



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.09 p.m. – 5.26 p.m.

Gibraltar, Thursday, 29th September 2016

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The Gibraltar Parliament

The Parliament met at 3.09 p.m.

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

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

Questions for Oral Answer

TOURISM, HOUSING, EQUALITY AND SOCIAL SERVICES

Q511 and 514/2016

Mons Calpe Mews and Beach View Terraces – Allocation and reallocation of properties

Clerk: Thursday, 29th September. We continue with answers to oral questions. We commence with Question 511, from the Hon. E J Reyes.

5 **Hon. E J Reyes:** Mr Speaker, how many of the new homes at Mons Calpe Mews and Beach
View Terraces have been allocated to persons falling under the following categories:
(a) applicants on the housing waiting list who were not already tenants of a Government rental
home; (b) applicants on the housing waiting list who were already tenants of a Government
rental home, indicating how many homes have been returned to the Government rental stock;
10 (c) existing home owners, indicating what has happened to the home they previously owned;
and (d) those falling under any other possible category?

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

15 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):**
Mr Speaker, I will answer this question together with Question 514.

Clerk: Question 514, the Hon. E J Reyes.

20 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many rental homes have
been returned to Government for reallocation, inclusive of rooms composition of said homes, by
purchasers of both Mons Calpe Mews and Beach View Terraces?

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

25 **Hon. Miss S J Sacramento:** Mr Speaker, in response to Question 511: (a) 844; (b) 24; (c) nine,
and they were permitted to sell; (d) 11.

On Question 514, of the 30 Government rental flats returned to stock, their composition is as
follows: 11 2RKB, 13 3RKB, 5 4RKB and 1 6RKB.

30

Hon. E J Reyes: Mr Speaker, in Question 511, for part (b) I have got a number of 24. Is that referring to how many homes have been returned to the Government rental stock, or is that referring only to the first part – applicants on the housing waiting list?

35 **Hon. Miss S J Sacramento:** It is returned to rental stock by applicants on the waiting list. It is both, Mr Speaker.

Hon. E J Reyes: Mr Speaker, the hon. Lady may have to explain further to me, because in Question 514 I get the figure of 30 as the number of homes returned for reallocation. I am sure
40 there is some explanation, but I cannot make it out yet.

Hon. Miss S J Sacramento: Yes, Mr Speaker, because I thought the same when I got the answers, and I thought they did not add up; but it is because flats have been returned to the housing stock but not necessarily by the purchaser. As an example, there is a case where
45 someone has bought a house and their granny will go and live with them, so their granny's flat is coming back to the rental stock. It is circumstances like that.

Hon. E J Reyes: Yes, that helps to explain. And for part (c), Mr Speaker, the hon. Lady has said that the figure was nine. That is referring to existing home owners, but my question also
50 required an indication of what had happened to the home they had previously owned, because I think if you were a home owner there were certain conditions that you could purchase. I do not seem to have a note of that part of the question.

Hon. Miss S J Sacramento: Mr Speaker, I did answer that part: I said that they were allowed
55 to sell. In most of these cases, because I can pre-empt the next question, the circumstances, in the majority of these, were for medical reasons.

Hon. E J Reyes: Yes, thank you, Mr Speaker, that helps. So, were they allowed to sell on the open market at any price that they fixed, or does the Minister know ... because I think when they
60 first advertised these co-ownership homes, there were certain terms and conditions under which the houses could be sold. I could be wrong. I interpreted that Government would restrict who they could be sold to. My presumption was that it had to be someone who was already on the housing waiting list. Perhaps the hon. Lady has some information and she could explain that to us.

65 **Hon. Miss S J Sacramento:** Mr Speaker, I do not have the exact information, but it would have been that if the flats were in particular states which already have those restrictions then those restrictions would apply.

70 **Hon. D A Feetham:** Mr Speaker, just in relation to (c), and to clarify, that the position – and it is a position as a matter of Government policy going back not only to our administration but to the previous GSLP administration – is that anybody who owns a home, in other words a home owner, and then sells that home cannot go back onto the housing waiting list unless there are very cogent reasons why they should be allowed on the housing waiting list. If they do not
75 qualify for the housing waiting list, then they do not qualify to buy an affordable home. So what the hon. Lady is saying in relation to (c) is that those nine, who have sold and been allowed to purchase either at Mons Calpe or Beach View, are people who are allowed to sell and purchase for medical reasons, perhaps because the flat was on the top floor and they are buying on the bottom floor. How many of those were medical reasons and how many of those were for other
80 reasons, please? But also, could she confirm that my understanding of the policy and my understanding of the answer is correct?

Hon. Miss S J Sacramento: The understanding of the policy is not entirely correct, because it is not, Mr Speaker, neither now nor before are you precluded from reverting to the Government waiting list merely because you have been a home owner. Mr Speaker, it depends on the
85 circumstances of the sale and whether the sale had to be for a particular reason, and the level of profit, if any, made from the sale, and that in large part has to do with the equity held in the sale.

So, in these nine cases, which have been in exceptional circumstances, the majority – I will go
90 back to the page – were for medical reasons. More than half were for medical reasons, Mr Speaker. Going back to that point, while the general principle, which is in clause 5(d) of the Housing Allocation Rules, says that if you were previously a home owner you cannot go back, it depends on the level of profit made from the sale of the home. There have been people who have reverted to the waiting list following the sale if the circumstances justify it. That has
95 happened now and that happened before, when the hon. Gentleman was in Government.

Hon. D A Feetham: Yes, the Hon. Lady is right – I recall that if, for example, you are forced to sell because there is a divorce, in those kind of circumstances then the Government takes the view that they ought to be allowed onto the housing waiting list and they are allowed, or one of
100 them may be allowed, to buy in affordable home developments. I have never heard the second part, which is the equity part, but nonetheless I accept what the hon. Lady says.

She says ‘the majority’: can she give a figure of how many of those nine were for medical reasons and how many were for other reasons? The reason why I am asking the hon. Lady is because this is an issue which certainly I come across quite often in surgeries. Indeed, I have
105 today spoken to LPS about a particular transaction where potentially the problem is precisely this: that the gentleman who is buying had sold in the past and therefore is met with a block of this particular policy. Therefore, I want to explore with the hon. Lady what kind of reasons have been accepted in relation to the ones that are not the majority, not medical reasons.

Hon. Miss S J Sacramento: Mr Speaker, it is exactly as the hon. Gentleman said. The other situations are where people are forced to sell on account of separation or divorce. But to be clear, what the Department looks at – and it looks at it now in the same way as it was looked at before – is the person’s financial circumstances, which may have arisen from the sale and since
110 the sale. The policy and the procedure are the same. You are not blocked because you were a home owner; the block depends on the financial circumstances post the sale. Because, if you had to sell because you could either not afford the home – (*Interjection*) unemployment is an example – or whether you were forced because of medical reasons, again it goes to affordability or forced because of separation or divorce, and there is no profit made from the sale or very little profit made from the sale, of course, Mr Speaker ... And the point I made as to the equity is
120 directly related to the profit made from the sale. If someone has just purchased a property but when they sell it on account of genuine reasons and make no profit because the level of equity that they had in the property ... then that is a situation where we would consider them going back into the housing waiting list, in the same way that it has always been done, because we try and help people who have financial difficulties and have to sell their property because of that
125 reason.

So, just to make it clear, I do not know what situation the hon. Gentleman is referring to, but it is not the fact that people were previous home owners that will preclude them from being on the housing waiting list. It is a previous home owner who sells and makes a profit from the sale.

Hon. D A Feetham: Well, that is very helpful, but, Mr Speaker, she has not answered the question that I posed, which was – [*Interjection*] Yes. Thank you very much.

Hon. Miss S J Sacramento: Sorry, Mr Speaker, I got carried away. In fact, of the nine there are six medical and the others are on account of separation.

135 **Mr Speaker:** Any other supplementaries?

Hon. E J Reyes: Yes Mr Speaker, if I may come back to the Minister's answer in subsection (d) of Question 511, under those falling under any other possible category she gave me a figure of 11. I put it into, sort of, a very generic term any other possible category. Does she have some
140 sort of breakdown of how we can classify those 11? I put that down thinking that at Question Time she may want to classify people who have separated and so on, but she has just mentioned that the separation ones have come under section (c), so what would those 11 generally speaking come under? Which category?

Hon. Miss S J Sacramento: And of course there is an overlap, because in that answer separations are included as well, but it is people who ... Because there is a bit of duplication in the questions, it means that a person may appear in more than one category. So, those people relate to people who are separated, applicants who were not previous tenants but still releasing Government flats, which I referred to earlier – that is the breakdown for the 11.
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Hon. E J Reyes: So, Mr Speaker, if I add the 844 who were not already tenants with 24 who were already tenants, with the nine who were home owners, with the 11 any others, that gives me a grand total which is not necessarily the total. Is that what the Minister is saying – that I cannot take it for granted that by adding up those figures I get an answer? Therefore, I am not
150 getting an answer to what the gist of the question is.

Hon. Miss S J Sacramento: Certainly not, Mr Speaker. He has had an answer for each question that has been asked.

Hon. E J Reyes: Well, Mr Speaker, I am one of those, perhaps in the minority, not being on the legal side, and perhaps the way I have drafted this, in very layman's terms ... I thought that by adding these categories one would come to the total number. Now, some seem to have been added twice and I do not know why, because (a) is if you were not a tenant, (b) is if you were already a tenant, and (c) is the home owners, and therefore (d) is –
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Hon. D A Feetham and Hon L F Llamas: Eleven in the other category.
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Hon. E J Reyes: – 11. I need to know what happens ... if they were already accounted for before, then there is no need to account for them again in (d). I do not know – perhaps us school teachers do not know how to explain things, Mr Speaker.
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Hon. Miss S J Sacramento: No, Mr Speaker, I am not trying to catch anybody out. It is very simple. We have looked through ... In fact, in any event, the hon. Gentleman is right. Loosely, we may be overlapping in one or two, but generally it is that they are all added up. It may be that one person that the reason for the answer to one of the sub-questions will include one and that person may appear in the other question. But the hon. Gentleman does not ask for a total in this question, he asked for particular categories, so the answers to those particular categories have been given.
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In general, it is a question of adding it up, say for a couple for whom both questions may apply, so it means that they appear in both. I have not got an exact scientific breakdown of who may be involved, but it is only something ... For example, there may be one person to whom both questions apply but it will only be in the minority, Mr Speaker, and there is nothing wrong with the question, other than it does not ask for a total, and I cannot see from here that it was intended to ask for a total of anything. But, roughly, if you add it up, we know the number of flats that we have is almost 900, so the figures all add up. So it is not a huge discrepancy we
180 have; we are only talking about one or two people who, because of the way the question is
185

asked, may appear on both. It does not mean we are trying to catch anybody out, or anything like that.

190 **Hon. E J Reyes:** Okay, Mr Speaker, and I beg your leave – I know it is not necessarily implied
in this question, but what I was going to do was, knowing the number of flats that have been
built in these projects and therefore adding up all these allocations ... I thought from there I
would be able to deduce that there could still be three, four or five flats empty. I cannot do that,
and I know the hon. Lady has tried her best to explain that to me. Would the Hon. Minister for
195 Housing happen to know at this particular stage if there are still any flats that have not been
completely, finally ... so they are still available? I believe that, for a variety of reasons, some
people may have pulled out, because they did not get a mortgage or a couple were intending to
buy to start off as a matrimonial home and are no longer together. The Minister, I know, is so
efficient that she could well have something there.

200 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, and if that was the answer that the hon.
Gentleman was getting at then all he had to do is ask and not have us jump through hoops and
doing arithmetic. I confess that I am not the best at figures, that is for sure – well, adding up
figures, Mr Speaker. But the answer to the real question which the hon. Gentleman was after is
205 that no, from my understanding, certainly not today, I do not believe that there are any vacant
flats left. There have been instances where some people may not have been able to obtain it
because they have had difficulty with a mortgage, and we have worked with people in order to
be able to assist them to finance the properties. Some that have come back have gone back to
other people on the waiting list. But there have only been very, very few flats that have been
210 returned; and, as I understand it, there are none at the moment that are not allocated.

Hon. D A Feetham: Mr Speaker, may I return to the answer that the hon. Lady has given,
because the first three categories the first one is applicants on the housing waiting list who were
not tenants of a Government rental home, the second one is applicants on the housing waiting
215 list who were tenants, the third one is existing home owners, and then those falling under any
other possible category. I do not understand what that other category could possibly be that
does not include (a), (b) and (c). Can the hon. Lady perhaps enlighten us as to what other
possible categories there are by way of examples of people who have been allocated? If they are
not on (a), (b) or (c), what could they be?

220 **Hon. Miss S J Sacramento:** Mr Speaker, I have so many lists of things here ... You know what
it is, Mr Speaker? There is an overlap between Question 511 and 514. That is what does not add
up, but here they do add up. Mr Speaker, you will recall the first supplementary question was
that there was ... The answer to one was 24 and the other answer was 30, and that is because
225 the question asked was different. But in relation to this one, specifically Question 511, yes, you
can add those up. Yes, Mr Speaker, the overlap will be in relation to the answer to Question 511
and not Question 514.

Hon. D A Feetham: Yes, and that may provide an answer to the hon. Gentleman's question
230 that he asked a few moments ago, but it does not provide an answer to me in my question.
(*Interjection by Hon. Miss S M Sacramento*) Well, no, because when the answer comes back to
the question that those falling under any other possible category is 11, what other possible
category can there be other than those on the housing waiting list who are not tenants, those on
the housing waiting list who are tenants, and existing home owners? I suppose private rental – is
235 that what those 11 are?

Hon. Miss S J Sacramento: No, because there may be people, Mr Speaker, who may be living
with their parents, not on the housing waiting list, but now tenants because the family member

240 who was the actual tenant is releasing. It is a bit convoluted, but that is what it is. If someone lives with their parents or grandparents, they are not the tenant and they may not necessarily have been on the housing waiting list.

Hon. D A Feetham: Yes, Mr Speaker, this is the issue, that they –

245 **Hon. Miss S J Sacramento:** No, they are on the waiting list but they were not tenants. You can be on the waiting list, not already tenants – *(Interjection)* Yes, actually. *(Interjection)* Hang on. Mr Speaker, there is someone ... Let me just check to see if this is an additional person or just a different category. There are applicants, not tenants, but still releasing Government accommodation, and this has been the case of people who live in tenancies where the official
250 tenant is the parent or the grandparent. So this has in fact been more helpful, because it is additional information – because it is questions that are not being asked here (a), (b) or (c): this person does not fall into any of these categories, (a), (b) or (c), so these people are additional.

Hon. E J Reyes: Mr Speaker, the last part she has explained, I can understand that part and
255 that is why I accept the figure 30 in Question 514. Hypothetically, my parents are the tenants, I am on the housing waiting list, I get a house, and then when I get that my parents decide to release the flat. We used to live, once upon a time, on Alameda Estate – they release that flat. That is why that figure of 30 does not coincide with the figure 24 in part (b). I can understand that, and that one is pushed aside now.

260 What I do not understand is ... I threw in part (d) because the Minister is entitled to say to me, 'I have answered those who are not tenants, I have answered those tenants, I have answered those who are existing home owners, and you have not asked for something else.' So I just threw in a sort of a joker when one is playing rummy: 'any other possible category'. Can I have some indication what is the other possible category that is not a tenant, were tenants or
265 purchasers? There is a figure of 11. If they do not fall under either (a), (b) or (c) I need some explanation, and if they fall under (a), (b) or (c), let's take it away from (d); otherwise, we are accounting double.

Hon. Miss S J Sacramento: Actually, Mr Speaker, looking at the names of the people that I
270 have, I am realising now that the answer is incorrect, because I realise from here an answer that I have been provided for those falling under any possible category, two of which are here on account of separation but who are also on the waiting list. So, when I look at the breakdown of the names, the answer has been prepared and the person is in the wrong category, at least two of them – the other ones, applicants not tenants and releasing GoG. So, Mr Speaker, those three
275 could easily have been in a global answer to (a). Yes. It is just that the way the answer has been prepared is as if internally they have a further subsection that is not a straightforward 'people on the waiting list who were not a tenant'. So, Mr Speaker, of the 11, two should actually be added on to (a). Then there are others who were tenants and releasing GoG rental, because that was not a specific category. Here, what they have done is included it as 'other', because it is slightly
280 different to the way the question was posed, Mr Speaker.

Hon. D A Feetham: I will tell the hon. Lady what I have in mind and the political issue that I have in mind. The political issue that I have in mind and the reason why I have been asking these questions to clarify this particular issue is whether the Government has made any exceptions in
285 relation to allowing people to buy not within the standard policy of the people who are allowed to buy in affordable homes. Therefore, the next question would have been: how does the Government make that exception so that people know on what basis the Government is making an exception, so that if that exception applies to them as well, they too can take advantage of the policy? That is the issue that concerns me. That is why I have been asking the hon. Lady to
290 clarify. Can the hon. Lady therefore confirm to me that none of these 11 are an exception in

terms of the policy applicable to people and the conditions in which people can buy in affordable homes?

295 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, the policy has been applied. I think that when they were preparing the answer for me they were being extra helpful; and if someone had something which was in addition to the way it was asked here, they have considered it as different circumstances. But no, Mr Speaker, they pretty much all fall into the others.

300 **Hon. R M Clinton:** Mr Speaker, I would be grateful if the hon. Lady could confirm or clarify for me: I am not sure whether I heard correctly where she said that there were cases where the Government had provided financial assistance to people to purchase these properties.

305 **Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):** I think the answer to that question is the one that I gave him when he asked me how many people had been given the mortgage from Home Loans and I explained to him that Home Loans was not competing with the commercial providers, it was only a fall-back position so that there would be a safety net. So, if anybody was unable to get a loan from anybody else, they would come to us. I think there was only one at the time the hon. Member asked me.

Q512/2016
Government rental homes –
Emergency repairs

310 **Clerk:** Question 512, the Hon. E J Reyes.

Hon. E J Reyes: In case of emergencies arising from any works carried out by private companies in respect of Government rental homes, who is called out to carry out any remedies which may be required?

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

320 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, all emergencies are handled by the Housing Works Agency and the repairs are carried out by either Housing Works Agency direct employed labour or the GJBS emergency response team.

325 **Hon. E J Reyes:** Mr Speaker, I know a constituent got back to me that when they tried to make the report the feedback they got was that the Housing Works Agency did not carry out that job, it was done by a company, and it was hinted to them that they should contact the company directly – hence why I ask the question. If the hon. Lady has no reason to doubt, can she confirm to me that I should go back to the constituent and say, ‘No, with the best of manners but be insistent to the Housing Department that it is they who should deal with that issue’? Can the hon. Lady please confirm that to me?

330 **Hon. Miss S J Sacramento:** Yes, Mr Speaker, because emergencies are dealt with by an emergency phone line that is dealt with by the Housing Works Agency. So, if it is emergency repairs, which is what the question asks, then they need to be dealt with either by the Housing Works Agency or GJBS.

335 I would be grateful if you would return to your constituent and give him that information, or they can call the reporting office at the Housing Department as well.

Q513 and 515/2016
Government rental homes –
Tenants awaiting allocation

Clerk: Question 513, the Hon. E J Reyes.

Hon. E J Reyes: Further to Question 174/2016, can the Minister for Housing provide updated details pertaining to the house size requirements in respect of applicants who joined any
340 category of housing waiting list prior to 8th December 2011 and who are still waiting for allocation or assignment of a rental home?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):
345 Mr Speaker, I will answer this question together with Question 515.

Clerk: Question 515, the Hon. D A Feetham.

Hon. D A Feetham. Mr Speaker, how many people were on the housing waiting list and pre-
350 list as at 9th December 2011 and (a) have still not been handed keys to a new home, and (b) are still on the housing waiting list?

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

Hon. Miss S J Sacramento: Mr Speaker, in answer to both those questions, further to
355 Question 174/2016 there are 192 remaining applicants who were on the waiting list and pre-list prior to 9th December 2011, all of whom require a 1 RKB.

Hon. E J Reyes: Mr Speaker, the 192: is the lady certain that all of them are just for 1 RKB?
360 *(Interjection)* No, Mr Speaker, I ask the question because unfortunately ... I should have had it in the basket. Perhaps the hon. Lady may wish to meet me, when I have that letter at some other stage, behind the Speaker's chair. But someone had received a letter saying ... I know it is a single parent with a child, therefore 1 RKB certainly does not fit her category and she has a letter
365 saying we are about to complete Charles Bruzon House and so we are expecting houses to be returned and this person is waiting. But to classify that applicant under the 1 RKB does not coincide with her entitlement.

Hon. Miss S J Sacramento: Yes, Mr Speaker, because Question 513 is based on the premise
370 that it is further to Question 174, and in my answer to Question 174 I said that there were 231 applicants on the 1 RKB list because the remainder were either applicants who were adequately housed in pre-war accommodation or had received notification of allocation, which is exactly the letter that the hon. Gentleman is referring to.

Hon. E J Reyes: Perhaps, then, I used the wrong words. What I really intended by putting
375 'further to Question 174' was to have the Minister have a reference saying it is just updated information on that. I will have to talk to you, Mr Speaker. Perhaps in future I just should not make any reference to any other question I have asked before, but it does not allow those civil servants who help to draft an answer for the hon. Lady to have an easy reference. We tend to be
380 becoming a bit technical, because ... 'On Question 174 I gave this, therefore I am not including it now ...' We seem to be verging on the lawyers' world rather than on the democratic parliamentary world.

385 **Hon. Miss S J Sacramento:** Mr Speaker, I do not know whether to feel insulted, because in a former life I was a lawyer, but I am answering the question on the basis that the question is being asked. I am asked for an update on my answer to Question 174, so the logical thing I did was look at my answer to 174, where I said – and I am reading from *Hansard*, Mr Speaker – ‘There are 231 applicants on the 1 RKB list and the remainder are applicants who are adequately housed’, etc. So what I have done is updated the figure of 231, which as of today is 192.

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Hon. D A Feetham: Mr Speaker, may I, with your leave, go back and ask a supplementary on Questions 511 and 512? I am not going to ask supplementaries on the question that I have just asked. In other words –

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Mr Speaker: If we have finished with these two you may, but let us finish with –

Hon. D A Feetham: Well, it is my Question 515, and I have no supplementaries on 515. I have just asked it, so I am just going to go back.

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Mr Speaker: Yes, but do any of your colleagues have any questions on 515?

Hon. D A Feetham: I do not think so.

Mr Speaker: Then carry on.

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Hon. D A Feetham: Just returning to this question of the mortgage first, is it Government policy that where somebody who has been allocated an affordable home in one of the Government’s schemes, both now and also in the future, cannot obtain a mortgage, that the Government will then step in and provide the safety net of offering mortgages directly to those people who have been allocated homes?

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Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano):

The policy is the policy that I explained before, Mr Speaker. It is not anything new. I said when we created Home Loans it was to make sure, given the position that Gibraltar found itself in with the disappearance of Barclays and the fact that there are banks that may have somebody who is eligible by their criteria but have a quota beyond which they cannot go. Therefore we did not want somebody who had the right to buy not being able to buy simply because they could not find a lender. But of course the mortgage is given on commercial terms and it is not that it is subsidised in any way. It is just that when they come to us it is when they have tried other sources and they have not been able to get it. At the time that I was asked the question there was only one. I do not know if there have been anymore since, because I have not asked.

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Hon. D A Feetham: So, Mr Speaker, essentially what we are talking about is not somebody who was rejected by a bank because he does not meet lending criteria; it is somebody who is rejected by a bank because that bank’s quota has already been met and therefore the bank has no spare capacity, so to speak, in terms of lending. Is that the position?

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Hon. J J Bossano: The question is hypothetical because there is only one. (*Interjection by Hon. D A Feetham*) Yes, it is hypothetical, because I can only tell him that this one who has applied and been given one was, for example, not able to get the mortgage because the quota was full. But tomorrow it may be that somebody is told, ‘We will not give you a mortgage because of your age,’ but given that in the only one case that we are talking about it is a civil servant and, in addition to the property, there is a guarantee from her pension rights, from this person’s pension rights ... The situation is we created the company in order to make sure that people who had difficulty, for whatever reason but principally because of the reduction of the number of

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providers in the market ... In fact, we thought the shortfall might be greater, as it happens we have found that the Gibraltar International Bank came into the market and they were sufficient to provide enough ... Members opposite have been asking on a number of occasions the question of whether there would be enough lenders in the market and we thought maybe there
440 might not be enough lenders in the market and therefore we created this company with £100,000 capital in order to be there, and the capital would have been increased if it was needed in order to be able to provide the support to make sure that nobody is unable to get it, even though they might be able to afford it, for a variety of reasons – the principal reason being that initially we thought we might find that there was a problem, after Barclays pulled out, from
445 the remaining numbers because the information that had been put to me in connection with why this happens is because the criteria that is used sometimes is that there might be people all of whom can easily afford a mortgage but an institution will not lend more than to, say, one third in one estate, because there is a rule that says your exposure is greater ... Even if there are 100 buyers and they are all millionaires, you cannot supply mortgages for 100% of the estate. So
450 it is this criteria which quite frequently kicks in without any problem of the ability of the person to pay, but if the concern of the hon. Member is that we are lending to people who will not be able to pay their mortgages and who have not been able to get it because they have not got enough money to pay the mortgage, certainly the one case there has been does not fall into that category. That is not the intention, but I would not rule it out if we were giving somebody a
455 mortgage because we wanted to help them to buy and we took a different view from a bank, a less ungenerous view. So I would not say it is impossible that that should happen, but that is not the reason why the facility was put in place.

Hon. D A Feetham: Yes, and what the hon. Gentleman is saying is that although the principal
460 reason for the policy was the quota limit, be it in particular estates or generally, the reality is that the Government does not restrict itself to that reason for stepping in and granting mortgages directly through this particular company.

Who actually makes the decision as to whether to lend in this particular company? The directors presumably of the company? Who are they? Are they civil servants themselves? Do
465 they have any experience in relation to lending? How is there a safety net? At the end of the day we are dealing with taxpayers' money – that is what we are dealing with – and of course the hon. Gentleman, I know, is very careful with taxpayers' money (**Hon. J J Bossano:** True.) Absolutely. But we obviously need to ascertain ourselves that proper care is being taken in relation to something like this. How are decisions like this being made? The hon. Gentleman is
470 not in the business of banking or providing mortgages, civil servants generally are not in that business: who takes the decisions and how are those decisions taken?

Hon. J J Bossano: Mr Speaker, there has only been one case, and the one case was decided
475 by civil servants in the Treasury. I do not know the name of the civil servant who took the decision, but I can tell the hon. Member that since the applicant was a civil servant, in addition to the fact that it is a 50-50 property, in addition to the fact that we own the other half of the house, in addition to the fact that it is not for 100% of the other 50, we have also got the security of the pension of the person that is buying. So it is a gold-plated loan.

Hon. D A Feetham: It may be gold plated in this particular case, and what the hon.
480 Gentleman, in relation to the specifics of this particular case, is saying makes some sense to me in terms of the assurances that he is giving me that really there is no risk because of the factors that he has outlined. But, of course, what concerns me is not the specifics of one case, unless there are maybe other reasons to make me concerned, and in relation to this he has not given
485 me any information that sets any alarm bells ringing in my mind for other reasons as to whether somebody is being favoured or whatever, but – (**Several Members:** Oh!) Mr Speaker, I am saying I am saying I am not alarmed in relation to this particular case, but I am not concerned about

one case here; I am concerned about the policy generally. If the Government is going to be embarking on a situation where they are offering mortgages to members of the public in
490 circumstances where the quota exceeds the bank's policy, etc., who are the people taking
decisions? Is it just Treasury officials who are looking at this on a case-by-case basis? That is the
position, correct?

Hon. J J Bossano: The Treasury officials who handle the £600 million of Government money
495 also handle this £100,000, which is the money that is available. The £100,000 that is in the
company, the lending of that money is taken by officials who are trusted with the £600 million of
public money that we all spend every year with his approval and the approval of the rest of the
Members.

The hon. Member is asking me what would happen if there was tomorrow an applicant who
500 did not fall into the category that I have already explained. That is a hypothetical question. I am
telling him that I have no doubt that the people in the Treasury are as careful about public
spending as I am, complete confidence, and therefore they would not do anything that I would
not do in terms of putting public money at risk. I know that he thinks very highly of my criteria in
that respect, because he constantly tells others in the Government that they should be like me.
505 So he should sleep soundly at night.

Hon. D A Feetham: Well, thank you very much in relation to that!

Mr Speaker, just moving on to Question 512, what we are talking about here are private
510 companies that undertake work in Government flats, and then there is an emergency and the
hon. Lady stood up and – (*Interjection by Hon. Miss S J Sacramento*) Yes, we are, and I asked
permission from Mr Speaker to come back. (*Interjection by Hon. Miss S J Sacramento*) No, we
were exploring a supplementary question 511. Now we are moving on to Question 512, nothing
to do with the mortgages. In relation to Question 512 the hon. Lady said that it is the Housing
Agency that basically undertakes any remedial works. When the Housing Agency undertakes
515 remedial works, how does one then deal with a situation where the remedial works arise out of
shoddy work that has been undertaken by a company that has done the work in the first place?
Is there then a claim by the Housing Agency against those companies?

Hon. Miss S J Sacramento: Mr Speaker, it is very bizarre. I understand that when I replied to
520 Question 511, which I answered together with Question 514, it had a lot of information, and the
hon. Gentleman, after I finished answering Question 515, did not have any further
supplementaries to 515 and asked permission to go back to 511. Now, Mr Speaker, he wants
supplementaries to 512. In any event, Mr Speaker –

Mr Speaker: The Hon. Leader of the Opposition mentioned that he wished to ask
525 supplementaries arising from two questions.

Hon. Miss S J Sacramento: Okay, thank you, Mr Speaker. However, the supplementary that
530 he asked in relation to 512 does not relate to the question in 512, because the question in 512 is
in relation to emergency works, and now the hon. Gentleman is asking for a supplementary in
relation to general remedial works. It is a completely different question to the question asked.

Hon. D A Feetham: Mr Speaker, maybe I misunderstood the answer that the hon. Lady has
535 given. So, in relation to the answer to Question 512, 512 had nothing to do at all with remedial
works. In other words, none of those emergencies relate to remedial work that had been
undertaken by private companies, which is what I understood the answer to be. That is why I
have stood up and asked this supplementary – because what I want to ensure, again in relation
to this, is to explore how far, obviously, one is then keeping tabs on the kind of work undertaken
by private companies, whether the taxpayer is then able to claim back from those private

540 companies, and what then happens to those private companies if there is a history of conducting works in a shoddy manner. Those are the types of things I want to explore with the hon. Lady.

Hon. Miss S J Sacramento: Yes, Mr Speaker, maybe it is because he is a lawyer – that may be the answer that the Hon. Mr Reyes would give. But the answer that has been given is in relation to the question that was asked, which is limited to emergency works. That question is somewhat different to the original question that was asked.

Q516/2016
Cruise terminal –
Commercial units allocation criteria

Clerk: Question 516, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, what has been the allocation criteria for commercial units at the cruise terminal?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the criteria is the same as it was in 1997.

Hon. L F Llamas: May I ask, Mr Speaker, what exactly that criteria is, as in 1997, unfortunately, I was not into any political sphere. So if the hon. Lady could –

Mr Speaker: I have to tell the House that the view that I take is this. The hon. Member was not a Member of this House in 1997, neither was the hon. Lady a Member of the House; therefore I consider that the Member is perfectly entitled to ask the question and to receive an answer in which the details of what the criteria were in 1997 is either spelt out in the main answer or in a supplementary.

Hon. Miss S J Sacramento: Mr Speaker, the reason I answered as I did is because all the units that are in the cruise terminal are those that were allocated in 1997. So the criteria for those allocated were in 1997 except for one. There is an additional unit which was transferred from the old ferry terminal when it had been allocated over 20 years ago. So that is the reason for that answer, Mr Speaker. It is all the same ones, except for the one that was transferred.

Q517/2016
Care Agency –
Subcontracted workers

Clerk: Question 517, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, when a subcontracted worker working within the Care Agency for whatever reason is unable to attend work due to annual leave or sick leave, what is the practice in replacing that worker?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):
Mr Speaker, as I have already explained in the last session of Parliament, in the event that the
580 worker is on annual leave, sick leave or needs replacing, cover will usually be subcontracted, as it
is temporary.

Hon. L F Llamas: May I ask a supplementary on this one? Is there any policy or effort made in
replacing that subcontracted worker with perhaps an employee or another subcontracted
585 worker within the same area to ensure there is a continuity of care?

Hon. Miss S J Sacramento: Mr Speaker, by saying that the person is replaced by a
subcontracted worker is not the same as saying that there is no continuity of care, because
subcontracted workers, if they provide cover, will mean that they are providing, in most cases,
590 continuity of care, because one day they may cover for one and one day they may cover for the
other. So what we do try and do is when cover is required – because it is not always required,
but if it is required – it will be covered by someone who is a subcontracted worker and we try
and use the same workers we always use to provide cover, so there is no issue as to continuity
of care, the continuity is there.

Q518/2016
Care Agency –
Numbers of subcontracted workers

Clerk: Question 518, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, can the Government provide details of subcontracted workers
working within Social Services and the Care Agency as at 30th June 2016, disclosing the date
each worker commenced providing services, together with the roles or role being carried out
600 and/or currently carried out by each subcontracted worker and the reason for requiring their
services on each occasion they have been subcontracted, and the area in which they have been
working on each occasion?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):
Mr Speaker, the details are as follows.

The dates that the workers commenced: there were three in 2013, 22 in 2014, 55 in 2015,
and 27 in 2016. The roles that they carry out are: care worker, 94; administration, 9; nurse, 2;
610 counsellors, 2. These figures are at the time of the date indicated in the question, Mr Speaker.

The reasons for cover are: maternity leave, 12; suspension, 5; vacant posts pending
recruitment, 22; cover required while training, 1; temporary additional cover to include annual
or sick leave, 67.

The area of the Care Agency in which they work in is Administration and Social Services.

Hon. L F Llamas: Would it be possible to get an actual detailed breakdown for each – yes,
thank you – actually broken down by subcontracted worker in order to come to a conclusion of
when that worker started and what that worker has been carrying out since that worker was
620 employed?

Mr Speaker: For each individual worker?

Hon. L F Llamas: Yes.

625 **Hon. Miss S J Sacramento:** Mr Speaker, it is not information that I have, and I believe that I have answered the question that has been asked.

Hon. L F Llamas: I did, Mr Speaker, ask in the question ‘disclosing the date each worker commenced providing services’, and in that way I would be able to conclude when that worker commenced working and what exactly that person has been covering.
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Mr Speaker: I think you are referring now to ... The hon. Lady, in the answer, gave dates that workers commenced, 2013, 3... You are asking, say, in 2015, for 55 cases, when each of those 55... With all due respect, I think that kind of detail... I do not think we should make a practice of that sort of detail here in Parliament. It is information that you can obtain outside Parliament and I do not think the time of Parliament should be taken up in giving such details in respect of so many individuals. It is not that there is anything inherently wrong in asking for the information; the only thing is that it is very time consuming and laborious, both in preparing the answer and then providing it here in Parliament – unless more time is given, and then the answer could be made part of a schedule, that can be done.
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Hon. D A Feetham: Mr Speaker, how does the hon. Gentleman – and perhaps Mr Speaker has the answer, and I would be very grateful if he provided it to us – how does the hon. Gentleman get this information from outside Parliament? Because I think what the hon. Gentleman is doing in relation to this is he is trying to determine – *(Interjection by Mr Speaker)* Can I just explain where we are getting at with this –
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Mr Speaker: Yes, okay.

650 **Hon. D A Feetham:** – so Mr Speaker can place it into context. In relation to these people who are effectively subcontracted – they are not Civil Service but they work in the same jobs as civil servants – how long have those people actually been in those posts? For example, you may have somebody who is subcontracted within a Government Department, subcontracted, and is therefore not a public servant, within a Government Department for three years, four years, five years; the political point then therefore is, well, how on earth is somebody there for such a long period of time. That is the issue. It is not an unreasonable issue for Mr Llamas to be exploring.
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Mr Speaker: In my intervention I have tried to make it abundantly clear what is the information that the hon. Member is seeking, which he is perfectly entitled to ask and for which there should be no insurmountable problem in providing it. The only thing I am saying is that in a main answer I would not like to see a Minister stand up and in 107 cases give dates of commencement. It can be included in a schedule, something that has been done before. I have seen schedules here detailing every student studying abroad outside Gibraltar, a thousand and something students – all that information has been provided in a schedule, by all means. It has now been made clear in the supplementary what it is that the hon. Member is asking for, and I think that that information, if the hon. Lady does not have it here with her... Even if she did, I would prefer that it be included in a schedule and provided across the floor of the House. That is all.
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670 **Hon. Miss S J Sacramento:** But, Mr Speaker, I can still answer that supplementary question, because the answer is actually in relation to the previous question that I have just been asked, when I am asked for the criteria – actually, not this one, but I think the question that I was asked in the last Parliament – and the criteria that we use when using subcontracted workers, which is why we have the Question 517.

675 Mr Speaker, I have said before in Parliament that the reason we use subcontracted workers is primarily to cover temporary vacancies. That answers the question, because, Mr Speaker, there may be people who... and it actually answers the supplementary to the last question as well, the one in relation to continuity of care. For example, there may have been a need for someone to cover someone's maternity leave in the service a year ago, so that person is contracted to cover
680 the maternity leave, whatever it is, whether it is six months, nine months or a year, whatever that person wishes to take within the policy of the organisation. So that person is taken on temporarily to cover that post. It may be that when the post holder returns from maternity leave that the person is required to cover some other leave, whether it is another maternity leave – and you can see from the statistics that we have a lot of those – or whether it is sick
685 leave or any other absence. Precisely because we want to provide continuity of care, we may engage the same people.

I think what the hon. Gentleman is trying to allude to is that people are in these Government jobs on subcontracted work, but that is not the case, Mr Speaker; it is temporary work for which we engage these people. Not everybody. Some people enjoy working for who they work for, on
690 the basis that it is temporary.

You can see from here, Mr Speaker, that of the number of people we use from subcontracted workers, only 22 relate to vacant posts. We have continuous recruitment of vacant posts, but what we do is we sometimes wait for a period and recruit people in batches because of the cost of employing people and the recruitment process and the training process that that entails,
695 because when someone comes into the service we have a particular core training that they undergo and it is easier for us, in terms of management and organisation, for them to do it in batches. It is easier for us to wait a couple of months, and if, say, we have accumulated a few vacancies then, then we will recruit those vacancies in one go so that everybody can be trained together. In terms of vacancies, then those posts are filled in and they are cyclical. So, vacant
700 posts are recruited. Everything else does not relate to vacant complement posts; it relates to temporary cover that we may need in the manner that I have explained in previous Parliament sessions.

Hon. L F Llamas: Mr Speaker, I am grateful for those examples but, with all due respect, I would like to come to those conclusions for myself, seeing the actual answer and schedule. The
705 only reason why I asked it in an oral version is because, normally, in the last sessions I have been in, we do get a schedule and then, if we want to ask any supplementaries, we can do so on the spot.

Essentially, what I would like to see is a date of commencement for each subcontracted
710 worker and what that particular worker, without revealing the name, has been doing for the last year, six months, a day, five years, whatever it may be.

Hon. Miss S J Sacramento: Mr Speaker, first of all, the hon. Gentleman is insinuating that I am lying if he says that when he gets information in a different way he might come to a different
715 conclusion. I have explained the way that it works.

Mr Speaker: No, I do not think ... With all due respect to the hon. Lady, I have not gathered any suggestion that that is what is in the hon. Member's mind.

Hon. Miss S J Sacramento: Mr Speaker, the difficulty with the question is that we do not subcontract a worker, we subcontract a service which we need to provide from a service
720 provider, and while we try... It is in relation to the need of the service on a particular day. On one day someone may have an episode which means that we need to call the service provider and say, 'Today I need four additional carers,' because someone may have surgery and we may need
725 additional support for a week. So, the information, I think, is better served this way and the explanation and the rationale I think I have explained in a lot of detail.

Hon. D A Feetham: Mr Speaker, I understand what she is saying about the contracting of services, but surely the reality is that if today, as at 29th September, you have got 107 subcontracted workers – subcontracted to provide services but they are subcontracted, they are there – the Government knows that there are 107 and in relation to those 107 the Government can provide a date when they commenced. That must be absolutely right... when they commenced. There may be some who commenced yesterday, there may be some who commenced a year ago, but that is perfectly capable of being provided.

Minister for Economic Development, Telecommunications & the GSB (Hon. J J Bossano): Mr Speaker, the hon. Member may remember, or he may not, that we introduced something that existed only in the GHA, which was relief cover, and that we put a head of relief cover, which is a token vote, in each head, so that people would not have to be undermanned and doing the work because there was a lot of sick leave or a lot of maternity leave or a lot of absenteeism.

The result of that is that there are people who are as and when required by the service but they are not employed by the Department, and their contract of employment is with the service provider. So, somebody may have, for the first time, worked there in 2013. He may, between 2013 and 2016, have worked subsequently on and off on different occasions, and sometimes he may have worked in another part of the public service. He may have continuity with the service provider. He may, when not required in the public service, be working in the private sector, because the people who supply the labour to us supply the labour to other people. The hon. Member seems to be trying to suggest that what we have got are two classes of public servants, one of which is permanent and one of which is temporary. If that is what he is trying to suggest, then he is misinterpreting, either deliberately or unintentionally, what the situation is, which has been explained to him before.

Hon. D A Feetham: Mr Speaker, I am not at this stage making any suggestion. The hon. Gentleman, Mr Llamas, has been very candid. He says he wants to analyse these figures for himself in order to see whether there are patterns, in the same way as the hon. Gentleman, if he had been on this side of the House – and indeed he was on this side of the House – and if he had received that kind of answer, the answer that the hon. Gentleman would give would be, ‘Well, hang on a minute, I want to see the figures because I want to make my own decision as to whether there is any pattern or what is happening here.’ That is our role and we are perfectly entitled to ask.

The hon. Gentleman could, for example – or the Government could, for example – say, ‘Right, okay, we are not going to provide you with the details...’ And I do not think there is any reason not to, but he could say, ‘We are not providing you with the starting date of these 107, but we are going to provide you with,’ for example, ‘how many have been effectively subcontracted for three months, for six months, for nine months and over a year.’ That he could provide, but just a blanket refusal does not appear to me to be reasonable with respect to the explanation the Hon. the Father of the House has provided.

Hon. J J Bossano: Mr Speaker, I was on that side of the House and they did have this system in place in the GHA and I never did ask for that question, so he does not have to hypothesise what I would be doing now in respect of this information – because when I was there and they were doing it and they were spending, I think, something like £2 million a year in supply workers in the GHA, the hon. Member may recall that the greatest Gibraltar got so cheesed off with the size of the bill that he decided to take it away in one budget from the GHA and to control it directly from No. 6. The issue was the size of the bill in terms of the volume of people they were being required to supply, but it never occurred to me to say, ‘Well, I want to know, if you have got supply workers who are as and when required, I want to know when each one was required.’ Because the hon. Member seems not to have understood that the contract of employment of that person is with the supplier of the service –

Hon. D A Feetham: I understand that.

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Hon. J J Bossano: – and therefore, if you say, ‘When did he start work?’ the answer is ... When did he start work with us? Well, look, he came in on Monday morning, he worked for three hours, but in the afternoon he worked somewhere else, which might have been in the Government or not in the Government, but the continuity of employment is not reflected in how many times, in the time that he has been employed by the service provider, he has worked in a particular Department. The hon. Member has, in fact, in putting the question, saying the kind of answer is ... Did he work for three months? Was his contract for three months or for six months? Well, the answer is no, there is no contract.

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Hon. D A Feetham: I understand the contract is not for three months. That is not the question.

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Hon. J J Bossano: The hon. Member, when he stood up now and said, ‘Well, the kind of information they could give us is whether they have been contracted for three months or six months or a year.’

Hon. D A Feetham: In post or working – [*Inaudible*]

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Hon. J J Bossano: Well, they are not in post. Mr Speaker, if somebody calls in this morning and says, ‘I am unwell and I am not going into work,’ you call the service provider and they send somebody in. The hon. Member then would presumably want to be told, ‘He has been in post 10 minutes this morning,’ and not six months or a year.

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This is the system that we put in, which was an extension to the rest of the public service of the system that they introduced in the 15 years they were there, and that system was in order to make sure in the GHA ... but they did not think it was necessary elsewhere, probably because the GHA is more of a critical service where, if a lot of people are ill or off sick, or on maternity or whatever, you can have a ward that is very understaffed, so therefore they had the service for that area. We decided that maybe it was a mistake because it had been an expensive decision, because, before, people just used to cope with less workers if less workers turned up on a day, and the work still got done. But we decided that maybe the delivery of the service to the customer would be improved if the numbers of people at work was supplementable when people were missing from a pool. They have asked about that before, I have given them the size of the pool and I have told them that people rotate.

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For example, I can tell the hon. Member that yesterday somebody who was on sick leave in the Fire Service came back and the person who was there had to stop working. We have two choices: either we send him back to the service provider, or we find out if there is another Department requiring somebody. Generally, the people who are already providing the service, if the Departments are happy with them, are the ones who tend to keep on coming back. But there is not a period of time that people are specifically contracted for, and therefore it is not the case that they are either called ... Normally, if we know that somebody is going on maternity leave for eight months, when we request somebody and the person says, ‘How long is this work for?’ they are told, ‘This is to cover an eight-month maternity period,’ and normally that is a more attractive proposition for somebody who is unemployed than if they say it might only be for one day or two. So it is more difficult for the service provider if he has to go outside his normal pool to get recruits, because people then say, ‘Well, look, I am only going to be in for a few days, and that means that in those few days there might have been a job coming up in the Employment Exchange and I have missed it.’

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So, where there are known periods of maternity leave, then the provider is told that we are going to need cover for eight months or we need cover for nine months. Otherwise, it is as and when required, and other than maternity, which is the one where you can predict how long they

are going to be out, there is no period predicted, at the beginning of the period that the worker is supplied, as to whether he is going to be there a week or he is going to be there a day. He is there until ... If somebody is sick, he may be sick for a very long time or he might come back in one week's time. He may be out one day and back the next day, and the person is only working one day.

Mr Speaker: I think the hon. Mr Llamas has made it abundantly clear what is the information he is seeking. I think that the Government understands what is the information he is seeking. The information cannot be provided now. I would suggest that he pursues it either outside Parliament by writing to the hon. Lady or he can put down a substantive question at the next meeting of the House, which I will have no problem in allowing.
Let's go on to the next question.

Q519/2016
Disability Bill –
Progress

Clerk: Question 519, the Hon. L F Llamas.

Hon. L F Llamas: Mr Speaker, further to the answer given by the Government in Question 35/2016, where the Government stated that the previous administration had done nothing in relation to drafting a Disability Bill in order to adopt the United Nations Disabilities Convention into national legislation, can the Government confirm whether that statement remains correct?

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

Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, yes.

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Hon. L F Llamas: Mr Speaker, in the original answer to Question 35/2016, the statement made by the hon. Lady was that as soon as they got into office she asked whether anything had been prepared or if they had been instructed, and the answer was that there was nothing.

During the period of this summer, I have obtained a soft copy of what was the Disability Bill drafted by the previous administration, handed to me by one of the people who was involved in the actual drafting of that legislation. When you look at the properties of the actual document, you see that it belongs to Government and it was drafted by a Government lawyer. So I would like to know whether the hon. Lady has been misled and, in effect, has misled Parliament. What exactly is the position?

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Mr Speaker: I imagine the first thing the hon. Lady will need is to see what is the material you have there with you. She must have sight of it; otherwise, she may not be sure what it is that you are talking about.

Hon. Miss S J Sacramento: Well, Mr Speaker, first of all, I am very, very concerned as to how Mr Llamas has a Government document in his possession, because, whether it is a document that belongs to this administration or the previous administration, it is a Government document. Whether it has been given to him by a former Minister or someone who was on the Committee, one would expect someone who sits on a committee to hold documents confidentially and not spread them out, Mr Speaker. I do not think it is appropriate for people who are not in

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Government to hold Government documents, regardless of the administration of the day. I start with that.

880 But, Mr Speaker, as you rightly say, I have no idea what document Mr Llamas is referring to. He has it. I am not psychic. I have not seen it. The answer to the question that I have been asked is yes, because I answer from where I am and what I see and what I have been told, so I maintain my original answer and therefore my answer today is yes.

It is very bizarre, Mr Speaker, but maybe the hon. Gentleman may wish to show me that document that he has in his possession.

885 **Hon. L F Llamas:** Mr Speaker, I am more than happy to e-mail, to forward the document for the hon. Lady to have a look at it, and I would be grateful if she would commit to undertake...

890 **Mr Speaker:** I am prepared to provide the services of the staff of Parliament to make it available with almost immediate effect, and then we can dispose of the matter for the time being and move on.

Q577/2016
Government housing –
Rent arrears

Clerk: We move to Question 577. The questioner is the Hon. M D Hassan Nahon.

895 **Hon. Ms M D Hassan Nahon:** Mr Speaker, in the Hon. Minister's response to Question 363/2016, Government housing – Rent arrears', the Minister stated 'people who owe the Government in excess of three months' rent...' I would appreciate the Minister's clarification why arrears in rent are only considered when it is in excess of three months or 90 days.

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

900 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I used that expression so as to be consistent with the last question in Parliament by the Leader of the GSD Opposition, to make it clear, therefore, that we are all referring to the same period.

905 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am not quite sure if I understand. I asked the hon. Lady ... The reason why I was asking this question is because I wanted to know whether it is Government practice to only recognise or acknowledge arrears when it exceeds 90 days – if that is the exact date that you start counting arrears from – and whether there was legislation or regulation that this was the timing that you start the arrears, so that I can know whether there is consistency with other arrears and those dates always apply. Thank you.

915 **Hon. Miss S J Sacramento:** Insofar as these arrears, Mr Speaker, the reason I used that wording the last time I referred to arrears was because when the Hon. the Leader of the GSD Opposition asked me a Question 183/2016, he asked specifically: can the Government please state how many tenants of Government housing stock currently owe the Government more than three months' arrears of rent? That had always been my understanding of the definition of arrears of rent, but the Leader of the Opposition's understanding of arrears of rent... and that is why I used that reference last time I referred to it. The reason I did that as well, Mr Speaker, was because when I was looking at the Auditor's Report, the Auditor's Report starts counting arrears

920 beyond £500. Three months' rent is on average about £200, so we were all having different standards when we were looking at arrears.

While technically, of course, something that is due on the first day that it is due is arrears, but for the purposes of the arrears recovery strategy we are looking at it beyond the three years on the basis that the first three months is really a late payment. Some people may be in arrears for
925 a month and we do not consider ... Some people pay a month late or two months late, some people wait for a payment and then they pay three months in arrears but they pay it in full. So, really, when we are tackling the arrears we look at people who owe more than three months, and I think this is probably more useful than the way it is set out in the Auditor's Report because they only start counting arrears after £500, and I think this is useful for these purposes. Of
930 course, you know in law and technically, it would be arrears from day one, but for the purposes of going after people who owe money after a long time it is just easier, in terms of resources, to consider beyond three months, and anything before three months is seen as a late payment.

Mr Speaker: It might be useful to remember there may be another explanation as well.
935 Government rents are inclusive of rates. Rates are charged quarterly and you are in arrears of rates when you owe more than three months, which is a quarter, and the rents have always been, therefore, very closely linked, and the practice, certainly when I was in Government, was for housing to regard anyone who owed a quarter in rates, and therefore rents, to be liable for arrears. That could be the historical thinking, as well, behind it.

940 **Hon. D A Feetham:** And also, Mr Speaker, most companies, in fact, use a 90-day cut-off point before they issue recovery proceedings. That is why, in my original question, I looked at 90 days, three months, rather than less than three months, because somebody could be late with payment two months, and really one has to be sensible about these things, and I took the 90
945 days, three months. That was the question I asked.

Hon. Miss S J Sacramento: And I agreed.

950

**Q519/2016
Disability Bill –
Supplementary**

Mr Speaker: Does the hon. Lady propose to deal with this matter now?

955 **Minister for Tourism, Housing, Equality and Social Services (Hon. Miss S J Sacramento):** Yes Mr Speaker, because I have never seen it, so I am seeing it for the first time. I have never seen it.

Mr Speaker: Okay, but if you want to have a look at it in detail ... and then you can come back later on today.

960 **Hon. Miss S J Sacramento:** No, but having said that, Mr Speaker, my answer to the question remains the same, because the question was is that my opinion, and my opinion is yes, in relation to that question. And I go further, Mr Speaker, because I was looking at the *Hansard* of 20th January, when again we were talking about this issue, and that is when I said, quoting from *Hansard*:

They had from 2006 to 2011 to introduce the legislation, to undertake preparatory work, to do foundation work, set policies, and they did absolutely nothing.'

965 After that, Mr Speaker, there was an intervention from the Hon. the Leader of the GSD
Opposition, and he said in January:

If I can bring that draft to the hon. Lady's attention, will she undertake to withdraw the statement that she has made that we left absolutely nothing prepared at the point of the 2011 election?

So on the basis that that was said in Parliament in January, and I am asked this question and I have not had anything since January, therefore my answer continues to be yes.

970 But, Mr Speaker, anyway I find the question very bizarre indeed, because what does it
matter? I have not seen it, but it is not whether I saw it or I did not see it; it is that nobody, other
than the person who gave it to him and maybe a few other people, ever saw it. Because it may
here I have a document that says 'A Bill', but it is not a Bill that was ever published. It seems to
be a Bill that someone prepared and maybe put in a drawer or did nothing about it. So, it is here
– okay, it is a document, but if it is a Bill that has not been published as a Bill it is the same as if it
975 did not exist. So, even after having seen this, Mr Speaker, my answer really is the same. What is
the point in doing something, or preparing something, or getting someone to prepare something
– I do not know who prepared it, but I certainly had not seen it before – and not doing anything
with it? What is the point, Mr Speaker?

980 And even further more bizarre, Mr Speaker, what is the point in saying this now, in 2016,
when Mr Netto, who I assume was the Minister who had somehow been involved with this, was
sitting in Parliament for the last four years and we have been having this discussion and I have
always been saying the same thing, never did he say, 'Oh, by the way, have they not given you
the draft copy that was prepared when I was a Minister?' If they were really genuinely
interested in helping, then that is what someone had four years to say, and yet the first time Mr
985 Netto referred to it was in his last Budget speech in July of last year.

Mr Speaker, I think we need to move on. We are in 2016. The GSD left office in 2011. They
had plenty of time to do it. They did not do it, because a Bill that appears four and a half years
after they are in Opposition ... well, so what? We have already got a draft Bill which we have
published, which we have consulted on and which we continue to work on. We are the
990 Government, we are the people who are working on it, the people who are progressing on it:
what relevance is there whether someone did this and put it in a drawer five years ago, six years
ago, seven years ago? (**A Member:** Hear, hear.) I think we have more important things going on.

995 **Mr Speaker:** There is, of course, a convention which the Civil Service in Gibraltar are very
careful to uphold, particularly the Chief Secretary, namely when there is a change of
Government the papers of the previous administration are not made available to the incoming
Government.

1000 **Hon. D A Feetham:** Depending on the file.

Mr Speaker: Depending on?

Hon. D A Feetham: The file. Mr Speaker –

1005 **Mr Speaker:** A file which contains material from a previous administration would, in my time,
have been very carefully vetted and the Chief Secretary would only make material in that file
available if the previous administration were quite happy that it should be provided. That is the
normal convention. So what I am saying is that, as a matter of course, when a new Minister
comes in that Minister is not provided with a file – 'Look, by the way, the previous Government
1010 were thinking of introducing this legislation; you may wish to have a look at this.' That is not the
way that the Civil Service has ever worked, or should work.

1015 **Hon. D A Feetham:** Mr Speaker, my understanding is that it actually depends on the file and the way that files are actually filed by the Civil Service. Let me tell Mr Speaker that, whether Mr Speaker is right or Mr Speaker is wrong, in relation to, for example, legal assistance, I left a Bill drafted in relation to legal assistance and that Bill has been constantly referred to by the Government as being inadequate. They have seen it. It is a Bill that I drafted, it was there, so in relation to that example the Bill has been handed out to the relevant Minister. I actually have not complained in relation to that.

1020 The point about this, Mr Speaker, is that the hon. Lady has been, for some time, suggesting that there was no Bill. This is a Bill that was circulated, (*Interjection by Miss S J Sacramento*) a draft Bill.

1025 **Mr Speaker:** In fairness to her, I think she has been saying that she has *seen* no Bill, that no Bill was brought to her attention.

Hon. Miss S J Sacramento: And I had asked for it, Mr Speaker.

1030 **Hon. D A Feetham:** Yes of course, that is the point, Mr Speaker. She has always said, 'I have asked for the Bill, none has been forthcoming.' There was a considerable amount of irony injected in her answers, I remember, when we last touched upon this particular topic, and the inference was that it really was something that did not exist.

1035 Now, this was a Bill that had been drafted, not by me, as Minister for Justice, because although I had a hand, because I was a lawyer, in drafting parts of Bills, I had draftsmen who were involved. I was a member of the committee. My fellow Minister, Jaime Netto, who was constantly referring to this, was also a member of the committee. So too were people of ... stakeholders, and this particular Bill was drafted within the Government, was drafted within the Government –

1040 **Mr Speaker:** By a Government employee?

1045 **Hon. D A Feetham:** – by a Government lawyer, Mr Speaker. And that is why, then, it begs the question, 'Well, what kind of enquiries have been made?' It may well be that it is not the hon. Lady's fault, but the reality is that there were answers about the existence of this particular Bill. What the hon. Gentleman has quite rightly come to the House and said is, 'Well, look, is this still the Government's position?' She has said yes, it is the Government's position. And now he has handed the hon. Lady a draft of the Bill, which has not been drafted by anybody on this side; it has been drafted by a Government lawyer. (*Interjection by Hon. Miss S J Sacramento*)

1050 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the position in relation to files is as you have rightly pointed out, in particular in relation to correspondence, but in relation to work in progress, in relation to a matter which was in the manifesto of the incoming Government, which the hon. Lady has not just told this House ... The hon. Gentleman seems to suggest that it may not be her fault, as if he were forgiving her her life, that she may not have asked for the Bill. It was a matter set out in the 2011 manifesto on which we fought the election.

1060 When we were elected there were many areas where things we were promising to do were things that they had promised to do and were work in progress, and of course you have access to those things. And if, on top of that, we still did not have a Bill, and on top of making enquiry we still did not have a Bill and they spent four years under our first term in Government in this House telling us that there was a Bill, and it has taken them four and a half years to bring it ... Well, Mr Speaker, one would have thought that we were dealing with the most controversial piece of legislation in the history of this Parliament. That is still to come, later this month. Instead, Mr Speaker, we are dealing with a Bill to do something that it appears we all agree we should be doing.

1065 **Hon. Miss S J Sacramento:** And which we have already done and published.

Hon. Chief Minister: And on top of which, as the hon. Lady reminds me, Mr Speaker, we have, in any event, not just sat on our hands in the period, we have produced a new Bill – new because we did not have that one; it may be that the two Bills are very similar, or they are totally
1070 dissimilar because two people will draft the same thing in a different way – and we have published it.

So what is it that we are arguing about? We are arguing about the fact that they have taken four and a half years to bring us that which they said they could have brought us the day after the last election. That is the reality of what this exchange is about. What we need to be doing is
1075 moving on to deliver, for the people who are going to be assisted by the Bill, the assistance that the legislation will give them.

Hon. Members need to work out for themselves whether they just want to be in this Parliament making up arguments, or whether they want to assist this community to progress, in particular those who are going to be assisted by this sort of legislation, for which the hon. Lady,
1080 in my view, now deserves double commendation because she sought a Bill, it was not provided to her and she has gone and done the whole work again because of her interest in delivering for those people. Quite right: she did the right thing.

Mr Speaker: I think the matter has now been amply clarified and we are going to move on to
1085 the next question.

Hon. L F Llamas: Mr Speaker, may I just ask, because when I submitted this question, within that time and now I have seen in the press that there is a second command paper which will be published. I just wanted to know if it would be possible to know when Government intends to
1090 publish that second command paper.

Hon. Miss S J Sacramento: Mr Speaker, there has been no such statement by the Government that there will be a second command paper. Unless the hon. Gentleman has a copy of a statement by the Government that there is a second command paper, I honestly am lost
1095 now as to what he is referring to.

Hon. L F Llamas: Sorry, I have referred to it in an inappropriate manner. I presume it is the same command paper with some revisions to it that will be put out to consultation. No?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman does not understand what consultation papers are. Let me just set that out and then I think he will understand what it is we
1100 are trying to do.

A command paper is when we publish a Bill, not in Bill form but in draft form, for general consultation and issue in an area where there has not been law before. It has been a tradition in the United Kingdom to do that to allow the community not just to deal with the substance of an
1105 issue but to also deal with the detail of how that issue is going to be transposed into law. It happened in the UK for generations; we introduced it after 9th December 2011. Before, you had what was called consultation – you might or might not publish a Bill. That has been done and that process has been gone through. As a result of that process, it has become apparent to us
1110 that there are issues that will affect the business community etc., so what we are doing is we are going to further process of discussion and consultation with those affected stakeholders – Federation, Chamber, Disability Society etc. – in order to produce what will then be published as a final Bill, which will then have its six-week course of publication before it is able to come to this House, unless it were to be certified as urgent under the Constitution.

1115 So there will not be a further command paper, that process has gone, but it does not mean that after a command paper you cannot also do a little further tweaking and consulting before you publish your final Bill.

Mr Speaker: Next question.

1120

ECONOMIC DEVELOPMENT, TELECOMMUNICATIONS AND THE GSB

Q527/2016

Free WiFi –

Availability in public buildings and areas

Clerk: Question 527, the Hon. L F Llamas.

1125 **Hon. L F Llamas:** Mr Speaker, what free WiFi spots are currently available in public buildings or areas?

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

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Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, there are two completely free WiFi spots available in public buildings or areas: the Airport terminal and the Garrison Library. In a further 23 public WiFi spots provided by Gib Telecom in tourist areas, leisure facilities and for the beaches, certain specified Government of Gibraltar websites are accessible free of charge from the opening page, but it is the only thing that is accessible.

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Mr Speaker: Any supplementaries? Okay, next question.

Q528/2016

Training Centre –

Completion of courses by students

Clerk: Question 528, the Hon. E J Reyes on behalf of the Hon. E J Phillips.

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Hon. E J Reyes: Mr Speaker, can the Government confirm by reference to each course available at the Training Centre, how many trainees have (1) successfully completed each course; (2) failed or have unsuccessfully completed each course; or (3) abandoned the course, and, if so, at which point did the trainee abandon the course?

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

1150 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Mr Speaker, the trainees completing the courses at the training centre have been: Wood Occupations, 113; Painting and Decorating, 49; Plastering, 68; Bricklaying, 95; Wall and Floor Tiling, 64; and Plumbing, 41. No trainee has failed the course. Four hundred and fifteen have not completed the course. I am not able to provide at what point in the course each individual was.

1155 **Hon. E J Reyes:** Mr Speaker, would the Minister happen to have, from the figures he now gave us broken down by trade, would he happen to have a breakdown of levels? Was it level 1, 2 or 3? I know in the past I have asked this specifically broken down by level, but, knowing the Minister and his thirst for information, he could well have it there.

1160 **Hon. J J Bossano:** Not in the way the answer has been provided for me. I can go back and ask them for the breakdown by 1, 2 or 3 and let the hon. Member have it, if he wants it.

1165 **Hon. E J Reyes:** Yes, I would be very grateful for that; and, of course, if he does not have it he does not have it. The Minister says he does not know at what stage they abandoned the course and so on. If it is available today or at some other stage, perhaps some reason why the individual abandoned the course. Let me give him an example. A trainee could have completed level 1 and started level 2, and, because a lot of it is actually practice in situ, the training provider at that stage could have offered him a job. Some training providers are extremely good, they have a day release and the trainee goes back to the Training Centre one day in the week, but this one might say, 'Look, it is not in my interest – I want to him here to complete my job. If the Minister does
1170 happen to have the information I would be very grateful if he could share it.

Hon. J J Bossano: I think there are a variety of reasons. There are people who actually sign up and do not even turn up, right at the beginning. There are people who, once they are in it for a few weeks or a couple of months, find out that it is not really what they wanted. They discover it only once they have started and they decide it is not what they want to do and they do not
1175 continue. And there are people who stop attending the course because they find employment and they do not want to carry on being employed at the apprentice rate. Basically, I would say those three categories account for most.

There is no failure because, in fact, people are given the chance to carry on, particularly with
1180 ... I think the City and Guild has got a time limit from initial registration, but the EAL, which was being done previously, and continued because we put the City and Guilds alongside it, I think was more flexible in the number of times that they could carry on trying. There have been people who have taken six or seven years, instead of the normal three, but they have not failed and they have finished up getting their qualifications. But some people, even though their
1185 instructors encourage them not to give up and come back, some people give up because once they have failed they do not want to try again; but from the point of view of the centre, they have not been failed, because the door has been opened for them to have a second try. So, there are the people who do not want to try a second time – which are a minority, I think – and the bulk would be either because they found employment, because they discontinued sometime
1190 during the course when they found out it was not really what they wanted ... There are people, for example, who abandon one course because they find that they are more interested in another trade and they start, as a new one, in another one, halfway through the first one. He knows that, because he was here before dealing with the situation. And there are some who, right at the beginning, put their name down and then, if they find a job or they change their
1195 mind, they just do not turn up on the first day. So, initially, they are included in the number that have registered with the awarding bodies as students, but they do not actually turn up. There are some in that category.

Hon. E J Reyes: Mr Speaker, I am grateful for that. In a friendly manner, can I suggest
1200 something to the Minister? When he is going to try and get some information broken down by levels 1, 2 and 3, and so on, there is an area which is like being in purgatory or never-never land. The actual trainee has completed the training part delivered by the instructor, the phase of the portfolio which the instructors have to check, and the portfolio is handed in. Unfortunately, the certificate cannot be handed over to the individual until the external verifier comes to verify it.
1205 That person is in the never-never. If he is going to provide some statistics, perhaps he could ask

the Training Centre manager to put in that category, because what could easily happen is the Minister in all honesty is going to say 20 have completed, and then, a week later, I say, 'Only 20 have completed?' and the Minister, in a speech, may say, 'because 25 were successful', and it could cross my mind that the Minister is not updated.

1210 So can we bear that in mind when he provides the information? I think I may have seen him across at the Airport – I think there was an external verifier here quite recently, so that information could actually be quite up to date if he does it over the next few days.

Hon. J J Bossano: I am not able to tell him whether the figures that I have given him on completion are based on completion in the sense that the certificate had been awarded. I know that there are people who have finished and have not got the certificate – that I do know; but I do not know whether they have already been included in those numbers, or not.

Hon. D A Feetham: Mr Speaker.

1220

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

Hon. D A Feetham: Yes Mr Speaker, I have come across four situations, and I am going to ask the Minister (1) whether he agrees with me that it is not acceptable, and (2) what the Government can do about this. I have come across four situations, all within the Laguna Estate project, where there have been youngsters who have been training in the various wet trades. They are within months, most of them within three or four months, of level 2 and they have been dismissed from their job, from the company that is employing them and is training them – and is training them also at the expense of the Government, because it is the Government that is actually paying for the training – and they are being dismissed simply because there is not the demand for the labour at this particular time. I think there has been a lull in the labour demand in that particular estate over the last year, and all these happened within the last year.

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1235 Does he not agree with me that it is simply a complete waste and therefore not acceptable that that kind of situation is happening? And what will the Government do about it in order to ensure that those individuals whose training has been cut short just a few months from level 2 are allowed to complete their qualifications so that then they have some qualifications that they can use to defend themselves in the future?

Hon. J J Bossano: Well, I am not going to agree with him that it is completely unacceptable until I investigate it and find out that it is correct.

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Hon. D A Feetham: It is correct, Mr Speaker.

Hon. J J Bossano: Well, he may believe it is correct, but since I am not aware of it I will investigate it.

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I can tell him that, in fact, it is not accurate in the sense that the trainees doing their level 2 are paid by the Government. The Government pays for the day release. People normally go two days to the Training Centre and the employer gets reimbursed the wages, but while they are working they are being productive and the employer pays. *(Interjection)* No, the Government believes in investing in training – otherwise, I would not have the budget that I have – but the point is that I am just putting the record straight that it is not that we pay the whole of their wages when they are doing their level 2. That is to say they have got an employment contract because if they had an employment contract with us, their contract would not have been terminated – it is quite obvious. So, if he says their contract has been terminated it has been terminated by somebody else, and therefore that other person gets reimbursed by us for the period when the trainee is away from the work site and in the Training Centre.

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I will investigate how many people in that category have actually had their training cut short on the basis of the information he has provided and I will deal with it.

1260 **Hon. D A Feetham:** Mr Speaker, it is four who have come to me, and they have come to me within the last three months. We have referred to it, I think, in some communiques, but they have come to me within the last three months. It is four – there must be more.

I have to say that, at the end of the day, even when we were in Government and in Opposition, I have always argued that there is not the amount of jobs available out there to just simply employ Gibraltarians. There is always a spare capacity which needs to be filled up by
1265 foreign workers, in particular Spaniards or Portuguese, a lot of them who work on construction sites. But there is a legitimate grievance by these Gibraltarian youngsters who are faced with a situation that they may be dismissed. I was very careful to ask them the reasons and to see the terms of the termination notice. It was not because they had behaved badly or anything like
1270 that; they had just been terminated. They are terminated within a few months of their level 2 qualification, but there are still Portuguese and Spanish workers who continue to work at Laguna who are not dismissed.

As somebody whose politics has always been from the centre left, I do not want to see any worker of any kind being dismissed from their employment, but the reality of the situation is
1275 that it does appear to me to be extremely unfair and it does appear to me to also be extremely wasteful to have a situation where the Government is paying for people's training and they are dismissed from these companies within a couple of months or three months from their level 2 qualification.

1280 **Hon. J J Bossano:** Well, as somebody from the left left, not the centre left, (*Laughter*) I will investigate and put it right.

Hon. D A Feetham: Mr Speaker, I am prepared to give him the names of the individuals as well, because they have absolutely nothing to hide.

1285 Another supplementary if I may, Mr Speaker: how many people are there being trained at the moment at the Training and Construction Centre?

Hon. J J Bossano: I have not got the figure with me, but if by that he means full time at the centre it is only the people who are in level 1 – and I have not got the figure on that – because
1290 the bulk of the people in the Training Centre are the people who have finished level one and are the ones he is talking about who do level 2 partly in the workplace and partly by going back to the Training Centre.

Hon. D A Feetham: Mr Speaker, the information that we have ... and I did send somebody to
1295 the Training and Construction Centre to ascertain the position for ourselves, but of course somebody going there one day, two days or three days may not have an accurate picture. But it did seem as if there was nobody there during the days we sent individuals to check. So could the hon. Gentleman provide me with this information and perhaps, if his officials are listening to this exchange, provide me with the information of how many people are currently being trained in
1300 the Training and Construction Centre, because the information that we had was that it was certainly level 1, zero. I do not know whether that is the position or is not the position. Let me put it this way: the activity seemed extremely low at the Training and Construction Centre on the days I sent individuals to check it.

1305 **Hon. J J Bossano:** Well, there may not be anybody at level 1 now. The hon. Member should remember we put in 140 level 1 and they have to do the level 2. The people who are doing the level 2 are the same people who did level 1. The level 1 lasts for three months and then we put in three intakes of eight – we put in 24 in one go. Those are the people who then went into the

1310 industry, but of course they were then coming back two days a week. So, you can have either 28 people five days a week or you can have three times as many people two days a week.

1315 **Hon. D A Feetham:** But will he undertake, so that I do not have to ask the question, that his officials ...? In the past, he has also undertaken, but he has not provided me with the information in the past. I hope that this time the information is forthcoming and I do not have to ask the question again.

Hon. J J Bossano: Maybe, Mr Speaker, my memory is finally failing me at the age of 77!

1320 **Hon. D A Feetham:** Yes, Mr Speaker, that is why I asked that the officials listening to the conversation, for them to provide me with the information. I was just joking. No doubt the hon. Gentleman's memory is as good as it was 30 years ago and nothing happens in his Department without the hon. Gentleman's say so. So I hope that his undertaking (*Interjection by the Hon. J J Bossano*) to this House is real and the information will be provided to me.

1325 **Hon. E J Reyes:** Mr Speaker, may I, because I posed the question on behalf of my colleague. My reading of this is that Mr Phillips has requested information in respect of the Training Centre. The hon. Member knows if I had asked the question I would have been more specific: I would have put down Construction Training Centre or Engineering Trade Training Centre. Since the Minister has agreed to take on board to find something, can he do a similar exercise for the
1330 engineering trades? It is to save us both time and hassle. The Minister says he is going to ask for information – he may as well as it for that, because there are different awarding bodies and different trades. I am just giving him advanced notice, as well as expressing my gratitude that he will fish out that information for us.

1335 **Hon. J J Bossano:** Yes, Mr Speaker, I will look at the other centre as well.

Q529/2016
South and North District Post Offices –
Date for reopening

Clerk: Question 529, the Hon. R M Clinton.

1340 **Hon. R M Clinton:** Mr Speaker, can the Government advise when the South and North District Post Offices are due to reopen?

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

1345 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** No, Mr Speaker.

1350 **Hon. R M Clinton:** Mr Speaker, the hon. Member may or may not be aware that the local Pension Association has written, I am not sure whether it was to himself or to somebody else in Government, enquiring as to when these services will be provided in the South and North District Post Offices, and I think it would be only fair to give these pensioners a clearcut answer whether there is an intention to reopen them or not.

1355 **Hon. J J Bossano:** Mr Speaker, at the moment, these two post offices were closed down because there was a concern brought to my notice about the conditions under which they were operating from a health and safety point of view. I sent somebody to see it and they told me it was true, that it was like that.

1360 There was, at the time, a proposal to open sub-offices of the Gibraltar Savings Bank, one in each, which would have required an investment of something of the order of £150,000 in each sub-post office to bring it to the level that was considered necessary from a security point of view. When I investigated the amount of money that was actually handled in the sub-post offices it was quite obvious that it did not justify an investment of that order, and when I further investigated the number of postage stamps that were sold it further indicated that the use to which those offices were being put and the manpower utilisation – he will be glad to know, given his concern that I eliminate waste – did not justify that. In fact, what we were then left with was the fact that some people collected their pension once a month. Well, look, anybody who has got a problem in collecting their pension once a month from where it is available now can contact me without any problem – because nobody has addressed anything to me – and arrangements will be made to get the pension to them in their home if it is needed because they are not able to go and collect it or authorise somebody else to collect it. In fact, when I looked at the figures, over 50% of the people who are collecting their pensions were Moroccan pensioners in the hostels, where once a month somebody can go to the hostel and give them the pension like they would get a pay packet. The idea is that we do not want to inconvenience anybody who, for any particular reason is housebound and cannot collect it, but the way to do it is not to have an office open one day a month or two days a month and have it closed the rest of the time.

1370 When we find a use for those offices, either by making use of them for something for the Government or by making them available for somebody to use either by renting or buying, then that is how it will be done. I doubt that the pension collection function will still be there in those circumstances.

1380 There are people who, notwithstanding that they may go from one end of Gibraltar to play bingo, feel that the pension has to be delivered within a hundred yards of their home. Well, look, the people who cannot go to collect it will have it delivered, if they write to either the pensions office or to my office and say, 'I have a problem', and we will solve the problem.

1385 **Hon. R M Clinton:** Mr Speaker, I thank the hon. Gentleman for his answer and analysis of the effect of the economics of these post offices. Something the Government may wish to consider is to issue a statement saying, based on the economics, that these post offices are not going to reopen, and then just put the matter to rest. It is just a suggestion.

1390 **Hon. J J Bossano:** Ninety-nine per cent of the people who were being provided with a place where they could walk and get it were encouraged initially to either go to Main Street, if they still wanted it in cash, or to have it in a Savings Bank account, where they could go to Main Street and collect it from the Savings Bank account, or to have it to a bank of their choice. So we were left, out of the 6,000 pensioners, with a handful. That handful I am happy to deal with directly and solve the problem that they have.

1395 **Hon. R M Clinton:** Mr Speaker, again, I thank the hon. Gentleman. I do not dispute what he says and how he can help those pensioners who perhaps feel that they need easier access to their monthly pensions. All I am suggesting is that perhaps the Government should finally issue a statement that these offices are not going to reopen and perhaps the signs should be just taken down and the offices then let out, as the Minister suggests, as and when an opportunity arises, but perhaps the wider community should know that there is no intention to reopen these post offices.

1405 So, Mr Speaker, the question is simply: will the Government issue a statement to the effect that these post offices will not reopen?

Hon. J J Bossano: I will bear in mind the hon. Member's suggestions and then take a decision.

1410

Q530/2016
Sinking Fund –
£10 million contribution

Clerk: Question 530, the Hon. R M Clinton.

1415 **Hon. R M Clinton:** Mr Speaker, can the Government please explain the basis for the £10 million contribution in 2016-17 to the Sinking Fund?

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

1420 **Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano):** Yes, Mr Speaker. The basis for the £10 million to the Sinking Fund in the current financial year is that this is the amount that the Government has decided should be contributed to the Sinking Fund in the current financial year.

1425 **Hon. R M Clinton:** Mr Speaker, I thank the hon. Gentleman for that answer, which is obviously entirely accurate but entirely useless to me.

I wonder perhaps if he could try and explain to me what the rationale for coming up with the number of £10 million is. Is it based on a proportion of outstanding Government debt? Is it based on a projected repayment to Government debt? I note, looking at the estimates, that in fact there is no provision for repayment of debt, or in fact increased borrowing, and yet I do not see the aggregate public debt going down by more than £10 million. So I am just curious as to how the number of £10 million was arrived at. There must be a specific formula.

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1435 **Hon. J J Bossano:** Mr Speaker, I know he was not here when the greatest living Gibraltarian used to answer questions from this side. (**Hon. D A Feetham:** Living Gibraltarian.) Living Gibraltarian. There were greater ones who are now ... beginning with Elliott and Nelson and all those others. (*Laughter*) But as he used to remind the House, estimates are estimates. In fact, I think he was the one who started this business of saying A is A and B is B and Brexit is Brexit and exit is exit. He was the first one to do it; he initiated the concept. He used to say 'estimates are estimates', and therefore, in the context of the estimated revenue, which may or may not transpire, and the estimated expenditure, which may not transpire or may be exceeded or may be less, the figure that we thought we could reasonably expect to be able to contribute to the Sinking Fund was the £10 million. It is not determined by the size of the debt or the programme of repayment; it is determined by how much of the £600 million of expenditure in this year's
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1445 book we could afford to allocate for this particular purpose, which is no different, really, from the rest of the book, all of which are estimates or what the Government thinks it is able to spend on a particular thing in the 12 months from April to March. That is how the figure is arrived at.

1450 **Hon. R M Clinton:** Mr Speaker, perhaps the hon. Gentleman could enlighten me, in again, obviously, an estimate: on aggregate public debt, which now includes the Sinking Fund, forecast between £16 million and £17 million, there is only a movement of £4 million, and yet there is no

repayment of debt, and yet the Sinking Fund goes up by £10 million. Somewhere along the line I seem to have lost £6 million. Perhaps he can explain that for me.

1455 **Hon. J J Bossano:** Mr Speaker, the £10 million is the movement he can anticipate between
1st April 2016 and 31st March 2017 – it may go in on 29th March 2017 and it will still be
£10 million in the financial year. The £10 million is what we expect to be able to afford to put
into the general Sinking Fund before the financial year closes. It is likely that that kind of
expenditure will be decided closer to the end of the financial year, because once you put it in
1460 you cannot take it out other than to repay debt. One of the things about the Sinking Fund is that
it is not available to use for anything else, so expenditure of the nature like that is like the
expenditure, for example, of giving money to community care. It is something that is decided
towards the end of the year because it depends on the performance of the other two variables:
the rest of the revenue and the rest of the expenditure.

1465 **Hon. R M Clinton:** Mr Speaker, I thank the hon. Gentleman again, but if we can establish
some basic facts, the forecast aggregate public debt at the end of March 2016 was £446 million
– and I assume that number will be correct. The £10 million relates to the forthcoming financial
year 2016-17. So, if we start with the opening point of £446 million aggregate debt, which may
1470 of course include whatever the existing balance on the fund is at the moment – which I think is
probably a million and a bit, if I recall – the position at the end 2017, 31st March 2017, aggregate
public debt again, is £442 million. Now, as we understand aggregate public debt to be the gross
debt less the Sinking Fund, on the movement of the aggregate debt it would appear that there is
a movement there of £4 million, which can only be from the Sinking Fund because there is no
1475 provision in the estimates for repayment of Public Debt. So the remaining £6 million that is a
contribution to the Sinking Fund then obviously is not going to repay public debt but going to
another purpose.

Hon. J J Bossano: Mr Speaker, the hon. Member has taken a figure of an estimate that is
1480 made at the beginning of the financial year with a projection of what the state of play will be as
a snapshot at the end of the year. The fact is that I could put £10 million tomorrow into the
Sinking Fund, I could repay debt next month and I could borrow more money the following
month, and the £10 million would still have gone in, still have come out, and those figures might
be as he has quoted them or higher, because he is talking about a figure that is put in on
1485 1st April 2016 and relating it to what will be the situation on 31st March in 2017. It does not
mean that the £10 million has to be, as I have told him, at the end of next year. It does not mean
that it has to be like that, and therefore, if it is like that, then the estimate that we have put
there will, in fact, be a lower estimate than is there now. But there is nothing to stop the
£10 million being moved from the Consolidated Fund reserves tomorrow and being put into the
1490 Sinking Fund, and if that happens automatically the aggregate debt will go down by definition.
Right! There is nothing to stop part of the money then being used to repay the aggregate debt,
which would then not have any effect on its size because it has already been accounted for, and
there is nothing to stop more money being put in the next day and the aggregate debt is back
and the net debt is back.

1495 So, you see, the kind of arithmetic that he is doing would only be valid if it was all on the
same day, but in fact there is a separation of 12 months between the date when the figure of
£10 million is put in and the projection of what is going to be the state of play 12 months later,
and in that projection of 12 months later the £10 million is not the only variable.

1500 **Hon. R M Clinton:** Mr Speaker, I thank the hon. Gentleman, as ever. It would obviously help
me enormously if he would undertake at some point in the future to give me the movements on
the Sinking Fund, which I have found elusive to date.

Hon. J J Bossano: I will bear in mind that he needs help.

1505

Q531-533/2016
Figures at 1st June 2016 –
Public debt; liquid reserves; investments and holdings

Clerk: Question 531, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st June 2016?

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

Minister for Economic Development, Telecommunications and the GSB (Hon. J J Bossano): Mr Speaker, I will answer this question with Questions 532 and 533.

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Clerk: Question 532, the Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government please advise a total liquid reserves figure and its constituents, namely Consolidated Fund, Improvement and Development Fund, Government-owned companies, deposits, contingencies and other funds for the following date, being 1st June 2016?

Clerk: Question 533, the Hon. R M Clinton.

1530

Hon. R M Clinton: Mr Speaker, can the Government please advise how total liquid reserves are invested/held, giving details of all Savings Bank accounts and cash held for the following date, being 1st June 2016?

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

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

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Hon. R M Clinton: Mr Speaker, in the past the hon. Gentleman has had no problem in providing me with the debt figures. I fail to understand why in this instance he is not willing to provide them. Perhaps he would be willing to explain.

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Hon. J J Bossano: Yes, Mr Speaker, the Government has decided that this information will be provided at the close of the financial year when the accounts are audited, and not on an ongoing estimated basis.

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Hon. R M Clinton: Mr Speaker, if the hon. Gentleman remembers, in I think it was perhaps one of the last sessions, I asked whether he was going to give updates to the House, or would be willing to give updates to the House at least on a six-monthly basis as to our financial position, and he said he might be so amenable. Does that also now still apply in respect of debt position?

I must say I am somewhat surprised that the Government is no longer willing to disclose on a regular basis what its debt, liquid asset and cash position is.

1555 **Hon. J J Bossano:** Mr Speaker, as regards the supplying of information that I told him was the one that I used to get, that will still be supplied; but the hon. Member will remember that I told him that that was normally provided in January because, in fact, it takes a long time before we know what ... and even then it was with a lot of caveats about the accuracy of the information given, the time lapse in the system that is still there, and hopefully will one day be changed. The reality of it is that the estimating of the state of play at any given time is a level of accuracy that
1560 cannot be guaranteed in any scientific kind of way. For example, there are situations where we are getting invoices that are coming in which are two years old, which have been somewhere in the system. So I will give him, hopefully by January, which will be the time that I get it, which is the time I used to get it on the other side, and I thought when I was there that the Government were getting quicker than me, but in fact now I know that is not the case. I used to get it as soon
1565 as it was done, and that will be an estimate of the revenue we have had in the first half of the year and the expenditure that we have had in the first half of the year, which is what I used to get.

1570 **Hon. R M Clinton:** Mr Speaker, I thank the hon. Gentleman for confirming that information in terms of revenue and expenditure will be made available in January.

However, coming back to the issue of the Government's debt position and cash position, can he confirm my understanding from what he has said this afternoon, which is that the Government is now unwilling to provide the Opposition with any information whatsoever in respect of its gross debt, its aggregate debt, its net debt, or any cash position in between the
1575 dates of the estimates and effectively of Budget sessions?

1580 **Hon. J J Bossano:** The Government has decided not to provide in-between estimates, which may or may not be accurate, and to provide the information when it is confident of the accuracy, which will be when it is finished and audited.

1585 **Hon. R M Clinton:** Mr Speaker, I just heard him say 'when it is finished and audited'. As he knows, the estimate books are not audited; the actual audited Principal Auditor's Report does not come out until several years after the year that is being audited. So, obviously, I presume he means he will give us the information at the estimate time in the Budget session, but not before then. I fail to understand how suddenly the Government has decided that the information that has been given to us quite freely previously is now so hopelessly inaccurate that he will not give it to the Opposition from this date on. What has changed in the period?

1590 **Hon. J J Bossano:** Well, Mr Speaker, the Government has taken a policy decision on this matter, this is the policy decision, and I have informed the hon. Member of the policy decision that has been taken. I do not think I have got to give explanations to the hon. Member of what or why: that is the decision we have taken and that is the information that will be provided.

1595 **Hon. R M Clinton:** Again, Mr Speaker, I am grateful to the hon. Member. Perhaps he will be kind enough to advise when that decision was taken.

Hon. J J Bossano: Between the time that I last answered and this answer.

1600 **Hon. D A Feetham:** Mr Speaker, I think that is an *absolutely appalling, appalling* answer that the hon. Gentleman has provided to what are questions that have been asked every single month for the last four years, and the hon. Gentleman has provided me with the answer,

because these are standard questions that I have been asking, and then when the hon. Gentleman took over he has been asking, about gross debt, cash reserves and net debt.

1605 Isn't it the reality that the hon. Gentleman just simply does not want to provide the information? Of course net debt shoots up during the course of the year, and then the hon. Gentleman opposite somehow managed to bring it down for the purpose of the Budget, and then, shortly after the Budget – as I mentioned in my own speech, and the hon. Gentleman also in his speech – then it shoots up.

1610 The reality is that the community at large would never be getting an accurate picture of where we are, with net debt in particular – because we know what gross debt is – net debt in particular, and cash reserves, and the hon. Gentleman just simply does not want to provide that information and wants to continue operating behind that curtain of non-transparency that the hon. Gentleman feels most comfortable, it has to be said, operating when it comes to these matters.

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Hon. J J Bossano: I do not agree with anything the hon. Member has said, Mr Speaker.

1620 **Hon. D A Feetham:** Mr Speaker, why does he now think that the information that he is providing and has provided every single month for the last ... it is not even four years, it is five years, was accurate and was perfectly proper for the hon. Gentleman to provide – in other words, what the net debt for the community every month was – to this House, and now all of a sudden he says, 'Well, I am concerned it is going to be inaccurate, and therefore I am not going to be providing it.' What made it accurate then and inaccurate now, Mr Speaker?

1625 **Hon. J J Bossano:** Mr Speaker, I do not know why he asks that question. I have not said it was accurate then and is inaccurate now.

Hon. R M Clinton: Mr Speaker, today is a sad day for us in Parliament, (*Laughter*) a very sad day, because I fear this is –

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Mr Speaker: Let me make my position clear, as Speaker. (*Interjections*) There have been a series of very important questions, three down on the Order Paper, very important supplementaries have been put by the two Members of the Opposition – no problem for me. But I have a problem at the moment that hon. Members think that we are going to have, this afternoon, a debate on this issue, because that I am not going to allow.

1635

The Hon. Mr Clinton.

1640 **Hon. R M Clinton:** Thank you, Mr Speaker, and I will perhaps reserve my comments for the forthcoming motions, which will no doubt be informative to all. I guess, Mr Speaker, following your own rulings I really should sit down, otherwise I will be making a speech which I know you would not like.

Hon. J J Bossano: Can I just say I am sad, Mr Speaker, that I make him sad, because I am very fond of the hon. Member.

1645

A Member: Hear, hear. (*Banging on desks*)

Hon. R M Clinton: I can only echo that sentiment.

Questions for Written Answer

1650 **Clerk:** We now proceed to 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 W36/2016 to W55/2016 inclusive.

1655

Order of the Day

ADJOURNMENT

Clerk: Order of the Day, Government Motions. The Hon. the Chief Minister.

1660 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn to Friday, 7th October at 10 a.m.

Mr Speaker: The House will now adjourn to Friday, 7th October at 10 a.m., when we will be dealing with the Chief Minister's motion. That will be the main subject on the Agenda and we will start off with that motion.

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The House adjourned at 5.26 p.m.