people that were the first advocates of gas in the area that it is going to go, except that it has gone from where they wanted it to a place that is better because there is less distance and there is less movement of the fuel, and the regasification plant regasifies and puts it straight into the generating station, or it regasifies it and puts it straight into the vessel that is going to use it. If a ship comes in while the gas is liquid it cannot
555 be burned, so therefore for the ship to leave the North Mole it has to have a regasification plant on the ship to be able to put the gas into the engine to burn it and move. If the danger is at the point that it is regasified, then... Nobody would go on a cruise liner with an engine that was regasifying gas if there was that level of risk. (*Interjection*) No sensible cruise-line company would invest millions of pounds in doing this. (*Interjection*) There is a whole massive shift from oil to gas taking place. It is not as if we were doing here
560 something that is strange and outlandish that nobody else has thought of doing anywhere. It is simply misrepresenting the reality.

Of course there is a level of risk, because it is impossible for anything to exist that is risk free, but it may be one in a million. What would happen if it happened to one in a million? Well, look, all the constraints that are being put – not just by us, but by the people themselves who are going to be involved in the
565 enterprise... The people involved in the enterprise, the last thing they want is to finish up with an accident. We have seen what has happened with BP and with Shell when they have had oil spills: there have been massive billion-pound companies almost wiped out because of the fines and the compensations. No company. Does the hon. Member think that anybody – forget the risk to human life – any international company would be willing, for what is going to be peanuts in terms of the business they can have here, to take that kind of risk? It is simply not credible.

I have to tell the hon. Members that I might be more willing to believe that they were honestly as concerned about this as I think it is clear the hon. Member the former Chief Minister is, by the way he has expressed himself, than if they had suddenly not made this move of producing this report from these guys,
575 who have, in my view, no credibility. Nobody who will listen to what I have just had to say to them can possibly believe that these guys can be considered to be acting in any way which is responsible and because they care about Gibraltar or they care about anything other than providing the party to which they belong with ammunition and, at the same time, sour grapes for having been unsuccessful in their attempts to be the ones who provided it. At one stage, Mr Speaker, they brought a proposal from a Russian company which was willing to invest £150 million and meet all the costs of the storage and put it all there in the North
580 Mole, and one of the key elements that made us say no was that the condition was that they would have a

monopoly for 25 years so that nobody else would be able to provide gas other than them. Well, look, you cannot put the lifeline of Gibraltar in terms of fuel or our ability to oil bunkering in a company... Look at the situation that there is today with Russia, which is not the one that there was three or four years ago in terms of the relationship.

585 So all their proposals were looked at from the point of view of the reliability and the safety, as had been done with everybody else. They were not discriminated against, they were not given favoured treatment, and they have got absolutely no grounds for having done what they have done, because if it was real concern then they had an obligation to put it to the people for whom they were working – the Government of Gibraltar and the taxpayer of Gibraltar. I think it is an absolute disgrace the way they have behaved. (A
590 **Member:** Hear, hear.) (*Banging on desks*)

Mr Speaker: Does any other Member wish to speak?

Hon. J J Bossano: I just want to add, [**Mr Speaker:** Oh, sorry.] on something which is only tangentially concerned with this, Mr Speaker. My friend the Chief Minister mentioned *en passant* how he had been treated in 2011. In the course of the Budget certain language was used and I think it is worth reminding the House of the language because I think it is relevant to what happened in our last meeting.

At the end of the speech that he was making, the then Chief Minister said... Mr Speaker, therefore, having had a situation where my friend Mr Picardo had gone and put something on Facebook – not said it here in the House for 15 years, put it on Facebook, the former Chief Minister got very upset and he said, Mr Speaker:

‘Mr Speaker, I therefore give notice that I intend to move a motion in this House which reads as follows: “This House notes the video podcast posted on his Facebook profile by the Leader of the Opposition in relation to the Budget debate in general and public debt in particular and condemns him for lying in it, and thereby’ –

Hon. Sir P R Caruana: It was ruled out of order.

605 **Hon. J J Bossano:** It was not ruled out of order.

Hon. Sir P R Caruana: Yes, it was.

Hon. J J Bossano: No, it wasn’t.

610 **Hon. Sir P R Caruana:** Yes, it was.

Hon. J J Bossano: No, it was not ruled out of order. What my colleague asked... The Point of Order –

615 **Mr Speaker:** It should have been! (*Interjection and laughter*)

Hon. J J Bossano: It would have been a Point of Order if you had been here, but it wasn’t! (*Laughter and interjections*)

‘and thereby premeditatedly seeking to deceive and mislead all the people of Gibraltar who view it or otherwise learn of its contents’ and I give written notice of that right now.’

620 And in these circumstances he has the audacity to say that I have lost my democratic cult. It is precisely these characteristics and his economic ignorance and his could-not-care-less attitude which leads him not to know the difference between right and wrong.

He then went on to say all the lies that he had been saying all the time in the House. The House survived the episode and is still here four years later. But this did not happen last century. This was four years ago and in the last debate of 2011 before the General Election.

625 What my colleague raised an objection to, as a Point of Order, was that in the process he also said ‘all the court cases he was fighting’, which had nothing to do with anything we were debating. The Point of Order was raised about that, not about being told that he was lying on Facebook. I do not watch Facebook myself, but I have the same attitude to Facebook that he has to natural gas (*Laughter*) and I suspect that 99% of what there is on Facebook is lies anyway, so I think it would be peculiar if things that were on
630 Facebook were true instead of being lies.

I believe that it is important to treat some things as if we did not have strongly held political views which run contrary to each other, but the reality of it is that we do and I think that it is perhaps easier to do it as the hon. Member is able to do now when he does not expect to be here after the next General Election than to do it if you expect to be here after the next General Election. And anyway, I think it also depends on

635 one's genes, and my genetic code is more old testament than new testament, (**A Member:** Yes!) but I understand that maybe that is a failing that I have and it is the way and function.

It was, in fact, on 16th August – for the benefit of the Member opposite – and the company that was going to propose to bring the gas was Optima. We rejected the Optima proposal. In fact, it was for a dual-fuel generator because in fact it was based on a 26-megawatt engine and that was primarily the thing that
640 was against it, because of course if you have got a 26-megawatt engine... We have always had smaller engines, for obvious reasons: if the engine conks out, you carry on with all the others. If you have one single engine and you are not connected to a national grid, then you go from full supply to no supply and you do not know how long it will be before it comes back.

In any event, I think, Mr Speaker, that what has been said from the other side has certainly not
645 convinced me and I doubt it has convinced anybody on this side that the best thing for Gibraltar is to switch from the road we are embarked upon, and the only thing that I think is reasonable for us to do is to make sure that, if there are the concerns that the backbencher tells us that there are, that we make sure that we have not overlooked anything that is legitimate and we can sift what is legitimate and what is politically self-serving, and much of what I have heard from the Leader of the Opposition, and particularly from these
650 two characters, is in my view self-serving.

A Member: Hear, hear. (*Banging on desks*)

Mr Speaker: Any other contributors to the debate? The Hon. the Chief Minister.
655

Hon. Chief Minister: Just to clarify procedure, I will now reply on the amendment and the speeches that have been on the amendment, and then we are back to the motion on the –

Mr Speaker: If no other Member wishes to speak on the amendment you can now exercise your right to the amendment. If the amendment is carried, that becomes the substantive motion and then any Member who has not spoken can speak. In fact, those who have spoken on the amendment – the Leader of the Opposition and the Hon. Sir Peter – are able to speak again. That is what the rules allow.
660

Hon. Chief Minister: Yes, and I am able to reply at the end of that.

Mr Speaker: Very much so.
665

Hon. Chief Minister: So then, I think I will now reply on the amendment and then others can continue.

Mr Speaker, in replying to the amendment, what I am going to do is I am going to limit what I am going
670 to say to the contribution of the hon. the backbencher, because I will reply to the contribution by the Leader of the Opposition once we have got through all the speeches.

Mr Speaker, I note that the hon. Gentleman described himself as 'not the world's least intelligent person'. Well, that is probably an unobjectionable description of him, much less objectionable than 'the
675 greatest Gibraltarian of our time' or of any time indeed, (*Interjection by Sir Peter Caruana and laughter*) and I take it that that is not a description that he seeks for himself, as we have clarified. But I must tell him that, even as not the world's least intelligent person, Mr Bossano was keen to point out that he is obviously getting on. But what a completely different and much more rational approach to the debate he brings to it than we saw this morning by the current Leader of the Opposition.

He started by saying that LNG is a significant development one way or the other, and it is, Mr Speaker.
680 Of course it is a significant development. It is a wholesale change to the fuel that we would be employing and it would be a wholesale change to the fuel that the merchant fleet will be employing around the world. In what percentage it depends, as I said this morning, who it is that is making the estimate.

On this side of the House, Mr Speaker, for the reasons that we have already disclosed and for some
685 which I will deal with in answering the points that the hon. Gentleman made, we think it is a wholly positive development, not a negative development, although I do nonetheless recognise that perhaps in Gibraltar more than in other places, because gas is something that we left behind some years ago because of Frontier and other issues, there might be, in layperson's terms, a greater fear of gas than there might be in London, where just about every home has gas piped into it, for example, and it is used for cooking as much as it is for heating the boiler and producing hot water.

So I do recognise that there is, absent this debate, any Opposition manifestation, any Government view
690 in Gibraltar, a different view to gas. We perhaps are concentrating on the few instances we may hear of on television news of a house exploding because they forgot to turn off the gas and the cooker went off. You get one of those every four or five years and it makes the news. The same is true in Spain, where many cities have gas piped through them and in every home there may be gas to cook with or to heat boilers etc,
695 and that is also true probably of most of Europe and much of the United States.

So gas in the urban conurbation in gaseous form, although it may cause an element of fear here because it is not present and has not been for many decades, is not something that causes the same sort of fear in most cities in the world, where people will cook with it, will wash with it – not wash with the gas, but wash with water that has been heated by the gas in the boiler in their homes, which they will either light with a match or they will light with a small firelighter. Gas in barbeques is something that is now much more common, and really the debate is not is it more dangerous or less dangerous; the debate is do I enjoy my *pinchitos* over the coals – like I do my politicians, in his case – or do I enjoy my *pinchitos* over the gas barbeque. There is a lot of argument as to how they taste the same, but gas is present. I can tell him I have had gas present on my patio for the past four years and it is actually very easy to work with.

Therefore, Mr Speaker, gas itself – *los pinchitos salen fantastic. No te preocupes que un dia de estos* – gas itself is not actually something to be afraid of, and what came across from the hon. Gentleman was... and I think he said, if not in his speech, certainly from a sedentary position, that his concern was the gaseous form of this fuel, not the liquid form, and of course he is absolutely right to be more afraid, if there is to be a degree of fear, of the gas than of the liquid because the liquid is chilled, I think, to -63°C and it is very difficult to do anything explosive with it. It is only when it becomes gaseous that there is a problem, either when it is regasified or if it becomes regasified by being exposed to temperatures in the atmosphere.

So, Mr Speaker, he was saying what would happen if there were an explosion of a gas-fired engine – he said that the diesel tank at Waterport... of course, it was not a tank that exploded and I have got to make sure that he is talking about the right example. We had the explosion of the Nature sullage tank – that is the one that had diesel in it as sullage and other fuels; and then the one I had described, which I think is the one he is talking about, which was the explosion of the generating engine which was fuelled by diesel. I took it from him that what he was saying was: what would happen if a similar engine, fuelled by gas in gaseous form, as it would be, were to explode? Would it be a greater explosion or a lesser explosion? The answer, Mr Speaker, as I understand it, is that it would be the same explosion. There would not be a greater explosion, because what is exploding there is not the fuel; it is the engine. The tanks of storage would not be tanks of stored gaseous gas. What would be off site would be stored *liquid* gas, which would not explode.

Mr Speaker, what the argument has been from the Opposition until now has not been the argument that the hon. Gentleman has put about gas in its gaseous form; it has been about liquid natural gas and the storage of it. In fact, I think in the many things we have heard said by hon. Members – and I would have to look back to find it; I have got a whole file of everything they have said, so they cannot pretend they have not – they have more or less indicated that if there was a pipeline coming from a gas source, feeding a gas-fuelled station, that would not be a problem. They have actually taken the opposite position: they have said no to LNG because it is the LNG storage facility that they consider to be a problem which is exactly what the hon. Gentleman tells us he does not think is a problem for the reasons that, as a layman, he and I understand, and experts can confirm.

Mr Speaker, he talked about consequences. He is right, of course, that you make a risk assessment of what chances there are that an event can happen, and then on the other side of the event there are the consequences, and of course you have to make a dual analysis, but when you make the dual analysis, which you do, as you say, what are the chances of the consequence happening.

We can mitigate consequence as well as risk by ensuring that we take no action which might incur the consequence, but that is not a way that we can live. It is true that we probably would not be able to get Civil Aviation Authority consent to build an airport and we have inherited, thank goodness, a military facility which we have grandfathered, but every day we understand the consequences of driving, and unfortunately, even in our reduced geography, we might lose I think it is an average of one or two persons a year to a traffic accident. In other words one or two people a year die in a traffic accident in the geography of Gibraltar when you work out the average over 10 years, it does not mean that we do not get into a car and not drive.

When you add gas to the equation, to give him this example, in cities around the world people are now not just cooking with gas, they are not just heating water with gas, governments and municipalities are not just producing electricity with gas, companies like Carnival are not just putting gas into cruise ships – all of which could be explained historically or exotically because the cruise ship is going to be cleaner and environmentally safer for the environment and therefore people may be more attracted to the ship; Governments are fuelling buses with gas, with LNG that is regasified on board. The regasification facility is now small enough that it can be on a bus. What are the risks of the explosion of that small storage of gas, and what are the consequences of it exploding? Well, Mr Speaker, clearly within the advisable risk parameters.

We can, of course, have no consequences, but even forgetting gas and forgetting propulsion and forgetting generation of electricity or power, would we even build, Mr Speaker? Thirty years ago we had a building go wrong and somebody died whilst it was going up because a wall fell. Whilst he was in power, and I think whilst my predecessor as leader of the GSLP was in power, there were accidents on sites both in

Government developments and not Government developments. We would not build – (*Interjection by Hon. Sir Peter Caruana*) Yes, of course. I am lucky that that has not yet happened on my watch, and we do everything possible to ensure that there is health and safety at work. The consequence of there not being health and safety at work can be as dramatic or as non-dramatic as could be proposed.

It is only if one falls for the idea, which is not what the hon. Gentleman is talking about... The hon. Gentleman has talked about the consequence of the gaseous form of gas going wrong. It is only if one falls for the trap of believing that the LNG storage facility, because it is large, could explode and go wrong that you start talking about ‘explosions and waves of gas’ – taking out, to quote a Member of the Opposition; I forget whether it is the air traffic controller or the Hon. the Leader of the Opposition – ‘taking out the north west face of Gibraltar’. If that were the potential consequence I might not be persuaded that this is a risk worth taking, but it is the consequence that we do not agree on. Nobody, no expert, is saying to us at all that the potential consequence of a failure or of an explosion goes anywhere near the north-west face of Gibraltar. Indeed, it appears that it does not go anywhere near any residential area.

Location, location, location. This is what they said was so important. When we start this exercise – and I have explained this in answers to questions in this House – we say, ‘Look, we think Detached Mole’ for the reasons the hon. Gentleman has now explained. We are nowhere near Detached Mole now. We are talking about... and this is how we have followed what would have been, the hon. Gentleman has told us, his own view of how to do this. The advice has taken us as it has changed – and this is why the whole thing is organic – towards the safest possible location, and the safest possible location, where the hospital is not at risk, where residential areas are not at risk unless you do it as stupidly as was proposed to Lloyd’s Register, where the circles do not reach anywhere near the residential areas, let alone the school, let alone the hospital, is the north-west corner of the North Mole, where the new reclamation is happening. So that is not where the power station goes now; that is where it is likely, given everything we are planning, that the LNG storage and the regasification facility goes. And then the concentric circles that are drawn, which is what the risk analysis shows you, do not reach the Waterport Terraces area, let alone the hospital, but they would have if we had gone for the Detached Mole.

So, if all the risk assessments are wrong – the example the hon. Gentleman gave about the explosions to create the funicular passage... Right? If all of the risk assessments are not wrong... The risk assessments are right, but if that one day in a hundred million years is tomorrow and the thing goes – that which could only happen once in a hundred million years happens tomorrow, on Friday, 31st July 2015, and not a hundred million years from now – what are the consequences? It does not reach a residence. A report that suggests that it reaches a residence is not a report that the Government has had any cognisance of. (*Interjection*) All of the advice that the Government is getting (*Interjection*) is that... The hon. Gentleman will know this is almost like a traffic-light system. The red line, the amber line and the green line do not touch the residential areas, let alone the schools so much further away or the hospital so much further away. So the consequence argument, which is the one the hon. Gentleman rightly is focusing on from his point of view, which is the natural layman’s fear, is not such that if the risk analysis, right or wrong, were to give way to the accident which is supposed to happen only once in a hundred million years, it does not have the consequence that we must never fear.

That does not mean that nobody would die – there may be people in the area etc – but the risk analysis tells you that that is likely to happen only when you are actively operating the filling or emptying of the facility, not when the facility is simply operating at regasification mode. That is very simple. You only do that between midnight and seven in the morning, when there is nobody working in the area and there are no cruise ships or other ships in the area, and you only do that either once every three weeks or once every two weeks, depending on the size of the tank. In that way, Mr Speaker, which is the intelligent way of doing it – not that I have thought of it, I am not an expert in LNG either; what the experts are telling us – the consequences never reach a residence or a cruise ship or a person working in the area. Of course, unfortunately there would be three or four people working in the facility who might be at risk... And this is probably a convenient moment for me to give way.

Hon. Sir P R Caruana: Yes, Mr Speaker, I am grateful to him.

At least now he is addressing my concern, which I think the examples that he was giving five minutes ago were not. Because of course there is no point answering my concerns or addressing my concerns – he is not committed to answering them – by pointing to the bus example, or to whether I am willing to drive even though I could get killed, or even the Hon. the Father of the House’s example of do not leave your house in case a window shutter falls on your head in Irish Town, because of course that is, *par excellence* in life day-to-day motion, an example of both elements of risk.

In other words, I get in a car knowing that I can crash because the balance... the combination of the risk of an accident happening and the consequences of an accident happening are risks that I personally decide that I take. I may not get killed, I may just suffer a bump on the head, I may just... *se queda en el susto*... (*Interjection by Hon. Chief Minister*) And the bus example is fine. The balance that I think needs to be

820 struck does not involve, as he has rightly now just said, no-one getting killed. It is a question of the scale of the catastrophe. It is not catastrophic for one, two, three or four... It is catastrophic, obviously, for them as individuals, but in terms of societal risk assessment it is understood and accepted by most citizens living in western societies that events could happen which could result in the death of one, two, three, five or even 30 people in a coach or 200 people in an aeroplane. But society, making the same calculation, does not accept the consequences of a catastrophic event decimating the population at large, if it were to happen, in a whole area of an urban environment. So we are back to that issue.

825 If what the hon. Member was just explaining when he did go on to address the issues that I had in mind, the *real* consequence issues... then of course, Mr Speaker, it is all very well, but just as I acknowledge that my concerns are political layman's, unanchored in science, when I say I am frightened of gas and therefore I shun the consequences, if what the hon. Member is saying is scientifically and technically correct then presumably it will be possible for the hon. Members to obtain an independent assessment, an independent
830 expert's report that it would be willing to categorise the consequences in the way the hon. Member has just purported to categorise. (*Interjection*) But he surely would acknowledge that, just as I do not expect him to accept my Luddite politician's assessment of the risk, that it is not an end to the debate and it is not an end to the concern for him as a politician to stand up in the House and say what he has just said. But if what he has just said can be sustained by an expert's report, then that is something that people will want to take into
835 consideration. And there will be people who will continue to oppose it because the risk that it identifies may still be unacceptable to them, but at least we are in the realms of independent expert assessment, not just of the risk of the event happening but of the scale of the consequences if it did happen, and that is the dual assessment that I would want to see before the Government commits itself to doing this project, and therefore, and ergo, before it signs the contract committing itself to do it on the basis that the contractor is,
840 as part of its contractual documents, going to produce this thing to the Government. It is a question of... I would like the Government to do that which he has just described chronologically before the Government commits in a policy sense to the dual plant.

That is my position and I am grateful to him for giving way. I am sorry to have extended...

845 **Hon Chief Minister:** Well, Mr Speaker, what is it that makes him think that that has not happened or is happening?

The issue has always been this: as we have finessed where the best place is to put it, to ensure that that occurs, we have been receiving the commercial side of that two-handed process as well. Is it, if you do it that way in that location, still commercially viable? There has to be a balance, even if it is not the
850 commercial guys who are going to persuade you, because I agree with him that the best covenants – and we are talking to the best covenants – are nonetheless commercial covenants, whilst we are looking for an independent assessment. And what he may have missed in the debate is that we have been saying we have not gone just to or have not just heard the commercial operators; we have gone to the people who set the rules.

855 He may understand this better than most. The people who set the rules are the Health and Safety Executive of the United Kingdom. They have a subsidiary which also makes assessments – in other words, applies the rules – which is called the Health and Safety Laboratory. They are the ones instructed by the Government, through the Environmental Agency, to produce a wholly independent assessment, which is again... it is organic, and that is what is coming and will be final when we have a final proposal to put to
860 them, which includes the recommendation to do or not to do, but in reaching that recommendation does all of this exercise and produces all of those maps and plans. So you can rest assured that that is coming.

But I want to take him – I was going to go through in detail what he says, and I may do this at the end of my answer to him – I want to take him to something, Mr Speaker: another thing he used to be a Luddite about used to be technology, I think he is now embracing it in business and I think that is a very good thing.

865 **Hon. Sir Peter Caruana:** Such as e-mails and stuff.

Hon. Chief Minister: Yes, not just carrots! An actual one! (*Laughter*)

870 Mr Speaker, I want to take him to a reference of what happened at Buncefield, because he came up with that example. I want to do this not in a combative way. I want him to understand.

Buncefield and the fire there and the explosion there had nothing to do with gas. It was a *huge* explosion involving petrol and diesel, and the explosion was so horrific – I wanted to just read him this bit:

'that the British Geological Survey monitored the event, which measured 2.4 on the Richter Scale. People were woken in South London and as far west as Wokingham, 28 miles away.'

That was a liquid fuel, Mr Speaker – diesel and unleaded and all the others, and there were kerosene tanks there as well.

875 **A Member:** Petrol and kerosene.

Hon. Chief Minister: Petrol and kerosene, right. Kerosene is what goes in aeroplanes: much more volatile. (*Interjection*) Jet A1, right.

880 Mr Speaker, that sort of explosion, which he prayed in aid of his example as to consequences, cannot happen in an LNG storage facility. It cannot happen. There have been no instances of an LNG storage facility ever exploding in that way, because the science does not let it happen. This is not risk assessment; this is the science, Mr Speaker. It is maintained at such a low temperature that explosion is not the issue. The question is escape in gaseous form.

885 Now, if you enclose the facility and there is an escape and then there is a spark – to use a word overused in this debate – then that can ignite, and if it is in a confined area then you explode. If it is not in a confined area, if it is an escape of gas into an open-air area, even our basic science tells us, as all the experts do, that it dissipates. If it ignites, you have something called ‘flaring’ and it just burns. Now, from that to an explosion that grabs the whole of the north-western face of Gibraltar – those circumstances are circumstances that the experts tell us are just not realistic.

890 **Hon. Sir P R Caruana:** It becomes a giant flame-thrower.

Hon. Chief Minister: Well, it becomes a giant flame for a moment because then it is gone. (*Interjection by Hon. Sir P R Caruana*) To be a flame-thrower it has to be continued and in a direction and with pressure. 895 It depends whether you are using a pressurised tank or not, and if you are not using a pressurised tank it just goes up into the atmosphere and dissipates.

900 So what I am saying to him is he was absolutely right, the risk occurs, such as it may be – and this is a risk that is a normal life risk – when you have got a gas form going into an engine to burn it, because then you are igniting the gas in order to create the movement of the blades inside the engine to create the electricity. He said, ‘Look, that’s what worries me, not the LNG.’ He was right. But the arguments put to us consistently by the Opposition have not been those. They have been about the LNG and the size of the tank etc, and that is what the hon. Gentleman has to understand we find so frustrating, because all of the experts are saying, ‘Look, this is complete nonsense.’ The arguments that you are facing are impossible to confront with science because they are nonsensical, and if you look at the Lloyd’s Register report it is a report that 905 more or less reflects that, because it is an analysis of something that nobody would have put to Lloyd’s Register if they had been doing the work with *our* experts.

910 Mr Speaker, I think that that is to reply to him in substance and I think it would be unfair for me to now go through *Tireless* and issues like that which happened on his watch. It was a difficult exercise, a balancing exercise for a Chief Minister to do. It involved the national public interest of the UK, the public interest of Gibraltar, but *Tireless* was here and was repaired here of a nuclear fault, and I did not envy him, whilst in Opposition the fact that – and I was not actually on the benches of the Opposition; I was in the Opposition party, but not here – the difficult balancing act that he had to do.

915 **Hon. J J Bossano:** We supported the Government.

Hon. Chief Minister: It was difficult, Mr Speaker, and involved risk and potentially very difficult consequences, and we are all here without a problem.

920 I want to reassure him of something, though. I think anybody who has been in this chair for more than a week... and once you get over the euphoria of election and really get your feet under the desk you understand just how difficult this job is and how fiduciary the obligations upon one are in respect of the whole of our community, not just those who might support us or not support us. Once you take this chair you have to make decisions for all of our benefits, least of all our own families and children. Who would want to put their own family at risk?

925 He needs to have the comfort that nobody on this side, let alone me, but not more me than any of the others, all of us... none of us would put any life knowingly at risk, even the lives of those who might work on the plant, where, if there were a risk go wrong and the consequence occurring, might be the only ones who suffer the consequences of that problem. None of us would create that risk knowingly. There is no economic value worth that risk. There is no question of us making a decision simply because of fuel costs etc. If it were not possible for us to be in the business of bunkering in the future, we would not be and we 930 would not make a decision other than one which we are sure will be 100% safe within the parameters that are acceptable in this business and all the businesses that we do, looking not just at the side of the balance sheet which assesses risk but at the side of the balance sheet that assesses consequence.

935 And so when he talks to us about being fixed on location he needs to understand we have *not* been transfixed on location. We have moved, in terms of location, from Detached Mole to different parts of North Mole, with this organic process now pointing firmly to the north-west corner of the North Mole, for

the reasons that I have indicated and which deal with the risk and the consequence in a way that I think all of us would say is acceptable.

940 Municipal governments in Denmark, for example, Mr Speaker, I can tell him are making decisions about storage and about regasification in the very, very centre of Copenhagen. That demonstrates where the science is going.

945 The upshot of what he has put to us I think is to have presented in this House, as eloquently as ever, the fears that individuals in our community might have. In other words, I think he has genuinely, Mr Peter... not Mr Peter – I cannot call him that anymore; he is Sir Peter. Mr Speaker, I think he has genuinely put the case for the common man in terms of the word ‘gas’ and the fear it creates. And that has been, I think, demonstrated in what I have said to be so different to the position being put by the Opposition. And this is not something that they can now change – they have put it in writing in their statements and on videos etc about the *LNG* storage facility.

950 And when you look at it from the layman’s point of view – in other words, the *other* layman’s point of view, because I am also no expert and pretend not to be but you read the material that will be published when it is finalised and is going to, I think, really assuage the fears of most – I think even he will want to accept, if he makes an honest assessment of what is put in the public domain, that the Government’s decision is the right one, having properly measured risk and balanced it against consequence in light of the experts’ reports that we will receive.

955 I entreat him to continue in the vein that he has demonstrated in the time since he left the leadership of a political party and told us that he was going to, in the time that was left here, simply speak his mind for the benefit of our community. And when he goes here and continues to be asked – as he no doubt will, as an elder statesman of our community – what his views are, if he is persuaded by the case, then to speak for the common man, as he has today, and say, ‘You know what? Even as a man afraid of gas and as a Luddite, having seen what I have seen I am satisfied that the Government has made the right decision to place this facility of this type and that amount of storage capacity in this place.’

960 I know that he has wanted to discharge his obligations to this House as a Member of the Parliament now more than just as a member of a political party. When he goes from this place and is a member of the public with the distinguished record of service to his community that he will have, and he looks at this documentation, if he is honest with himself and with the rest of the community – I have no doubt that he will be – he will make a statement to that effect.

I therefore commend the amendment.

970 **Mr Speaker:** I now put the question in the terms of the amendment of the motion moved by the Chief Minister. Those in favour? (**Some Members:** Aye.) Those against? (**Some Members:** Aye.) Those against? (*Interjection*) Those against should have said no. The motion is carried by Government majority. (*Interjection*) The amendment is carried by Government.

975 So we now have, essentially, a substantive motion, which is the amendment that has been incorporated into it. Other than the Chief Minister, who can only speak at the end of the debate, all other Members may contribute to the debate, but those who have already spoken – that is the Leader of the Opposition, the Hon. Sir Peter Caruana and the Hon. Mr Bossano – what they cannot do is to repeat points made in the previous contributions.

So the debate is now open to hon. Members. The Hon. Dr John Cortes.

980 **Minister for Health, the Environment, Energy and Climate Change (Hon. Dr J E Cortes):** Mr Speaker, before I contribute – much more briefly than others have contributed because a lot of the points have been well covered, particularly by the Hon. Joe Bossano and the Hon. the Chief Minister, who are certainly no Luddites, even though they claim not to be experts of LNG – I must try and either put the record straight or gain further information on one aspect that the Hon. Sir Peter Caruana raised with relation to another project, the funicular, which I was very closely involved in, in that he is now almost claiming credit for something that I claimed at the time, in that he stopped the project. As I recall, the Government was supporting it wholeheartedly. It took a very lengthy campaign and it took a petition organised by NGOs, business interests and even the Taxi Association to oppose it, and it took a one and three-quarter hour submission by me at the then secret meeting of the DPC in order to convince the Members, including the then Minister for the Environment, to vote against it, despite the fact that the Chairman, who was then the Deputy Chief Minister, was supporting it. (*Banging on desks*)

990 Mr Speaker, if the Chief Minister at the time had already decided that it was not going to happen, then I wish he had told me (*Laughter*) because we would have saved a lot of time and I would not have subjected the Members of the Commission to one and three-quarter hours of my contribution – but I will leave that to one side.

995 Mr Speaker, in supporting the substantive motion as amended, I am not going to repeat a lot of the things that have already been said, and there is great science on this side of the House, I am very glad to report.

1000 I think that the Leader of the Opposition, in his own contribution earlier, has circumvented the main issues raised by the Chief Minister. A lot of the points raised in his initial submission have not been touched by the Leader of the Opposition, or indeed by anyone opposite at all, and have concentrated on those areas in which the Leader of the Opposition feels comfortable, except that he has just repeated old arguments that have, since then, been more than answered – but either he does not understand or he chooses to ignore them; to paraphrase the Chief Minister earlier, both as damning.

1005 First of all, Mr Speaker, I think I have got to condemn his insistence, which he has done again today, on what I consider totally irresponsible scaremongering. People are scared, of course, of the unknown, and, as the Chief Minister said, gas in Gibraltar is now unknown, but in order to encourage and build on that, that is scaremongering and that, I believe, has to be condemned, and trying to create fear without one jot of evidence, he was hiding behind a report, the value of which has now vanished into thin air almost like gas does, and so he has nothing to hide behind.

1010 Mr Speaker, as has been said already on this side of the House, LNG, liquid natural gas, does not explode. Even regasified gas does not explode other than in a confined space, a possibility which would be nullified by the type of containment that is being considered. It burns. It burns safely and only when in a particular concentration of 5% in air: less than 5% it will not ignite; more than 5% there is too much gas and too little oxygen and it will not ignite either. The specific designs of these plans will be such to make this well-nigh impossible, and that is what we are working on with the potential providers.

1015 Mr Speaker, liquid natural gas is not stored under pressure but cooled to a liquid at -162°C , so an escape would be a *spill*, which would be contained by bunds. There has been some reference to some explosions that you can google and see on YouTube, and there is one particular one that really is quite frightening, but we have researched that and that was not liquid natural gas; that was compressed natural gas in a long pipe with a large amount under pressure, which escaped. That is the flame-thrower scenario, which would be impossible in the scenario in Gibraltar because we do not have kilometres of gas, we have got small tanks, and it is not under pressure at all. So that is a totally different situation to the one that we are going to be seeing in Gibraltar. (*Interjection*) It just cannot happen.

1020 Mr Speaker, the Hon. the Leader of the Opposition referred to what I term the GSD power station and its EIA. Well, its EIA, which I studied well and took great pleasure in tearing to shreds at the time, did mention negative impacts on the shape of Gibraltar, on views, on the loss of open space, on the effect of nitrogen-oxide in the surrounding area. It would be next to a new residential area and, most significant now, Mr Speaker, a whole new health campus at the old RNH site, just a couple of hundred metres from the site that they wanted it, where our mentally ill, elderly residents and 90-day elderly visitors would have been within a couple of hundred metres of the power station.

1030 The Leader of the Opposition also referred to costs. Mr Speaker, there were lots of hidden costs of Lathbury that have not emerged yet. Storage and delivery –

1035 **Hon. D A Feetham:** A Point of Order, Mr Speaker. My Point of Order is this – and I do not want to, in any way, shape or form, stifle debate, but the reality is that if we are going to properly follow procedure here, what is he responding to? (*Interjection*) No, hang on a minute. (*Interjection*) May I please – (*Interjection*) He is responding (*Interjection*) to my submissions effectively on the amendments, where he has had the opportunity to do so, has not done so, and now appears to be making submissions on what? He is responding to me on a debate that we have already had. Because I can tell Mr Speaker that I intend to say absolutely nothing more in relation to this. (*Interjections*) No. I have already... Everything that I intended to say I have already said it and it is a matter of record, so I do not understand what it is that he is responding to, to the extent that he is responding to my speech that I made, that was on the amended motion. He had an opportunity. We are past that stage – that must surely be correct. (*Interjection*)

1045 **Mr Speaker:** I am not sure whether, when a motion is totally amended by a new motion, substituted by a new motion, and that has not then become the substantive motion... I am not certain that there is anything in the Rules which prevents a Member who has not contributed to the debate, in answering or referring to points that another Member has made only during the course of the amendment, because the amendment is identical to the motion now before the House...

1050 As I say, unless the hon. Member can point me to the Rules, I am coming to the conclusion that more and more of these Rules are totally inadequate. There is very little here by which one can guide oneself. As I say, from previous practice I cannot recall when any Speaker has ruled that that cannot be done.

1055 **Hon. D A Feetham:** Mr Speaker, I agree.

Hon. Chief Minister: May I reply to the Point of Order?

Hon. D A Feetham: Well, Mr Speaker, may I –

1060 **Mr Speaker:** I will allow the Chief Minister in a moment. Yes.

1065 **Hon. D A Feetham:** Mr Speaker, I have long since held the view that the Rules are inadequate, and Mr Speaker knows what my views are in relation to notice and the possibility, for example, of motions that have been on the Order Paper for a month and a half to be amended on the day that the motion is going to be taken, changing completely the sense of the motion without notice. I believe that that is unfair, because the notice procedures are there in order to give advance notice to the House, and in particular those who have to answer the motion. And there is nothing in the Rules that talks about it, although *Erskine May* certainly has passages in it that state quite clearly that notice needs to be provided.

1070 This particular point struck me because the Hon. the Chief Minister, he said, ‘Well, I am not going to respond on the amendment, I am not going to respond to the Hon. the Leader of the Opposition; I am going to respond to the hon. the backbencher, but then at the very end I will respond to the Hon. the Leader of the Opposition.’ But of course we have already had the debate in relation to the amendment, because that is what we were debating. There is a submission, there is a reply, and then there is a response from the Chief Minister. He has had his response. Now, if I decide, ‘Well, actually, I think this is completely futile; I do not want to say anything else,’ then who is he responding to? That is the point I am making, but of course I am totally in Mr Speaker’s hands at the end of the day.

1075 **Mr Speaker:** I sympathise with the point that the Hon. the Leader of the Opposition is making. The only problem is that the points made are equally relevant, in my view, in the case of the amendment and in the case of the motion, because they are identical. (**A Member:** Exactly.)

1080 As regards the Rules, (*Interjection*) I am sure the Hon. the Leader of the Opposition does not want to hear from me what I think about the fact that hon. Members of this Parliament have not done enough to amend the Rules – and they should have done. There has been a Select Committee of this Parliament which has hardly met. There has been a Select Committee of this Parliament which is considering proposals made by a Commission which I chaired, and we did our job – we provided a report *very, very* quickly. But because hon. Members, and in particular the Chief Minister and the Leader of the Opposition, have a very considerable workloads, they are *very, very* busy, I can understand that there are other priorities that have happened.

1085 I think they should put their thinking caps on and, having regard to those who wish to be back here after the next General Election, instead of a very high-powered Select Committee with the Chief Minister and the Leader of the Opposition in it, we should have other Members, who may have more time available to look at the Rules and other matters and to bring proposals to this House which the rest of the Members could go along with.

1095 **Hon. Sir P R Caruana:** I wonder, Mr Speaker, whether I –

Hon. Chief Minister: Mr Speaker, if I might. You said you would give me an opportunity to reply to the Point of Order. (*Interjections*) Mr Speaker, look...

1100 **Mr Speaker:** No, no. We may wish to hear...

Hon. Sir P R Caruana: I just want to make one point, and then he can answer these two as well before he moves on.

1105 Mr Speaker, I just, obviously we are in a debate, and nobody wants to stifle anybody from saying anything, but to the extent that... I think the point that the Hon. the Leader of the Opposition is making is this: he has spoken only on the debate on the amendment (*Interjection*) to the original motion, the debate on the amendment. The Hon. the Speaker called for other speakers to speak on the amendment. That logically would have been the opportunity for the Hon. Dr Cortes to rise to do what he has begun to do now, which is to answer what the Hon. the Leader of the Opposition said on the debate on the amendment to the motion.

1110 Once the amendment has been debated and passed, we are no longer debating the amendment. We are debating the original motion, on which the Hon. the Leader of the Opposition has not yet spoken, and in those circumstances – (*Interjection*) No, no, no, no on the original motion. (*Interjection*) I accept that. I accept the... I am just using shorthand. I am not trying to be slippery. (*Laughter*) I am not trying to be dialectically slippery. Therefore –

1115 **A Member:** Makes a change!

1120 **Hon. Sir P R Caruana:** The hon. Member cannot seesaw about what he thinks of me every 15 minutes. (*Laughter*) Therefore, to the extent that what he is doing is answering what he has said on the amendment, I think that I personally cannot fault the logic of the Leader of the Opposition, because what the Hon. Dr Cortes is doing is not expressing his view on the original motion, which is the opportunity that he now has, but rather he is answering what the Leader of the Opposition said on a motion that is finished, and therefore the rule of relevance, which I was glad to hear is engaged. But I do not think anybody is going to challenge or –

1125 **Mr Speaker:** I do not know if the Hon. Mr Bossano, who has a pretty good memory – (*Laughter*)

Hon. Sir P R Caruana: His memory is very self-serving.

1130 **Mr Speaker:** – will recall that I think the line that the Hon. Sir Alfred Vasquez used to take was that it was okay, provided the Member did not expect to speak twice.

Hon. J J Bossano: I think, Mr Speaker, people were given the choice sometimes of saying, ‘Well, look, either you can cover the ground of the original and the amendment and speak once, or you can speak twice and then break up your contribution – one on the original and one on the amendment.’

1135 But as the amended motion is now the one that he has not spoken to, the text is identical in the amendment and when it was when I was speaking, which was... It is the same text, so he is referring to the same piece of paper with the same words on it. I do not see what the issue is.

Mr Speaker: Now, the Hon. the Chief Minister.

1140 **Hon. Chief Minister:** Yes, and Mr Speaker, what is happening in this House repeatedly is that the Hon. the Leader of the Opposition finds that he cannot get his way and therefore the Rules that have applied for 50 years in this place and everybody has had to work within are not rules that the Hon. the Leader of the Opposition wants to have applied to him.

1145 He wants to have a Feetham Rule, Mr Speaker, which is to say ‘I am now not going to have to hear John Cortes telling me what he thinks about the things I have said in this debate,’ or indeed – because the Hon. Mr Cortes is making points that the hon. Gentleman has made not just in this debate but he has made them outside of this place when talking about this subject – deal with the issues that he repeatedly raises about the Lathbury power station.

1150 Mr Speaker, we are all here to debate and we are here to debate within the Rules, and the Rules allow Mr Cortes to make these points because they are relevant to the subject matter of the motion as amended. And therefore, Mr Speaker, it would be an absolute travesty to say to him that he cannot make those points. It would, in effect, be the Hon. the Leader of the Opposition praying in aid a rule that is not in the books to stop somebody making points that go against him. That is what we are facing when he makes points of this sort.

1155 **Mr Speaker:** The other thing that I think it is relevant to point out, given my experience from 1972 to 1992, was that in debates many more Members used to take part in the debate, and therefore if someone like the Leader of the Opposition had lost an opportunity to reply, some other Member would stand up and deal with those points. This was something that regularly happened, but a much higher proportion... in the three years that I have been here I have found that it is usually a handful of Members who are taking part in debate and the other 10 or so, including myself... Well, maybe I even take more part in the debate than some of the other 10, (*Laughter*) who are virtually spectators, and I have deplored that. I have deplored that more than once.

1165 **Hon. Sir P R Caruana:** Yes, Mr Speaker, I think if I could just add that I think what the Hon. the Chief Minister has just said is absolutely right (*Interjection*) in reference to what Dr Cortes was saying about where we wanted to use the power station. My understanding is that that is not what the Hon. the Leader of the Opposition was speaking to and it is certainly not what I was speaking to. I accept that to point out what this side of the House was planning to do and where we were going to put our power station is perfect – subject to the Speaker’s ruling on relevance – is relevant, is permissible on a debate on the amended motion, (**A Member:** Exactly.) on the motion as amended. But that is not what I was speaking to. That is very different to a line-by-line commentary on what the Leader of the Opposition said in the other debate about the amendment. (**A Member:** Exactly.) So I think what he has said is true and right, insofar as it goes, related to the subject matter of what he can speak to. As far as I am concerned, he can speak to whatever he likes, (*Laughter*) but if we are being finicky about the Rules, that is where I would draw the

1175

distinction. I would not have made the points I have made in relation to your reference to the power stations, Lathbury Barracks and the proximity to the old Naval Hospital. (*Interjection*) I have.

1180 **Mr Speaker:** Perhaps I could ask the Hon. Mr Cortes to try to be circumspect, bearing in mind that the Chief Minister has a right to reply.

1185 **Hon. Dr J E Cortes:** Mr Speaker, perhaps it might be relevant to ask the Leader of the Opposition whether, in view of the fact that the Parliament has now passed the amendment as a motion, he has in fact changed his mind and would make any of the points in a different way. Because if he would hold the points he has made to the substantive motion in the same way that he held on to the amendment... therefore my replying in the way I am replying is replying to the points that he would have made anyway, and I think they are legitimately made. (**Two Members:** Hear, hear.) (*Banging on desks*)

1190 In any case, Mr Speaker, apart from the fact that this reminds me of when a basketball team is really going hard and the manager of the opposite side asks for time out to try and stop the flow, (**Several Members:** Hear, hear.) (*Banging on desks and interjections*) I must say that I am flattered by the fact that the Leader of the Opposition is clearly so troubled by what I am saying – me, in my infancy in politics.

A Member: And no one can stop you.

1195 **Hon. Dr J E Cortes:** Mr Speaker, I understand the points that have been made, but I still think that I have to make mine and I will do it in such a way that I think will not touch the sensitivities of the Leader of the Opposition.

1200 I think I was saying that there were hidden costs, and I think it is valid that I should because we are talking about the motion as it now stands, about a reliable, clean, modern, safe power station. So, comparing it to something that the Leader of the Opposition has advocated, not just here but also outside this House, I think is... I can compare them too.

1205 There were hidden costs at Lathbury, storage of the diesel and delivery, where a problem related to old MOD tanks that had to be renewed and so on and so forth. There were hidden infrastructure costs, some of them hidden in other projects, and certainly other infrastructure costs like the relocation of the parking of MOD, which I think was estimated at about £¼ million. Also, the old power station and any diesel-powered power station would attract fines, not just the emission trading scheme but also fines for exceeding nitrous-oxide emissions.

1210 Mr Speaker, even factoring all those things in, the new power station will still be much cheaper to construct, and for an 84-megawatt power station as opposed to a 64-megawatt power station, which would not have any heat recovery, which is also very environmentally... So approximately £¾ million cheaper per megawatt is my estimation and £6.4 million a year cheaper to run. But there we are, Mr Speaker. (*Banging on desks*)

1215 The new power station has very recently had the EIA published. That is the process one has to follow. It has involved discussions with stakeholders, Bouygues has met with stakeholders, including the ESG, and I have met with stakeholders and it will be discussed at the Development and Planning Commission in August publicly, absolutely publicly, and that is transparency and open government.

1220 Mr Speaker, many meetings have been held at many stages, right up to last week, where the overriding importance of safety has been stressed to and by all the many experts engaged by us and by the potential providers, and the GEA was consulting experts well before 8th June and Government's own scientists and technical officers were advising on the qualities and the safety of LNG internally.

1225 Mr Speaker, we have been clearly told by HSL that the technology can be applied in Gibraltar subject to the specific details, and these are the ones that are being worked on in an iterative process, and the final reports *will* be proof of that. In any case, Mr Speaker, we will have the double lock now of the HSL and Lloyd's determining the safety of the proposals.

1230 Mr Speaker, I honestly and sincerely am convinced that LNG is the safest and cleanest fuel to meet Gibraltar's power needs until renewables catch up, and they too are a part of our energy transition strategy. (**A Member:** Hear, hear.) The decision will be made for the right reasons because we are serious about safety. I would never put my name to anything that would endanger the environment nor the health and wellbeing of our community.

1235 Mr Speaker, there was a comment made in part of the debate regarding the origin of the power cuts and there has been some allegation that they had not originated in Spark; however, the GEA's technical reports clearly claim that they did. Spark may have denied it, as you would expect, but has produced no evidence to that effect.

1235 Mr Speaker, it is clear – not just here in the part of the debate that I may not be able to refer to, (*Laughter*) but also in the public domain – that the Leader of the Opposition has stated an absolute rejection

of LNG and the implication is that ‘even if it is found to be completely safe’. I think that is something to be ashamed of and reeks to me as something of somebody who is pretty desperate, trying to find something –

Hon. D A Feetham: Will the hon. Member give way?

1240

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

Hon. D A Feetham: Mr Speaker, it is not the case that anybody on this side of the House has had an absolute rejection of LNG, and I would invite him to in fact listen to the interview that I gave with GBC, where I said no to LNG ‘in these locations’. I am sceptical about the use of LNG in other locations because I cannot see how, given the geography of Gibraltar, it can be located somewhere without the kind of consequences that we have been concerned about.

1245

But actually the debate is not about LNG yes/LNG no. The debate is about LNG in these locations. I hope this helps the hon. Gentleman.

1250

Hon. Dr J E Cortes: Mr Speaker, the Leader of the Opposition is clearly referring to the part of the earlier debate that I cannot refer to, because he did say very clearly that it was part of their election strategy, if not the sole electoral strategy, their opposition to LNG. But there we are – maybe the story changes as we go along.

1255

Mr Speaker, I would like to say – and I am going to finish now – that internationally I have spoken to many people in and outside the industry, in and outside major environmental circles, who all agree that LNG is the way forward. Mr Feetham is out of date and out of touch. In fact, anybody who is completely opposed to this way forward I would call a polluter, somebody lacking vision, a threat to the health of the community, those very people who are threatened with this idea of a possible explosion that will never happen. But what will happen is that they will be subjected to more emissions of sulphur, nitrous oxide and particles. We will be the shame of the global community when we are now admired for our vision and we are about to become world leaders in energy strategy, and with costs and fines and the threats to the economic wellbeing of Gibraltar.

1260

Mr Speaker, I am afraid that the Leader of the Opposition seems to have failed to grasp the concept of clean power. Perhaps we could use a new definition of an ‘energy dinosaur’ – certainly out of date, if not yet extinct. (*Banging on desks*)

1265

Mr Speaker: Any other contributor to the debate?

Then I call upon the Chief Minister to exercise his right to reply.

1270

Hon. Chief Minister: Mr Speaker, this has been an important debate, a debate on an issue relating to the fuel for the next two or three generations of Gibraltarians and the energy that we are going to produce for our community. A particularly enlightening debate – I am going back on the seesaw (*Laughter*) – in the hour or so that the former two Chief Ministers engaged, without locking horns on this occasion but literally engaged with a different point of view passionately and eloquently defended by both of them. I hope I contributed something to that. I think I detected from the hon. Gentleman that he thought I did in my answers to the issues that he had raised.

1275

There was a fantastic exposition by the Minister for the Environment of some of the problems with Lathbury, or some of the issues he has had to deal with. But there was an hour or so, forty minutes or so, of this debate when all we heard was insults. Again, all we heard was not the rational issue as to consequence and risk. All we heard was that this was a kangaroo court, that no evidence had been brought for the destruction of his reputation, said the Leader of the Opposition.

1280

Mr Speaker, nobody was trying to destroy anybody’s reputation. I asked the Leader of the Opposition a number of questions when I moved the amendment. I do not need to refer the House to them again – they are in the *Hansard* and in my written speech, which has now been circulated. A number of questions: will the Leader of the Opposition agree to this; will he agree to that; did he know this; did he know that? If asking a question is to attempt to bring somebody into a kangaroo court, and with no evidence assassinate their character... well look Mr Speaker, does that mean that the hon. Gentleman has no answer to the questions? Because in all the time that he was on his feet he did not answer one of the questions I posed, not one.

1285

1290

I did not need to try and destroy his reputation, because he has done that himself, Mr Speaker, in all of his political trajectories, parts of which he referred to today. So I did not set out to come here to destroy anybody’s reputation. I set out to tell people what had happened in a chronology that was extensive and I took time to do it. I referred to Spark’s reputation and I asked him questions about what he knew, and I asked him whether he knew things and was doing them consciously or whether he was a dupe and had been fooled into doing them. He did not tell me which it was.

1295

Mr Speaker, having not told me it was either or another, the general public are now entitled to go away thinking it was one of the two because he did not proffer any answer. He said that I had come to do a character assassination, contrary to what I had said in my first speech as Leader of the Opposition, but didn't he hear the speech I gave this morning where I specifically said that it was *their* style to do character assassinations and that I was not going to do one? All I did, and I think this is why he has avoided, in that whole 40 minutes, dealing with any of the issues... All I did – and I did it specifically, and it is perhaps more boring than doing it in a colourful way – was to say, 'These are the facts, these are the *bare* facts, these are the *facts*, the *facts*, the *facts*.' And he did not answer any of the questions that the facts gave rise to.

Mr Speaker, the fact is – again, dealing with facts – that the hon. Member, through his Chairman, told Gibraltar that they had been the beneficiaries of a supporter commissioning for them something – a report, let's just call it that for now – which cost £100,000, and that based on that report they were questioning the Government's decision to proceed with plans to create an LNG storage facility in the place that we are proposing to do it. So how can he say that he has not in some way had the benefit of £100,000 from a third party with a commercial interest – the commercial interest is now becoming more and more evident – based upon which he is questioning the Government's behaviour? Of course he is, and he has not advanced one argument to the contrary.

He said that the reasons I was putting those questions – I think, Mr Speaker, to be favourable to him, if I could characterise it in that way – was that I was trying to do away with my principal political opponent. Well, Mr Speaker, I will tell him very honestly I think my first principal political opponent has now told us that he is not going to seek re-election, *his* principal political opponent being Mr Bossano and still remaining active in politics. I do not think that my next principal political opponent has yet shown his face, because I certainly do not regard him as it.

He said that I presented absolutely no evidence in the context of the arguments I was making, and yet I spent an hour and a half on my feet going through detail and evidence.

And he is completely wrong in what he thought was the structure of operations between Spark the Government, and Energyst and Caterpillar, Mr Speaker, completely wrong, but I think John Cortes has dealt with that and I do not intend to repeat that, because the GEA has made the arguments that Mr Cortes has indicated they have made about the power cuts.

And then he said that there were power cuts during the turbines and those were operated by the Government. Well, Mr Speaker, they were not operated by the Government. They were also operated by a third party called SoEnergy. But the thing is this, Mr Speaker: we were all – I trust *all* in this Parliament, as everybody else outside it – very happy, when the new generators arrived, that we were not having power cuts, and we did not have power cuts. And what I had referred to in my speech in the reply in the Second Reading was the fact that the power cuts started at a time which coincidentally happened to be the same time as Spark first got the Lloyds report, the circumstantial evidence which I was referring to. All he did, Mr Speaker, was deviate and distort, for the time that he was on his feet, to try and avoid the questions that we were asking.

He said that he would not believe anything that I said that Lloyd's had said about the debate and the way the GSD was presenting arguments, unless he heard it himself. Well, Mr Speaker, I want to deal with that in a minute. Before that, I want to deal with the issue that has become apparent in the last few minutes, which is that he is saying, 'Actually, Mr Speaker, our argument is with the location, not with the fuel source itself,' and he said that he might be prepared to consider an LNG storage facility in another location.

Well, Mr Speaker, he really is starting to move the goalposts, because I have just seen a transcript of the interview he did with Steven Neish and he was very clear there in his platform of no to LNG, no to the Detached Mole, going back to our plans at Lathbury and going back to the drawing board. Well, Mr Speaker, as I have demonstrated to him, we were not the ones wedded to a location. What he could point to, to criticise me – of course, he cannot, because this is where he wanted to take me and I have demonstrated that that is where we were – is that we started saying in our PIN, our public information notice, Detached Mole, and we have moved many hundreds of metres to the north. So what he cannot do, which is what he tried to set out to do, was to say that we were so wedded to a location that we had made a decision that we would not be shifted from, because actually safety and security have shifted us and that demonstrates that we were taking advice.

He talked a little bit about consequence but I do not think that I need to go there, given that I have already dealt with that issue more fully in response to the hon. Gentleman.

And then he said that I have attempted to discredit the Lloyd's report. Well, nothing could be further from the truth, Mr Speaker. I have attempted to show that the information given to Lloyd's for Lloyd's to prepare a report was not full information. *That* is exactly the point that I was making. And despite telling us that he is very sure that the report that is now in the public domain is the full report, he has voted against a motion calling for it to be sent to you so that we can all be sure of that. Well, I wonder how sure he is of his position, Mr Speaker, because he has not invited me to amend the motion. He has not said, 'Look, Fabian,

1360 will you agree to change the motion so that it is just an independent call for the full report to be sent to you?’ I had ensured I did not condemn *him* in the motion, Mr Speaker; I only condemned somebody doing something with a report that all of us should agree nobody should do with a report. But I wonder how sure he really is about his position in this respect. I will tell him something for nothing, Mr Speaker: he said, ‘If you had a smoking gun you would have brought it in’; well, Mr Speaker, if you have a smoking gun on an issue like this you do not use it on 30th July when most people are at the beach. That is all I would say to him.

1365 Mr Speaker, then he went on to make a tribute to Mr Hammond about the way that he had acted in the presentation of this report. Well he needs to think very carefully about that because actually what he should be doing perhaps is saying, ‘Well, Mr Hammond and I may have overstepped the mark, and I welcome the work Mr Hammond has done but he and I are going to look again at the presentation of the report and how we did it,’ because the transcript of the video which they put on YouTube of their press conference actually is the sort of thing that has led Lloyd’s to say that they are concerned about conflation and distortion.

1370 He said that we had failed in our manifesto commitment to keep to the power station agreement. Well, Mr Speaker, I must tell him when we were elected there was not an agreement to build a power station that was binding and required us to build it. The financing agreement was not signed and it was put to us by the legal advisers and by the contractor, I think in February, that we had reached the point then –

1375 **Hon. J J Bossano:** Where a decision had to be made.

Hon. Chief Minister: – where we had to make a decision to either pay for the work that had been done and extricate ourselves from the contract, or continue with it. The contract provided for a fork in the road and it perhaps is normal for that to be the case. That fork in the road was not brought to our attention by any desire of us instructing solicitors to find us a way out of the agreement; it was brought to our attention by solicitors saying, ‘We now have to sign up for the full contract and you will have to do the financing and it is then that this becomes irreversible.’

1385 So I am sorry to have to say to him that we entirely complied with our manifesto commitment to take the power station contract as we found it and be able to progress as we were able to determine either one way or the other. And when we found that we had that choice we made the choice that we were then in an elected position to make a policy decision on.

1390 Mr Speaker, that power station... anybody involved in it – Mr Cortes from a planning position or Sir Peter from a decision-maker’s or policymaker’s position – will know it involved huge logistical issues. You had to pump diesel up to Lathbury, you had to reinforce roads –

Hon. J J Bossano: Or take it with bowsers.

1395 **Hon. Chief Minister:** Or take it with bowsers. Any project in Gibraltar anywhere may involve huge logistical issues. This one involved huge logistical issues and cost, Mr Speaker.

1400 And he said, ‘Well, you said nothing about huge chimneys.’ Well, doesn’t he remember, Mr Speaker, that at the time that they were in Government the Development and Planning Commission did not meet in public and we would not have seen the pictures of the stacks, and the pictures that were made public of the stacks were from an angle where you would not see quite the height of the stacks? So there is no question of us having failed in any duty, but in any event John Cortes was there, and the DPC, making the representations that all of us would have made when we were concerned.

1405 Mr Speaker, then he said that we had done nothing before tenders closed in respect of health and safety and safety reports, because we have said that the Health and Safety Laboratory was not involved until 7th June, which is seven days after the tenders had closed, which I think is helpful because it demonstrates that he thinks that there is no-one in Government who has the capability of advising the Government on how to structure a tender and what to ask for when it comes to safety and when it comes to the health issues that then are relevant where we would in any event afterwards also go to an independent third party, or now to two independent third parties, as the case may be.

1410 He said he had an open mind though until December last year, when in what he called a ‘leader’s debate’ – it was not; the leaders’ debate is the night before the election, but what he called the leaders’ debate – in December on ‘Viewpoint’, I had told him we were negotiating now in detail with a number of bidders. Of course, interestingly, Mr Speaker, the minute I said that, Spark would know they were not one of the people being talked to, because it was in January that they say they first went to Lloyd’s Register to obtain a report. So again we have today obtained an even clearer view of what was happening with Spark and Members opposite.

1415 Well, Mr Speaker, I am actually going to tell the hon. Gentleman and Members of this House – the hon. Lady is not here... I am going to tell hon. Members that the companies we are negotiating with are top blue-chip companies and I am going to now feel able to say that they include Royal Dutch Shell and they

1420 include World Fuel Services, two of the biggest, most reputable companies in the world when it comes to LNG supply. Two of the biggest and most reputable companies in the world. And I think people will take great comfort from that, Mr Speaker.

1425 No doubt the Opposition and its supporters will now google every incident involving one of them and twitter away if somebody fell and hurt their knee on a Shell facility somewhere in Alaska, slipping on the ice, but I think to right-thinking people the fact that that is the sort of covenant that we are talking to, Mr Speaker, demonstrates that Spark was never the sort of company that was going to be able to provide the comfort and the service required. It is quite different to be talking to a company with two £1 shares issued and be talking to Royal Dutch Shell or World Fuel Services.

1430 And then he said that the power station's safety reports we said had already been obtained, but subsequently I had said that there was as yet no expert safety report... Well, Mr Speaker, the problem is that he is, to use a Lloyd's term, 'conflating' the two. The power station is one thing and the LNG storage facility is another, and the EIA of one is now fully published and he can see that there are safety reports etc, and the other is not a contract yet fully determined. We have not yet chosen one, but there is not yet a final design. He needs to understand that he is mixing the power station and the LNG facility.

1435 I do not think he wants to hear me, Mr Speaker; he seems to be doing something on either Twitter or Facebook, or something like that. But fair enough, if that helps him not to feel the pain of the argument, that is alright.

Mr Speaker, all the arguments he put as to risk and consequence were better put by Sir Peter, and I have dealt with them there.

1440 He said, 'If there is ever an accident at an LNG bunkering or storage facility, what will he do then? I give a commitment we will not go ahead with an LNG power station.' Mr Speaker, clearly this is shaping up to be the campaign issue: 'Government is hell bent on moving ahead with its plans in this area.' Well, this area is not where we were hell bent on doing it. This area is almost half a kilometre away from where we started and this demonstrates that that argument is as much a nonsense as the argument I had to put up with last week where, because a letter of his had fallen into the hands of the media and he had sent it to you and he had sent it to me, he said I had leaked it. In that instance the media have said it neither came from Mr Picardo or any other Member of his Government or anybody in his Office. But of course he is not going to, for one moment, pause to apologise for having made a wild accusation of that sort, but I just implore him to realise that that is a demonstration in relation to something irrelevant, like a letter, of how he sometimes engages tongue before brain and he should be as careful not to do that in relation to something as serious as gas and a new power station as he should have been in relation to something as simple and innocuous as the 'leaking' – to use a term which I do not necessarily share – of a letter. Anyway, Mr Speaker... In fact, we are being treated by the Hon. the Leader of the Opposition, in his press releases and his statements and in relation to the letter, and now in relation to being hell bent on something which we can demonstrate is actually not what we started with and therefore we cannot be described as being hell bent on... this is such a comedy of errors that one might think that, because it is the middle of the summer, we are watching *A Midsummer Night's Dream* going on on the other side.

1455 Mr Speaker, he is not an economist and neither am I, but he gets his economic arguments wrong in the Budget debate and in his public statements. And he is not a safety expert, and he is getting his safety arguments wrong in the course of this debate and in the course of everything that he is saying publicly. And he is not an LNG expert, and he is getting his arguments wrong on LNG as well. Perhaps, Mr Speaker, that might be the underlying reason why his brother last week abandoned him and left the executive of the committee of the GSD, only to apparently quickly come back.

1465 **Mr Speaker:** That is irrelevant.

Hon. Chief Minister: Well, Mr Speaker –

Mr Speaker: It is new material.

1470 **Hon. Chief Minister:** Fair enough, that and much other new material, I understand, is coming in respect of the executive of the GSD, but never mind.

Mr Speaker, let us look at their record. Let us look at their record on issues like the one that we are dealing with now – serious issues.

The leaked letter: an allegation which then turns out to be untrue, and not a peep of an apology.

1475 In 2011, the debate that said I was unfit to govern for having suggested we were reaching the ceiling of debt, and yet by December 2011 an acceptance that we were reaching the ceiling of debt and an invitation to bring a resolution to deal with it.

Mr Speaker, when you look at what the hon. Members use to make their arguments and you analyse them carefully, you realise that, actually, on all the big issues they have got it wrong.

1480 I want to take Sir Peter's opportunity to make this example. He said this is as important as joint sovereignty or the Constitution. Well, if things are as important as that, then they are as important as the Brussels process and whether we should attend the bilateral process or not. He got that wrong. The GSD got that wrong until 1996, when they changed their position.

1485 We got it right on the Brussels process. We got it right on joint sovereignty. We got it right on all the big issues that matter, including whether or not to send our Gibraltarian students away to study when others said that we would bankrupt Gibraltar. On all the big issues we can demonstrate that we have been right, and if this is such a big issue then our track record on the big issues is a good reason to listen to what we are saying.

1490 Mr Speaker, we are not the only ones who have criticised Members opposite for their record in respect of the power station when they were in office and the failure to renew it. One criticism reads as follows:

'One important... essential project is the electricity generating station. All economies rely on the ability of each to provide energy to its businesses and people and Gibraltar is no exception. Gibraltar's longterm energy needs have not been catered for at all by Peter Caruana's GSD Government. Gibraltar is reliant on what, in a home or business, would be classified as "emergency" generators, for spin purposes called "skid" generators. Without power Gibraltar has no economy...

The GSD (and so Peter Caruana)'

– I am quoting –

'has the prime responsibility to explain itself on this core policy failure during its 16 years in government. This omission could have disastrous consequences on Gibraltar and its economy. We may even be forced to connect to the European Electrical Grid, via Spain.'

– the quote –

'(not that I personally object to that but most do)'

These are not my words. These are the words of the person writing:

'as a result of this act of negligence by the GSD Government. The environmental excuse used by it is no excuse at all. The "skid" generators are far more environmentally unfriendly than any power station that might have been built, whilst money was available to do so.

The sewage treatment plant, which is an EU requirement, is a further failure. I would like to know from all parties, how each intend to fund the construction of such a plant. I specifically want to know this from the GSD. It is Peter Caruana's GSD Government that has failed, over many years, to provide such a plant despite it being required by law and for environmental and health reasons.

It is all very well for the GSD to boast in glossy brochures about everything that it has spent our tax money on. However, what is important is not what it has spent it all on but rather what it should have spent our money on and has not. So Paco,'

– here referring to Paco Oliva, who had written a very nice article about the GSD in the *Chronicle* –

'what "lights" has Peter Caruana's GSD Government switched on in regard to electricity production and the treatment of sewerage?'

– which I think was meant to be 'sewage' –

'I fear none but he has left a massive legacy problem for Gibraltar. I sincerely hope it can be resolved in the best interests of Gibraltar. Government is about issues like energy and environmental policy not simply about projects that are considered, subjectively, to be electorally opportunistic.'

1495 That is an excellent description of the failure of the previous administration in relation to the building of a new power station – excellent, Mr Speaker. It was written by cousin Robert (*Laughter and banging on desks*) – Robert Vasquez, Mr Speaker, QC – in his blog, 'Llanito...' whatever it was, (*Interjection*) and I think it speaks more to the sort of criticism that we make on this side of the House of what they did, although I do hope that at least at a family level they have become reconciled, if not at a political level, but certainly something that it is interesting to see is now part of what the make-up of the new GSD executive is. (*Laughter*)

1500 Anyway, Mr Speaker, he started talking about character assassinations and he said he adopted my views on it when I spoke as Leader of the GSLP for the first time. But then, Mr Speaker, he went for the jugular immediately. He said, 'I'm not about character assassinations, I'm going to stick with the view you had; but hang on a minute, here's my dagger – where is your throat?' It is ever thus, Mr Speaker. He got up in the

Second Reading of the Appropriation Bill and talked about trust, and here he got up to talk about character assassinations and nothing else was going to be shifted from his lips.

1505 But I do remember, Mr Speaker, just how much he grinned like a Cheshire cat during the debate in 2011 when I was being put on the political rack by Sir Peter and wringing his hands. I suppose that what he means, Mr Speaker, is that although he does not want to be involved in character assassinations he will enjoy a good one whilst it is going on. I suppose those of us who are in this room probably all enjoy gladiatorial politics somewhere deep in our soul, but he needs to remember what it is that he was a part of
1510 before suggesting that he is never going to be involved in that sort of activity.

I am surprised, Mr Speaker, that a quote in the *Gibraltar Chronicle* is not authoritative enough for him as to the truth of a statement uttered by a person. In other words, when Nick Brown talked about conflation and distortion – something which I ensured was the mantra of my speech so that I did not stray into my own characterisation of the way that they presented the Lloyd’s report; I used his – the quote in the *Chronicle*
1515 was not enough for him. Some people say ‘don’t believe everything you read in the newspapers’, but there are some responsible journalists in the world, and some of them – we are very lucky – are in Gibraltar.

But given the things that I see he is retweeting these days, I am not, I suppose, surprised. Only yesterday he shared with the whole world, and somebody brought it to my attention, on his Twitter account – or on his Facebook, one of the two – an article by a fairly cowardly anonymous person who goes by the name of
1520 ‘The Man with the Cathode Ray Eyes’, and this is what Mr Feetham said that we should read –

Mr Speaker: I think I must tell the Chief Minister that he really is going beyond the Rules. This is all new material.

1525 **Hon. Chief Minister:** Mr Speaker, you do not know what I am going to say. It may be directly relevant.

Mr Speaker: But in your right to reply you cannot introduce new material.

1530 **Hon. Chief Minister:** Mr Speaker, I am sorry, but with respect –

Mr Speaker: You are introducing material that you could have very well dealt with in your first speech.

Hon. Chief Minister: No, Mr Speaker, no. Let me tell you why, Mr Speaker. For a very simple reason. I could not have said any of this in my original speech, because it was he, in his reply to me, who said that
1535 he did not believe what he had read in the *Chronicle*, and so I am now going to deal with why he might have said that. So I am replying specifically to a point raised by him, and the point is this. He has retweeted to the world and has asked the world to read this – something that this person has written, which says as follows:

‘It should be up to an independent press to be probing in search of the truth, however uncomfortable this may turn out to be. Unfortunately, save rare exceptions, GBC, the publicly funded broadcasting corporation that owes itself to the taxpayer, still has to prove it can hold the politicians to account. At least there are glimmers of hope for them. With the rest,’

– and this is the nub of it –

‘the *Gibraltar Chronicle* leads the procession of all pallbearers at the funeral for the freedom of the press in Gibraltar.’

That is what the Leader of the Opposition asked us to read when he retweeted that article.

1540 I suppose, Mr Speaker, I now understand what he meant when he said in his speech that he did not believe what Nick Brown was quoted as saying in the *Chronicle*, which goes to the central issue.

Mr Speaker, I think it reflects on him quite badly that he should push out such an appalling allegation. He is really challenging not just the electrical infrastructure of Gibraltar and the future of it; he is even challenging the journalistic infrastructure of freedom of expression, and it is, in my view, a disgrace that he
1545 should be seen to be supportive of such statements.

Mr Speaker, rounding up, in the response from the Leader of the Opposition all we have been left with is unanswered questions – a raft of questions that I asked him to deal with, none of which he addressed. They all remain outstanding. His performance in this important debate is as poor as it was in the Budget debate. He did not answer my address then – he gave us a prepared text – and he has not answered the
1550 questions I put to him in my opening speech today and in the speech moving the amendment. And people will see through that: they will see through just pure, constant bluff and bluster.

Therefore, Mr Speaker, in conclusion, there is no need for a character assassination. He will be downed by his own political bullets by the hooks that he makes for himself, by his own confections and distortions.

1555 Mr Feetham's problem is not assassins; his problem is that the facts damn him. It is not me, really, that he wants to sue; he wants to sue the facts, because he wants them to change now that they have become inconvenient. He wants the *facts* silenced so that the public will not see or hear the truth. He wants the facts to change so that people will change their minds. But it will not happen, Mr Speaker, because the die is cast, the sparks have flown, he has burnt his fingers, and worse consequences – to use his words – are to follow.

1560 I therefore commend the motion as amended now to the House. (*Banging on desks*)

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Some Members:** Aye.) Those against? (**Some Members:** No.) Carried.

1565 **Mr Speaker:** Can I ask the Hon. Chief Minister what are his intentions regarding the rest of this sitting?

Hon. Chief Minister: Mr Speaker, after that motion there are still, I think, four Government motions to deal with and some legislation. Given the time, I would propose that the House recess for 15 minutes for a comfort break and coffee and we come back and round up the rest of the business.

1570 **Mr Speaker:** The House will now recess.

The House recessed at 5.55pm and resumed its sitting at 6.15pm.

SUSPENSION OF STANDING ORDERS

Standing Order 19 suspended by operation of Standing Order 59 to proceed with Government motions

Mr Speaker: The Hon. the Chief Minister.

1575 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

'That this House approve pursuant to Order 59 to proceed with the suspension of Order 19 in order to proceed with Government motions.'

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

1580 **Hon. D A Feetham:** Mr Speaker, may I have a moment?

Mr Speaker: Please do.

Hon. D A Feetham: Mr Speaker, it is this that is troubling me. If Mr Speaker can go to Standing Order 19, Standing Order 19 provides that:

'Subject to any other express provisions in these Standing Orders, every Member wishing to make a motion shall give notice thereof, by delivering a copy of it in writing to the Clerk, at least five days, exclusive of Saturdays, Sundays...'

1585 So any motion has to have five days' notice.

1590 Yesterday we received notice of motions in relation to the awarding of the Medallion of Honour and the Medallion of Distinction and also the granting of the Freedom of the City. Of course, Mr Speaker, it has not been possible in the notice of effectively less than a day for the Opposition to be able to meet in order to consider what our approach to these motions is going to be, and we would wish, as a sensible Opposition, to make a sensible contribution to the debate. There are, for example, some individuals who are mentioned in the list of individuals who are proposed for these awards that some of us do not know very much about, so in order to sensibly contribute we would wish to do our research, we would wish to discuss it and we would wish to take a position.

1595 As I understand it, the Hon. the Chief Minister is now relying on 59, which is the one in the time I have had available, but from recollection, is the one that refers to matters of urgency:

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

I do not see, and I would ask the Hon. the Chief Minister, what is the urgency in us having to debate these particular motions at this juncture rather than in September, unless of course the Hon. the Chief Minister says to me, ‘Well, I am intending to hold a General Election and calling and dissolving the House in September,’ in which case I will say, ‘Well, actually, yes, there is some urgency – we can do it now and not in September.’ But otherwise... and in the light of the fact, Mr Speaker, that... I am not criticising him for it, but if he had, for example, picked up the telephone and phoned me and said, ‘I intend to propose these individuals for these awards: what do you think, Daniel?’ and I would have had a day to consider it, talk to my Deputy Leader and talk to the rest of my colleagues, then it might have been different. But the Hon. the Chief Minister has not even done that, so we received these motions yesterday.

I should also add that, of course, Mr Bossino’s father is being proposed in one of these motions and I have to say that he would very much like to have been present in order to say a few words on the making of an award by this Parliament, of which he is a Member and Deputy Leader of the Opposition, but it has not been possible because he is away on annual leave at the present moment.

So, for all those reasons, Mr Speaker, I, at the moment, am not persuaded that we should waive the five days’ notice. I simply cannot see why this is a matter of urgent necessity – *urgent* necessity: that is the test – so that the Speaker may dispense with the requirement of the notice.

Hon. Chief Minister: Mr Speaker, the question is not whether the hon. Gentleman agrees to waive the notice; it is whether the Speaker agrees to.

Mr Speaker, the position of the Government is that these things are always done in the July session, and July is a month when there is Parliament. Last year there was no Parliament because there was an issue with refurbishment, but if people are not here and they are away it is a matter entirely for them. I make no criticism of that. In fact, I have spoken to the Hon. the Deputy Leader of the Opposition yesterday about this issue, because I was conscious that his father was on the list and I wanted him to know it.

Mr Speaker, the necessity for the Government is that this must be done, in our view, before the summer recess – which is going to happen, hopefully, in an hour or so – and arrangements are already being made, by some of those who are aware that they are going to receive the Freedom, for functions to be held. Therefore, Mr Speaker, the Government believes that this is something that, as it has been done every year, should be done now. Because of pressure of work it has not been possible to give notice earlier and the Government therefore has an urgent necessity to proceed with these motions now.

Mr Speaker: Given the other hat that I wear as Mayor, I am conscious of a certain degree of urgency, particularly in respect of the motions conferring the Freedom of the City upon the Police and now upon the Special Olympics, because a great deal of preliminary work has to be done in anticipation of the actual conferment of the Freedom of the City on the bodies in question. There is a task that someone has to be given the commission of preparing. It takes time. There is a scroll that is provided and there are actual arrangements that need to be made.

I know that the Gibraltar Police have been pressing and asking about this question because they are also desirous of having a plaque downstairs in the lobby of Parliament for that purpose, and the Commissioner has been here, has come to Parliament.

People need the green light. They need to know that these matters are in hand, that they are going to be given effect to definitely and that they have been approved in order for these meetings to be held and for these arrangements to be made. As I say, my secretary is constantly being badgered on this issue, so it is not that it has to be today and not next week; it is a case of knowing that these motions have been approved so that they can get on with the arrangements.

Hon. D A Feetham: Mr Speaker, if that is indeed the case, and I am not privy to arrangements but if it is so urgent as to make it necessary, it therefore begs the question why we had not received notice on Monday or on Friday of last week if it is so urgent that it makes it necessary and all the things that Mr Speaker...

But look, let me propose at least, so that we have the opportunity to look at the question of the Medallion of Honour and the Medallion of Distinction... at least discuss it sensibly between us and discuss who the individuals are for the motion in relation to the Police to go ahead, but that the House adjourn, or give us notice, a little bit more notice, in relation to the one about the Medallion of Distinction and the Medallion of Honour. Otherwise, we are left in a situation where, quite frankly... We have not been able, from yesterday afternoon – I think it was six, nearly seven, that we received notice of this motion. And in relation to that, I do not understand why there has to be urgent necessity for us to receive a day’s notice, Mr Speaker – not a clear day, but a day of notice.

1655 But of course I am totally in Mr Speaker's hands, and if the Hon. the Chief Minister wants to proceed and you think that it is of urgent necessity that we do not receive the five days' notice, well I will deal with it on the hoof. But of course it is fair to say that the Opposition, as a cadre of Members in this House, have not been able to sit down together and to discuss the merits or otherwise. I am certain there are a lot of merits in the people that he has proposed, but we certainly have not been able to discuss it amongst ourselves.

1660 **Mr Speaker:** Well, the position in that respect is – and I know because I have taken advantage of the invitation which the Government makes, particularly to hon. Members of Parliament – that they should propose persons, apply to Government proposing persons whom they think are worthy of such recognition. They are at liberty to do that.

1665 **Hon. D A Feetham:** Yes, Mr Speaker, we are at liberty to do that, but I think that this is one of the areas where a Government and the Opposition ought to be capable of sitting down... and if he had done so, if he had phoned me and said, 'Look, this is what we are proposing to do,' then I am almost 100% certain that in those circumstances, if we had discussed it, we would have been able to come to this House having already made a decision and supporting it unanimously.

1670 But of course what is happening is that the Rules that provide five days and it is only for us from yesterday, but of course, as I say, Mr Speaker, I have always been concerned about the question of notice. You know that I have made my points on notice before, but it is just so blatant in this particular case.

1675 I will have to listen to what the hon. Gentleman has to say about every individual; and, in relation to any that I do not know or I have not been able to do any research on in the short time that has been available, I will have to take the hon. Gentleman's word for it.

1680 **Hon. Chief Minister:** Mr Speaker, in relation to those motions which relate to the Medallion of Honour and Distinction, there are also events planned in September, which is when this type of event and ceremony has occurred, and also therefore we need to proceed now if we are going to be able to have those ceremonies on foot, so there is also an urgent necessity there.

1685 Usually we would have given five days' notice of these issues. It has been a very busy period for my Office and therefore we have not been able to do so, but we have trailed the fact that the motion on the Royal Gibraltar Police was coming for some time. We made a public statement in that respect. Nothing is lost on this, Mr Speaker. In the time that I have been here, it is only since the hon. Member has taken over the Opposition that we have started to hear complaints about periods of notice to amend motions, despite the Rules being very clear. And even now, in the time that we were in Opposition and I was in this House, nobody ever interfered with the Chief Minister asking for suspension of Standing Order 19 by the operation of Standing Order 59. Those things have always been a subject where the Opposition have co-operated with the Government needing to operate its timetable.

1690 Mr Speaker, I suggest you put this to the vote and we can then proceed.

Mr Speaker: Does the Opposition want a vote?

1695 **Hon. D A Feetham:** I am totally in Mr Speaker's hands.

1700 **Mr Speaker:** Okay. I think for the reasons that have been given – and, as I say, I have a fair amount of background knowledge – if arrangements are to be made in September... I know that already the Freedom of the City for the Police is earmarked for 26th September. If arrangements have to be made for the ceremonies to be held in respect of this large number of people, the Gibraltar Medallion of Honour and... I think there may have been an oversight at No. 6. It would have been desirable, I think... and in future perhaps a real effort should be made to give Members at least five days' notice, so that enquiries can be made. But I notice that the motion is fairly detailed and I am sure the Chief Minister will be able to provide any further information that may be required.

1705 Therefore, on that basis, I think that on balance I should allow it to go through.

Hon. Chief Minister: I am grateful, Mr Speaker. If it is helpful, I am prepared to guarantee that I will give the five days' notice next year.

**Royal Gibraltar Police –
Conferring of Freedom of the City of Gibraltar –
Motion carried unanimously**

1710 **Mr Speaker:** On that basis, I call upon the Chief Minister to move the motion in respect of the Freedom of the City for the Royal Gibraltar Police.

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

'This House:

NOTES that this year marks the 185th anniversary of the creation of the Royal Gibraltar Police;

FURTHER NOTES that in a Proclamation dated 21st June 1830 the responsibility for policing the Town was removed from the military authorities and made a civilian responsibility;

RECALLS that on 25th June 1830 the Gibraltar Police became operational;

FURTHER RECALLS that the Royal Gibraltar Police is now the oldest Police force in the Commonwealth and the second oldest British Police force in the World;

WELCOMES the decision of Her Majesty the Queen to graciously confer the prefix 'Royal' to the Gibraltar Police on 12th June 1992;

HEREBY RESOLVES to bestow the Freedom of the City of Gibraltar upon the Royal Gibraltar Police in recognition of their history of hard work and excellent service to Gibraltar.'

1715 Mr Speaker, I think this motion needs very little by way of speech in order for it to be, I hope, enjoying of the unanimous support of the House and indeed, I trust, the very wide if not also unanimous support of the community.

1720 Royal Gibraltar Police officers are responsible for our safety and our security, and they do an excellent job in that respect. Very often it is only the inopportune and infrequent failure that makes headlines, and on some recent occasions we may even have seen police officers who have been the subject of prosecution themselves.

Mr Speaker, I think that just actually goes to demonstrate what a modern and successful Police Force we have, how much reliance we can place on their integrity, that even if it is one of their own who might be the subject of criminal proceedings, prosecutions are brought, nothing is swept under the carpet and the absolute right attitude prevails.

1725 This is a modern Police Force doing an excellent job for its community. On the side of the New York Police Department vehicles there is a reference to New York's police officers being 'New York's finest'. Well, Mr Speaker, I have absolutely no doubt that the same could be said of the Royal Gibraltar Police officers that we enjoy the professionalism of in Gibraltar. They certainly are alongside many others who provide an excellent service to our community: Gibraltar's finest.

1730 I am sure, Mr Speaker, that this is not something that is going to require any partisan debate between us. So often the debates in June and July are so acrimonious until we reach the stage where we are debating these motions, and I am sure that this will be a motion that passes with unanimity.

1735 Mr Speaker, now for some time the Royal Gibraltar Police has also had the benefit of having a commissioner who is a Gibraltarian. That has also been part of the demonstration of the coming of age of the Royal Gibraltar Police, not just the prenominal 'Royal' for the name of the Force, but also the fact that there is the calibre of police officers in Gibraltar that come up through the ranks who are able to become the leaders of this organisation. As we have seen in the motion, we might often forget it is now the second oldest Police Force in the Commonwealth, second only to the Police Force in the United Kingdom, and I think that is of great pride for the people of Gibraltar, a great source of pride certainly for its Government
1740 and, I am sure, also for its people, and the calibre of officer that we have today, not just in his or her ability to become a leader should they decide to take that career path, but in the work that they do on our streets and in the specialisations that they are taking, and in therefore the new areas of work that they are able to undertake, is such that I think the whole of the community has very good reason indeed to see that force, formed 185 years ago, as a success story which is worthy of recognition.

1745 In awarding the Freedom of the City, something that we have so often done for people from outside Gibraltar who have supported us and who have helped us in our struggle as a people – and it is absolutely

right that we should have done that and continue to do that, but we must not neglect those who do so much work for the continued successful operation of this community at a socio-economic and human level, and the Royal Gibraltar Police must therefore be the first of the motions which the Government has said it will be bringing of all of our emergency services that is recognised in this way.

1750

Mr Speaker, they deserve it and I think it will be a very proud day indeed for all existing and former members of the Force and all of their family members when they see the current cadre of police officers – there may be some, hopefully, of those retired – marching up Main Street in exercise of the Freedom of the City of Gibraltar that I trust we will bestow unanimously.

1755

I will say one more thing, Mr Speaker. This award is not just to the police officers who have served and who are serving and who do the excellent job I have referred to; it is also, of course, a recognition of the sacrifice of their families, because when somebody is on shift work and doing the sort of work that a police officer is exposed to, like in politics and so many other professions, those who stay at home suffer the worry of not knowing how things are going for those at work, especially in as frontline a job as policing in Gibraltar.

1760

I therefore, Mr Speaker, commend the motion to the House and ask that the House unanimously support the bestowing of the Freedom of the City of Gibraltar on the Royal Gibraltar Police. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

1765

The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, this will be a motion where more than one person on the Opposition side will be talking on the motion.

1770

My intervention will be very brief, simply to associate myself entirely with the words of the Chief Minister and to say this: that the Police is one of those professions that, when things go right – and indeed that is in the vast majority of cases; it is not the exception, it is the rule – they receive very little praise. But when things go wrong – and that really is the exception rather than the rule – the criticism very often gets blown out of all proportion, or there is a focus on that criticism which really belies the rest of the good work that the Police do for the rest of the year and the rest of the time.

1775

The Hon. the Chief Minister mentioned the fact that we now have a Gibraltarian Commissioner of Police. I feel particularly proud, I have to say, that the first Gibraltarian following Commissioner Castree was my uncle, Joe Ullger, and I feel equally proud that his son Richard is following in the footsteps of his father and is now a superintendent in the Royal Gibraltar Police.

1780

So, as a matter of principle, obviously for all the reasons that the hon. Gentleman has outlined during the course of his intervention, but also for personal reasons too because I have family members who are and have been members of the Royal Gibraltar Police, I am absolutely delighted to be able to support this motion on the granting of the Freedom of the City to the Royal Gibraltar Police.

1785

Mr Speaker: Does any other hon. Member wish to speak on the motion?

The Hon. Gilbert Licudi.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I rise as Minister with responsibility for the Police in my capacity as Minister for Justice.

1790

We are, in fact, *very, very* lucky in Gibraltar to have the Police Force that we have. There are areas of policing which are often neglected or not sufficiently recognised, because policing is not just about running after an individual, arresting, apprehending and taking them to court. Our police officers move in circles and they do *much, much* more than that, whether it is attending accidents and attending and assisting victims of accidents, or providing advice to people around housing estates through the neighbourhood policing that they constantly do, or anywhere else mediating in issues before they actually escalate, and then obviously investigating and providing the tools and the material for crimes to be properly prosecuted.

1795

But the Police is like every other field, whether in Government or outside Government: it is a moving and evolving entity. There are constant evolutions in technology, for example, and therefore our Police Force has to keep up with what happens through constant training and through the adequacy of the technology that we provide to the Police.

1800

We have said, and I think both sides of the House have already said, that we are proud to have a Gibraltarian Commissioner of Police. We have, in fact, a Gibraltarian Commissioner of Police who is leading international organisations, (*Banging on desks*) and that is a significant achievement because we are not just recognised, as some may say, just at home but we are recognised internationally as having the expertise and the leadership to lead a collective of police forces and chief officers of police in an international organisation. Such is the recognition of the work that our Police are doing.

1805

As I said, we are *very, very* lucky to have the Police Force that we have. Gibraltar is generally considered, in general terms, a safe place, but the Police, where they need to act they act consistently and they act professionally in keeping us the way that we all want to be kept – in a safe environment. Therefore our thanks have to go to each and every member of the Royal Gibraltar Police, not forgetting of course that there are some other people in the background. There are civilians working within the Police Force, whether it is in scenes of crime, or in the office, or in support staff. All of those contribute to the work that the Royal Gibraltar Police do and all of those contribute to the kind of community that we have – a community that certainly all of us are very proud of.

1815 So thanks again to the Royal Gibraltar Police for all the work that they do. (*Banging on desks*).

Mr Speaker: The Hon. Selwyn Figueras.

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

1820 I rise as Shadow Minister for Justice and as a Member of the police family, really, through my own family.

Mr Speaker, it is true to say that we have the luxury of living in one of the safest places in the world, and that is, I am sure, in no small measure down to the sterling work of the Royal Gibraltar Police, not only now but during the entirety of its existence.

1825 My father was a police officer for 31 years and left the Force in 1985 after a 31-year service. My brother has been there since the same year – the Force was not big enough for two Figuerases at the same time, so my father stepped down! (*Laughter*) I too toyed with the idea of joining the Force, but very quickly realised that I do not have the stomach for that, though for many other things I certainly do. You are either made to be in the Force or you are not. It is often difficult enough for family hearing the ambulances at night, wondering whether one's brother, sister, father or mother are involved, and then breathing a sigh of relief when they walk through the door at the end of their shift. They run into a fight when others are running out, thankful for their arrival. And yes, they face challenges on a daily basis, and yet they do their work not dissuaded by matters of politics, although they might get caught up in political storms, even if they are in heavy seas.

1835 They enjoy our confidence, they enjoy our support, and it is a matter of pride, I think, for Members of this House and this whole community that this motion comes before the House, a motion that we all support unanimously, and I too wish to extend my thanks to the Royal Gibraltar Police for all that they do, and may they continue to do so for many years to come. (*Banging on desks*)

1840 **Mr Speaker:** Any other contributor? Yes, Mr Edwin Reyes.

Hon. E J Reyes: Mr Speaker, if I may. The other Members of this House have introduced themselves as Minister or Shadow Minister. I declare a vested personal interest. I rise not only as a Member of this House but also as the stepfather of a current serving police sergeant, so it is with great pride that I note the introductory words given by the Chief Minister whereby we are allowed to put into effect what we all know and what we all feel privately about the Royal Gibraltar Police.

1845 Mr Speaker, I wish to reinforce that the Royal Gibraltar Police serve Gibraltar as a big extended family. They do certainly help us all to feel much safer, unlike perhaps experiences we may have had or at least observed in police forces in other parts of the world. Our Police Force can honestly be classified as those gentlemen and ladies who carry out their duties in a firm but fair manner. They certainly help us all to have the feeling that you are innocent until proven guilty. I wanted to note that because I note in the second paragraph the Chief Minister raised in his motion that policing the town was removed from the military authorities – and if you have ever had any military experience, there is where you certainly feel that you are guilty until you are able to prove yourself innocent, until you explain to your commanding officer that you really are not the guilty party. v

1855 Mr Speaker, there are many tasks that the Royal Gibraltar Police carry out in an everyday manner, and perhaps we have got a little bit too accustomed to them without having given them due credit. I think most families that are involved in simply doing the school run first thing in the morning, before we get on with our daily work by delivering our children safely into school, we are all grateful to the Royal Gibraltar Police for the manner in which so early in the morning they smile at our children, the manner in which they help our children alight from vehicles, cross the roads safely. The concerns that they carry out their duties with makes the policemen... at least in the eyes of young children, it makes them feel as though they were an extra uncle and so on in the family. So for that I wish to record my personal gratitude to all those who carry out those tasks that are not necessarily in the limelight.

1865 Of course, as time and society progresses and so on, I think the range of duties for which the Police Force locally is called upon keeps on increasing, and in several functions one ends up meeting the present or even past Commissioner of Police and sometimes they tell you how they have to stretch their resources –

1870 there are sporting events and inevitably the Police are there. It certainly makes me feel a lot safer when you sit amongst a few thousand spectators in a sporting event and you know the behaviour is generally good but the RGP is there and you can see them, not enjoying perhaps a football match in the manner that we spectators are but rather enjoying good behaviour from the spectators, which happens thanks to their duties.

1875 Mr Speaker, I will also mention that the Royal Gibraltar Police is constantly striving to improve its standards and so on, and one personal experience I had with them was in my days as a member of staff of the Department of Education is when the then Commissioner decided to launch and take the RGP to get the accreditation of Investors in People. I think that was a very wise move: it allows further accountability, it allows the community to call them to task, to ensure that the standards are achieved and by all means maintained.

I simply wish to end up by saying I echo the words of everyone's gratitude towards all the past and present serving policemen. We have mentioned Commissioners and so on.

1880 Mr Speaker, on a lighter note, there is even a great future ahead for the GSD, because a former Commissioner actually is now a member of our executive, (**Hon. D A Feetham:** Hear, hear.) so I hope he does as good a job as he did as Commissioner of Police. (*Banging on desks*)(*Interjection and laughter*)

1885 **Mr Speaker:** I call on the mover to reply.

Hon. Chief Minister: Mr Speaker, I am grateful for the indications of support from all hon. Members. I would simply make, in response, a few short points.

Even before Alan Castree there were a number of local Gibraltarian Commissioners of Police, of course, and it is important that we remember them also.

1890 Many of us in this House are lawyers and we will have had experience of dealing with police officers whilst we have been representing the defence of clients and they have been representing prosecutions for the Crown, and I think very often we have been able to find that that relationship is not necessarily an acrimonious one or a difficult one – it can be a very professional, very positive and very enriching and fulfilling one.

1895 The hon. Gentleman referred to Richard Ullger, whom I had the opportunity of seeing at Quantico in the United States and who was doing an excellent job there, not just taking the benefit of the training that he was doing at Quantico with the FBI but actually excelling in it and flying the Gibraltar flag in a fantastic way in the physical work he was doing and in the intellectual work that he was doing – as ever, a Gibraltarian outside of Gibraltar making Gibraltar very proud indeed. We do not realise the huge pool of talent that we have in this place until we measure it against those from outside. I know that Cathal Yeats, a school contemporary of mine, is there now and no doubt also excelling in that way.

1900 I knew Mr Figueras's father well and he was a great police officer. I knew him as 'Selwyn's dad' and also from the courts, and always with a smile. He certainly had a stomach too, if I may say so in the fondest possible way!

1905 Mr Speaker, sometimes when we go outside of Gibraltar we see other police forces, and you sometimes might ask yourself would you put yourself in their hands. When we are back in Gibraltar and we see our police officers here, they have that combination of being able to be the kindly hand that someone might need if they are in distress, or, if it is a child, that smile that the hon. Member has referred to which is welcoming, whilst at the same time being able to be the firm hand that we need in order to deal with hardnosed issues, like terrorism etc, which we have to face in the modern world.

1910 Of course, any Commissioner that you might speak to would always tell you he wanted more resources. I think the present one is lucky to have more resources at his disposal than any Commissioner has ever had before, and they may just be an incremental thing and they may always be building but we have certainly made sure that they have the resources that they have told us that they need.

1915 Mr Speaker, Mr Figueras is right: police officers are people who run towards things that normal people run away from. I want to end my contribution today, given that everybody who has spoken has referred to a relative who has been in the Police, by saying I had a brother-in-law too who was a senior police officer.

1920 But by reflecting not just on all the police officers I have dealt with in the time that I have been a lawyer and the time that I have been in Government, in particular senior members, I also just want to end my last contribution here by thanking the members of Special Branch who look after my family.

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

**Special Olympics Gibraltar –
Conferring of Freedom of the City of Gibraltar –
Motion carried unanimously**

1925 **Clerk:** The Hon. the Chief Minister.

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

'This House:

NOTES that the Special Olympics is a global organisation which was established in 1968 serving more than 4 million athletes with intellectual disabilities;

CONGRATULATES Special Olympics Gibraltar on this their 30th anniversary year;

WELCOMES the role that Special Olympics Gibraltar plays in the international organisation, representing Gibraltar in its own right;

CONSIDERS that Gibraltar should be rightly proud of the efforts of our special athletes over the years including at the World Games and Winter Games;

COMMENDS the contribution made by the committee members, coaches and volunteers who have worked with the organisation in the past and who continue to work with it in the present;

HEREBY DETERMINES that the Freedom of the City of Gibraltar be bestowed on Special Olympics Gibraltar.'

1930 Mr Speaker, I think it will be not necessary for me to even begin to have to persuade anyone of how worthy a recognition of the work of the Special Olympics organisation the bestowing of the Gibraltar Freedom of the City on them would be.

1935 A name that springs out of that organisation is of course the name of Annie Risso, and this House honoured Miss Risso last year with the award of one of the medallions in recognition of the work that she had specifically done. But, of course, no organisation is one person, and I think she in particular would say that the success of Special Olympics in Gibraltar for now three decades is not just down to her but all of those who rallied with her to make this a possibility.

1940 Everything needs a leader and she has led so ably, but this organisation is now big and it requires a lot of support. I know from our own ministerial officers that there are people in Government who give up a lot of their personal free time, as so many others who are in the private sector also do, to support the Special Olympics. And that does not just mean turning up and watching events; it means giving of their time every month of the year – in the wet months, in the cold months, as much as in the very hot months – to be there with the athletes, to train with them to get the best out of them, and people who have families at home who have perhaps no other connection with disabled people and who are just moved by their own conscience to act in a way which contributes to the success of this organisation.

1945 Mr Speaker, the Special Olympians from Gibraltar carry the torch of Gibraltar's representation in special Olympic competitions, something that we have not yet been able to achieve for sports generally in Gibraltar, and they do us so proud.

1950 I was very happy that we were able to make arrangements and therefore meet another week in July so that the Minister for Social Services and Equality was able to attend Los Angeles last week, where the Special Olympics are being carried out in the Olympic Stadium there, and where the First Lady of the United States presided over the events.

1955 There is another connection between Gibraltar and the Special Olympics, Mr Speaker, that some people sometimes forget. The theme tune of the Special Olympics was written by a Gibraltarian, Albert Hammond, and it is one that you often hear. I think it is called 'One Moment in Time' and it is a theme that you often hear in all the Special Olympic events.

1960 The Special Olympics, of course, is not just a Gibraltar thing; it is something created in the United States by the Kennedy family. And Gibraltar, recognising not just the efforts of individuals within this organisation, not just the athletes who we have such a high regard for and we recognise the efforts of, but to recognise the collective is something, Mr Speaker, that this House will want to do with gusto.

Thank you. (*Banging on desks.*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. Jaime Netto.

1965

Hon. J J Netto: Yes, Mr Speaker, certainly I do associate myself entirely with all the words that the Hon. the Chief Minister has just said, but also would like to make my own contribution to this very worthy motion itself.

1970

In doing so, I would like to pay tribute to everyone. I think that the Chief Minister rightly said no one person is an organisation, which is quite right, despite the enormous amount of work that Annie Risso has done.

1975

I would like to pay my contributions to everyone who has contributed toward the development of the Special Olympics. First of all, to highlight how proud the whole of Gibraltar is with regard to the achievements of the special athletes who have accomplished both personal and collective progress and served Gibraltar well whenever they have gone to represent us. Worthy of recognition too are all those committee members, coaches and volunteers who have, over the last 30 years, made these endeavours possible and whose work has been for the enjoyment of the sport without ever asking for anything in return.

1980

One visible positive element in this work has been – and I have seen this personally from the contribution that my own three children have done over the years in voluntary work – is how the young people of Gibraltar put their names down year after year in volunteering to do a whole series of tasks which are behind the scenes, whether they are preparing breakfasts, lunches or a vast array of essential tasks that ensure that there is the smooth running of events and maintaining the high standards of service to visiting teams to Gibraltar. It also shows how over the generations there have been and continue to be young people involved in these noble causes.

1985

Finally, Mr Speaker, in all of these endeavours we should not forget the important role of parents, and the Hon. the Chief Minister has made mention of that that they have played in the care and love they have displayed towards the children. Their tireless work day after day should also be mentioned for their humane and big-hearted contribution towards their children.

Thank you. (*Banging on desks*)

1990

Mr Speaker: Any other hon. Member? The Hon. Samantha Sacramento.

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I would be delighted to speak on this motion.

1995

For the last three and a half years, in my capacity as Minister for Equality, I have been involved in the Special Olympics movement as much as possible and I have attended all of the ceremonies and other functions to which I have been invited.

2000

I have developed a close relationship with those involved and consider many good friends. Mr Speaker, the Special Olympics is just that: it is truly special. It is a movement that was started in the States in the 1960s and within 10 years became a global success, and is now offering opportunities to over four million athletes from 177 countries. It started in Gibraltar in 1985, and this year has marked the 30th anniversary.

2005

The aim of the Special Olympics is to improve and enhance the lives of individuals with intellectual disabilities through sports. It is about inclusion, it is about acceptance and it is about setting goals, and overall it is about celebrating the abilities and the talents of people with learning disabilities. It is a movement that believes that, by providing people with opportunities and possibilities, the athletes can achieve more than people thought possible. People with learning disabilities can be outstanding athletes and through sports they can realise their potential to grow, and not least in their confidence.

2010

Last year, I was invited to the opening ceremony of the European Summer Games in Brussels. There, I had the opportunity to spend time with the athletes at their camp prior to the games; and this year, I joined them last week at the World Summer Games in Los Angeles and have spent as much time with as many of the athletes as possible through their various events. They represent Gibraltar well and they make us proud.

2015

To have walked into the Coliseum in Los Angeles with Team Gibraltar at the opening ceremony on Saturday and sharing that positive feeling and that energy with them was a truly proud and wonderful experience for me, Mr Speaker. And since my return yesterday I have continued to be updated on their achievements at the Games by the committee and I am happy to report that they continue to do well, (*Banging on desks*) not only in receiving medals but – for many, more importantly – in achieving new personal best times.

2020

Having spent time with the athletes over the years I have seen first-hand how they demonstrate that their discipline and hard work yields success, and above all the fun that they have through the enjoyment of the Games, and that is the greatest benefit. Many athletes have participated in the Special Olympics over the years and we should remember also the individuals no longer with us, as well as the athletes who have now retired.

2025 Mr Speaker, as the Chief Minister rightly said, Special Olympics is not just about the athletes; it is also about the committee and the volunteers who make it possible. There is a tremendous amount of hard work that goes on behind the scenes, both at committee level and by the coaches and volunteers, to make sure that this is a success. I have had the benefit and opportunity to witness this first hand to see the commitment and the professionalism of the coaches and the unified athletes who volunteer their time to train and motivate the athletes to ensure the competition is a success and is also an enjoyable experience, above all.

2030 At this juncture, Mr Speaker, the Chief Minister has mentioned it is important to give specific credit to Annie Risso, the Chair, because she deserves special recognition. She was instrumental in establishing the organisation and has dedicated the last 30 years to this and making it a success. Annie ensures that the Gibraltar movement ascribes to the principles of inclusion, acceptance and raising the awareness of the abilities of those with learning disabilities. Her passion for the Special Olympics has undoubtedly made a great deal of difference to the lives of many athletes and their families in Gibraltar. Speaking to her earlier on in the week, Mr Speaker, she described to me how the founder of the Special Olympics movement, Eunice Kennedy Shriver, was her mentor – and no doubt Annie herself is a great mentor to many others, as she has inspired so many people to join the movement and to help and to volunteer alongside her. I can say, having spent time with her at various functions during the course of this week, that she is very highly regarded and well respected in the higher echelons of the Special Olympics movement. Her dedication, her commitment and her achievements in the Special Olympics are not just recognised by us in Gibraltar, Mr Speaker; they were clearly recognised by the committee and internationally, and I have witnessed that this week.

2040 Finally, Mr Speaker, as I proudly wear my Special Olympics pin, which was given to me by an athlete at the opening ceremony the other day, Special Olympics is important because it celebrates the abilities of people with learning disabilities and it is high time that this movement and everyone involved in it be given the recognition, and I support the Chief Minister's motion. (*Banging on desks*)

Mr Speaker: Is there any other contributor to the debate?

2050 **Hon. Chief Minister:** I have nothing to add to that excellent contribution from the Minister for Social Services.

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

**Gibraltar Medallion of Honour –
Bestowed upon Mr James Levy CBE QC; Mr George Bassadone OBE;
Mr John Bassadone OBE; Judge Felix Pizzarello CBE; Chief Justice, Anthony Dudley;
Mr Joe Garcia MBE; and the Hon. Juan Carlos Perez –
Motion carried unanimously**

2055 **Clerk:** The Hon. the Chief Minister.

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

'This House confers the Gibraltar Medallion of Honour on:

Mr James Levy CBE QC who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the Community in the economic development of Gibraltar;

Mr George Bassadone OBE who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the Community in the economic development of Gibraltar;

Mr John Bassadone OBE who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people

of Gibraltar and in particular for his service to the Community in the economic development of Gibraltar;

Judge Felix Pizzarello CBE (retired) who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the public service in various ranks of the judiciary;

Chief Justice, Anthony Dudley who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the Community in various ranks of the judiciary and in marking his appointment as the first Gibraltarian Chief Justice;

Mr Joe Garcia MBE who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the Community in the fields of journalism and publishing; and to

The Hon Juan Carlos Perez who has served and contributed to the interests of Gibraltar and its people in an exceptional manner that is particularly worthy of recognition by this House on behalf of the people of Gibraltar and in particular for his service to the Trade Union movement, politics, Her Majesty's Government of Gibraltar and the development of telecommunications.'

2060 Mr Speaker, each of those references sets out a little bit of what the reasoning behind the award of the Gibraltar Medallion of Honour on each of them is.

George Bassadone and John Bassadone, together with James Levy, need no introduction to any Member of this House, or indeed to any member of the community, and their economic contribution to the development of Gibraltar is well known and understood.

2065 The first, Mr Speaker, is the senior partner of Hassans, the law firm of which I was a partner until I became a serving Minister of the Crown, and I remain a partner on sabbatical; and other Members of this House will know him through their relationships either with Hassans or with the law. They will know that, even for other law firms, James Levy is often regarded as the best client they can have, because of the business he drums up for Gibraltar, which eventually trickles through not just to Hassans but to other law firms.

2070 George Bassadone has demonstrated that Gibraltar can be the base from which to do business with the rest of the world and is not simply a place where businesses do business with Gibraltar, but they can use this as a base for the rest of the world and that can create huge economic opportunities for Gibraltar's own population – and a company that might have employed a few individuals many years ago now is one of Gibraltar's largest employers. If you look at the organisations that James Levy and George Bassadone lead, 2075 Mr Speaker, both of them are now probably larger than Barclays used to be, back in the day when Barclays was the biggest employer in the private sector. Of course, there are others now in the online gaming industry that might be bigger still, but these are two Gibraltarian enterprises that have grown hugely under their stewardship.

2080 John Bassadone's business now spans the globe, Mr Speaker, and is a business that patented a particular method of doing work to the hull of ships that was born in Gibraltar and that he spent time selling around the world and establishing around the world. Another success story that we should be proud of.

2085 Judge Felix Pizzarello is an unassuming man that all of us know well and who I think is well loved in this community. He came into the international spotlight at the time of the IRA inquest and, as he had been doing quietly in Gibraltar, he demonstrated to the world that the calibre of our judiciary is right up there with all of the rest in the Commonwealth.

2090 If we needed a demonstration of that any further, in the same way that we have talked proudly of Gibraltarian Commissioners now leading the Police Force we can talk proudly of a Gibraltarian lawyer turned judge now leading the judiciary in Gibraltar; namely Anthony Dudley, who became the first Gibraltarian Chief Justice and is worthy of recognition by this House in that way. He takes our oaths, Mr Speaker, and it is justly right that we should recognise the role that he is taking.

2095 Mr Speaker, Joe Garcia MBE is well known, probably now the doyen of journalists in Gibraltar. He has been involved in newspapers in Gibraltar all of his life. He has written books and he has published books of others, and, he is, of course – before he needs to get up and declare the interest – he is also, incidentally, the father of the Deputy Chief Minister. But I should declare an interest too, because together with the Deputy Leader of the Opposition and the Deputy Chief Minister, he was my first party leader in the Gibraltar National Party. He is a man who has always been well known for his commitment to Gibraltar and his clear

thinking. Whether you like it or not, Joe Garcia will dish it out every morning for anybody who is willing to read his opinion. And his opinion has not been just one published in Gibraltar, but for many years he has been the correspondent of some of the biggest newspapers in the world that carried his byline from Gibraltar around the world, including newspapers like the *Observer*, and even Spanish newspapers like *El País*.

Finally, Mr Speaker, the Hon. Juan Carlos Perez is, or was until recently, the Chairman of the GSLP and I must declare that, but he has also been a distinguished Minister, he has been a distinguished trade unionist and he was one of the people most instrumental in the development of telecommunications in Gibraltar, as he was the Minister in charge of bringing a partnership between Nynex and the Government of Gibraltar to fruition in Gibraltar Nynex Communications, one of the most important developments of the GSLP Government between 1988 and 1996. Mr Perez may be somebody who has been partisan in his approach to politics, as he should have been, but even the hon. the backbencher used to refer to him in my first years here, when Mr Perez was no longer here – I never had the pleasure of serving with him; I relayed with him on these benches... But he used to say that Juan Carlos Perez was, although not in his party, in parliamentary terms much missed as he was very much a true parliamentarian. Mr Speaker, the work that Juan Carlos has done for trade unionism... and there are many who have worked for trade unionism, but Juan Carlos in particular, who joined the trade union movement at 15 and became a stalwart member of it for the years that he was politically active, and the work that he did as a Minister in eight years and in the 20-plus years that he was a Member of this House, I think is on that nobody will say is not worthy of recognition by the award of this Medallion of Honour. He is not the only one who is worthy of that recognition, but he certainly is one who is worthy of such recognition.

Mr Speaker, these are all distinguished Gibraltarians who deserve recognition by this House. Some of them have already been honoured by Her Majesty in state honours, but I know that for them the recognition by this Parliament will be as important as the recognition by Her Majesty; and for those who have not so been recognised, this honour will be even more important perhaps.

I commend the motion to the House. (*Banging on desks*)

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

Does any hon. Member wish to contribute? The Hon. the Leader of the Opposition.

Hon. D A Feetham: Mr Speaker, I cannot usefully add to what the Hon. the Chief Minister has said in relation to each one of these individuals; indeed, cannot usefully add to the description in the narrative in relation to each one.

Joe Garcia MBE is somebody who – despite the fact that I do not think he has ever had a good word to say about me, and perhaps about many of the people on this side of the House – because of his service to journalism, I suggested that the Hon. the Chief Minister should have included last year, and therefore I am glad that he has included him this year.

Juan Carlos Perez... well, if there is somebody who perhaps there is an element of political partisanship in relation to, it might be him, but again the Opposition is not going to be voting against somebody who is being proposed by the Government. And yes, Juan Carlos Perez has been somebody who has contributed – along with many others, but certainly he is one of them – in relation to the trade union movement here in Gibraltar, and indeed he has also had a distinguished parliamentary career over the 20 years that he was a Member of Parliament. Despite the fact that he has much castigated Members of this House – in particular, the current Leader of the Opposition – as the editor of *The New People*, we are also going to be supporting his award along with all the others.

I really cannot, Mr Speaker, usefully add anything to what the Chief Minister has said, other than to indicate that we are going to be supporting this motion.

Mr Speaker: Does any other hon. Member wish to contribute?

I call on the mover to reply.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Member for that indication of support and I would thank him for his final words in relation to Juan Carlos Perez and the castigation he has brought upon them, because that is just another reason for us wanting to support the granting of this honour. (*Interjections*)

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

Gibraltar Medallion of Distinction –

**Bestowed upon Mr Joe Schembri; Lt Col (Retd) Mark Randall; Monsignor Mark Miles;
Mr James Felices; Mr Humbert Hernandez; Mr Alfred Cortes; Mr Henry Pinna;
Mr Tommy Finlayson; Mr Joe Gingell; Mr Juaquin Bensusan MBE; Mr George Palao BEM;
Mr William Serfaty; Mr Joey Gabay (deceased); Mr Joseph ‘Pepe’ Romero; Mr Mario Arroyo;
Mr Robert Balban BEM; Mr Leslie Zammit MBE (deceased); Mrs Jenny Montegriffo;
Mr Henry Sacramento GA; Mrs Mariola Summerfield MBE; Miss Carmen Gomez;
Mr Brian Callaghan OBE; Mr Ernest Francis (Sr); Mr James Bossino; Miss Georgina Cassar;
Mr Chris Walker; Mr Arturo Taylor; Mr Joe Santos GA; Mr Anthony Avellano;
Mr John Shepherd Snr; Mr A B Massias; Mr Louis Peralta; Mr Lucio Randall;
Mr Charlie Fortunato; Mr James Ferro MBE; Mr Robert Goldwin MBE;
Mr Douglas Harrison GA; Mr Salvador Perez; Dr Rene Beguelin; Mr Olivier Wasnaire;
and Mr Solomon Levy MBE ED JP FRICS –
Motion carried unanimously**

Clerk: The Hon. the Chief Minister.

2160 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

‘This House resolves to bestow the Gibraltar Medallion of Distinction upon the various individuals named hereunder for the respective following achievements, namely:

Mr Joe Schembri, for service to the sporting community in particular the Commonwealth Games Association in Gibraltar;

Lt Col (Retd) Mark Randall, for his service to the Royal Gibraltar Regiment and in particular his contribution to the Royal Gibraltar Regiment Benevolent Fund and other charities;

Monsignor Mark Miles for the international promotion of Gibraltar through outstanding professional achievement in his service to His Holiness the Pope, Pope Francis;

Mr James Felices for services to the youth and in particular the Cheshire Homes in Morocco;

Mr Humbert Hernandez for the successful abolition of conscription and the establishment of the Action Group for the Abolition of Conscription as well as the recording of that period in the history of Gibraltar in his book on the subject, Conscript or Convict;

Mr Alfred Cortes for the successful abolition of conscription and the establishment of the Action Group for the Abolition of Conscription;

Mr Henry Pinna for the promotion of the rights of those seeking housing through Action for Housing;

Mr Tommy Finlayson MBE for services in the recording of the history of Gibraltar;

Mr Joe Gingell for the recording of the history of the evacuation of Gibraltar and to local charities;

Mr Juaquin Bensusan MBE, for services to the Gibraltar Museum;

Mr George Palao BEM (deceased) for services to the recording of the history of Gibraltar;

Mr William Serfaty for the promotion of the right to self-determination of the People of Gibraltar;

Mr Joey Gabay (deceased) sadly at a very young age, for services in activism in defence of the rights of the political rights of the People of Gibraltar;

Mr Joseph ‘Pepe’ Romero, as he is known, for services to education as the first Gibraltarian headmaster of Bayside School;

Mr Mario Arroyo for services to education and the arts;

Mr Robert Balban BEM for services to the youth of Gibraltar and to local charities;

Mr Leslie Zammit MBE (deceased) for services to education and the performing arts;

Mrs Jenny Montegriffo for services to education, latterly as Headmistress (now retired) of St Paul's School;

Mr Henry Sacramento GA for services to the community, in particular community policing, and the arts;

Mrs Mariola Summerfield MBE for creating awareness of women's issues;

Miss Carmen Gomez for outstanding achievements in the performing arts;

Mr Brian Callaghan OBE for services to tourism in the hotel industry;

Mr Ernest Francis (Sr) for services to tourism in the hotel industry;

Mr James Bossino for services to tourism in the hotel industry;

Miss Georgina Cassar for outstanding representation of Gibraltar in sport, namely in Rhythmic Gymnastics, as part of the United Kingdom Olympic Team in 2012;

Mr Chris Walker for services to Sport, in particular the Triathlon, and the outstanding representation of Gibraltar in international competitions including becoming World Champion in this sport;

Mr Arturo Taylor for services to sport, in particular shooting;

Mr Joe Santos GA for services to sport, in particular swimming and the coaching thereof;

Mr Anthony Avellano for services to sports journalism;

Mr John Shephard Snr for services to sports journalism;

Mr A B Massias for his contribution to the economy of Gibraltar through property development;

Mr Louis Peralta for his contribution to the economy of Gibraltar through property development;

Mr Lucio Randall for his contribution to the development of telecommunications as managing director of Gibtel;

Mr Charlie Fortunato for his contribution to the development of telecommunications as managing director of Gibraltar Nynex Communications;

Mr James Ferro MBE for his services to the development of the Port in Gibraltar and the welfare of seamen;

Mr Robert Goldwin MBE for services to the Community in his role in the Public Services Commission;

Mr Douglas Harrison GA for his services to patients with kidney problems;

Mr Salvador Perez for services to the Royal Gibraltar Regiment Association as its Chairman;

Dr Rene Beguelin for services to medicine and charities;

Mr Olivier Wasnaire for services to Gibraltar in the establishment and maintenance of a presence in Brussels; and finally, Mr Speaker to

Mr Solomon or Momy Levy MBE ED JP FRICS for services to Gibraltar in the promotion of intercommunity understanding amongst different religions and cultures.'

Mr Speaker, each of these carries a few words about why it is that the Government believes that these individuals should be set out for distinction. I do not intend to go through any of these; I think most of them are well known to everybody in this community. They are names that we have grown up with, they are names that have graced our newspapers, that we are aware of the work of, they are people who are always there.

There is one I should highlight, Mr Speaker, and that is Mr Olivier Wasnaire, the penultimate recipient. Mr Olivier Wasnaire has been manning the Gibraltar office in Brussels in its many different incarnations for now almost 20 years. For many of those 20 years, that has been a very lonely experience – it has sometimes been a one-man office – but the work he has done, even when alone and just supporting Michael Llamas, has been of great importance to Gibraltar. It was often Olivier who would be spotting things and sending them to Michael for his analysis. He actually is the person who found the property that we finally bought in Brussels and which has now become our home in the European capital. Just for that find, Mr Speaker, it is right that he should be recognised, because that was an excellent buy – as excellent as the previous administration’s purchase of property in London. I believe we have done as good a deal in Brussels in respect of the acquisition of property and Olivier was responsible for that and continues now to be the manager of the office there. Mr Speaker, there are many great public servants who serve Gibraltar in Gibraltar and abroad, and that is not a good reason for them to receive a medallion because there are so many of them, but Olivier has distinguished himself in keeping the flame flying and being available day or night to this Government, and I am sure to the previous and to Michael Llamas constantly in that time. He is not a person we would otherwise know of, and that is why I am saying something about him.

But the others, Mr Speaker, I think they are well known for their service to the community and for what they have done.

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

Does any hon. Member wish to speak on the motion? The Hon. the Leader of the Opposition.

Hon. D A Feetham: Yes, Mr Speaker, the Opposition will also be supporting this motion.

I am glad that the Hon. the Chief Minister at least listens to me on some occasions. He would like to think that he does not, but he listens to me on some occasions because last year I said that he ought to consider giving the Medallion of Distinction to Robert Balban, to Rene Beguelin, Willie Serfaty and Leslie Zammit, and I am absolutely delighted that the Hon. the Chief Minister has included all four individuals in the motion this year.

Mr Speaker, I do not want to say very much over and above what the Hon. the Chief Minister has said, and indeed the citation in relation to each of these individuals, but there is somebody I do want to refer to in particular, and that is my dear and much missed friend, Joey Gabay, who was in school with me, in my class throughout middle school, and also throughout comprehensive school was a *very, very* close friend of mine. He was one of these exceptional individuals who, even faced with enormous adversity when he was diagnosed with a sarcoma, with cancer, which he knew there were very little prospects of surviving that cancer, remained absolutely optimistic to the very end and always thinking, Mr Speaker, that he was going to beat the disease.

Mr Speaker, when I had a personal incident in 2010 where I nearly lost my life, he was somebody that gave me particular encouragement, and it was his example, in the way that he dealt with his own adversity in relation to his own disease and the three operations that he had, which were operations similar to mine, indeed identical to mine, from here to here, where they took out his cancer... It was his optimism, his enthusiasm for life, his perspective on life that contributed to my making a decision of continuing in politics after 2010, because I believed that if he could have that enthusiasm, if he could think that he could overcome that adversity that he was facing in his own personal life, I could easily face my own lesser adversity. I am absolutely delighted, Mr Speaker, and I am sure that his family is also delighted, particularly his mother, his wife and his children, that he has been recognised in the manner that he has been recognised.

Mr Speaker: I received a note this morning from the Hon. Damon Bossino. I ask the Leader of the Opposition... I think it is proper for him to read it out.

Hon. D A Feetham: Mr Speaker, I apologise, it is just that speaking about Joey Gabay is not easy, and I forgot to mention Mr Bossino.

As I mentioned during the course of my earlier interventions, Mr Bossino is away on holiday during these few days. He has asked that a few words be said on his behalf in relation to, in particular, his father and a couple of other individuals, because his father is also being honoured in this particular award.

He says this, which I am going to just read out to the House:

‘Those who were of the generation such as yours, who were at the pinnacle of their professions during the 1970s, are rightfully recognised and acknowledged by this award.’

– and by ‘yours’, Mr Speaker, he is referring, obviously, to your generation –

‘Those years, as you well know, were extremely difficult. Gibraltar was a subject of a physical Berlin Wall style blockade, which had its effects not only on human relations with Spain, but in a significant way on our economy. Businesses went under and others barely survived.

Tourism was one of those sectors of the economy which, despite the odds, survived to live to see another day. The hotel industry in particular is an aspect of the tourist offering which made it through the long siege as a result in large measure of the untiring hard work and imagination of my father and those like him, as in the case of my good friend Mr Ernest Francis, and Mr Brian Callaghan. I understand that both these individuals are also being honoured. My father, as with the other two gentlemen, should also be recognised for their longevity in what is a very difficult profession. You are expected to work very long hours and unsociable hours on many occasions for little remuneration and even less gratitude. It is ultimately a labour of love and a vocation, very similar to politics, I suppose.

I would be grateful if this short note could be read on my behalf in gratitude from an MP and the son of Mr James Bossino for all his hard work, which is at long last being duly acknowledged.’

Mr Speaker, I want to associate myself entirely with the words of my Deputy Leader.

2225 **Mr Speaker:** Any other hon. Member? Yes, the Hon. Mr Edwin Reyes.

Hon. E J Reyes: Without wishing to determine... I think we can go through the motion in a unanimous manner, but perhaps the Chief Minister would like to instruct someone to check up a particular detail.

2230 The citation provided in the note in reference to Miss Georgina Cassar: my understanding is that she formed part of Team GB. That is, I believe it is Great Britain who are a member of the International Olympic Organisation rather than the United Kingdom as such.

2235 I am sure Dr Garcia, who shares my interest in history, would like to ensure that we get this right before we complete the final roll that is held for the records and so on, before it gets to that stage. There is no need to delay the motion at all, but let’s just check the accuracy of the information that Georgina Cassar formed part of Team GB and not part of Team UK.

Mr Speaker: Any other contributor? The Hon. Jaime Netto.

Hon. J J Netto: Yes, thank you, Mr Speaker.

2240 I rise not to really detract or add anything to what the Hon. the Chief Minister has said, because I wholeheartedly agree with what he has stated in his motion.

The one thing that I would ask the Chief Minister to consider, and indeed the Government to consider perhaps for next year, is a particular person whose work has been going on probably since he was 10 or 11, and he is now 56 years of age.

2245 **Hon. Chief Minister:** Would the hon. Member give way? I am grateful to the hon. Member.

2250 Mr Speaker, can I ask the hon. Member to tell me that outside? Definitely anybody hon. Members put to us as worthy we will absolutely consider for inclusion next year, but this motion is about these people. Can I just ask him to have the conversation but not across the floor of the House and not in respect of the motion.

That is up to him. He has given way, so I will sit down.

Hon. J J Netto: Yes, Mr Speaker, I am quite glad to do that.

2255 **Mr Speaker:** Mr Selwyn Figueras.

2260 **Hon. S M Figueras:** Yes, Mr Speaker, just very briefly to associate myself with the motion put before us by the Hon. the Chief Minister and merely to just record a couple of comments and a couple of observations, in particular in relation to Monsignor Mark Miles, who has made us all very proud with the pictures he has had taken with Barack Obama over the last year, I believe it is.

Also, for the sake of accuracy, ‘Mr’ Leslie Zammit should, if I recall correctly, be ‘Dr’ Leslie Zammit.

And finally, in relation to my friend, Mr Chris Walker – the phenomenally successful triathlete, who never gives up and it seems as if time is standing still – I just wish the Chief Minister the best of luck catching him to pin the medallion on him!

2265 **Mr Speaker:** Any contributor from the Government benches? The Hon. Mr Albert Isola.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, very briefly, I think it is a sad reflection of one's age when you get a list of people receiving Medals of Distinction and you happen to know so many of them, as I currently know at this time and I am sure many of my colleagues also do.

2270 I would just like to briefly mention a very dear friend, Mr Callaghan, who... I have lived through his sweat and toil in trying to make ends meet during the tough years in the hotel industry and continues to do so, perhaps nowadays with very much more success.

2275 Also, Monsignor Mark Miles, who I have visited on a number of occasions in Rome and been delighted at the wonderful representation of Gibraltar through him in all of the different times that he has appeared, and continues to appear on a very regular basis, with international statesmen throughout the world. And when he is always asked 'Where are you from?' because of his bilingualism, he is always very proud to say Gibraltar.

I would like to particularly mention those two, as well as congratulate each of the others, many of whom are very well known to me, Mr Speaker, and very deserving of this award.

2280

Mr Speaker: In that case, I will call upon the mover to reply.

Hon. Chief Minister: Mr Speaker, thank you very much.

2285 If I can just start at the end, Mr Isola was talking about being there with Mr Callaghan in the tough times when he was sweating blood and tears, as Mr Bossino put it, in respect of the hotel industry. He should have sent him less bills and then he might have sweated less! (*Laughter*) All of these people are being rightly recognised, Mr Speaker, each of them in their different ways.

2290 I am at least happy that Mr Figueras is proud of *someone* having their picture taken with Obama, (*Laughter*) and see that they apply different standards. Well, look Mr Speaker, Monsignor Miles, as a member of the clergy deserves all of our respect and none of our partisan interventions.

Mr Speaker, I was moved by the Hon. the Leader of the Opposition's words about Joey Gabay. I knew Joey Gabay; not as well as he – I was in the self-determination group with him. He was always a determined individual. Whenever there were any ideas in that group he was one of those who would always grab them and want to run with them. We lost him at a young age and it is a pity that we did.

2295 Mr Speaker, can I invite the House to adopt the two amendments proposed, not as amendments but references made – in respect of 'United Kingdom' for 'GB' in relation to Georgina Cassar and the replacement of 'Mr' with 'Dr' in relation to Leslie Zammit – as being changes that we apply under a slip rule, rather than formal amendments having to be moved.

2300 And can I just remind Mr Figueras that triathletes – like him, me and Mr Walker – need to stick together, and no doubt we will be together for the awarding of the medal.

Mr Speaker: Before I put the question, may I be allowed, in associating myself with hon. Members, to say that here we have an example of how hon. Members can rise above petty party politics. Really, some of the contributions that have come from the... have been *very, very* moving indeed. I think it speaks highly of what we can achieve, when of course the opportunity does arise.

2305

I am very pleased to put the question to the House in the terms of the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

BILLS

FIRST AND SECOND READING

Proceeds of Crime Bill 2015 – First Reading approved

Clerk: Bills for First and Second Reading.

2310 A Bill for an Act to provide for money laundering and other offences, to provide for measures to prevent the abuse of the financial system, to provide for money laundering and terrorist financing, to provide for the confiscation of the proceeds of criminal conduct and its value, to provide for the civil recovery of the proceeds of unlawful conduct, to provide for investigatory powers, to transpose Council Directive 91/308/EEC as amended from time to time, and for connected purposes.

2315

The Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I have the honour to move that a Bill for an Act to provide for money laundering and other

2320 offences, to provide for measures to prevent the abuse of the financial system, to provide for money laundering and terrorist financing, to provide for the confiscation of the proceeds of criminal conduct and its value, to provide for the civil recovery of the proceeds of unlawful conduct, to provide for investigatory powers, to transpose Council Directive 91/308/EEC as amended from time to time, and for connected purposes be read a first time.

2325 **Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for money laundering and other offences, to provide for measures to prevent the abuse of the financial system, to provide for money laundering and terrorist financing, to provide for the confiscation of the proceeds of criminal conduct and its value, to provide for the civil recovery of the proceeds of unlawful conduct, to provide for investigatory powers, to transpose Council Directive 91/308/EEC as amended from time to time, and for connected purposes be read a first time.

2330 Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Proceeds of Crime Act 2015.

**Proceeds of Crime Bill 2015 –
Second Reading approved**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):
Mr Speaker, I have the honour to move that the Proceeds of Crime Bill 2015 be read a second time.

2335 This arises from a commitment I made to this House to consider the introduction of legislation to enable the seizure and confiscation of assets arising from criminal conduct even where no criminal proceedings are brought against anyone, similar to the regime that already exists in the United Kingdom. As I will explain during the course of the speech, this Bill provides precisely for such a regime and indeed for much more.

2340 The Bill, Mr Speaker, in fact does three things: firstly, it consolidates the existing legislation on the recovery of assets by means of a confiscation order following conviction; secondly, it removes the discrepancy that currently exists with different regimes applicable, depending on whether the offence is a drug-trafficking offence or any other type of offence; and thirdly, it introduces a new regime for the civil recovery of criminally obtained assets, even in the absence of a criminal conviction.

2345 Mr Speaker, part I of the Bill incorporates the substance of parts I to III of the Crime (Money Laundering and Proceeds) Act 2007, but – and this is crucial – it redefines criminal conduct such that the money laundering regime found in sections 2 to 5A of that Act would now apply to all indictable offences, including drug-trafficking offences. This means that there will now be one money laundering offence and a series of indictable proceeds generating predicate offences. This in turn will obviate the need for prosecutors to prove the predicate offence between a criminal offence and a drug-trafficking offence.

2350 Like the criminal prohibition on money laundering, our domestic confiscation regime is split between drugs-related and non-drugs-related schemes. The provisions for drug-related confiscations are very broad and include reversals of the burden of proof, the ability to enforce external confiscation orders and the ability to seize cash suspected of being the proceeds of drug trafficking. In contrast, in cases involving other criminal proceeds the legislation provides for more limited powers.

2355 This split causes practical difficulties. For example, after a conviction on a non-drug-related proceeds-generating crime the prosecution, not the defendant, bears the burden of proving that the defendant's property is derived of illicit proceeds. An additional difference between the two confiscation regimes is that under the Drug Trafficking Offences Act provision is made for a court to make a confiscation order in relation to an offence under it without the need for a prosecutor to apply for one and without a maximum sum of £10,000, below which a confiscation order cannot be made; while, in contrast, the Crime (Money Laundering and Proceeds) Act has no equivalent provisions. Yet another difference is the existence of extensive housekeeping and safeguard provisions in part II of the Drug Trafficking Offences Act, dealing with, for example, interest on unpaid sums under confiscation and reassessment of whether a defendant has benefitted from criminal conduct. Mr Speaker, part IV of this Bill removes this split regime and these inconsistencies by adopting a single consolidated regime, and it is in fact the one currently found in the Drug Trafficking Offences Act *mutatis mutandis* for all offences.

2365 Part V introduces precisely the regime for the confiscation of assets arising from criminal conduct, even where no criminal proceedings are brought against anyone. This is a completely novel regime in Gibraltar. This part provides for a broad recovery order based on the civil balance of probability standard of the burden of proof to enable the recovery of property which is or represents property obtained through
2370 unlawful conduct, regardless of whether it is proved that an individual has committed a crime. If the

existence of recoverable property is proven, the court must make an order vesting the property in a trustee for civil recovery.

2375 I should emphasise, Mr Speaker, that ‘unlawful conduct’ in the Bill means crime wherever it is committed; that is, if it is unlawful under Gibraltar criminal law or if it occurs in another country, it is contrary to the criminal law of that country and would be contrary to the criminal law here. In effect, the civil recovery proceedings introduced by this part are *in rem* proceedings directed at the property itself in question and not the criminality of any particular individual.

2380 Part VI, Mr Speaker, deals with investigations and is a necessary complement to part V as well as being more useful, or useful more broadly, in that it provides a specific regime for the application of orders and warrants for civil recovery investigations and also for detained cash investigations, confiscation investigations and money-laundering investigations. These complement existing powers in other enactments such as the Criminal Procedure and Evidence Act 2011.

2385 Moreover, this part also provides for a revamped and comprehensive system of customer information orders and account monitoring orders, the latter of which will now have a maximum 90-day period, before the expiry of which a new order must be sought if a longer period of monitoring is considered necessary. This regime will provide more certainty to both the Police and to financial institutions as to the responsibilities for each.

2390 Finally in this part, cash above a minimum specified amount – which is not actually specified but the amount can be specified by order; it is £1,000 in the UK – will now be able to be seized by police or customs officers where there are reasonable grounds for suspecting that it is recoverable property, or it is intended by any person for use in unlawful conduct.

2395 Parts VII and VIII deal with miscellaneous matters, such as the power to make subordinate legislation; repeals, such as the repeal of the Crime (Money Laundering and Proceeds) Act 2007; transitional provisions and similar miscellaneous provisions.

Mr Speaker, I commend this Bill to the House. (*Banging on desks*)

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2400 The Hon. Selwyn Figueras.

Hon. S M Figueras: Mr Speaker, yes, I am grateful for the opportunity to speak briefly on the principles of the Bill.

2405 I have had the opportunity of speaking about this and a few details in relation to the Bill that have resulted in some amendments being proposed by the Hon. Minister, and in relation to the points that I had raised that have not been taken on board by way of amendment I am satisfied that the issues have been dealt with in any event and therefore do not represent any difficulty for this side of the House, which will be supporting the Bill. It is a Bill that I think has been on the agenda on both sides of the House for a long time and it is a positive step that it is now before us and that it will soon, momentarily even, become law.

2410 I am grateful to the Hon. Minister for having brought the Bill. It is something that I alluded to in my 2013 Budget address and it is gratifying to see that it is here. I am not pretending, by saying that, that it is down to that that we are where we are today, but I would like to think that certainly, by raising the issue, minds were focused and it has been concluded during the course of this parliamentary term.

2415 To go through the principles would be to regurgitate most if not all of what the Hon. Minister has said, and I do not propose to waste this Parliament’s time with that, so without more... I look forward to the vote and to supporting the Bill.

Mr Speaker: Does any other hon. Member wish to speak on the Bill?

Does the hon. mover wish to reply?

2420

Hon. G H Licudi: Mr Speaker, I am grateful for the contribution of the hon. officer (*Laughter*) – sorry, the hon. Member opposite; I was just thinking of the Police here – and recognition that this is a positive step. It is, in fact, just one more tool in the armoury of our law enforcement officers in the relentless fight against crime, and not just the fight against crime but in all efforts which are made to recover the proceeds of criminal conduct, whether or not there has been a criminal conviction.

2425 I say that this is a tool which is necessary and which they ought to have, but I should also say that this is not something that is likely to be used on a very regular basis – but it is important that the law enforcement officers have this particular tool. Simply going on the information available as to the way these regimes work in the UK, if I can just give the hon. Members just some figures to look at the sort of scale that we are looking at in terms of the use of the tool, in the whole of the UK, under the National Crime Agency Report and Accounts for 2014 and 2015, there were 147 confiscation orders made where there was a criminal conviction and only 13 civil recovery orders. In Gibraltar in the last two years, as the hon. Member knows

2430

and as I have stated for a number of years, we have had a regime for the confiscation of the criminal proceeds of crime where there has been a conviction. We have had a regime under the Drug Trafficking Offences Act and under the separate Act. Over the last two years, there have been two cases in which there has been a conviction and recovery of proceeds of crime. The experience in the UK is that civil recovery orders are few and far between and happened, in fact, in that last year in less than one-tenth of the proportion in which confiscation orders were made following a criminal conviction. So we do not expect that there are going to be many of these investigations, orders made, but it is important, as I have said, because it is something that I know the hon. Members had worked on before the last election and it is a commitment that we made. It is important that they have this in their armoury.

Mr Speaker, just to end, I did write to you on 24th July. This followed an initial letter with several amendments; the amendments relate essentially to typographical or very minor drafting errors. And then, following a conversation with the hon. Member opposite, he sent me a list of some further amendments. Curiously, the amendments... apart from some difference in wording, the typographical errors and amendments that the hon. Member sent to me had not been picked up because they were contained in the original Acts, the ones that we are simply consolidating into this, so they were transposed into this consolidated Act and those typographical errors were not picked up. But such was the meticulous analysis of the 200 pages of the Bill that the hon. Member was able to pick up those errors when we were not able to do so. So I have sent a consolidated list and there is, in fact, one more addition that we have picked up after that correspondence, and I will be moving these amendments at Committee.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for money laundering and other offences, to provide for measures to prevent the abuse of the financial system, to provide for money laundering and terrorist financing, to provide for the confiscation of the proceeds of criminal conduct and its value, to provide for the civil recovery of the proceeds of unlawful conduct, to provide for investigatory powers, to transpose Council Directive 91/308/EEC as amended from time to time, and for connected purposes be read a second time.

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

Clerk: The Proceeds of Crime Act 2015.

**Proceeds of Crime Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Supreme Court (Transitional Provision) Bill 2015 –
First Reading approved**

Mr Speaker: The next Bill on the Agenda is the Supreme Court (Transitional Provision) Act 2015, and in respect of this Bill I have received today a letter from the Chief Minister:

‘Pursuant to section 35(3) of the Constitution of Gibraltar, I hereby certify that consideration of the Supreme Court (Transitional Provision) Act 2015 is too urgent to permit the expiry of six weeks after the date on which the Bill was published before proceeding with the same.’

I call upon the Hon. the Chief Minister to read the Bill for the first time.

Chief Minister (Hon. F R Picardo): Mr Speaker, it is a Bill being taken by the Minister for Justice. I did the certification, which is my contribution to the Bill. On the certification, I understand that that has been a matter agreed, as is the practice upon such certifications.

Mr Speaker: The Hon. the Minister for Education and Justice & International Exchange of Information.

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):
Mr Speaker, I have the honour to move that a Bill for an Act to provide for transitional provisions in respect of amendments contained in the Supreme Court (Amendment) Act be read a first time.

2485

Mr Speaker: I now propose the question, which is that a Bill for an Act to provide for transitional provisions in respect of amendments contained in the Supreme Court (Amendment) Act 2015 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

2490

Clerk: The Supreme Court (Transitional Provision) Act 2015.

**Supreme Court (Transitional Provision) Bill 2015 –
Second Reading approved**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi):
Mr Speaker, this is a very short Bill simply to correct. [*Interjection by Mr Speaker: No. I have the honour to move that the Bill be now read a second time.*]

2495

Sorry, I have the honour to move that the Bill be now read a second time.

This is, in fact, a very short Bill to correct what was essentially a drafting oversight. Hon. Members will recall that in the last session I introduced amendments to the Supreme Court Act, dealing with the new training requirements for barristers and solicitors. It was subsequently brought to my attention that in a joint press release, dated 30th March 2015, between the Government and the Bar Council we had said this:

2500

‘The new requirements will apply to any barrister or solicitor wishing to enrol as a barrister or solicitor of the Supreme Court at any time after 1 July 2015 except where a solicitor has already been undergoing training in Gibraltar for at least a year on that date.’

2505

The oversight in respect of the amendments made previously was that it did not take into account that exception, so what we did was we passed a Bill, which has now been enacted and now has the force of law and which applies as from 1st July to everyone that it is supposed to apply to; but there is an exception, a category of people that it should not apply to and it is currently applying to. Therefore, we have people who are already undergoing training, and I understand someone is about to finish the two years of training in Gibraltar, having done those two years of training, and that person, under the Act as it currently stands, would have to comply with the new training requirements, including another year of training. That is why we made this particular provision and this exception was provided for and agreed with the Bar Council.

2510

The reason for the urgency is that, because we have an Act which already applies to individuals, it is important to correct that drafting oversight so that, as from 1st July, that exception, which was always intended, should be a matter of law, and therefore this simply corrects that.

2515

I commend the Bill to the House.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

2520

The Hon. Selwyn Figueras.

Hon. S M Figueras: Yes, Mr Speaker, just to confirm that I have discussed this matter with the Hon. Minister. It is not a matter that causes us any difficulty whatsoever. It is entirely sensible in the circumstances and it is a Bill that we will be supporting.

2525

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

Mr Speaker: Yes, the Hon. the Leader of the Opposition.

2530

Hon. D A Feetham: Yes, Mr Speaker, just to say that, as somebody who has been trained in England and Wales. I did my pupillage there for a year, it always seemed to me to be quite odd that we, here in Gibraltar, had a situation – without meaning to offend anybody and the *many, many* lawyers that have effectively gone through the legal system here in Gibraltar, many of which have been extremely distinguished in their own right... that it was very odd that one could just simply finish the bar exams in the United Kingdom and just come to Gibraltar and then appear in a court with absolutely no on-the-job training at all. I have always thought that was one of the major failings of the legal system here in Gibraltar, because one of the things that I found most invaluable in my own career as a lawyer was actually that year’s pupillage that I had in the United Kingdom – six months in Temple and six months in Gray’s Inn – where

2535

all I did was just simply follow a senior barrister around and see exactly how he did things: his approach in court, helping him with his papers, helping him with his cases and effectively learning the trade.

2540 I know that this is a continuation of what was debated in relation to I think it was the University last month, but anything that involves providing proper groundwork and proper training for our lawyers I think merits the support of this Parliament and indeed of the legal profession generally.

2545 **Hon. G H Licudi:** Mr Speaker, the hon. Member opposite, the Leader of the Opposition, is absolutely right. It was an anomaly that has existed for many years. The hon. Member is also right to recognise that there are some members of the legal profession, not least the person to his left, that has not had the benefit of that training, and a number of Members on this side of the House who, despite not having had the benefit of that training, we do not appear to have done too badly in terms of our professional careers.

2550 But certainly, certainly I recall the issues and the difficulties at the very early stages of my career, where almost straight away – I seem to recall within one or two months – I obtained a brief to appear in the Supreme Court on the trial of a case involving importation of 300 kg of drugs, and it was a massive case which went on for three years.

2555 **Chief Minister (Hon. F R Picardo):** There's still good time!

Hon. G H Licudi: Yes! (*Laughter*) In fact, at the end of that case all the defendants were actually discharged. (*Laughter and banging on desks*)

2560 That was the sort of training that I had, actual on-the-job training, but without the sort of guidance that the hon. Member has referred to. We have not had that on-the-job training, being mentored, necessarily, even though my understanding now is that most firms do put in place appropriate training schemes for their young lawyers and do require an element of mentoring and do require an element of that on-the-job training.

2565 But it is not just a question of the on-the-job training that is important. It is the specific training in Gibraltar law that is being put in place and that is also important, because barristers and solicitors will return to Gibraltar after doing their training in the UK, certainly well versed in and qualified in English law, and although there are huge similarities there are also many significant differences. There are some areas of our law which are based entirely on statutes which are quite different from that which applies in the UK and our procedures are often very different.

2570 I am happy to give way to the hon. Member –

Hon. D A Feetham: Yes, Mr Speaker, and I apologise for my intervention at this very late stage, but it is something that interests me at a personal and professional level, and indeed having been Minister for Justice and having envisaged something similar, and of course because of the concerns it is something that is of interest to me.

2575 Does the Hon. the Minister for Justice also envisage as well, and can I commend to him, that as part of the courses that perhaps might be offered by the Gibraltar University as well we also have continuous assessment, continuous professional training of lawyers? Because it is not only the pupillage at the front end, but it is also... Every year in England and Wales – not the United Kingdom, because the legal system in Scotland is separate, but in England and Wales – lawyers are required to do 12 points. I know that him and I are probably the two... I do not know of anybody else who has also got a practice certificate in England and Wales. I appear in the Royal Courts of Justice in a case that he was involved in, that he passed to me when he left Hassans, and of course that requires me, for the purposes of appearing in England as a barrister – which I still do – to undertake continuous professional assessment in the United Kingdom, and I think it is something that we ought to consider here in Gibraltar. Indeed, it would allow more people to hold dual practice certificates, not only here in Gibraltar but also in the United Kingdom, because once we deal with the pupillage situation and also the continuous professional assessment training situation, then of course lawyers in Gibraltar could, as employed barristers, as I do from Hassans, also practise and appear in the Royal Courts of Justice. I think that is something that adds to the string in the bow and in the armament of lawyers here in Gibraltar.

2590 **Hon. G H Licudi:** Mr Speaker, we are having a good afternoon! I also agree with him on this particular point: CPD is important. It is important for all professionals and not least for lawyers. The hon. Member is right in drawing attention to the work that he is doing by appearing in English courts, as I did when I was in practice in Hassans, and certainly having to undergo that professional development and that continuous professional development and those minimum number of hours that have to be done do turn out to be very, very useful indeed.

2595 I can tell the hon. Member that shortly after the new President or the Chairman of the Bar Council, Mr Keith Azopardi QC, was elected I held a meeting with him and one of the issues on our agenda was

2600 precisely this, CPD, and we both agree that it is something that the Government and the Bar Council have to work together to put together a programme which will provide the necessary continuous professional development for lawyers. So we are *ad idem* on that and we are already working on a programme.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for transitional provisions in respect of amendments contained in the Supreme Court (Amendment) Act 2015 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Supreme Court (Transitional Provision) Act 2015.

**Supreme Court (Transitional Provision) Act 2015 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Pensions (Amendment No.2) Bill 2015 –
First Reading approved**

Clerk: A Bill for an Act to amend the Pensions Act.
The Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Pensions Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Pensions Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Pensions (Amendment No.2) Act 2015.

**Pensions (Amendment No.2) Bill 2015 –
Second Reading approved**

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I beg to move that a Bill for an Act to amend the Pensions Act be now read for a second time.

Mr Speaker, this Bill ensures that the retirement age for customs officers is in line with police, fire and prison officers. This means that the age for compulsory retirement would come down from 60 to 55 and the voluntary age of retirement would come down from 55 to 50. By way of transitional provisions, these amendments, along with an early exit scheme arrangement, form the basis of retirement for customs officers from 1st April 2014 to 1st April 2018 and thereafter.

Pursuant to the early exit scheme agreement, the retirement process is to be staggered by age. Compulsory retirement is available to all officers who have attained the age of 55 or over as at 1st April 2014. Voluntary retirement, on the other hand, is broken down yearly, commencing on 1st April 2014 up to 1st April 2018, in a staggered format, depending on the age of the customs officers and their years of service. The early exit scheme agreement ensures that a large number of customs officers do not all retire at once and, as from 2018, customs officers will be treated equal to police, fire and prison officers in terms of retirement.

In summary, the amendments to the Pensions Act, together with the early exit scheme agreement, places these officers on an equal footing with the police, fire and prison officers as regards their voluntary, compulsory retirement and calculation of pensionable service.

I commend this Bill to the House.

2645 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the Pensions Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2650 **Clerk:** The Pensions (Amendment No.2) Act 2015.

**Pensions (Amendment No.2) Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2655 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Companies (Amendment) Bill 2015 –
First Reading approved**

2660 **Clerk:** A Bill for an Act to amend the Companies Act 2014.
The Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Companies Act 2014 be read a first time.

2665

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Companies Act 2014 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Companies (Amendment) Act 2015.

**Companies (Amendment) Bill 2015 –
Second Reading approved**

2670 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I have the honour to move that the Companies (Amendment) Bill 2015 be read a second time.

Mr Speaker, the Insolvency Faculty has made a number of representations to Government in anticipation of the coming into force of the insolvency practitioner regime on 1st September. This Bill reflects the common position adopted by the Faculty and Government.

2675 First of all, it removes the prohibition on auditors acting as liquidators in voluntary liquidations.

Secondly, it carves out an exemption so that individual or corporate directors engaged in the controlled activity of company management may act as voluntary liquidators, while preserving the general prohibition on directors acting as liquidators in voluntary liquidations.

Thirdly, it extends the filing deadline to 14 days from seven to advertise a liquidation notice.

2680 Fourthly, it clarifies that section 369(1) cannot operate to prevent a voluntary liquidator from resigning his appointment where it transpires that a company is insolvent.

Fifthly, Mr Speaker, as you will be aware, I submitted a letter notifying two amendments to this Bill: the first is to substitute the list of company activities in schedule 5 with a more comprehensive list now used by Companies House; and the second is to correct an omission in the Act in that in section 414(1) on the restoration of dissolved companies the register does not include those companies struck off under section 411 for non-filing of annual returns. These companies were covered in the previous Act's restoration provisions under section 332 but were left out of the current Act by oversight.

2685

Mr Speaker, I commend this Bill to the House.

2690 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. Mr Selwyn Figueras.

2695 **Hon. S M Figueras:** Yes, Mr Speaker, rising briefly only to reinforce the fact that the Opposition and the Government are often, in relation to these Bills, on the same page, that we will be supporting this Bill and that, subject only to the scrutiny of the text itself, any initiative that enhances our ability to offer a global competitive product is something that is positive for the community and something that we will support.

2700 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Companies Act 2014 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Companies (Amendment) Act 2015.

**Companies (Amendment) Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

2705 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Income Tax (Amendment) Bill 2015 –
First Reading approved**

2710 **Clerk:** A Bill for an Act to amend the Income Tax Act 2010.
The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

2715 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Income Tax (Amendment) Act 2015.

**Income Tax (Amendment) Bill 2015 –
Second Reading approved**

2720 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, I have given notice of some amendments I will be moving at the Committee Stage and I propose speaking to the Bill as though such amendments have been made. These amendments arise, Mr Speaker, from a need to make a number of corrections to the Bill and also amendments that the Tax Working Group, which includes industry professionals, have identified as necessary.

2725 Mr Speaker, the purpose of the Bill is to amend the Income Tax Act 2010 to accommodate measures announced in Budget speeches, as well as introducing a number of amendments, including the creation of new offences which are required to improve the administration of the Act. The Bill also makes amendments to subsidiary legislation, including the Income Tax (Gift Aid) Rules 2006, the High Executive Possessing Special Skills Rules 2008 and the Qualifying (Category 2) Individuals Rules 2004, which I will turn to at the appropriate juncture.

2730 Mr Speaker, I have been provided with a very detailed speaking note, which I have circulated to Members so that they have it. Because what I was going to do was go through each of the clauses amending

2735 the Bill – because it is a very technical Bill and it relates to measures that have already been debated in the House in separate Budgets, and other than that it is just technicians wanting to ensure that the Act is entirely up to date with the amendments that have been considered by this Parliament – I thought it would be helpful to hon. Members if I simply circulated the whole note to them and they can have it as read. I think I understand they now have also the whole Act with the amendments in it, so that they can see how the Act stands. And I would simply, Mr Speaker, if hon. Members are satisfied, leave them with that, which I think is a fuller and easier way for them to understand what these very technical amendments are without having to keep people here for longer than necessary to simply read those out onto the record. That they really are very technical and they speak for themselves.

I commend the Bill to the House.

2745 **Mr Speaker:** Before I put the question, does any other hon. Member wish to speak on the general principles and merits of this Bill?

I will now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2750 **Clerk:** The Income Tax (Amendment) Act 2015.

**Income Tax (Amendment) Bill 2015 –
Committee Stage and Third Reading to be taken at this sitting**

2755 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

**Proceeds of Crime Bill 2015;
Supreme Court (Transitional Provision) Bill 2015;
Pensions (Amendment No.2) Bill 2015;
Companies (Amendment) Bill 2015;
Income Tax (Amendment) Bill 2015**

2760 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause, namely: the Proceeds of Crime Act 2015; the Supreme Court (Transitional Provisions) Act 2015; the Pensions (Amendment No.2) Act 2015; the Companies (Amendment) Act 2015; and the Income Tax (Amendment) Act 2015.

In Committee of the whole Parliament

**Proceeds of Crime Bill 2015 –
Clauses considered and approved**

2765 **Clerk:** A Bill for an Act to provide for money laundering and other offences, to provide for measures to prevent the abuse of the financial system, to provide for money laundering and terrorist financing, to provide for the confiscation of the proceeds of criminal conduct and its value, to provide for the civil recovery of the proceeds of unlawful conduct, to provide for investigatory powers, to transpose Council Directive 91/308/EEC as amended from time to time, and for connected purposes.

In accordance with the letter of proposed changes I will now start: in the ‘Agreement of Clauses’ substitute the italicised title ‘Property freezing orders’ with ‘Interim receiving orders’.

2770 **Mr Chairman:** The amendment to the italicised title –

Clerk: No, no I will just go through the usual... as usual.

Mr Chairman: Amendment to the italicised –

2775

Chief Minister (Hon. F R Picardo): If I may be of assistance, given the late hour and given the fact that hon. Members have circulated the amendments and hon. Members opposite have notice of them, if the Chair would be... I am reminded that we are in Committee and you have to sit down. If the Chair would be agreeable, I would propose that the Clerk take the notice of the proposed amendments to have been read and agreed by both sides – the purpose of this is to ensure that the Bill that emanates as legislation is properly amended – and that we call the Bill as amended in respect of the notice given, if all sides agree. I think that would make Mr Speaker's job slightly easier and the Clerk's job slightly easier.

2780

Minister for Education and Justice & International Exchange of Information (Hon. G H Licudi): Mr Chairman, can I then just add one further amendment to the list, and if we can add this one then we can take it all as read.

2785

In clause 186(1) for 'regulation' substitute 'section'. In clause 186(1) refers to 'regulation 185' and it should be 'section 185', so for the word 'regulation' substitute the word 'section' in clause 186(1). It is just one more to add to the list to be taken as read.

2790

Clerk: Clauses 1 to 4.

Mr Chairman: Now, where are we then? I have two amending notes here for the same Bill.

2795

A Member: It's the latest one.

Mr Chairman: Which is the latest one? This is the latest one.

2800

Hon. G H Licudi: Mr Chairman, there is a consolidated amending note attached to the letter dated 24th July 2015. That is the one that we should be looking at.

Mr Chairman: Right, I propose that the amendments, notice of which was given by the Hon. Gilbert Licudi on 24th July, be accepted and incorporated into the Bill. Those in favour? (**Members:** Aye.) Those Against? Carried.

2805

Clerk: Clauses 1 to 4.

Mr Chairman: Stand part of the Bill.

2810

Clerk: Clause 5 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clauses 6 to 10.

2815

Mr Chairman: Stand part of the Bill.

Clerk: Clause 11.

2820

Mr Chairman: Stands part of the Bill.

Clerk: Sorry, Clause 11 as amended.

Mr Chairman: Stands part of the Bill.

2825

Clerk: Clauses 12 to 18.

Mr Chairman: Stand part of the Bill.

2830

Clerk: Clause 19 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 20 as amended.

2835 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 21 as amended.

Mr Chairman: Stands part of the Bill.

2840

Clerk: Clauses 22 to 24.

Mr Chairman: Stand part of the Bill.

2845

Clerk: Clause 25 as amended.

Mr Chairman: Stands part of the Bill.

Clerk: Clauses 26 to 80.

2850

Mr Chairman: Stand part of the Bill.

Clerk: Clause 81 as amended.

2855

Mr Chairman: Stands part of the Bill.

Clerk: Clauses 82 to 108.

Mr Chairman: Stand part of the Bill.

2860

Clerk: Clause 109 as amended.

Mr Chairman: Stands part of the Bill.

2865

Clerk: Clauses 110 to 115.

Mr Chairman: Stand part of the Bill.

Clerk: Clause 116 as amended.

2870

Mr Chairman: Stands part of the Bill.

Clerk: Clauses 117 to 185.

2875

Mr Chairman: Stand part of the Bill.

Clerk: Clause 186 as amended.

Mr Chairman: Stands part of the Bill.

2880

Clerk: Clause 187.

Mr Chairman: Stands part of the Bill.

2885

Clerk: Schedules 1 to 5.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

2890

Mr Chairman: The rather long title, you mean! Stands part of the Bill.

**Supreme Court (Amendment) Bill 2015 –
Clauses considered and approved**

Clerk: A Bill for an Act to provide for transition provisions in respect of amendments contained in the Supreme Court (Amendment) Act 2015.
Clauses 1 and 2.

2895

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

2900

Mr Chairman: Stands part of the Bill.

**Pensions (Amendment) Bill 2015 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Pensions Act.
Clauses 1 to 3.

2905

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

2910

Mr Chairman: Stands part of the Bill.

**Companies (Amendment) Bill 2015 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Companies Act 2014.
Clause 1.

2915

Mr Chairman: Stands part of the Bill.

Clerk: Clause 2 as amended.

Mr Chairman: Stands part of the Bill.

2920

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

**Income Tax (Amendment) Bill 2015 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Income Tax Act 2010.
Clause 1.

2925

Mr Chairman: Stands part of the Bill.

Clerk: Clause 2 as amended.

2930

Mr Chairman: Stands part of the Bill.

Clerk: Clause 3 as amended.

2935 **Mr Chairman:** Stands part of the Bill.

Clerk: Clauses 4 to 6.

2940 **Mr Chairman:** Stand part of the Bill.

Clerk: Clause 7 as amended.

Mr Chairman: Stands part of the Bill.

2945 **Clerk:** Clause 8.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 9 is deleted.

2950

Mr Chairman: Stands part of the Bill.

Clerk: Clause 10.

2955 **Mr Chairman:** Stands part of the Bill.

Clerk: The long title.

Mr Chairman: Stands part of the Bill.

BILLS FOR THIRD READING

**Proceeds of Crime Bill 2015;
Supreme Court (Transitional Provision) Bill 2015;
Pensions (Amendment No.2) Bill 2015;
Companies (Amendment) Bill 2015;
Income Tax (Amendment) Bill 2015 –
Third Readings approved: Bills passed**

2960 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Proceeds of Crime Act 2015, the Supreme Court (Transitional Provisions) Act 2015, the Pensions (Amendment No. 2) Act 2015, the Companies (Amendment) Act 2015 and the Income Tax (Amendment) Act 2015 have been considered in Committee and agreed to with amendments, and I now move that they be read a third time and passed.

2965

Mr Speaker: I now put the question which is that the Proceeds of Crime Act 2015, the Supreme Court (Transitional Provision) Act 2015, the Pensions (Amendment No.2) Act 2015, the Companies (Amendment) Act 2015 and the Income Tax (Amendment) Act 2015 be read a third time and passed.

2970 Do hon. Members wish to have a separate vote in respect of each of the Bills? No. We will take them altogether, that they be passed and carried. Those in favour? (**Members:** Aye.) Those against. Carried.

ADJOURNMENT

2975 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as the summer looms hot and humid and most of us arrived here this morning clean shaven and are going to leave with an eight o'clock shadow – except, of course, for the hon. Lady, who is going to look as elegant as ever, and those with beards will just have them grow longer – I take the opportunity to wish all hon. Members a restful summer. I hope most are going away on holiday and will enjoy the time with their families. Of course, Mr Bossano is not here to speak to him – he speaks such heresy of holidays!

Mr Speaker, as is always the case, when we reach the stage where we are working together and we are working as a Parliament in unison nobody is here to hear us and nobody is here to watch. They all leave, unfortunately, when the bear pit becomes the co-operative Chamber that it is.

2980 I trust all hon. Members will have a pleasant summer with their families and they will return energised to do the remaining parliamentary work before the next General Election.

Mr Speaker, I therefore now have the honour to move that the House do now adjourn *sine die*.

2985 **Mr Speaker:** Before I put the question, I commend hon. Members to have a reinvigorating summer break, particularly after the mammoth amount of work that has been done by Parliament today.

I now propose that the House do now adjourn *sine die*.

I now put the question that the House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) The House will now adjourn *sine die*.

The House adjourned at 8.27 p.m.