



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.32 p.m. – 7.05 p.m.

Gibraltar, Wednesday, 20th May 2015

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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.

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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.

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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.

120 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.

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?

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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?

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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?

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Hon. Dr J E Cortes: To residents.

Hon. J J Netto: To residents, right. So no licence has been issued to any non-resident?

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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?

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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?

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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?

520 **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.

530 **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.’

535 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.

540 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.

545 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.

550 **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?

560 **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)*

570 **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 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 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 710 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, 715 'You should not have spent the £4 million in buying the Police adequate assets for the water; you should 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 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. 730

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 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. 740

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 rules.

745 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 a Government.

750 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 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 looking after fish, it is not looking after the marine environment in any way. But that, Mr Speaker, I guess 755 is what he is here for, politics; not really to look after anything that matters to the people of Gibraltar. 760

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.
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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?
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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?

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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?

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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.

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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.

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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?

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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.

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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.

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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?

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A Member: What?

Mr Speaker: Next question.

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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?

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Hon. Dr J E Cortes: They are not.

Hon. S M Figueras: They are not, thank you.

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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.

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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.

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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?

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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.

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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.

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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.

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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?

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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.

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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.

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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?

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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.

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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.

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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.

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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.

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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.

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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?

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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.

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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?

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1215 **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.

1220 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.

1240 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.

1250 **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.

1255 **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?

1260 **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

1265 **Acting Clerk:** Question 325/2015. The Hon. J J Netto.

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.

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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?

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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.

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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%.

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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.

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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.

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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?

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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?
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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. 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.
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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.

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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?
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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.
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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:
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‘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.

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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.

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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?

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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.

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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.

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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.

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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.

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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.

1485 **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.

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.

1500 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.

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.

1510 **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?

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

1515 **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.

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?

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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.

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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?

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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?

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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?
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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.

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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?

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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.

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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?

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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.

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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.

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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.

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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.

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.

2260 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?

2265 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.



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MORNING SESSION: 10.17 a.m. – 1:50 p.m.

Gibraltar, Thursday, 21st May 2015

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<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

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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

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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.

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.

600
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
615 the purposes of producing this kind of statistic? That is my supplementary question.

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
620 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.

625 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*)

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
640 that we could do.

Q283/2015
Health & Safety Inspectorate –
Codes of Practice

Acting Clerk: Question 283/2015, the Hon. J J Netto.

645 **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?

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

650 **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.

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

655 **Acting Clerk:** Question 284/2015, the Hon. J J Netto.

660 **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?

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

665 **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.

670 **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?

675 **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:

‘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.’

680 In June 2013, in a further question by the hon. Gentleman on the same topic, Minister Bossano explains to the hon. Gentleman that:

‘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.’

685 **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

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.
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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.
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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.

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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 –

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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.

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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.

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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.

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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.

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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?

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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.

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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?

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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

Acting Clerk: Question 357/2015, the Hon. E J Reyes.

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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?

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

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Minister for Tourism, Equality, Social Services & Housing (Hon. S J Sacramento): Mr Speaker, I will answer this question together with Question 358.

Acting Clerk: Question 358/2015, the Hon. E J Reyes.

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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

Acting Clerk: Question 359/2015, the Hon. E J Reyes.

1160

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

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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.

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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.

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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.

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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.

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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.

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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?

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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.

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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.

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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.

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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.

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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.

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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?

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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.

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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.

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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*)

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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.

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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.

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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.

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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.

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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?

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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.

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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.

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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

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Acting Clerk: Question 376/2015, the Hon. S M Figueras.

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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.

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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.

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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.

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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

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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.

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.

1715 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 its time to get processed.

1725 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 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.

1730 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.

Acting Clerk: Question 379/2015, the Hon. J J Netto.

1845 **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.

2075 **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.

2085 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.

2090 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.

2105 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

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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.

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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 –

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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.

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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 –

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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?

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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.

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Now, Mr Speaker, with respect – (*Interjection*) No, I am on my feet!

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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 –

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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.

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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.

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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

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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.

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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 –

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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.

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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 –

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Hon. D A Feetham: Well, Mr Speaker –

Mr Speaker: That would be clearly wrong.

Hon. D A Feetham: Will you give way?

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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 –

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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.

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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*)

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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.

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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...

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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.

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.

2520

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.