



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.05 p.m. – 4.15 p.m.

Gibraltar, Thursday, 20th October 2016

Contents

Prayer	2
Confirmation of Minutes	2
Communications from the Chair	2
Congratulatory to the Leader of the Opposition on award of Queen’s Counsel	2
Papers to be laid	3
Cabinet reshuffle – Statement by the Chief Minister	3
Procedural – Ministerial titles.....	10
Questions for Oral Answer	10
Business and Employment	10
Q609/2016 Returning graduates – Placement in suitable jobs.....	10
Sports, Culture, Heritage and Youth.....	13
Q610/2016 Wellington Front refurbishment – Costs.....	13
Q611/2016 National Theatre – Estimated construction cost.....	16
Q612/2016 External lift to Parliament – Concerns of Heritage Trust	17
Adjournment	20
<i>The House adjourned at 4.15 p.m.</i>	20

The Gibraltar Parliament

The Parliament met at 3.05 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Thursday, 20th October 2016.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 24th, 29th and 30th June, 5th, 6th, 7th, 8th and 27th July, 9th, 15th, 22nd and 29th September, and 7th October 2016.

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

Mr Speaker signed the Minutes.

COMMUNICATIONS FROM THE CHAIR

Clerk: (iii) Communications from the Chair.

Mr Speaker: I know there is a communication from the Chief Minister before the Chair.

Congratulations to the Leader of the Opposition on award of Queen's Counsel

Chief Minister (Hon. F R Picardo): Mr Speaker, can I rise just to congratulate the hon. Gentleman, the Leader of the Opposition, on having taken silk this week. The announcement, I think, was made from the Convent on Monday.

He is, as I have said already in a public statement, my principal political opponent these days and I often say long may that continue to be the case, but at a professional level he has been recognised with the award of the rank of Queen's Counsel and I wanted to, on behalf of all Members on this side of the House, congratulate him in that respect. (*Banging on desks*)

Mr Speaker: May I associate myself with those remarks and congratulate the Leader of the Opposition on my own behalf and that of the staff here in Parliament – a most richly deserved achievement, in my view.

25 **Hon. D A Feetham:** Thank you very much to the Chief Minister and thank you very much, Mr Speaker, for your congratulations.

When the Hon. the Chief Minister said, about a week and a half ago, that he respected me as a lawyer but not as a politician, I saw a glimmer of hope that perhaps my application for silk had actually stood some prospect of success!

30 I am very grateful to the House not only on my own behalf but also on behalf of my wife Julia. They say that behind every man there is always a better woman, and no doubt that is more apposite in the case of my long-suffering wife Julia than in most cases. (**Several Members:** Hear, hear.) I am very grateful. (*Laughter and banging on desks*)

PAPERS TO BE LAID

35 **Clerk:** We carry on with the Order Paper: (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the table the Annual Accounts of the Government of Gibraltar for the year ended 31st March 2015 and the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2016.

40 **Mr Speaker:** Ordered to lie.

Clerk: The Hon. the Minister for Education and Justice & International Exchange of Information.

45 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
We begin today with –

Mr Speaker: Before we proceed with answers, I have received notice from the Chief Minister that he wishes to make a Statement.

50

Cabinet reshuffle – Statement by the Chief Minister

Clerk: The Hon. the Chief Minister.

55 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this this morning I met with His Excellency the Governor to advise him to appoint new ministerial portfolios under section 46 of the Constitution and to issue particular directions to that effect.

I want to start this afternoon, of course, by thanking all Ministers for the work that they have each done in their Departments to date. I have spoken to all Ministers overnight and explained to them how it was that I proposed that the Government should now continue the discharge of its responsibilities and each, of course, are delighted to hear that they will be moving to new Departments and new challenges, whilst of course being saddened in the same measure to leave behind people whom they have built very strong relationships within the past five years.

60

The work Ministers have done in the Departments that they have been responsible for since 9th December 2011 and then in the year building up to the General Election last year was magnificent work and I want to thank them for it. It was, of course, that work which led to the magnificent and unprecedented growth in our support, from 200 votes in 2011 to 5,000 votes in the General Election of 2015 last year when we were supported by seven out of 10 voters.

As hon. Members will recall, I announced that there would be a ministerial reshuffle after the General Election by the time of the following Budget. The small matter of the campaign in the Referendum on exiting the European Union got in the way and I must tell the House today that there are differences in the reshuffle that we will do today to the reshuffle that we would have done a year ago after the General Election, as a result of the Brexit referendum. So, it is time now, almost a year after the General Election, to reshuffle, to refresh and to reboot.

We think that we have, in the announcements that we made this morning, a better calibration of the spread of Departments in order to better align service delivery in areas where we have detected that we are doubling up on efforts where we are delivering a service to our community. As a result, when hon. Members look at this reshuffle they will see that the changes obviously have nothing to do with any individual's capacity to deliver in one Department or not deliver in another Department. You see, Mr Speaker, I have no doubt that I am probably the luckiest Chief Minister in the history of Gibraltar – and I note that I am in the presence of two others – in terms of the talent available to me and the undoubted ability of Ministers to deliver in any Department or Ministry that I might ask them to deliver on.

This is, therefore, Mr Speaker, the ministerial configuration with which I would have wanted to start the lifetime of this Parliament, with the additional changes that the Deputy Chief Minister and I have made as a result of the Brexit referendum.

So, if I can start now with the work that I am going to ask the Deputy Chief Minister to discharge on behalf of Her Majesty's Government of Gibraltar. Joseph Garcia and I have been working together now for well-nigh 25 years, a quarter of a century in politics together – and, as far as he looks, not a day older – and this manifestation of a portfolio is one which we have agreed is the best way for him to assist me in the discharge of my obligations and for him to apply his extraordinary talents. Those who know Dr Garcia as long as I do, know that his abilities are without rival in the context of making the case for Gibraltar. He is no doubt, in my mind, the best Deputy Chief Minister Gibraltar has ever had and is able to deputise for me, and in some instances to do a much better job than I would, in terms of lobbying and ensuring that Gibraltar's message is put across.

At this historic time in the affairs of Gibraltar, Joseph Garcia becomes the Minister for Exiting the European Union. He continues to have responsibility for lobbying internationally and for the representative offices abroad, and he continues to have responsibility for European Affairs. If I may say so, Mr Speaker, for Joseph Garcia and for Fabian Picardo it is indeed with a very heavy heart that we create ministerial responsibility for leaving the European Union, something that I know all Members in this House would not have wanted to see us have to do. In the process of doing so, the Deputy Chief Minister will retain responsibility for Lands and Government Projects, for Civil Aviation, for Information and for Political, Democratic and Civic Reform, as well as for the promotion of the right to self-determination and liaison with the United Nations.

Mr Speaker, I follow now with the announcement of a major ministerial change which relates to the work of John Cortes, who will become Gibraltar's new Minister for Education and will relinquish responsibility for Health. In doing so, I think it is important to highlight that John Cortes is a magnificent political operator – although I think he prefers to think of himself as an environmentalist first and foremost. He has done a magnificent job, therefore, in Health. He has brought transformational changes to the Gibraltar Health Authority, where we have repatriated many, many services, which means not just a lower cost to the Health Service but also less stress for patients, who are now able to enjoy the benefit of care in Gibraltar where previously they might have had to go abroad for the purposes of that care. He leaves what is the highest spending Department in Gibraltar, but he leaves this post able to have the satisfaction of the

115 huge number of projects that he has completed in the past year alone and in the five years that
he has been in post since December 2011. There are many other changes also already on foot in
the GHA, some of them already very near to completion, but I am going to ask him also now to
retain responsibility for the Environment and for the Upper Rock, which are the areas that all of
us know are second nature to him, as well as Climate Change. The maintenance, administration
and operation of tourist sites and beaches will also pass to him, which we think is better served
120 in that Department in the context of the Department of the Environment than in the context of
the Department of Tourism, where we are looking instead to develop a Department that
promotes Gibraltar internationally. Minister Cortes is going to retain responsibility for public
health and environmental health, and the big change is that he is going to become the Minister
for the second highest spending Department in the Government, which is Education.

125 Now with Education, I am giving John a huge amount of responsibility and I am going to ask
him to do something which has never been done before in the history of Gibraltar. Mr Speaker, I
am asking John Cortes to deliver five new schools during the lifetime of this Parliament. The
planning of that work is already underway, but the beginning of the projects is to start under his
time as Minister for Education. He is also going to be responsible for delivering on our
130 commitment to bring school lunches into school. He is therefore going to become Gibraltar's
very own Jamie Oliver! In Education also John will have responsibility for the further
development of the University of Gibraltar, one of the flagship projects that Gilbert Licudi was
the father of and which now is ripe for further development under the tutelage of Professor
Daniella Tilbury as Vice Chancellor.

135 I am also asking John to take responsibility for Heritage, which we think sits well with his
responsibility for the environment, given that a lot of our heritage assets are in areas where he is
going to be doing a lot of work also with the part of his portfolio that deals with urban renewal.
And he will retain responsibility for the utilities, including refuse collection and disposal, which
again sits well with the environmental portfolio that I am asking him to take responsibility for. In
140 terms of heritage, I remind Members that there will soon be a new Heritage and Antiquities Act,
and it will be his responsibility to see that Act through Parliament. So, in effect, he will be both
our Jamie Oliver and our Indiana Jones, all rolled into one! I can think of no one better to take on
these onerous responsibilities.

Gilbert Licudi will move from Education, which is now the domain of John Cortes, to take
145 responsibility for Employment, for Tourism, Commercial Aviation and the Port. I should say,
Mr Speaker, it is very apposite that Mr Licudi is not here with us today, given that he is in
Denmark promoting Gibraltar in an international backgammon tournament, where he plays for
the Gibraltar side, already starting to do the work as Minister for Tourism.

Gilbert Licudi, as all those who have had the opportunity of working with him will know, is an
150 incredibly gifted politician and professional. He is a man who has delivered, in the lifetime of the
last Parliament and in the early part of this Parliament also, probably more than most Ministers
have delivered in all their time in the previous Governments that there have been in Gibraltar.
He has already delivered two new schools, he has delivered a University and he has delivered a
small boats marina already.

155 I am asking him, therefore, to apply his considerable ability to areas where we need to
explore new possibilities in a post-Brexit world. Tourism is one of those responsibilities. I think it
is an area where we can do things in a different way, and that is why the Department for
Tourism, the Ministry of Tourism that Gilbert Licudi will lead, will not be responsible for the
maintenance of the tourist sites and the beaches. It is going to be a Department which I will now
160 ask to look outwards to the rest of the world, and not inwards to Gibraltar, in order to promote
Gibraltar to the rest of the world as a tourist destination – with responsibility for keeping the
sites in the order that they need to be in and to the standard that they need to be, passing, as I
said, to the Ministry of the Environment.

I am also asking Gilbert Licudi to head a Department of Commercial Aviation, which will
165 include responsibility for Gibraltar Air Terminal Ltd and new commercial aviation projects –

another area where we believe there are opportunities for Gibraltar after Brexit – and to take responsibility for all entry points to Gibraltar, including the Port. I am consolidating all responsibilities in respect of the Port – which was previously split across Ministries – in one Ministry for the Port, to include Maritime Services and ship and yacht registration, another potential area of business for Gibraltar.

In respect of employment and Social Security, which will move, together with the industrial tribunal, to Gilbert Licudi, he inherits from Neil Costa the lowest level of unemployment in recorded history in Gibraltar and his job will be to maintain those low levels of unemployment in the ballpark of where they are today – something, Mr Speaker, that Mr Licudi will be well acquainted with as he was the shadow Minister with responsibility for employment in the time that I was Leader of the Opposition and, before me, under Joe Bossano.

Gilbert Licudi will retain responsibility for co-ordination of international exchange of information, Civil Contingencies, the Gibraltar Fire & Rescue Service and the Airport Fire and Rescue Service.

Mr Speaker, I move on now to the responsibilities of Albert Isola. Albert Isola will head a new Ministry: a Ministry of Commerce. It is important, in my view, to consolidate in one Ministry what we do for the financial services industry, what we do for the gaming industry and what we do for the e-commerce industry, and what we do in e-government, and therefore he will also take responsibility for government IT, together with the responsibility for Business and Commercial Affairs and for postal services.

Albert Isola is undoubtedly a very, very safe pair of hands. Members of the financial services and gaming communities know that they have in Albert Isola a Minister who listens and who understands the issues that affect business in Gibraltar. He is undoubtedly an excellent conciliator who has the capacity to deliver on the most sensitive projects, and as we move into this post-Brexit world we need to ensure that what we do for commerce in Gibraltar we do well and we do in a joined-up way, and hence the creation of this one Ministry that will deal with the concerns of business in Gibraltar. I know that Albert will have a very big job on his hands to ensure that Gibraltar's financial services remain attractive post Brexit. He is already doing an excellent job of working with me and with the Deputy Chief Minister in recalibrating the nature of our relationship with the United Kingdom post Brexit to ensure that Gibraltar does remain very attractive to the financial services community. He has the depth of understanding of those industries to be able to assist us and to deliver for us and for those industries.

I move on now to two extraordinarily talented young people who have done an excellent job in Government since 9th of December 2011 – and I am not going to start talking about Joe Bossano, Mr Speaker! *(Laughter)*

Neil Costa has done a magnificent job in every Ministry I have asked him to oversee. He will become the Minister for Health, Care and Justice. Health is not a new area for Neil, as he held shadow responsibility for Health in the Opposition under both Joe Bossano and myself, and in creating this new Ministry of Health and Care, we have thought it important that we consolidate the way that we deliver care across the board in our community. Until now, we have had a Ministry dealing with Health, a Ministry dealing with Elderly Residential Services and a Department of Social Services, and another for the disabled. So today we create the Ministry of Health and Care, a Ministry that will deal with all the care services that we give in our community in one joined-up way. Neil will take on responsibility for the Health Authority, for Elderly Residential Services, for Social Services and for the Disabled, all under one Minister. We think it is time to stop doubling up the work that we do and to seek efficiency in the way that we deliver these services, so that we get the best value for money and therefore have more to plough back into the provision of care that we give in our community. This Ministry of Health Care is one that I have been very keen indeed to create since 26th of November last year and I am very happy that Neil Costa is going to be heading it. His record in each of the Departments that I have asked him to lead on is one of delivery and one of efficiency, and it is absolutely right that he should have the opportunity to now head this new pioneering Ministry of Health and

Care. I sincerely believe that creating the Ministry of Health and Care is the most revolutionary aspect of what the Government is doing today in this reshuffle and it will be good for our community in the long term.

220

One of the things I am also asking Neil Costa to do is to take over where Gilbert Licudi has done a huge amount of work in the Ministry of Justice. Neil Costa becomes also today Gibraltar's Minister for Justice, and the youngest one ever to boot. He will take on responsibility for the legal system, for the Probation Service, for tribunals, for the community service schemes, for access to justice, legal aid and assistance, which we all know is in an issue that has to be resolved as soon as possible and where Gilbert Licudi has done a huge amount of work already with the Bar Council and with the judiciary to find the right parameters. Neil also takes on responsibility for law drafting. And so, after today, Neil Costa becomes Minister for Health, Care and Justice. In dealing with issues which relate to health and care I am conscious that the issues that face Gibraltar are not just issues for our community; they are issues for all of Europe and for the United Kingdom in particular. Wherever health services are provided free at the point of delivery there is a problem in all communities as our communities age, and we have to ensure that we are able to continue to provide the standard of care that we want to see provided across the board. It is also important to note that there is a huge interplay between Care and Justice, particularly in the areas of mental health and in respect of some young people in care, and this Ministry will be best equipped to deal with those issues under the auspices of one Minister.

225

230

235

The other young talent that has done extraordinary work in the time that she has been working with me in Government has been Samantha Sacramento. Mr Speaker, I should tell the House that Samantha Sacramento was flying into Gibraltar today but has found herself diverted not just from her Ministries but also to Malaga airport instead of Gibraltar, and will join us as soon as we are able to get her into the jurisdiction.

240

She is a very, very talented and passionate young woman, who cares not just about the politics of what she does but for the people in her care as a result of her ministerial portfolios. She is, I must tell you, the unsung hero of the building of Charles Bruzon House and Seamaster Lodge for the Elderly. She has been, as Minister with responsibility for Social Services and the Disabled and responsibility for Housing, the person who has ensured that those developments are prepared for people with disabilities and the elderly in a way that works for them. She has done extraordinary work in the remedial works required at Albert Risso House and Bishop Canilla house, and therefore creating a new Ministry today within the concept of the Housing Ministry is that of the Ministry of *affordable* Housing. No longer will the Government deal, through its Housing Ministry, just with the rental of Government property; we will now also deal, through the Housing Ministry, with the development of affordable property, something which has traditionally been done through No. 6 Convent Place alone. In the post-Brexit scenario that we face, it is important that I be able to continue to do the international work which I now I have to do with the Deputy Chief Minister, but that should not delay the development of affordable housing in Gibraltar, and given the work that Samantha has done already in property development for the Government at Charles Bruzon House and at Seamaster Lodge and the deep understanding she has, therefore, of building requirements, I think it is absolutely right and proper that she should be given the additional responsibility of taking on Gibraltar's affordable housing schemes and the responsibility and obligation that we acquired at the last General Election to develop approximately 1,500 more affordable homes during the lifetime of this Parliament. Work is quite advanced on paper in respect of these. The time has come now to start the process of delivering them, and I am going to ask her to start and lead in that process herself.

245

250

255

260

Samantha has also done fantastic work in the area of collection of housing arrears, as many Members of the House will know. That is the work she is doing at Housing and she is going to continue with that responsibility, as well as with responsibility for Equality and the Minorities, where she has done ground-breaking work in the past five years. Gibraltar has changed dramatically, under the auspices of her role as Minister for Equality, in the way that it deals with

265

270 minorities and how we approach equality, and it is right that she should continue to have that responsibility.

Samantha also takes on responsibility for Civic Rights, Citizens' and Advice the Ombudsman, Consumer Affairs and Protection, Data Protection and Health and Safety; and also, with a heavy heart, I must also announce that she will take on responsibility for the control of drugs misuse, including substance abuse, and responsibility for Bruce's Farm. The reason I say once again 'with a heavy heart' is because you will know that I wanted to take on that responsibility myself after the last General Election. I am very keen to see us do a lot of work in that area, but it is impossible for me to do that work at the moment given the work I have to do internationally in respect of Brexit. Therefore I have asked Samantha to take on that responsibility. I know that she will do it well, and what I propose to do is to create an inter-ministerial committee on the prevention of the misuse of drugs and on rehabilitation of drugs offenders, which I will chair and which will include Samantha and also the Minister for Justice and Health, Neil Costa, so that I can do some of the work that I wanted to do but that I do not delay the important work that needs to be done more efficiently in respect of that particular area of responsibility.

285 Mr Speaker, Steven Linares will continue to be the Minister for Culture, Youth and Sport, but he will relinquish responsibility for Heritage, which, as I have told you, will become the responsibility of John Cortes. Steven has done an absolutely excellent job in respect of the work he has done in Sports and in Culture. It is in his time that you have seen the development of events-led tourism as a result of the events that are organised by the Ministry of Culture – in particular, the Gibraltar Music Festival, which I think is something that now will continue to grow and grow. And in the context of the work that he has already done, this fantastic political operator – who is vivacious and convivial, and all who know him get on with – will also assist me by taking on responsibility for broadcasting and the media, which until now has been my own responsibility and which I also reluctantly relinquish in order to be better able to deal with the international issues facing Gibraltar today.

295 Paul Balban is a serious operator who knows his areas of responsibility better than absolutely anyone in Gibraltar or in this Parliament, and I am going to ask him to head a new Department, which will be a Department for Infrastructure and Planning, bringing together all the areas of Technical Services, Town Planning, and Transport and Public Service Vehicles, and Public Transport, together with his existing responsibilities for Traffic, Parking, Roads and Licensing, and Vehicles, and of course the implementation of the Sustainable Traffic and Transport Plan. That is best described, in our view, not just as a Department of Technical Services but a Department of Infrastructure and Planning, which is really what it is, and I have confidence that we are now very close indeed to being able to make major announcements in respect of the implementation of the strategic Traffic and Transport Plan.

300 And last and most certainly not least, of course, is the man that Joseph and I are lucky to have as a political mentor within the Government, the former Chief Minister of Gibraltar, the Hon. Joe Bossano – another one of the young talented people in my Government – who will remain Minister for Economic Development and Inward Investment and will continue to have responsibility for international trade and telecommunications and enterprise, but who will see the creation of a new Ministry today, which I am asking him to head, which is a Ministry of Public Sector efficiency. I think it is essential, in the context of the world into which we are going to be operating, that we understand that the public sector that we fund is as efficient as it can be. We do not believe in austerity and we do not believe in cuts, and we are and remain committed to the manning levels of the Civil Service; but we do believe in efficiency and we think that one of the biggest selling points for Gibraltar is to be one of the most efficient places in the world in which you can do business. In order to do that, we have to keep constantly under review how our public sector works and what it delivers for the community that it is designed to serve. As Chief Minister of Gibraltar, my first obligation is to serve the public in Gibraltar and I head what is in fact the public sector. Each of my Ministers has a responsibility to taxpayers and to voters. Every single civil servant, everybody who takes their emoluments from the Crown, has a

responsibility to the public to be the most efficient in the way that we discharge our obligations to them, and it is absolutely right, therefore, that we constantly check and review how we do public sector efficiencies in Gibraltar to ensure that we get the best results that we can and that we are dealing with inward investors and we are dealing with those who want to do business in Gibraltar in the most efficient way.

Mr Speaker, I think that creating the responsibility for public sector efficiency through Joe Bossano, who understands the public sector intimately, having been Chief Minister and having been a leading trade unionist in the 1970s and 1980s, will work very well with me retaining responsibility for the Civil Service and Albert Isola taking responsibility for commerce. In that way, together we can work to calibrate how best to ensure that the public sector delivers for this community as efficiently as it should. I am also asking Joe Bossano to take on responsibility from me for procurement, because this is one of the areas where I believe that the public sector can do better. I have believed that passionately since we were elected. I believe that we have done a lot of work already with the excellent people in the Department of Procurement to make our procurement better, but I think we can improve it even more. Finally, Joe will also retain responsibility for training and for the Gibraltar Savings Bank.

Mr Speaker, as I think is obvious, this is a Government of huge Gibraltarian talent. We do not do everything right, but we try to do as much as we can as well as we can, and with this reshuffle I believe that we can go further in doing so. I believe that these new Departments will make for a better layout of Ministries which are better suited to deliver our Strongest Foundations manifesto and to deal with the many challenges that Brexit presents to us. It may be necessary to tinker a little more around the edges of this reshuffle in the future because we are creating new Departments, but we need to make sure that everything is picked up to right effect in the right places as some of these departmental changes take effect. But I am sure that with the energy and the enthusiasm and the vigour that my Ministers will bring to the work that they will continue to do now in their new Ministries, we will be able to produce excellent results again, not just for the GSLP/Liberals at the next election but for the whole of Gibraltar in the delivery of the service that we provide as a Government – and that is what matters the most. And in reshuffling and rebooting and refreshing this Government I am conscious that it is important for us always for the political philosophy that we hold to ensure that no one on this side of the House ever feels that we have become the Establishment. We are not, Mr Speaker. We are the representatives of the electorate in the heart of Government, and with this reshuffle I hope we will be able to do more for those that we serve.

In this House, Mr Speaker, I hope that Ministers with new responsibilities will be able to work well with Members opposite in respect of the discharge of our respective parliamentary responsibilities also.

Thank you very much, Mr Speaker. *(Banging on desks)*

Mr Speaker: May I explain, for the benefit of the new Members of the Opposition – the relatively new Members now – that it is the practice when a ministerial statement is made in Parliament, to allow Members of the Opposition to ask questions for clarification, if they so wish.

**Procedural –
Ministerial titles**

Clerk: We now move on to Answers to Oral Questions. We –

365

Mr Speaker: May I clear up a couple of things. I take it that the answers to the questions that have already been submitted will continue to be made by the outgoing Ministers as it were.

370

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, it was remiss of me not to say during the course of my statement that for this parliamentary session Members will be answering questions in respect of the Ministries in which they were at the time the questions were submitted.

375

Mr Speaker: For the next meeting of Parliament there is a need for the Clerk, with the Chief Minister, to consider the new titles, in respect of each new Minister, that are going to be inserted in the answers, so that they are explanatory but not longer than is absolutely necessary. That is something that can be carried out between now and then.

380

Hon. Chief Minister: Mr Speaker, yes. I do not think the titles will change very much, and in fact they are probably now shorter –

Mr Speaker: You have indications already?

385

Hon. Chief Minister: Yes, I think they are probably shorter now than they were. Legal Notice 207/2016, which has been issued, I understand, a few moments ago, is the notice under section 46(1) of the Constitution, signed by His Excellency – the particular directions under section 46 which actually provide the new titles – and I am sure if one of them seems a little long the Clerk and I can liaise to agree a suitably abridged version for reading purposes.

Questions for Oral Answer

BUSINESS AND EMPLOYMENT

Q609/2016

**Returning graduates –
Placement in suitable jobs**

390

Clerk: We now commence with Question 609/2016. The questioner is the Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may, may I echo my congratulations to the Leader of the Opposition on taking silk. I am very happy for him to have received this honour.

395

Also, if I may, I would like to take this opportunity to wish all 10 Ministers the best of luck in their respective new portfolios, that they will run and deliver their new mandates with distinction and to the best of their abilities for the betterment of our community.

Mr Speaker, I know I have said this before, but even though we may not share the same political vision I want to thank in particular Minister Cortes for always having his door open in the Health Ministry. It is amazing how many people he has helped me to help, and I thank him

400 for his approachability. I similarly look forward to sharing positive working relationships with the other Ministers in their new portfolios for the good of our people. (*Banging on desks*)

Now moving on to my question: can the Minister for Education explain whether he is satisfied with the placing of graduates in jobs which reflect their specialities, once they return from the UK?

405

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

Minister for Business and Employment (Hon. N F Costa): Mr Speaker, the information requested is not available, as very few graduates who return to Gibraltar register with the Employment Service as unemployed and therefore submit to the Employment Service their qualifications, including the degree they have read.

Whereas it is, of course, wonderful to be able to report to this House that most graduates find direct employment as a result of our thriving economy, it means, unfortunately, that I do not have any empirical basis on which I can provide an answer to the hon. Lady's specific question. When terms of engagement are received by the Employment Service, their qualifications, including their degree, are not submitted, as it is not a legal requirement under the Employment Regulations 1994.

I can tell the hon. Lady, however, that whereas the 2012 Census of Gibraltar does not provide specific details on whether a graduate's job reflects his or her specialities, the data shows that most graduates are employed in 'professional, managers and senior officials' and 'associate professional and technical' occupations. In fact, 84% of male and female graduates in full-time employment were registered in these occupations.

Hon. Ms M D Hassan Nahon: If I may, Mr Speaker, I would like to ask the Hon. Member, Minister Costa ... I have spoken with various individuals who have come back from the UK and have spent a few years in Gibraltar feeling a little lost because they have not been able to put their speciality to the best of their abilities. I appreciate the statistics that the hon. Member has put out, but would there be a policy to help such people who are feeling that their specialities are a little wasted and not used? Where would they turn and what would he recommend that they do in order for them to feel that they are managing or satisfying that speciality?

Hon. N F Costa: Mr Speaker, I remind the hon. Lady that at some point this year the Hon. former Minister for Education, Mr Licudi and I announced the creation of an Employment Development Service so that there are officials within the Employment Service who deal specifically with graduates returning to Gibraltar, and they guide, assist and advise them on vacancies that are available within the private sector and of course any vacancies coming out in the public sector.

As I have explained to the hon. Lady, it is thankfully a fact that most graduates when they return ... As somebody said to me very recently, all the good ones are taken up immediately and those who are having some trouble know that they can attend the Employment Service, and indeed the Education Service, to be able to be guided.

I have met with various – I can think, off the top of my head, of maybe four or five – graduates who have returned and who have had some difficulty in finding employment based on the speciality that they have read, but I am happy to say that most of them have been able to find a job that is, tangentially at least, related to their academic qualifications.

410

Hon. Ms M D Hassan Nahon: Sorry, if I may one last time: what about the situation where perhaps a graduate has been here for many years and perhaps has been working somewhere else but has a different speciality that he or she has not wanted to take up then – does that individual become expired to the system that you are now explaining to us works? Is it only for recent graduates, or ...? Can you understand what I am getting at? Thank you.

Hon. N F Costa: Mr Speaker, I think I understand the hon. Lady's question. The service that is provided by the Employment Service is open to absolutely every graduate, whether they have just returned from the UK or whether they have worked in the United Kingdom or elsewhere and are returning. It is a new service. It is relatively recent – it was only announced and came into operation, if I recall correctly, just before summer – so maybe I have been guilty of not making sufficient announcements or sufficient communications on the existence of the service; and whereas I am no longer the Minister for Employment, I have no doubt that the current Minister for Employment will be equally delighted to meet with any persons, if she has certain people in mind that we may be able to assist.

Hon. D A Feetham: Mr Speaker, a related supplementary: what about incentivising young people to do degrees in areas and professional qualifications in areas which are going to be necessary for the economy in the future? Is that something that the Government is also considering and has considered?

Hon. N F Costa: Yes, Mr Speaker. In fact, the reason why I did not address the point asked in the supplementary question was because the hon. Lady was asking me about returning graduates, but the Employment Service careers service that I spoke of just recently also deals with the Department of Education, and jointly they present public talks and also they hold private meetings and tutorials with the Education Department attending the schools and they identify what are the industries in Gibraltar which are bound to have vacancies in the future.

I know that Minister Bossano, when he was the Minister for Employment, made, rightly, the case that there were vacancies coming in respect of accounting and auditors, and to the hon. Gentleman's credit I think we have over 60 graduates, as a result of Minister Bossano's efforts, currently undergoing accounting and finance in the UK, so that over the three years accounting and auditing firms will find they will no longer seek vacancies elsewhere but rather will be able to recruit home talent.

The Education Department and Employment together, of course, work also closely with Minister Isola, who assists in feeding information in respect of gaming and financial services, so we think that collectively and holistically we have been able to, I think as the hon. Gentleman has done, identify a gap where we should be telling students, before they go off to university and before they choose their careers, which are the opportunities that are likely to arise when they return to Gibraltar.

Hon. D A Feetham: Mr Speaker, I am very grateful for that. Indeed, accountancy has been a longstanding issue not only during the currency of this Government but going back to the GSD Government, and there has been a huge amount of recruiting of accountants from the Philippines, of all places – I do not know why the Philippines, but there has been a lot of recruitment from the Philippines, as the hon. Gentleman recognises from across the benches.

Is the Government's philosophy and policy limited to information – in other words, providing students with the information of the vacancies of the areas that might be growth areas in the future; or is the Government going further and providing incentives to students to go into those areas? Off the top of my head, something that we certainly put in our manifesto was top-up grants, for example, in relation to students going to the United Kingdom and doing certain kinds of degrees which are necessary in order to fill skills gaps here in Gibraltar in areas that are necessary.

Clerk: Question 610. The Hon. T N Hammond.
Oh sorry, I beg your pardon. My apologies.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):
Over the last couple of years, Gibtelecom have been offering additional support to encourage

465 people to go into that area, and unfortunately there have been no takers, even though we have
got 950 people. I think historically when the GSLP took on the commitment to provide
everybody with the opportunity of going into further education, the philosophy has been since
then to give every child that comes out of school the opportunity to do what is their natural
inclination and what they are likely to be best at, without in fact focusing on whether it would be
470 what Gibraltar needed. To that extent, the old practice of saying that if people did not come
back to work in Gibraltar they would be penalised stopped making any sense, because we were
not asking them to go and study for something specifically. I think there may be a time in the
future when we will need to revisit that, but it has not happened so far. The incentive in the
particular area of telecommunications where I am involved has not worked.

SPORTS, CULTURE, HERITAGE AND YOUTH

Q610/2016

Wellington Front refurbishment – Costs

475 **Clerk:** Question 610. The Hon. T N Hammond.

Hon. T N Hammond: Mr Speaker, can the Government say what have been the total costs of
the Wellington Front refurbishment and if any of that cost has fallen outside of the contract with
Koala Ltd; and, if so, what that amount is and to whom it has been paid?

480

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, we are not
in a position at this moment in time to provide the information requested, but expect to be able
to do so on the project completion.

Hon. T N Hammond: Mr Speaker, I understand there may not be a precise figure of the final
cost, but can the Minister not provide some information on the costs to date and whether any of
those costs have fallen outside of the contract with Koala, or can he even indicate whether any
costs whatsoever have fallen outside of the contract with Koala?

Hon. S E Linares: Mr Speaker, the project has not yet finished, but there was a contract with
Koala, as the hon. Member rightly says, and yes, there might have been certain other works, but
what we always try to do in these cases is that if we have a budget for the project we might
then, at the end, say, 'Right, okay, you do this job but don't do that job which was part of the
specification, therefore, in order to keep within the budget.' That is why it is very difficult at this
moment in time to give the Hon. Member how all the invoices that come for different works
that happen there ... If anybody goes to Wellington Front you will see that different jobs have
been cropping up within the general project, but like I said, what we do is we try and see how
we can cut down on certain things that were originally there but are probably not necessary, in
order to try and cover up for works that might be necessary.

Hon. D A Feetham: Mr Speaker, I think I understand what the hon. Gentleman is saying, and I
will just try and paraphrase him and ask my supplementary. What he is saying is – and it is not
unusual in a construction contract – that the main contract went to Koala, but, in order to keep
costs down, certain aspects of the job were subcontracted to some other construction company,

or some other company, because they were able to do it cheaper than Koala. No? Well, could he explain, please, because therefore I have not understood it.

Hon. S E Linares: It is nothing to do with the works being cheaper. The contract was given to Koala. Whether Koala then subcontracts in the general contract ... it is up to Koala who they subcontract to for different works. What I am saying is that in the general project of the whole of the Wellington Front there are certain things ... It is nothing to do with cheap or not cheap; it is what you want done or do not want done, nothing to do with the price.

I will give you an example: the outside walls which are in Queensway, for example, were originally to be plastered, to be sandblasted and everything like that, and we thought, 'Well, that is not really necessary to do, because the walls are all right as they are now, but the money you were going to spend to do that, do something else inside, which we would like you to do,' and whether it is Koala who does it through another subcontractor ... it is up to Koala to decide who does their works for them. That is what I meant.

Hon. D A Feetham: Okay, Mr Speaker, so essentially what he is saying is this, isn't it – that there are no costs that have fallen outside the contract with Koala because there is a Government contract with Koala and whether Koala subcontracts to anybody else is up to Koala. That is what he is saying, correct? Therefore, the answer to the question posed by my hon. Friend is that there are no costs that have fallen outside the contract with Koala.

Chief Minister (Hon. F R Picardo): No, Mr Speaker, the answer to the question is the answer first given: that the project is not yet finished and that it may be that there are some costs which relate to the project or it may be there are not, but when the project is finished we will be able to tell him.

The hon. Gentleman should know that Wellington Front is an area which has, for example, sewerage pipes going through it and sewerage pumps going in it. Some of those are assigned to this project and some are not. In order to give an answer which is correct, we have to wait for the project to finish in order to be able to give an answer which is correct. Because the last thing we want to do is to give an answer which is not correct; otherwise we will be accused of giving inaccurate information to the House, which the hon. Members will not want to be receiving. In respect of a project like this, when it is finished we will be able to give a detailed breakdown of the costs.

Hon. D A Feetham: Yes, Mr Speaker, but I understand that that explanation that the hon. Gentleman has provided is applicable to the cost of the project, because what he is saying is, 'Well, look, we cannot provide you with the cost of the project, because we are still receiving invoices and until we basically collate all these invoices and look at them we cannot provide you with the information.' But part of the question is different. Part of the question is whether there have been any costs that have fallen outside the contract with Koala, and I am not going to push it but I would have thought that that is something that the Government is capable of answering, because either – and he has provided two different answers – either everything has been included in the contract with Koala, which Koala then subcontracts, or there is a contract with Koala and then there are several minor or larger, I do not know, contracts with third parties. That is the question: whether it is the former or the latter.

Hon. Chief Minister: Mr Speaker, I just do not understand where the hon. Gentleman thinks he is going. There is a contract with Koala which is obviously being honoured and the works are being done; and if, in the context of that contract, Koala subcontracts anything, it is a matter entirely for Koala. We will get the invoicing from Koala. When we have finished the project we will be able to tell them what that project has cost, etc. But there may be other things happening in respect of Wellington Front. The hon. Member's question is about Wellington Front. Yes, of

course we know, but they relate to the project and the wider aspects of the project. Some of them may be in the original determination of what the project should be and some of them will be outside the original determination of what the project should be, because it is normal, as the hon. Gentleman knows, in any construction project that you may end up breaking something whilst you work, or something may turn out not to be of the standard and quality that you expected when you were going into a project and it may break and it has to be repaired. That will be known at the end of the project.

The hon. Gentleman has been in Government and has been in charge of projects. I do not hesitate to remind him of how overspent his projects were and how overspent his Government usually was. At the airport they went from £24 million to £84 million, the highest overspend in the history of Gibraltar politics – probably one of the highest overspends in the history of politics in the world, Mr Speaker. But in respect of this project at Wellington Front we will be able to give a full and accurate answer when the project is finished.

Hon. T N Hammond: Mr Speaker, it certainly was not my intention when I forwarded the question to ... I did not expect quite a convoluted and difficult ... And it was not my intention to catch Government out in any way, it was a genuine interest to find out whether there was anything beyond the scope, because I am aware that Government do publish some figures – I do not know if it is running totals of works related to Wellington Front being carried out by Koala – and I was interested to know whether any other works may be factored in which are not available under the Government website.

If I were to come back at the next session and rephrase the question – rather than use ‘total cost’ use ‘running costs so far’ – does the Government think it would be able to provide an answer as to costs accrued so far, both towards Koala and potentially towards any other company that may be involved?

Hon. Chief Minister: Mr Speaker, as with most Government projects, invoicing is happening all the time, there are adjustments happening, and we do not want to give information which then turns out not to be accurate – because when we give information in good faith which is then subject to adjustments, then we are exposing ourselves to suggestions that we have somehow misled the House either intentionally or unintentionally. So I would rather wait for a moment when we are able to give accurate information and not give a management account of any particular project to Members opposite, because we do not think that that is in the interests of efficiency.

Hon. D A Feetham: Mr Speaker, this presumably went out to tender, so the Government obviously has a price on this particular contract. Are they prepared to at least say whether the job is within the price, or is it going to exceed the price? What is the price?

Hon. Chief Minister: Mr Speaker, again I think hon. Gentlemen have heard me say before that where a contract is not completed we do not want to disclose that information, because it is not in the Government’s commercial interest to do so. We are still, at every stage, like every developer, negotiating the context of what is being delivered and trying to get the best deal for the taxpayer. As in the course of every potential development, things are coming up which we might think are new and not in the original scope but which we want done in the original price, and that is an ongoing negotiation.

At the end of the process we will be able to tell hon. Gentlemen what the job given was, what the tender price was, what the final price was and what the variations were. I think that is what is in the best interests of the taxpayer, so that we provide the community with full transparency as to the contract and tender price, the actual completion value of the contract and what was done for that completion value.

Hon. T N Hammond: Mr Speaker, can the Government therefore confirm – because I am in some doubt now; I was not previously, but I am actually in some doubt with respect to the figures it publishes on its website related to this project and payments made to Koala – that those figures it publishes are accurate, because it seems Government is not absolutely certain whether it can provide this House with information that is accurate.

Hon. Chief Minister: Mr Speaker, of course they are accurate, because it is a reflection of payments made, so they are accurate as to a transaction. In other words, this is the amount that has been paid. What has it been paid for? Some of it is advance payment in respect of some aspects of the work, some of it is moneys which were retained in respect of other aspects of the work where the period of the retention is now at an end. So it is an accurate reflection, a snapshot, of what has been paid, but in terms of what it has been paid for ... there is obviously in any project, large or small, a constant negotiation between the Government and those providing services to us, which comes to an end in a final account, and that is when we can give accurate information as to payments made and what for.

Hon. T N Hammond: In which case, Mr Speaker, because I can find information on payments made to Koala but not to any other companies related to the Wellington Front project, would it be correct to say that no payments have thus far been made to any third parties directly by Government, any other companies directly by Government, with respect to the Wellington Front project?

Hon. Chief Minister: Mr Speaker, if the hon. Gentleman takes the term ‘Wellington Front project’ to mean that which Koala was contracted to do and is defined in that way, because it may be that you have got ... and I am just literally inventing this for the purposes of illustration. You could have a company that deals with sewerage that has been asked to do sewage clearing works, and that would be usually the responsibility of the Minister for Infrastructure and Planning, to use the terminology I will use in the next meeting of the House, and that may also relate to works done in the context of Wellington Front. That is not the Wellington Front project, but it is at Wellington Front and it may have been brought to our attention as a result of the Wellington Front project. An expansive definition of the ‘Wellington Front project’ might include that, because Koala might have told us that they cannot get new pipes in until the sewerage issue is dealt with. That is why it is accurate to say that payments in respect of that project have only been made to Koala and not to third parties, but that there may be third parties being paid for works that somehow tangentially also relate to Wellington Front more generally but which may have an effect on Wellington Front is also true.

Q611/2016
National Theatre –
Estimated construction cost

Clerk: Question 611. The Hon. R M Clinton.

485 **Hon. R M Clinton:** Mr Speaker, how much does the Government estimate the construction of a National Theatre would cost?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, we are not in a position at this moment in time to disclose the information requested. Various estimates of

what the theatre will cost are available to Government. The project has not yet commenced, and when it does, in order to get the best deal for Gibraltar, we would be unwise to disclose what we think each option should cost.

Hon. R M Clinton: Mr Speaker, I thank the Hon. Minister for his answer. I just wonder if he could give us a ballpark – whether it is going to be somewhere between £10 million and £20 million, or £1 million, or £500,000, any idea at all; and also, perhaps as a rider while I am standing, if he could confirm the location would still be the site of the old Queen’s Cinema and the Queen’s Hotel, which I think the Government bought for about £5 million.

Chief Minister (Hon. F R Picardo): Mr Speaker, we will not be giving an estimate or a ballpark or a finger in the air, first of all because that is to ask a hypothetical question, which is not allowed under the Rules of the House, and second because it would be foolish in the extreme for us to do so. If we pitch it here in the House just for the purposes of entertaining the hon. Gentleman with a ballpark play, we may be pitching it higher than it should be, and somebody who might be able to do it for less for this community might then take the advantage of saying, ‘Well, if they think it is ballpark £x I am going to go up to £x and I am going to be in their ballpark.’ So, given that we are very prudent in terms of looking after the public purse and we look after every single penny, I can assure him that we are not going to do anything that puts us at risk of giving an advantage to those who commercially interface with the Government by falling into the trap of answering his hypothetical question. But I can tell him this: we have absolutely no intention of wasting £10 million on the process of preparing for the development.

Hon. R M Clinton: Mr Speaker, perhaps the Hon. the Chief Minister prefers to answer my second question, which is: is the preferred site still the Queen’s Cinema or the Queen’s Hotel?

Hon. Chief Minister: Mr Speaker, yes.

Hon. D A Feetham: Mr Speaker, in relation to this particular project, is this a project that the Government intends to complete within the next four years?

Hon. Chief Minister: I know that the hon. Gentleman chivvies between asking us please not to complete our manifesto because it costs too much and he thinks we cannot afford it, and then chastising us for not completing those parts of our manifesto that he identifies we have not yet done and suggesting that we should have done so. I have absolutely no intention of falling into the invitation spelt TRAP of not completing our manifesto in the lifetime of this Parliament, and this is a manifesto commitment.

Q612/2016
External lift to Parliament –
Concerns of Heritage Trust

490 **Clerk:** Question 612. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how it intends to address the concerns of the Heritage Trust in respect of the siting of the proposed external lift to Parliament, and why is a chairlift not a viable alternative option?

495

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, Her Majesty's Government of Gibraltar is fully committed to an inclusive society where nobody is disadvantaged. We aim to provide such an inclusive environment in all of our public buildings regardless of age, gender or disability. To do so we have to consider removing barriers which have been imposed in the past.

We have to acknowledge that buildings were designed without considering those with disabilities. We all therefore face a challenge when such inclusiveness is to be achieved in historic buildings. We have to balance the safeguarding of our historic fabric with its continued use by *all* members of our society. The Government continues to consider all options.

We acknowledge and we are grateful to the Heritage Trust, who have voiced their concerns. However, we are committed to providing access to all and feel that we have left no stone unturned when looking for possible solutions. We do continue to look forward to working with the Trust in all our projects.

The question of the use of a chairlift as an option is one which was discarded by technical experts advising Government, as it raised a number of obvious issues. Whilst chairlifts may be acceptable in a private dwelling where their use is restricted to a few individuals with limited mobility, their use in public buildings such as this Parliament raises a number of concerns. Apart from the fact that the public stairs serve as a fire escape and restricting its already narrow width imposes significant risks, there are more basic issues, such as how someone with this disability is to be managed and where are the wheelchairs to be stored.

Those who are disabled are to be treated with the dignity that they deserve and we do not believe that a chairlift is the best option.

Hon. R M Clinton: Thank you, Mr Speaker, sorry, thank you to the hon. Member.

Unfortunately, I do not believe I have heard an answer to the question in terms of the concerns of the Heritage Trust, because if he has, no doubt, read the letter to him, or to the Government, they were concerned that they had originally agreed to the siting of the lift at the north-east corner of the building and now it is to be on the north-west corner of the building, in which is, I think, a slightly different schematic design to the original option 1, as opposed to their preferred option 3. Can the Minister please explain why, what was previously agreed, the Government has now changed its mind?

Hon. S E Linares: Mr Speaker, because having the lift in the north-east corner of Main Street site provided with a ramp, and the ramp would have come through at a gradient of 1.3, assuming headroom is at 2.3 m, which is the norm, or 1.6, assuming that the headroom is 2 m, which is less. Therefore it falls short of the limit that is legal, which is 1.12, and therefore to put a gradient at the angle of where the lift would have actually come to and then get into this Chamber would have been too much of a gradient, and therefore it would have made it illegal. So the technical advice that we have had is that doing it on the north-east of this building ... although I must say that the principle of putting a lift outside has already been accepted, it is a question of whether we put it on the north east or on the north west, and it is obviously technically easier and legal to put it on the north west, which was the original place where it was agreed. But then, yes, with consultation with the Heritage Trust and my office, the Ministry of Heritage ... together came and thought that it would be better to do it on the north east, and when all the technical works came about doing it in the north east, all these things arose about the gradient, so there was no other option but to go back to where it was originally, which the Heritage Trust was not quite happy with, but neither were the Heritage Ministry, but there was no other option, and therefore it has been decided that it should be on the north west of the building. But the encroachment on the building is exactly the same: either you put the lift on the north east or the north west. So it was thought at the time – because I was involved in that – that it looked better for the building to have it on the north east, but these things have arisen

550 which are of a technical nature, of a legal nature, and therefore we have had to revert to going to the north west. I am pointing in the hall, because it is exactly where we would do the lift.

Hon. Chief Minister: If I may be of assistance to the House, Mr Speaker – and the hon. Gentleman might be pleased to hear that all of those issues have now landed on my desk and I am not satisfied that it is not possible to pursue other options and I am looking at those other options myself ... I will say with equal clarity that if the choice comes when it is only possible to do it in one particular way, then it will be done in that way, whether or not we would all wish it to be done in another, because the most important of the two principles that we are dealing with – and both of them are hugely important: first the preservation of our heritage, and second access to people with disabilities – the second one is the one that is most important. So we are going to continue to try again to get this right in a way that satisfies not just the Heritage Trust but everyone in Gibraltar who is concerned about heritage. They happen to have the opportunity to voice their concerns as the Trust, but in the Ministry in particular and in my office we have these concerns as well and we want to get it absolutely right, but when we put, in the end, on the balance – which I hope we do not have to do – doing it one way which does not satisfy the Ministry for Heritage and the Heritage Trust, or even us, but is the only way to guarantee access to disabled people, then the hammer will fall in favour of disabled people if it has to.

Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's intervention and I am glad to hear that his office is having a look at the whole issue.

I of course agree entirely with him that access is the main priority, and certainly we need to bear that in mind as obviously this building was not designed in a time when those were paramount issues, but I agree with him that at the end of the day disability access must come first.

575 It may be a complete diversion, but I notice that there is no such provision for Members of this House. Maybe that will come at a later date, or maybe it can be done in parallel. I seem to recall there was some objection to members of the public passing through the Chamber if a lift was sited on that side of the House rather than on that side of the House. But anyway, it is a by-the-by and I certainly would not want to double the cost for the taxpayer to create two sets of lifts just for our convenience.

580 The Hon. Minister, on heritage, mentioned the question of legal matters. Just for the benefit of Members, who may or may not be aware, under the Gibraltar Heritage Act this building is actually listed on schedule 2 as a category B listed building under section 40, which means there is a restriction under section 49. That restriction means – and you will forgive me while I read from my not-so-big phone; I have not got a tablet yet – that:

49. No person who is beneficially interested in any Listed "B" building, structure, site or land shall–

– I only quote part (a), which is relevant; part (b) is about trees, which I know John will be interested in, though probably not in this case –

(a) make to that building, structure, site or land any alterations, addition, or repair that affects its archaeological, architectural, artistic, historical or vernacular character ...
except in accordance with a permit in writing issued for that purpose by the Government acting after consultation with the Board.

The 'Board' being, of course, the board of Heritage Trust.

590 So I think what I am trying to say is the board of Heritage Trust is more than just an NGO acting in this case; it actually has a legal standing in whether or not a permit is issued and obviously the Government has got to act in consultation with it.

If I read the letter from the Heritage Trust to the Government, I notice they make reference to a heritage permit. I just wonder if that permit was for the north-east corner or for the north-west corner, and is that permit going to be changed.

595 **Hon. Chief Minister:** Mr Speaker, let me start by dealing with the first point the hon. Gentleman dealt with. We have absolutely no intention whatsoever of installing a lift for hon. Members to be able to access this place. Hon. Members are advised to take the stairs. It is good for all of us, Mr Speaker.

If there is a Member who is disabled, that is why we are going to add a lift, so that he can come and access this place and do his job, or he can come and watch this place in action if he is not a Member, but there will be one lift and I think that that is absolutely sufficient for hon. Members or members of the public.

600 Frankly, if we needed to close our stairs and we needed to come in through the general area, we could. Members of the House of Commons access the House of Commons through the same door that members of the public access the House of Commons. They sometimes have advantages in terms of security in areas that they can access, and people would not be able to access the back, but we have absolutely zero intention of doubling up the cost in respect of access to this building when it comes to adding a lift.

605 Second, Mr Speaker, the law provides that a permit is required. No permit has been issued. There is consultation in the process of making a final determination. That consultation which the Heritage Trust is entitled to under the Act has already occurred, but the Government nonetheless now is taking other considerations into account in order to be able to try and marry those competing concerns of protecting our heritage and giving access for people with disabilities, which, by the way, is something that we have been wrestling with for some time now but was *never* the policy of the previous administration, never the policy of the previous administration – something which I think is, frankly, shameful. We will get this right and we will get it right for the protection of our heritage and for access for people with disabilities.

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker, can I now move that the House do now adjourn to tomorrow at 2.30 in the afternoon.

620 **Mr Speaker:** The House will now adjourn to tomorrow at 2.30 in the afternoon, when we will proceed with Question 613.

The House adjourned at 4.15 p.m.