



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 11.17 a.m.

Gibraltar, Monday, 17th December 2012

## The Gibraltar Parliament

*The Parliament met at 9.20 a.m.*

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

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

### PRAYER

*Mr Speaker*

## Order of the Day

### CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Monday, 17th December 2012.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 15th and 16th November 2012.

5 **Mr Speaker:** May I sign the Minutes as correct?

*Members voted Aye.*

10 *Mr Speaker signed the Minutes.*

**Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid.

15

**DOCUMENTS LAID**

**Clerk:** The Hon. the Chief Minister.

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2012.

**Mr Speaker:** Ordered to lie.

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**Clerk:** The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

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**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker I have the honour to lay on the table (1) the Financial Conglomerates Regulations 2012; (2) the Financial Services (Capital Adequacy of Investment Firms) (Amendment) Regulations 2012.

**Mr Speaker:** Ordered to lie.

35

**Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.

## Questions for Oral Answer

40

### **SPORTS, CULTURE, HERITAGE AND YOUTH**

#### **City Fire Brigade Vehicle exhaust extractor system**

45

**Clerk:** Question 1016/2012, the Hon. Mrs I M Ellul-Hammond.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for the City Fire Brigade give the date of when the supply and maintenance of a vehicle exhaust extractor system for the City Fire Brigade went out to tender?

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

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**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, this is publicly available information. The tender notice for the supply and maintenance of the vehicle exhaust system was published in the *Gibraltar Chronicle*.

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**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister give me the date of when it appeared in the *Gibraltar Chronicle*?

**Hon. S E Linares:** Mr Speaker, 10th July 2012.

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#### **Gibraltar Cricket Association Playing facilities**

**Clerk:** Question 1017, the Hon. E J Reyes.

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**Hon. E J Reyes:** Mr Speaker, can the Minister for Sports and Leisure say what GSLA-administered playing facilities, meeting the requirements set out by the ICC, are presently available for use by the Gibraltar Cricket Association?

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

75 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the Victoria Stadium is currently the only playing facility directly under the responsibility of the GSLA which is used for playing of cricket and which has been used for ICC/ECC matches.

80 **Hon. E J Reyes:** Yes, Mr Speaker, I see the Minister said that it has been used. Is it available today after the resurfacing? Is that place now available and suitable, meeting the required standards for cricket games?

85 **Hon. S E Linares:** Mr Speaker, there is another question on the Order Paper which should answer that, but the answer is yes.

#### Gibraltar Cricket Association Discussions re new facilities

90

**Clerk:** Question 1018, the Hon. E J Reyes.

95 **Hon. E J Reyes:** Can the Minister for Sports and Leisure state if he has, since the answer to Question 934/2012, held discussions with the Gibraltar Cricket Association in respect of providing renewed facilities for the playing, teaching and development of the sport; and, if so, provide details of any agreements reached?

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

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**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, since my answer to Question 934/2012, I have met with the representatives of the Gibraltar Cricket Association in respect of providing renewed facilities for the playing, teaching and development of the sport. No agreement has yet been reached.

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#### Sports grants Details of payments made

110

**Clerk:** Question 1019, the Hon. E J Reyes.

115 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of payments made since his answer to Question 935/2012 in respect of sports grants for each of the following: (a) grants to sporting societies; (b) international competitions; (c) sports development projects; and (d) hosting of special sports and leisure events?

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

120 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the following are the payments made, since my last answer to Question 935/2012, in respect of sports grants: grants to sporting societies, nil; international competitions, nil; sports development projects...

125 Mr Speaker, there is a whole list here. There are eight items, which I would rather, if the hon. Member will... I will pass it on to him, but I will read it, if he wants: darts, world competition, singles, £1,725; chess competition, India, £1,200; golf, Asia tour, £1,098.97; football competition, £3,319; pro tour golf, £2,750; chess competition, London, £3,638; swimming, coaching development, £965; and pro tour golf, £2,750; hosting of special sports and leisure events, nil.

130 **Hon. E J Reyes:** Yes, Mr Speaker, I would be grateful if the Hon. Minister could give me a copy of that.

Can I ask him for a slight expansion on two of the items of the eight he has mentioned? In respect of the game of golf, can he give... One of them... I think he mentioned Asia, or something – can he elaborate something else on that?

135 **Hon. S E Linares:** Yes, Mr Speaker. These are items that, before we put what is the Elite Athletes Assistance... We are trying to help athletes before that vote is put into the Budget for next year, and this

is one of the items. There is a golf player – a Gibraltarian golf player – who will be going to an Asia tour, and he is being sponsored, basically, by the GSLA.

140 **Hon. E J Reyes:** And the other golf item, Mr Speaker? Is it the same person? Is it something different?

**Hon. S E Linares:** Not the same person, but a similar situation.

145 **Hon. E J Reyes:** Yes, I will just wait for a copy of that, when possible.

**Victoria Stadium football pitch  
Certification for international competitions**

150 **Clerk:** Question 1020, the Hon. E J Reyes.

155 **Hon. E J Reyes:** Can the Minister for Sports and Leisure confirm if the new football pitch playing surface recently installed at the Victoria Stadium already enjoys full approval and certification meeting UEFA and/or FIFA standards for the playing of international competitions; and, if so, when was this certification granted and by whom?

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

160 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the new 2 Star synthetic playing surface installed at the Victoria Stadium was inspected and tested by an independent specialist laboratory approved by UEFA and the International Rugby Board. The results of those tests are due to be submitted to UEFA, FIFA and the IRB by the laboratory, and subsequently certification, if approved, will be issued.

165 **Hon. E J Reyes:** Mr Speaker, does the hon. Member have a rough expected date by when we expect to have the final verdict from the inspections carried out?

170 **Hon. S E Linares:** Mr Speaker, I think it will be within the next few weeks at the most.

**International Symposium on ‘History of the Spanish Masonry’  
Breakdown of expenses**

175 **Clerk:** Question 1021, the Hon. E J Reyes.

180 **Hon. E J Reyes:** Further to his answers to Question 836/2012 and Question 939/2012, is the Minister for Culture now in a position to provide a full and detailed breakdown of expenses incurred in respect of his Ministry’s £28,000 sponsorship of the International Symposium on the ‘History of the Spanish Masonry’, which was held in Gibraltar during the month of October 2012?

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

185 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to my answer to Question 836/2012 and Question 939/2012, I now hand over to the hon. Member opposite a detailed schedule with a breakdown of all income and expenditure appertaining to the International Symposium on the ‘History of the Spanish Masonry’.

190 Mr Speaker, I may add to note that the enclosed accounts are still awaiting final auditing.

**Hon. E J Reyes:** I understand, Mr Speaker, but can I just clarify, although they may be expecting final audit, we do not expect any further receipts to be submitted for reimbursement – is that correct?

195 **Hon. S E Linares:** No, it is not expected to have any more receipts.

**ANSWER TO QUESTION No. 1021/2013**

**Income**

Government of Gibraltar	£28,000.00		
Gibtelecom	£5,595.00		
Hassans	£5,328.00		
Cash (paid)	£389.00		
Delegates subscriptions			€ 10,029.00
<b>Total</b>	<b>£39,312.00</b>	<b>Total</b>	<b>€ 10,029.00</b>

**Expenditure**

Receipt No.		Cheque No.	
1	Hotel acc/gala dinner/ hire of hall/meals/etc	£21,642.30	1562359
2	Transport/Rock Tour	£964.00	1562358
3	Pens (promotions)	£128.91	1562357
4	GMI Caterer	£1,100.00	1562351/1562356
5	Printing costs	£2,716.35	1562355
6	Re-enactment Society	£280.00	1562352
7	Catering Garrison Lib	£2,200.00	1562353/1562354
8	Hire/Security Garrison	£174.60	paid in cash
9	Garrison Lib drinks (june)	£310.00	1562354
10	Stamps	£13.65	1562354
11	Invitation cards	£12.40	1562354
12	Stationery	£57.55	1562354
13	Caleta meals (June)	£29.35	1562354
	Bank charges (cheque Bk)	£25.00	
		<u>£29,654.11</u>	
	Bank Balance	<u>£9,657.89</u>	

**Expenditure**

Receipt No.		
14	Leather Folders	€ 950.00
15	Bus transfer Alg/Gib	€ 120.00
16	PVC Banners	€ 224.15
17	Posters	€ 600.71
18	Posters	€ 712.63
19	Flights VIP	€ 783.49
20	Flights/acc June	€ 1,113.59 *£475 @ exchange rate 1.35
		<u>€ 4,504.57</u>
	Balance held by CEHME	€ 4,481.58
	Balance held in cash	€ 1,042.85
		<u>€ 10,029.00</u>

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**Gibraltar Music Festival 2012  
Payments to Axel Media and Word of Mouth**

**Clerk:** Question 1022, the Hon. E J Reyes.

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**Hon. E J Reyes:** Can the Minister for Culture state if, further to the answer to Question 940/2012, any additional payments have been made to the £25,000 already paid to Axel Media and the £30,000 also already paid to Word of Mouth in respect of the production and organisation of the 2012 Gibraltar Music Festival?

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

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**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to the £30,000 already paid to Word of Mouth in respect of the production and organisation of the 2012 Gibraltar Music Festival, additional payments have been made to them to cover the costs for: Jessie J, penthouse rental £4,331.92; Huri Television, £7,722.71; companies setting up lights, sound, stage etc on the day, £28,492.84; and sundry expenses, £596.

Mr Speaker, no additional payments have been made to Axel Media.

Mr Speaker, I will do likewise by passing this to the hon. Member.

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**Hon. E J Reyes:** I am most grateful for that, Mr Speaker.

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**Cultural Grants  
Details of awards**

**Clerk:** Question 1023, the Hon. E J Reyes.

230

**Hon. E J Reyes:** Can the Minister for Culture provide details of any further cultural grants awarded, if any, since the reply to Question 941/2012?

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

235 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the information requested is posted and updated on the Gibraltar Government website. It is in the statistics section of the Gibraltar Government website.

240 **Hon. E J Reyes:** Yes, Mr Speaker, I am aware of that. However, when the deadline for questions comes and I look at those tables, I see that the last time they were updated tended to be during the month of March. Being now in December... hence why, on some items, I do pose a question, because I am not fully updated with the information, and hence it is a way of being as up to date as one possibly can.

245 **Hon. S E Linares:** Mr Speaker, the last update was a few weeks ago, so I do not know how the hon. Member is saying in March. Nonetheless, Mr Speaker, what I will do is I will check on the website, and during the course of the day I will give him an update, as in from the website, because it is updated very regularly. I think the last payment was made two weeks ago and I asked my staff to notify IT to put it in – and they checked, and it was in.

250 **Hon. E J Reyes:** Yes, Mr Speaker, this is exactly what I am getting at. It was last updated a few weeks ago, hence I am referring to over four weeks ago, a month, so I do pose these questions. Sometimes what has happened, and the Clerk of this House has very kindly helped me as well to locate it, is that it seems the IT section actually updates after the deadline for the submission of questions comes.

255 So, I am not trying to be awkward; it is just that I want to ensure that, from some source or another, I do have information that is as updated as possible on a monthly basis.

#### **Victoria Stadium Improvements required to meet UEFA standards**

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**Clerk:** Question 1024, the Hon. E J Reyes.

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**Hon. E J Reyes:** Can the Minister for Sports and Leisure provide full details of all improvements and/or modifications which will have to be carried out at the Victoria Stadium, inclusive of players', officials' and spectators' facilities, in order to meet the minimum UEFA requirements for the hosting of official international football matches?

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

270

**Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, for the moment, the facilities at the Victoria Stadium have been upgraded to meet UEFA/FIFA requirements by replacing the playing surface with a 2 Star synthetic turf, upgraded flood lights, and new substitute benches which will be set up in the very near future.

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Government is awaiting confirmation from UEFA, principally via the GFA, of any other requirements which may be required for official competitions, and has already expressed its commitment to provide for these, as and when necessary.

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**Hon. E J Reyes:** But can I have any substantial indication of what type of improvements would be required in respect of players', officials' and spectators' facilities?

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**Hon. S E Linares:** Mr Speaker, we are awaiting UEFA and GFA to give us whatever they need, as and when necessary. What they have required up to date is what we have facilitated. We have facilitated a 2 Star Astroturf synthetic turf, we have put in new benches for the managers and coaches and floodlights which are – the hon. Member was watching a football match with me the other day – much brighter, and are the requirements of UEFA. What we are awaiting now is for the GFA to give us the whole list that is sent by UEFA to start continuing the upgrade that we are already doing. So, basically, there is no more until they give us the list of what they require, and we will do, as and when necessary, all the works that need to be done.

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**Hon. E J Reyes:** Just to be doubly sure that I have understood the Minister correctly, requests that he has received from the Gibraltar Football Association have all been fully met and, to use footballing terms, the ball is actually in the GFA's court for them to submit a further list of requirements – is that correct?

295

**Hon. S E Linares:** Not the GFA. The GFA will give us the list, but it is UEFA that actually gives it to the GFA and then probably to us, because UEFA does not directly deal with us, it deals with the GFA.

Therefore, UEFA will make the GFA have the requirements, the GFA come to us, we will look at the list that they need, and we will do it.

300 **Hon. E J Reyes:** And yet I am being led to believe, by the GFA, that they have submitted some sort of list, which is why I was asking the Minister for that officially, that they have already submitted the list of requirements that they would need in the short, medium and long term; yet the Minister does not seem to be able to coincide with that version of having received the list of requests.

305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, because this is a UEFA matter, it is not just being discussed with the hon. Gentleman's Ministry – it is also being discussed with mine.

It is true to say that the GFA have discussed with Government a number of potential improvements that are likely to be the ones that UEFA will require if there is accession, if I can call it that, but there are not yet, as far as I know, clear and defined criteria of exactly what it is that UEFA will actually require, although I think it is fair to say we have an indication of what it is that is likely to be required.

310 But as we move towards the stage where UEFA membership becomes a reality, that is more likely to be set out more objectively by UEFA via the GFA, and the GFA with UEFA. I do not think this is just a question of an imposition; it is a question of a discussion between the national footballing association and UEFA.

315 **Hon. E J Reyes:** Yes, that does help to clarify matters tremendously.

Mr Speaker, I do not know if you consider it appropriate or not, but referring back to Question 1023, where the Minister said that the information in respect of the cultural grants was available under the statistics section, I am informed now, having had a quick browse at the website, that information was not made public until 12th December, which is actually beyond the deadline for submission of questions.

320 I know, in the past, the Chief Minister actually stepped in and said that if I had requested information by the deadline of Question Time and it had not yet been uploaded on the website, he would provide an answer in the House. Therefore, Mr Speaker, I do not know how the Minister can help me, but as at the time of the deadline of Questions, that information was not available on the website, therefore I do not have the complete answer, shall we say, for Question 1023.

325 **Hon. S E Linares:** Mr Speaker, just to make the point – and he has just proved it – that we will be updating all the time, so as and when information comes to us we will be putting it on the website.

330 The fact that this time it coincided in between the Question Time and the time that we are sitting here now is...

**Mr Speaker:** That is not satisfactory, I do not think, with all due respect to the Hon. Minister, because a date is fixed for a meeting of the House – 17th December – Questions are in a week before, on the 10th, and therefore I think it is incumbent upon the Minister, and those civil servants who draft answers, to ensure that if that information has not been published on the website before 10th December, then the answer should be provided here in the House.

335 Surely there is no great difficulty in checking, and the information that went onto the website on the 12th could very easily have been made available in the answer that the Minister should provide here this morning. I do not think that that is satisfactory, and I think that it is incumbent upon the Minister, upon the Government, to sort that out.

340 The Members of the Opposition are perfectly entitled to put in a question a week before the date on which the House is going to meet.

345 **Hon. Chief Minister:** Mr Speaker, if I might, I agree with you, it is very unsatisfactory, in fact, that information which should be published on the website should not have been published before the deadline when a question is going to be asked. That is what the Hon. Mr Reyes said that I have already said to the House, and that is the position of the Government.

350 If, by the time that the deadline for questions expires, the information which the hon. Gentleman is asking for is not public on the Government website, then that question, as far as I am concerned – it is a matter entirely for Mr Speaker – is a question which is in order and must be answered, including providing the information in this House. Even if it has subsequently been provided on the website, it must be provided in this House, and this House can be told that the information is now on the website, but it is not satisfactory to say in this House that the information was public at the time that the question was asked, because it was not.

355 Therefore, Mr Speaker, I will make sure that this is passed on to all the Departments that are responsible for the answering of questions, so that the very satisfactory and forward-looking and positive facility which is being provided by the Government to provide the statistical information online – which is the lexicon of publication on the website – does not create more problems than it is designed to resolve.

If the hon. Gentleman on this side of the House has the information available, I would encourage him to give it to the hon. Member opposite.

360

**Mr Speaker:** I am grateful to the Chief Minister.

**Hon. S E Linares:** Mr Speaker, I will make that information available straightaway.

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As I said in the answer to my Question, I even thought that this information was published two weeks ago, as opposed to on the date it has been published. Like the Chief Minister says, I will make sure that, as from now on, any question, if a question is posed, that the information is not even posted until it comes to the Parliament. That could be a way in which we can deal with it.

Therefore, I apologise on behalf of my staff if they have inadvertently, in a rush, put the information in between the time of the closing date of the questions to the date when we sit in Parliament.

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**Mr Speaker:** Very well. Next question.

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## HEALTH AND THE ENVIRONMENT

### Temporary power plant Update on installation

380

**Clerk:** Question 1025, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment provide this House with an update in relation to the installation of the temporary power plant announced in November this year?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, all the equipment arrived in Gibraltar on 4th December. Energy International and the GEA commenced testing on Friday, 14th December and, all going well, all units should be operational by 21st December.

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### Barbary macaques Injuries reported to St Bernard's Hospital

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**Clerk:** Question 1026, the Hon. S M Figueras.

**Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment provide details of all incidents reported to or at St Bernard's Hospital of injuries sustained by persons, whether local or foreign, as a result of unwanted contact with Barbary macaques, including but not limited to ape bites, scratches, bruising, shock and any other injury, for the last 12 months?

400

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

405

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the information requested by the hon. Member is contained in a schedule, which I now hand over to him.

Let me point out, Mr Speaker, that the data is collected as bites only.

Answer to Question 1026

MONTH	APE BITES
January	1
February	1
March	5
April	4
May	5
June	6
July	9
August	18
September	8
October	2
November	7
December	Pending
<b>TOTAL</b>	<b>66</b>



410 **Hon. S M Figueras:** Mr Speaker, would the hon. Member be able to clarify whether the reason why the data is collected as bites only is because that is the *only* type of incident reported at St Bernard's Hospital?

415 **Hon. Dr J E Cortes:** Mr Speaker, I suspect that that might well be the reason. In asking for the data, the only data that was available was that of bites. I suspect that there will be fewer reports of others. I can always check whether there is other data available in relation to the macaques, but the information that I have at the moment is that is the only data that is collected.

420 **Hon. S M Figueras:** Mr Speaker, with all due respect to the Hon. Minister, to say that he will check if there is any more information is somewhat unsatisfactory – to the extent that I asked in the Question for information relating to those incidents.

425 If, in fact, those enquiries have not yet been made, I would urge the Minister to explain why it is that, if there is a possibility that information exists and those incidents have taken place, why the answer is not provided.

**Hon. Dr J E Cortes:** Mr Speaker, my impression and the information that I have is that that is all the data that is collected.

430 The reason why I offered to check is just in case, by way of being helpful to the hon. Member, I can go back and see whether, in some other form and some other area, that information is collected. I doubt it, but I thought I would offer that as a gesture to try and be helpful. I think it is the other way round to what the hon. Member is trying to suggest.

435 **Hon. S M Figueras:** Mr Speaker, I am, as always, grateful to the hon. Member for providing the information and for offering to be additionally helpful. I merely raise the point as one which I think is valid, given the fact that the Question asked for specific information. I will look forward to further clarification, if it is, in fact, forthcoming.

440 **Barbary macaques**  
**Progress re exportation**

**Clerk:** Question 1027, the Hon. S M Figueras.

445 **Hon. S M Figueras:** Yes, Mr Speaker. Can the Minister for the Environment confirm whether or not there has been any progress with the exportation of Barbary macaques from Gibraltar since I last asked this question in November this year?

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, new contacts in Morocco seem to be opening doors to this possibility, which now appears much more likely than a month ago.

455 **Hon. S M Figueras:** Is the Minister, Mr Speaker, able to provide any kind of indication of what those opening doors constitute for the community?

460 **Hon. Dr J E Cortes:** Yes, Mr Speaker, on two fronts. The Chief Minister attended a number of meetings in Morocco a few weeks ago, and among the many subjects covered this was one of them, and that seems to have opened doors which, in the past, were not open.

465 Also, there has been renewed confirmation, since the last meeting, from the scientific contacts that the sites where release is possible have been identified, and therefore the technical side seems to be going in the right direction – much more so than a month ago – and, if the political side continues to be cleared, as I have mentioned earlier, then it is, as I said, much more likely than it was a month ago.

470 **Hon. S M Figueras:** Mr Speaker, the hon. Member refers to doors opening in Morocco. Could I ask the Minister to clarify two points: one, whether the Tunisian contacts – or Tunisian project, if we were to call it that – have progressed any further since we last spoke of them; and secondly, whether he can provide any clarification as to whether the sites of release are in respect of the Moroccan contacts or the Tunisian ones?

475 **Hon. Dr J E Cortes:** Mr Speaker, to answer the second part first, the sites identified have been identified by scientists in the University of Rabat and they are specifically for Morocco. I do not have a list of the sites; I have just been told that they have the list available as and when this project comes to fruition, which I sincerely hope it does.

480 Regarding the Tunisian authorities, renewed contacts have been attempted and we are awaiting a reply. We must remember that there was a change of Government about a year ago or so, or maybe it was more – the Arab Spring episode – and therefore a lot of the people who were there at the time when this was originally started, in 2006, are no longer there, and therefore we are attempting to re-establish those contacts.

485 **Hon. S M Figueras:** Perhaps it is good to clarify that the Arab Spring did not bring about the change of Government here, but I am grateful for the information that the Hon. Minister has provided. I will pursue the matter further [*inaudible*]. I will pursue the matter further.

Thank you, I am grateful.

490 **GHA review of progress  
Request for publication of report**

**Clerk:** Question 1028, the Hon. Mrs I M Ellul-Hammond.

495 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister for Health now in a position to publish the results of the GHA review of progress commissioned in June 2012 and completed in August 2012, costing £96,471, and to make the report available to this House, seeing that all GHA board members, GHA executive members and senior clinicians have had sight of it?

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

505 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Yes, Mr Speaker. I should point out, Mr Speaker, that the review has been shared with the board and the executive, both include clinicians, but not generally with other members of staff. I expect that it will be published early in the first part of the New Year.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, could the Minister elaborate why early on in the New Year, and not now?

510 **Hon. Dr J E Cortes:** Mr Speaker, the view of the boards, or the bodies, that I have discussed it with is that the report will identify a number of areas where improvements need to be carried out, and it was felt by both these bodies – and it is advice that I am heeding – that we wish to have the structures clearly identified, that will address a lot of these problems, more or less at the time of the publication of the report.

515 As I say, this will now not take very long. With the coming few weeks of Christmas, I suspect that it will be shortly after that that we will feel that we are in a position to publish it.

520 **Acting CEOs of GHA  
Remuneration**

**Clerk:** Question 1029, the Hon. Mrs I M Ellul-Hammond.

525 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state how much Mr John Langan and Mr Ernest Lima will be getting paid for their role as Acting Chief Executive Officers of the GHA?

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

530 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the remuneration for Mr Langan and Mr Lima will be approximately £16,667 per month for both. For the avoidance of doubt, this is for both together, and not for each. This is equivalent to a rate of about £200,000 per annum for both, or £4,000 less than the remuneration of the last incumbent.

535 Mr Langan will be performing the full functions of Chief Executive in an interim but not in an acting capacity, with Mr Lima in a supporting and advisory role.

Mr Lima will also be providing advice to me, as Minister, on health issues at ministerial level, which are separate from the Health Authority.

540 No definite date has been set for the cessation of these arrangements, although it is intended they should run for six to nine months.

**Hon. Mrs I M Ellul-Hammond:** I am grateful for that, Mr Speaker.

Could the Minister provide a breakdown of the £16,667 per month? How much of that will Mr Langan be getting, and how much Mr Lima?

545 **Hon. Dr J E Cortes:** Mr Speaker, this may well vary on a month-to-month basis. There is a flexible arrangement. I suspect that it will be approximately two-thirds Mr Langan and one-third Mr Lima, because Mr Lima will not... Well, Mr Lima says he will not be working full-time, although as Members on both sides of this House know, that probably means he will be working full-time, but that is probably the way that this will be divided.

550 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, how will the payment be calculated? Is it by number of hours put in?

555 **Hon. Dr J E Cortes:** This is the likely way in which this will be done.

**Dr David McCutcheon  
Performance as CEO of GHA**

560 **Clerk:** Question 1030, the Hon. Mrs I M Ellul-Hammond.

565 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health inform this House which specific performance indicators, as stipulated in his contracts, Dr David McCutcheon failed to deliver on as Chief Executive Officer of the GHA, together with details of which performance indicators Dr David McCutcheon did deliver upon?

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

570 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, this is a difficult Question for me to answer – I have no problem in saying that – as I worked with Dr McCutcheon for only nine months before he resigned. It is a Question which could better be answered by the former Minister, or indeed by the hon. Member, as she was a member of the board of the GHA from 2007, including the time in 2010 when Dr McCutcheon's contract was last renewed.

575 In my statement at the last sitting of Parliament, I referred to performance indicators in the context of the two renewals of Dr McCutcheon's contracts. Mr Speaker, there are performance indicators which define aims that will be recurrent and that therefore one would expect to be repeated in recurring contracts, regardless of how well they may have been fulfilled. I would give, as examples, the management of the budget or the ensuring that statutory duties are fulfilled.

580 Other indicators, however, set specific targets that are either achieved or are not. Inclusion of such targets in successive contracts can reasonably be considered as an indication that they have not been met, especially where specific deadlines are given. Examples of these in this case would therefore be elimination of waiting lists, introduction of effective clinical and non-clinical risk management process, and commissioning of new information and technology systems.

585 Therefore, in these and similar cases, it must be taken as understood that at the time of contract renewal, in 2007 and 2010, the then Minister, or the Government, did not consider that these targets had been met.

590 On whether other targets had been met at the time I can only speculate, as I ceased to be a board member in 2007 and the hon. Member was appointed in my place. All I can do is give an opinion in relation to how I have found things now.

**Consultant orthopaedic surgeon  
Locum cover**

595 **Clerk:** Question 1031, the Hon. Mrs I M Ellul-Hammond.

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise this House who provided locum cover for the consultant orthopaedic surgeon while he was away from work last month, together with details of the period of cover?

600

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

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, no locum was engaged for the consultant orthopaedic surgeon in November.

605

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say how many consultant orthopaedic surgeons then were available for the four-week period that one of them was away?

**Hon. Dr J E Cortes:** Mr Speaker, the reason why no cover was provided is that, under the terms and conditions of the consultant in question – which go back to certainly well before my time, as both the consultant orthopaedic surgeons were employed before I took over as Minister for Health – they have an arrangement in which they do 10 weeks cross-cover, and this is a general arrangement that they have between them.

610

615 However, had this happened before 1st October, there would only have been one consultant orthopaedic surgeon, but as we engaged an associate specialist in orthopaedics on 1st October, that means that now, when one of the consultants is away, there are, in fact, two and not one in place, as was the case before 1st October. This is except for one period of one week when the associate specialist was, in fact, away. So, for three weeks there were two orthopaedic surgeons available; for one week there was one.

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As I say, had this happened before 1st October, there would only have been one throughout the period.

**Health and Safety audits and assessments  
Availability of document to Members**

625

**Clerk:** Question 1032, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, further to the answer in Written Question 180/2012 could the Minister for Health inform Parliament why an internal document of the GHA in relation to the Health and Safety audits and assessments should be denied to elected Members of Parliament?

630

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

635

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, because these are working internal documents of the GHA.

**Hon. J J Netto:** Does he mean, therefore, that once they are finalised they can be made available to Parliament, if requested?

640

**Hon. Dr J E Cortes:** Mr Speaker, the written question last month referred to a large number of internal documents. I would have no objection to specific ones for specific reasons, which are causing concern, being made available when they are finalised, absolutely; but I think the concern would be in... when the question was asked as a written question last time, was that providing a whole dossier of a lot of Health and Safety documents going back a number of years, which were working documents, was probably not something that should be done.

645

But, if anyone requests it specifically, once they are completed, then clearly, like we did in the case of the kitchen, which was provided, there will be no problem in providing it.

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

**HOUSING AND THE ELDERLY**

**Alameda House, Alameda Estate  
Repairs to lifts**

655

**Clerk:** We are now going to move on to the questions which are being put to the Minister for Housing and the Elderly.

660

Question 1037, the Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, further to the reply to Question 969/2012, can the Minister for Housing now provide this House with details for the period 1st October to date of how long it took for repairs to be undertaken since the breakdown reports were first lodged in respect of the two lifts at Alameda House?

665

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

670

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, all lifts are attended within an hour and effective repairs undertaken within four hours.

**Hon. E J Reyes:** Mr Speaker, I do not quite understand. If, in the last House, the answer was that the lifts had still not been repaired, and I am now asking how long it took for repairs to be undertaken, it does not coincide with the last answer if it was fixed within  $x$ -number of hours.

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**Hon. P J Balban:** Mr Speaker, I do not know whether the hon. Gentleman is referring to... that the lifts in question had taken longer – is that what the Gentleman is asking?

680

**Hon. E J Reyes:** Yes. If I recall properly, Mr Speaker, last time, one of the lifts were broken down, they were still awaiting finalisation of repairs. Therefore, I am asking how long it took for the repair to be undertaken – I take it it has been completed by now – since the report was first lodged until the lift was finally fully functional again. How long was that period?

685

**Hon. P J Balban:** Mr Speaker, I am informed by the members of the Department that lifts are repaired within two hours, normally, and up to four hours maximum. The only time that a lift can take longer is when they are affected seriously by instances of water penetration, and in those instances then repairs can take substantially longer. But, generally speaking, no lift will take more than four hours to be repaired from the point after they have been reported.

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**Hon. E J Reyes:** Yes, Mr Speaker, I understand that part, but in this case we were talking at last month's meeting that the lift was still undergoing repairs and had not been completed, and my Question is asking how long it took for the repairs to be undertaken. I do not know clearly whether the lift is now fully functional, if it is still undergoing repairs. Whether it was water penetration, or whatever the cause might be, how long was that period from the lift breaking down to the actual... fully operational of the lift again?

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**Hon. P J Balban:** Mr Speaker, as I said, I am not entirely sure how long that lift in question took to be repaired, but the answer provided to me by the Department said it would not have taken more than four hours from the point that it was reported.

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**Mr Speaker:** Perhaps we have a difficulty, and that is for the record, of course, it should be stated that the Hon. Mr Paul Balban is answering questions on behalf of the Minister for Housing and the Elderly, who is not present.

705

I do notice, though, that with reference to the answer given at the last meeting to Question 969, there was a problem about spare parts. I do not know whether the hon. Member remembers. They were awaiting spare parts, if he looks at the answer in the *Hansard*.

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**Hon. E J Reyes:** Yes, Mr Speaker, but if at the last meeting it was confirmed to me, on behalf of the Minister for Housing, who was not able, unfortunately, to come last month either... if it was confirmed that the lift was not functioning, was still broken down, if that lift has now been repaired, how long did it take? That does not coincide with the general answer that I know the Minister has, that it takes between two and four hours. It does not answer the Question, in which I say 'how long it took for repairs to be

undertaken'. I know we aim to repair between two to four hours and that is the target, but the Question says how long did it take for the repairs to be undertaken.

715 **Mr Speaker:** The Hon. Minister committed himself, at the last meeting, to pass the information on at a later date.

720 **Hon. P J Balban:** Mr Speaker, this is exactly what I did when I got back to the office, and the reply was that this lift did not take more than four hours to repair at this point. Lifts will break down...  
(Interjection) Pardon me? Lifts, as the hon. Member is aware, will break down. They just will not break down once and that is the end of it; lifts will continue to be broken down, unfortunately. But in the case in question, I am assured by the Ministry for Housing that this incident did not take more than four hours to correct.

725 **Hon. E J Reyes:** Mr Speaker, no, I have to disagree with the Hon. Minister.  
Thank you, Mr Speaker, for reminding us. It is true that, at the last meeting, the Minister committed himself to give me the information. He has not been able to provide it to me; hence why I posed the Question. My Question is how long it takes... When the report is first lodged, how long does it take from there? If it takes four hours, or whatever, from when the workmen arrive... but if I report a lift broken down on Monday morning at 10 o'clock and the workman does not come until Wednesday, and then fixes it within four hours, I think it is not correct to say it was fixed in four hours. No, since the report was first lodged, it took two days and four hours, not just the four hours.

730  
735 More specifically to what Mr Speaker kindly reminded us, at the last meeting there was a specific question on which I accepted that the Minister had to go back to find some information, and I have made a reference to precisely that Question number, number 969. Therefore, if what the Minister is saying – and I do not think it is, but if what he is saying is that from the report being lodged and the repair being undertaken it took four hours, then the reply he gave me last month is nonsensical, because last month he admitted that that lift had been reported broken down and was still waiting to be repaired. So it does not coincide with the four-hour timeframe.

740 So, we are still none the wiser of how long it has taken, if indeed it has already been fixed, or whether it is still to be fixed, that particular lift at Alameda House.

745 **Hon. P J Balban:** Mr Speaker, taking into account the confusion there seems to be with this Question, I will seek to discuss this with the Department to get more information. As I said, I requested this information and this was the reply I received. That is the best I can do at the moment, but I will see why there is this discrepancy in question.

**Mr Speaker:** Next question.

750 **Hon. P R Caruana:** As a matter of interest, the Opposition is unlikely ever to be interested in how long it takes a workman to actually fix the lift once he gets onto the job. The question of how long did it take to fix the lift is a reference to how long the lift was out of order, not how long it took the workmen to fix it once they got there. It could be out of order for three months, and they go there and they could fix it in five minutes. It could take five minutes to fix. That is, I think, the point.

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760 **Hon. P J Balban:** Mr Speaker, I understand what the hon. Gentleman is asking, and as I said, I have been guaranteed that the moment a lift is reported to the Ministry for Housing, the contractors are called immediately. In most circumstances, from the point that they are informed to the point that it is repaired, it actually takes four hours, unless special parts are required or unless there is an issue with water penetration. When there is an issue with water penetration, obviously that lift has to be fixed 100%, otherwise obviously the water would keep on blowing the same parts.

765 **Mid-Harbour Estate  
Meeting with Committee**

**Clerk:** Question 1038, the Hon. E J Reyes.

770 **Hon. E J Reyes:** Can the Minister for Housing say when he expects to meet with the Committee of Mid Harbours Estate, who have been seeking an appointment to meet him for the past four months?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

775

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Minister for Housing expects to meet the Committee of Mid Harbour Estate early in the New Year.

780

**Hon. E J Reyes:** Mr Speaker, does it not seem rather a long period of time? I know that in the last month or so the Minister has unfortunately not been medically well enough to attend to his duties, but we are talking here of a six-month time span. For a committee of a big Government rental estate, it has taken them six months to meet with the Minister so they can discuss ongoing concerns. Is there any reason why it has taken so long? My understanding is that the first request came round about the month of August to be able to meet, so why has there been such a huge delay?

785

**Hon. P J Balban:** Mr Speaker, I was informed by the Department that there were issues regarding the composition of the tenants' association, that in fact one of the members of the tenants' association was not applicable, was not entitled to be part of that tenants' association because he was not, in fact, down as a tenant himself, and so there were issues in that respect, leading to the meeting taking so long to organise.

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**Hon. E J Reyes:** So, the reason for delaying the meeting is because of the composition of the delegation?

795

**Mr Speaker:** With respect to hon. Members, are we going to make any progress in trying to arrive at the reason why there was a delay, say from the summer until now?

The reality is that the Minister for Housing and the Elderly is unable to return back to work, on medical grounds, until early in the New Year. That I happen to know personally, and therefore no progress can be made in this respect. What happened between August and now I do not think is going to take the House anywhere.

800

**Hon. E J Reyes:** No, Mr Speaker, but the Hon. Minister has now mentioned that a big contributing factor to the delay in having met is because it seems that –

805

**Mr Speaker:** But whatever the reason was, we are not going to get anywhere, are we? There was a delay for four months, for whatever reason. We are now in December. The Minister is unable to attend to his Ministry until early in the New Year, so let us look to the future.

810

**Hon. P R Caruana:** Point of order.

**Mr Speaker:** No, no there is no question of order.

**Hon. P R Caruana:** I am going to raise a Point of Order.

815

**Mr Speaker:** No!

**Hon. P R Caruana:** Well, you do not know what it is. You do not know what it is, so you cannot know what the Point of Order was. The only thing that Mr Speaker knows is that he does not want to hear me, but he cannot know that what I am about to say to him is not a Point of Order, because he has not heard me.

820

Mr Speaker, the Opposition cannot accept a position in which the Speaker rules that we cannot hold the Government to account for the failures of the past simply because we cannot remedy the past. That is true of everything that has happened. It is true of everything that every Government has ever done in the past, that –

825

**Mr Speaker:** But you have been given an answer by the Minister. (**Hon. P R Caruana:** No –)

Will the Hon. the Leader of the Opposition sit down? You have been given an answer by the Minister. (*Interjection by Hon. P R Caruana*) He has explained that there were delays in arranging a meeting because of disagreement regarding the composition –

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**Hon. P R Caruana:** That is not [*inaudible*].

**Mr Speaker:** But that, you *have* been told.

835 **Hon. P R Caruana:** That is not [*inaudible*].

**Mr Speaker:** Having been told that that was a reason, you cannot rectify that.

840 **Hon. P R Caruana:** No, Mr Speaker –

**Mr Speaker:** That is the reality.

**Hon. P R Caruana:** Mr Speaker –

845 **Mr Speaker:** Does the Hon. Minister have anything further that he wishes to add?

**Hon. P R Caruana:** Yes, but I do have something further I would like to add, if you will listen to me. Mr Speaker, I stood up on a Point of Order, not to debate the question of the six-months' delay.

850 **Mr Speaker:** Well, what is the Point of Order?

**Hon. P R Caruana:** I have explained to Mr Speaker the Point of Order is that the Opposition would have difficulty with a ruling that rendered irrelevant, and therefore inadmissible, questions about the past.

855 **Mr Speaker:** Right.

**Hon. P R Caruana:** If Mr Speaker's ruling had been –

860 **Mr Speaker:** No, I will not –

**Hon. P R Caruana:** – 'Next question, because you have had an answer to your previous question,' as you have just said, I would not have got up on my feet. I have got up on my feet because that is *not* what Mr Speaker said.

865 **Mr Speaker:** Right, having accepted –

**Hon. P R Caruana:** What Mr Speaker said was that it is in the past, you cannot do anything about it, and therefore what is the point of asking questions in Parliament.

870 **Mr Speaker:** Because you have been given an answer.

**Hon. P R Caruana:** That is a different ruling.

875 **Mr Speaker:** But he did give an answer. (*Interjection by Hon. P R Caruana*)

I am now inviting the Minister: does he have any further information that will throw light on the reasons why there was this delay? Was there any other reason for the delay?

**Hon. P J Balban:** No, Mr Speaker. That was the reason for the delay and that has now been addressed.

880 Obviously, the Minister for Housing is now not at work, because of medical problems, and he has already arranged to see the tenants' committee in January, early in the New Year.

**Mr Speaker:** Now, does the Hon. Leader of the Opposition have any supplementaries?

885 **Hon. P R Caruana:** That is not the issue that I have spoken about.

890 **Government housing**  
**Tenants decanted from unsafe dwellings**

**Clerk:** Question 1039, the Hon. E J Reyes.

895 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting, due to their dwellings becoming unsafe, since 1st January 2012, indicating the dates when the decanting became necessary and when these tenants were able or are expected to return to their homes?



**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

900 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, a total of four tenants have been urgently decanted from their homes since 1st January 2012, as follows: on 31st March 2012, and they were allocated alternative accommodation on 27th July 2012; the second was, once again, on 31st March 2012, and once again allocated alternative accommodation on 4th April 2012; 905 the third was on 15th September 2012, and that family returned to the flat on 20th September 2012; and the fourth and final one was on 26th September 2012, and they returned to their flat on 15th October 2012.

910 **Hon. E J Reyes:** Mr Speaker, I see from there that the last two have been able to return to their homes. However, the two who were decanted on 31st March he says have been offered alternative accommodation. Is that alternative accommodation on a temporary basis or, alternatively, on a permanent basis, where they have moved out of their original home and have now moved permanently into a new flat?

915 **Hon. P J Balban:** Mr Speaker, by allocating alternative accommodation what I intended to say was that these persons have been permanently rehoused.

**Hon. E J Reyes:** Just to say, so no-one, then, at this particular stage, is waiting to return back to the flat that they had to decant and the repairs that are still ongoing – is that correct?

920 **Hon. P J Balban:** Mr Speaker, that is correct, according to the information I have received from the Department.

925 **George Jeger House, Glacis Estate  
Repairs to lift**

**Clerk:** Question 1040, the Hon. E J Reyes.

930 **Hon. E J Reyes:** Can the Minister for Housing provide pertinent and updated details in respect of the lift at George Jeger House, Glacis Estate, which first broke down around early November 2012, together with information as to how long it took, or will take, to be repaired?

935 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Question 1041.

940 **Portmore House, Glacis Estate  
Repairs to lift**

945 **Clerk:** Question 1041.

950 **Hon. E J Reyes:** Can the Minister for Housing provide pertinent and updated details in respect of the lift at Portmore House, Glacis Estate, which first broke down around mid-November 2012, together with information as to how long it took or will take to be repaired?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

955 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the lift broke down on 7th November 2012 and is now operational.

**Hon. E J Reyes:** So, how long did it actually take to be repaired, Mr Speaker?

960 **Hon. P J Balban:** Mr Speaker, on 7th November 2012, there was water penetration to the lift shaft and the plant room. Due to the damage to the lift cabin and electrical panels and mechanical components, Otis demanded that the lift be put out of service until the shafts and the lift components were completely dry and safe to operate. Hence, it dates back to 7th November 2012.

965 **Hon. E J Reyes:** Mr Speaker, I have not quite understood the answer from the hon. Member. How long did it actually take to repair? Can I have hours, days, or at least some indication of period? We know it broke down on 7th November, I understand it has now been repaired, but I am still missing the information of the length of time –

970 **Hon. P R Caruana:** On what date was it repaired?

**Hon. E J Reyes:** – and on what date was it repaired, and therefore I can do a mathematical calculation of how long that lift was actually broken down for.

975 **Hon. P J Balban:** Mr Speaker, I can safely say that at this time it took a lot more than four hours to repair. As to the exact dates, I am not sure, but it was last week, so it would have been out for approximately one month. If the hon. Gentleman wants to know exactly the amount of days to the date, then I will have to get back to him, but I can say it was around four weeks, about a month.

980 **Hon. E J Reyes:** Yes, Mr Speaker, that is exactly what my question was: how long it took. So I do want to know how long it took to be repaired. I think I gave you notice, and I was expecting an answer today of how long it actually took to be repaired.

985 **St Christopher's Court and The Ramps**  
**Sale of properties; tender process**

**Clerk:** Question 1069, the Hon. E J Reyes.

990 **Hon. E J Reyes:** Sorry, can I have the number again?

**Mr Speaker:** Question 1069.

995 **Hon. E J Reyes:** Sorry, Mr Speaker.

Can Government state how many of the residential properties at St Christopher's Court – that is No. 27 Europa Flats – and The Ramps – that is within Buena Vista Estate – remain unsold; and, if any, why these were not awarded to the recently held tender process?

1000 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

1005 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, all the housing units transferred by the MOD to the Gibraltar Government at St Christopher's Court and Buena Vista, The Ramps, to date have been sold by tender.

**TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES**

1010 **Health and Safety reports**  
**Union representatives' rights**

**Clerk:** Question 1044, the Hon. J J Netto.

1015 **Hon. J J Netto:** Mr Speaker, further to the answer provided to Written Question 211/2012, will the Minister for Health & Safety state whether, during this Government's term of office, they are willing to provide union representatives in Gibraltar with the same rights as their colleagues in the UK have in relation to the disclosure of Health and Safety inspection reports and accident records emanating from work places where the union have members?

1020 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, Her Majesty's Government of Gibraltar is not committed to do so, but is already considering this with the District Committees of Unite.

1025 **Hon. J J Netto:** If the Government's view is that they are not committed to doing so, are they somehow open to the suggestion that if the union – whether it is Unite the Union or the Teachers Association or the GGCA – were to ask the Government, 'We would like to have those same rights as our trade union colleagues would have in the UK,' will the Government change its mind and then be committed to do so?

1030 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is an issue I am handling, given my industrial relations responsibilities.

1035 What we are saying is that we are not committed to doing so, in the sense that this is not a manifesto commitment, this is not something that was raised with us before the election; but it is something that has been raised with us during the course of conversations with Unite.

1040 We have an open mind about it, but it would be working with the union to ensure – and this is the only union that has raised it, and that is why I am not talking about the GGCA or the GTA, as the hon. Gentleman has – that we are providing the information to individuals in the union who will be able to interpret it in a non-alarmist, appropriate way because that is what has happened in the United Kingdom. The unions in the United Kingdom have now, through training and through buying in the expertise, got the expertise to make assessments about Health and Safety issues in a proper fashion.

1045 That is the stage of the discussion with relevant individuals at Unite, that is what they themselves are going back and looking at, but it would have to be a very carefully structured carve-out to provide, outside of Government, this type of data to people who would then have the responsible infrastructure and expertise to assess it and assist the Government in any such site where there may have been issues of Health and Safety identified.

1050 **Hon. J J Netto:** Indeed, Mr Speaker, I accept the fact that this was not a manifesto commitment and has happened after the Election, and is only being brought about as a result of the recent conference that... I do not know what it was before, but certainly as far as I am concerned, the first time I heard about it was in the particular conference IOSH did in conjunction with Unite, the Union.

1055 My understanding of it is that, in the UK, Health and Safety representatives, regardless of the unions concerned, so long as they have members in a particular workplace, have the legal right to ask their employer to provide for those kinds of reports.

1060 Of course, Health and Safety representatives in the UK, like any other Health and Safety specialists, would have to undergo a level of training and qualification to be able to discharge those particular responsibilities on behalf of their members. So presumably, if we follow the same logic and the same caveat, that Health and Safety representatives in Gibraltar would have to be trained... In fact, I think Unite the Union has spent, over some years now, a considerable amount of time and effort in bringing tutors from the UK constantly, or periodically, to Gibraltar to provide that kind of training. Whether they have been accredited or qualified, that is something I do not know, but I hope that, if we follow the same pattern as in UK, then we can provide... at least the Government will consider that and provide trade union representatives in Gibraltar with the same legal rights as their colleagues in the UK will.

1065 **Hon. Chief Minister:** Mr Speaker, let me just clarify. This comes from my discussions with the District Committee from well before the conference here of the Institute of Health and Safety, and it is an issue that we are actively considering since then with the union, and we are looking with the union at how this would work.

1070 So I think that the hon. Gentleman has his answer. It is a favourable one and it comes, I dare say, from the spring, if he allows me to speak from recollection, from some time in the spring, one of my first meetings with the District Committee after we had been elected.

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**Health and Safety figures for November 2012  
Prohibition and improvement notices issued**

1080 **Clerk:** Question 1045, the Hon. J J Netto.

1085 **Hon. J J Netto:** Mr Speaker, given that the Health and Safety figures for the month of November 2012 had not been uploaded on the Government website by the time notice for questions was given, can the Minister for Health & Safety say how many prohibition and improvement notices were issued in the month of November 2012, specifying the name of the company or companies involved, the site or sites, the reason or reasons for issuing the notice or notices, and the period which may have brought operations to a halt until the inspectors were satisfied that the correct standards had been duly complied with?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1090 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Questions 1046 and 1047.

1095 **Health and Safety figures for November 2012**  
**Factories inspections; reported accidents**

**Clerk:** Question 1046.

1100 **Hon. J J Netto:** Mr Speaker, given that the Health and Safety figures for the month of November 2012 had not been uploaded on the Government website by the time notice for questions was given, can the Minister for Health & Safety state how many inspections during the month of November 2012 did the factories inspectors carry out, stating the names of the companies or public sector organisations inspected, whether any possible breach of the Factories Act or any subsidiary legislation has taken place, and whether legal advice is being sought?

1105

**Clerk:** Question 1047.

1110 **Hon. J J Netto:** Mr Speaker, given that the Health and Safety figures for the month of November 2012 had not been uploaded on the Government website by the time notice for questions had been given, can the Minister for Health & Safety state if there have been any reported accidents during the month of November 2012, showing the industry group and the name of the company, and state which ones were reportable, major and fatal, if any?

1115

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in the schedule, which I now hand over to him.

**ANSWER TO QUESTION 1047**

**Answer to Questions 1045 to 1047**

Table  
HS.3

Enforcement Activities, 2012	November	
	Prohibition/Improvement Notices Served	
	PN	IM
Air Transport Related	-	-
Bank, Finance, Insurance	-	7
Construction	-	-
Education	-	3
Electricity	-	-
Supply/Related	-	-
Horticulture	-	-
Hotel Trade	-	-
Manufacture	-	-
Medical & Health Services	-	-
Police, Security, Fire Services	-	-
Post & Communications	-	-
Public Admin & Natl Defence	-	1
Repairs Consumer Goods	-	2
Restaurants, Bar etc	-	-
Retail Trade	-	1
Road Transport Related	-	-
Sanitary Services	-	-
Sea Transport Related	-	-
Shipbuilding/Marine Repairs	-	-
Water Supply/Related	-	-
Wholesale Trade	-	-
<b>Total</b>	-	<b>14</b>

Updated 6 December 2012

Source: Ministry for Traffic, Health & Safety and  
Technical Services

**CONTD ANSWER TO QUESTION 1047**

**Answer to Questions 1045 to 1047**

Table HS.1  
**Monitoring Activities, 2012**

Industry Sector	Inspections	
Air Transport Related	-	
Bank, Finance, Insurance	7	
Construction	6	
Education	6	
Electricity Supply/Related	-	
Horticulture	-	
Hotel Trade	-	
Manufacture	-	
Medical & Health Services	-	
Police, Security, Fire Services	-	
Post & Communications	-	
Public Admin & Natl Defence	1	
Repairs Consumer Goods	3	
Restaurants, Bar etc	-	
Retail Trade	2	
Road Transport Related	-	
Sanitary Services	-	
Sea Transport Related	2	
Shipbuilding/Marine Repairs	-	
Water Supply/Related	-	
Wholesale Trade	2	
<b>Total</b>	<b>29</b>	

Updated 6 December 2012  
Source: Ministry for Traffic, Health & Safety and Technical Services

**CONTD ANSWER TO QUESTION 1047**

**Answer to Questions 1045 to 1047**

Table  
HS.2

**Occupational Reportable Accidents, 2012**

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

Updated 6 December 2012

Source: Ministry for Traffic, Health & Safety and Technical Services

1120 **Hon. J J Netto:** Thank you.

**Hon. P J Balban:** All inspections carried out and improvement notices issued were against offences related to the Factories Act (Lifting Operations and Lifting Equipment) Regulations (9), which is the thorough examination of load tests, where practicable, on lifting equipment.

1125 I can confirm that no legal advice has been sought.

As stated in reply to previous answers, stating company names publicly is not the policy of this Government.

1130 **Hon. J J Netto:** Mr Speaker, one issue that I would like to raise, in the context of my Question and the answer provided by the Minister, is that... Well, in fact, he just stated that the policy of the Government is not to state company names, and this is something that I think the Hon. Mr Speaker mentioned something on in the past.

1135 I think that decision is profoundly unfair, quite frankly, because any person in the world with access to a computer and to the internet can actually get to the Health and Safety Executive in the UK – as I have done, and printed out all the improvement notices, all the prohibition notices – where it tells you the name of the company. It actually tells you which local authority, and if you actually click on the notice number you can actually see, for instance, like the first one I have got here, which was from Glasgow Steel Nail Co Ltd, a small description of why the factory inspector or the Health and Safety officer in the UK did that.

1140 It seems to me quite unfair, Mr Speaker, that any person in the world with access to a computer and to the internet can find out all the companies in the UK, regardless of whether it is Scotland, whether it is in Wales, whether it is in England, whether it is in Jersey, in Guernsey, the Isle of Man... can find out the names of the company, and yet me, here, a person who has been elected by the people of Gibraltar, in my role as Opposition, to hold the Government to account, the Government is not willing to provide that information, which I think is *totally* unfair.

1145 Perhaps if we can just park this statement, which I have just made, to one side, because really, Mr Speaker, I think that any person who looks at the argument I have just stated will realise that my request is *very* reasonable.

1150 Mr Speaker, I do not know whether it would be more convenient... whether we can have perhaps a private word between yourself and the Minister himself and make him aware that, in the same way that any person in the world can find out what has happened in the UK with improvement and prohibition notices, it is I think also fair that elected Members of the Gibraltar Parliament find out what happens in Gibraltar.

1155 So perhaps, Mr Speaker, with that in mind and with my request to be able to have a private word with you and the Minister so we can share the information – in fact, *anyone* with access to a computer can find out – I think that perhaps I can change the Government's policy on this matter. I think it would be most welcome at least to decide to discuss it.

1160 **Hon. P J Balban:** Was there question there?

1165 **Mr Speaker:** The question is drawing attention to the fact that, in the United Kingdom, such information is available. He has noted the fact that it is not the policy of the Government here to make that information available and he is enquiring whether the Hon. Minister is prepared to consult with him and with myself in order to arrive at a conclusion on the matter.

1170 **Hon. P J Balban:** Mr Speaker, what I find incredible is that, for the first time now, statistics are available online. If this was such an important thing and this is something that you say that we should have done, why was this never done between 1988 and 1996? (**Hon. G H Licudi:** Between 1996 and 2011.) Sorry (laughter).

I do not understand. You are pushing the Government to do certain things which you, the other side, when in Government, did not do – so I do not understand why the importance now.

1175 **Hon. S M Figueras:** *Que pasó con el new dawn?*

1180 **Hon. J J Netto:** Mr Speaker, I have not asked a question in relation to what happened in the last 16 years when the GSD was in Government, I have not asked a question when the GSLP was last in Government between 1988 and 1996, I have not asked a question about the 40 years that the AACR Government had in relation to Health and Safety...

We are where we are today, and the fact is I am asking this Question. I can find the information, like any person in the world, on what is happening in the UK, but I cannot find it out in my own Parliament, where I have been elected by the people of Gibraltar.

I think what the hon. Members need to realise, given the manifesto they have, 'A New Dawn', is that, if they want a new dawn, the fact is they have to provide answers to the questions *today*, not what happened 16 years ago, or 20 years ago, or 60 years ago.

1185

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, it is unfortunate that the hon. Member opposite has not practised in the past what he is now preaching. He is making a speech today saying of the unfairness of the situation. Is it suddenly unfair, as from 9th December 2011? What happened previously, when none of us had that information available to us? Much less information was available to us in the previous 16 years than what is available now through the publication monthly of online statistics.

1190

The hon. Member on my right, Mr Balban, is absolutely right: why is it that it is suddenly unfair as from the 9th December 2011? The hon. Members should simply practise what they preach. They never have.

1195

**Hon. J J Netto:** Mr Speaker, the fact is that, when *we* were in government, we provided *far* more information than when the last GSLP was in government, that hardly provided any information at all. That is a fact.

1200

If they never knew what to ask when they were in Opposition, that is their problem, but I am asking things which are perfectly acceptable for any place, like in the UK, to obtain such information. So the question is not what we have done in the past, because they did worse than when we were there. (A Member: Yes.) That is a fact.

1205

**Mr Speaker:** With respect to hon. Members, we are dealing with a specific matter, and the specific matter is under the Factories Act (Lifting Operations and Lifting Equipment) Regulations (9), which I understand do not require that such information be made public.

1210

The hon. questioner is perfectly entitled to enjoin upon the Government a line of action – namely, will the Government do this, will the Government publish that information? I imagine it would require an amendment to the Regulations, but the answer that has been given is that it is not the policy of the Government. What the Hon. Minister can do is to enjoin upon the Government that they adopt that line of action. That is perfectly proper.

What is, I think, beyond the ambit of this Question is to discuss in general terms what information one Government has published and what information another Government has published, generally.

1215

**Hon. P R Caruana:** Mr Speaker, may I ask a supplementary, with your leave?

1220

Mr Speaker, will the Hon. Ministers – since they have both risen to speak on this – accept from me that, in this debate about who provided more information, specifically in relation to this issue, there is a huge distinction to be drawn between information that is available online, which they choose to put on line, and information being available or not available? The fact that information is now online does not mean that there is more or less transparency.

1225

Does the hon. Member accept that, if information had been available to them when they were last on this side of the House, had they asked for it, and was given when they asked for it... I still remember the Hon. Dr Garcia asking questions about applications for planning permission, and we had to have a Cabinet meeting about whether we would give detailed information about individual named applicants, and it was given. So, will the hon. Members agree that the debate about whether they had more or less information cannot be decided on the basis of whether it is online or not online now or before, but whether it was available if sought; and this sort of information was regularly requested by the hon. Members opposite and regularly made available?

1230

If the hon. Members couple in that fact with the fact that they want a new dawn... Well, Mr Speaker, they cannot keep on harping back to what they wrongly perceive were our practices. Never mind that they have got our practices wrong when we were in Government. They have gone to the electorate in Gibraltar saying that they want to do *better* than us, that we were very untransparent and they want a new dawn, namely, 'Away with all the GSD malpractices – now we are going to be transparent.'

1235

Coupling both of those things together, can I urge the hon. Members, in the spirit in which my hon. Colleague made his supplementary, which appears to have been grasped by the Chair, and which I think was, frankly, not reciprocated by the nature of the hon. Member's first answer to the supplementary... can I urge the hon. Member to just agree to what the original supplementary asked, which was for a meeting to establish what were the obstacles to the Government adopting a policy that would provide information now, in relation to this area, of the sort that we used to provide when asked in other equivalent areas, which simply raises a question of identifying individual applicants or individual citizens in their interactions with the State?

1240

1245 **Hon. G H Licudi:** Mr Speaker, the hon. Member is completely wrong in his analysis. He said that they were open when they were here, that whenever we asked for information – let alone that they did not provide it online, but whenever we asked for information – that information was regularly provided.

1250 The hon. Member has a short memory. He does not remember what happened before 8th December 2011. And it is not that long in history – we are not delving into the deep past of Gibraltar. Or does the hon. Member not remember, when I was Shadow Minister responsible for Transport, the constant questioning that I had? Question after question after question. In one Parliament, in one session, I seem to recall that there were about 40 or 50 questions that I asked in relation to their traffic plan, and on *every single question* of those 40 or 50 questions, they said, ‘The Government will not provide the information; the Government will provide the information when it is ready to do so.’ In other words, when it chooses to do so. It refused to provide any of the information, specific information which I was asking on a published document. That was what the hon. Member used to do.

1255 As to a meeting, I certainly do not recall the hon. Members on this side ever offering a meeting to discuss Government policy. Government Policy is decided by the –

**Hon. P R Caruana:** We were not asked. [*Inaudible*]

1260 **Mr Speaker:** I am not going to allow this matter to continue into any further acrimony. I am willing to make myself available, if it will help.

1265 I am all in favour of as much information as possible being brought to this Parliament, because I myself am computer illiterate and therefore whatever there is online, as far as I am concerned, I do not have access to it and I think that there are still very many thousands of people in Gibraltar who are in exactly that position. Therefore, I am all in favour of Parliament being furnished with as much information as possible, as a matter of principle, but I will not allow the matter to deteriorate any further.

Next question.

1270

**Health and Safety inspections  
Figures on Government website**

1275 **Clerk:** Question 1048, the Hon. J J Netto.

1280 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety provide an explanation for the fact that, in the new figures now being provided on the Government website for the Health and Safety inspections, we have an average of 17.55 inspections between January and September 2012, and 78 for October 2012?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1285 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, this has been as a result of a drive by the Department to carry out inspections concentrating on lifting operations and lifting equipment. This can be done as a direct result of this Government increasing its human resources within the Department and, as a result, being able to react in a more proactive manner, something unheard of in the past due to lack of resources.

1290 **Hon. J J Netto:** Mr Speaker, I think, if I am right in interpreting what the Hon. Minister said, that the 78 inspections have been as a result of a drive for lifting operations – that is what he said – but if I actually look at the October figures, and I look at it against the column of industry group, I fail to see that... There may be lifting operations perhaps done in many of them. For instance, I do not know how many lifting operations are done in the hotel trade, or the medical and health services, or the repair of consumer goods, or the retail trade, so it seems to me that the 78 cannot be accounted for lifting operations. Perhaps, could the Minister elaborate on that?

1300 **Hon. P J Balban:** Mr Speaker, as the hon. Gentleman has said, there was an average of 17.55 inspections between January and September. The difference between the 17.55 and 78, I am told by the Department, has been as a result of a campaign that they themselves decided to embark upon, which was that of checking and concentrating on lifting operations and lifting equipment. That is the reason why there has been an increase in activity in the month in question.

**Hon. J J Netto:** Mr Speaker, we are talking in averages, but the difference between 17.55 and 78 is about 60 or 61, and if we go to the figures for the month of October produced by the Ministry, it just does



1305 not add up that those extra 71 may have emanated from lifting operations. If you look at the column of the industry and you see the breakdown, it cannot be that the 61 are attributable to lifting operations. The logic is not there at all. Could the Minister perhaps elaborate on that?

1310 **Hon. P J Balban:** Mr Speaker, this is the reply received from the Department and that is the answer to the Question. The reason for an increase in the number of inspections in October 2012 has been as a direct result of this drive by the Department to carry out inspections concentrating on lifting operations and lifting equipment.

1315 **Hon. J J Netto:** Could the Minister therefore then say what inspections for lifting operations were done in the hotel trade that account for seven?

1320 **Hon. P J Balban:** Mr Speaker, I will not be able to give the hon. Gentleman an exact breakdown on each single sector of the community, of workplaces. It is something which, if the hon. Gentleman wants me to find out specifically, I will endeavour to find that information for him, but I cannot be expected to know exactly what happens in each sector.

1325 **Hon. J J Netto:** Mr Speaker, the only supplementary I am going to make now is that I will certainly write to the Minister. I will take his offer on board for a fuller explanation on the... Given that the extra 60 or 61 have been due to lifting operations, what lifting operations have been conducted in an industry group which, by the very nature of the commercial or economic activity, does not lend itself to lifting operations? Certainly I will write to the Minister to provide an answer.

1330 **Health and safety inspections  
Notices issued in October 2012**

**Clerk:** Question 1049, the Hon. J J Netto.

1335 **Hon. J J Netto:** Mr Speaker, in relation to the one prohibition notice and the 16 improvement notices issued in the month of October 2012 by the factories inspectors, can the Minister provide a short description of the alleged concerns found by the inspectors in relation to the notices issued?

1340 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1345 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the 16 improvement notices were related to offences against the Factories Act (Lifting Operations and Lifting Equipment) Regulations as follows: failure to test fork-lift trucks, 2; failure to test passenger lifts, 10; failure to carry out tests on service lifts, 2; failure to carry out examination of garage car-lifting platforms, 1; failure to carry out examination of lifting equipment, 1.

The prohibition notice was in relation to the unsafe state of a scaffold tube hoist shaft that has now been erected for over eight years: hoist tested and failed.

1350 **Health and Safety audit  
Waterport power station**

1355 **Clerk:** Question 1050, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, will the Minister for Health & Safety place a request with the factories inspectors to conduct a Health and Safety audit of Waterport Power station, given the age and state of the engines and the fact that no such audit has been conducted this year?

1360 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this Question together with Questions 1051 and 1052/2012.

1365

**Health and Safety audits  
OESCO power station**

1370 **Clerk:** Question 1051.

1375 **Hon. J J Netto:** Mr Speaker, will the Minister for Health & Safety place a request with the Health & Safety inspectors to conduct a Health and Safety audit of OESCO power station, given the age and state of the engines therein and the fact that no such audit has been carried out this year?

**Health and Safety audits  
MOD power station**

1380 **Clerk:** Question 1052.

1385 **Hon. J J Netto:** Mr Speaker, will the Minister for Health & Safety place a request with the factories inspectors to inspect the MOD power station, given the age and state of the engines, in order to ensure that such workplace complies with the Factories Act and all other subsidiary legislation?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1390 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Gibraltar Electricity Authority has engaged the services of chartered Health and Safety practitioners since 2007 to conduct Health and Safety audits of not just Waterport power station but also at all other GEA locations. The last Health and Safety audit was carried out in January this year for 2012.

1395 As regards the MOD power station, I can confirm that no safety audits have been undertaken for the last three years. This power station is now managed by Gibraltar Mechanical and Electrical Services, which is a wholly Government-owned company and will be run no differently to Waterport power station and, as a result, will therefore now be subject to yearly audits.

1400 The OESCO power station is a private entity and, as such, the factories inspectors are at liberty and are competent to carry out inspections under the Factories Act, as they do in other workplaces in Gibraltar. I do not think that it is up to the Minister to request an inspection.

**Hon. J J Netto:** There are a couple of things that arise there, Mr Speaker, from that answer.

1405 First of all, in relation to the Waterport power station, if I understand the Minister correctly, he has said that some sort of an audit has been conducted, (*Interjection*) and I understand that an external audit has been conducted. So, in relation to that part of my Question, could I ask whether I can be provided with a copy of the said report as far as Waterport power station is concerned?

In relation –

**Mr Speaker:** Can we take that...? You were asking –

1410 **Hon. J J Netto:** Sorry. My supplementary question in relation to Waterport power station is could I be provided with a copy?

**Mr Speaker:** Let us have an answer to that, shall we?

1415 **Hon. J J Netto:** Yes, okay, sorry.

1420 **Hon. P J Balban:** Mr Speaker, this document that the hon. Member is referring to is internal, a working document of the GEA, and as such it will not be available for the hon. Gentleman. In any event, this working document actually belongs to the GEA, not to myself.

**Hon. J J Netto:** But in any case, Mr Speaker, whether it belongs to the Electricity Authority or not, I am sure that on the board of the Electricity Authority there must be at least one Government Minister, who can progress this and can put the request, on my behalf, to the board.

1425 So, in a supplementary question, could I ask whoever is the Government Minister – I do not know which one it is, actually, who sits on the board – to put that request on my behalf, whether it is permissible or possible for me to have that document which I have just referred to?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am going to rise because there is a similar question from, I think, the hon. Lady, in respect of a similar report in respect of the GHA.

1430

The Government's view is that being transparent and accountable does not mean that every single internal report has to be provided publicly, especially reports which are working documents, which are available in different Departments and which, because of the nature of Health and Safety audits, are documents which are produced so that action can be taken on them internally. Therefore, the position is going to be that we are not going to disclose Health and Safety audits to Members opposite or make them public.

1435

**Hon. Mrs I M Ellul-Hammond:** Mr Speaker, if I am correct, is the Chief Minister referring to the GHA review of progress? (*Interjection*)

1440

**Hon. Chief Minister:** The hon. Lady is asking for an audit report in respect of...

**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, that is a question that was asked by Mr Netto.

1445

**Hon. J J Netto:** So, let us be clear: the answer is that no internal document of any Department or Authority will be made available to Members of Parliament, regardless of whether the document is a working document or a finalised document. Is that the position of the Government?

1450

**Hon. Chief Minister:** Mr Speaker, for the very reasons that the hon. Gentleman has uttered, an internal document is not going to be made a public document.

1455

**Hon. J J Netto:** I do not want to bring in the House of Commons, or Scotland, or Wales, or any other thing, but I am sure that access to... Parliamentarians of the Opposition, whether in Scotland or Wales, will have access to Health and Safety audits, if so requested, and I am sure that, if that is the case, perhaps the Government could consider its position.

1460

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman was a Member of a Government for 16 years that gave considerably less information than we give.

If the hon. Gentleman is saying that an MP in the House of Commons would have access to such a report, would the Government give it, I will tell him this much: the Government would reconsider the position if he can demonstrate to us that Opposition MPs in the United Kingdom have access to such documentation. I do not believe that they do, but if he is able to demonstrate the opposite, Mr Speaker – *demonstrate* the opposite, not just tell me that he *thinks* that they do, but actually demonstrate the opposite – then I will certainly reconsider the position.

1465

An internal document is an internal document. If it is a public document, then a different rule applies.

**Hon. J J Netto:** Mr Speaker, I certainly will put myself to the wheel and look for the information, and if I can get it I will certainly pass it to the Chief Minister.

1470

**Clerk:** Question 1053.

**Mr Speaker:** Just a moment. Do you have any other supplementaries in respect of the other questions?

1475

**Hon. J J Netto:** Thank you, Mr Speaker. Thank you very much.

No. If I recall, the Minister for Health & Safety, in relation to the MOD power station... Obviously, I am not aware at what moment in time in the Government timetable the MOD power station is going to come over, not necessarily to the Government but to a private company, or some arrangement of that kind. I am not too sure on the deadline that the Government have on that.

1480

That said, I take on board what the Minister says, which is it is not therefore, today, a Government asset in any form or shape; therefore, the resources available to the Minister, through the Factories Inspectorate, are not there to do an audit. That I understand but, of course, the logic behind my Question is that, given how old the power station is – in particularly the engine sets – the factories inspector can always inspect any particular place, any workplace in Gibraltar, including the MOD, and ascertain that the working conditions, or the environment there that prevails is safe for the employees who are working in that vicinity.

1485

So I would urge the Minister, or request to the Minister, if I can, that given that we are talking about a very old power station and the engines are very old indeed, the request to do an inspection is a very

1490 reasonable one, and I will put it to him whether he can put that request to the factories inspector to inspect the MOD, and not necessarily, as I said before, do an audit.

1495 **Hon. Chief Minister:** Mr Speaker, that question is based on a fundamental misconception, which is that the MOD power station is not already an asset of the Government of Gibraltar: it is. (*Interjection by Hon. J J Netto*) Well, it became an asset of the Government of Gibraltar – the hon. Gentleman will correct me if I am wrong – I believe in August 2011, whilst they were still in administration.

1500 I have risen, Mr Speaker, because I am chairing the Inter-Ministerial Committee on Electricity, as the hon. Gentleman knows. That is why the hon. Gentleman has told him that as it is now one of the power-generation assets in the hands of the Government, it will be subjected to the yearly audit which the GEA subjects its own plant to. So it will be one of the ones that will be subject to such an inspection and audit.

1505 **Hon. J J Netto:** Mr Speaker, the only reason, with respect to the Chief Minister, that I have posed my Question in relation to the MOD power station is because last month, when I put my Written Question in relation to the MOD, the answer... I have not got it here at the moment at hand, but I recall the Minister saying, 'Well, we are not going to do an audit because the MOD power station does not belong to us.' So I said, 'Well, if the Minister says to me last month that they are not going to do an audit because it does not belong to the MOD...' I thought, 'Well, fair enough, if it does not belong to the Government, it does not belong to the Government. I will take the Minister's word for it and therefore forget the audit, but certainly they can do the inspection.'

1510 So I welcome now the clarification provided by the Chief Minister in relation to this, and I welcome the fact that this will be done.

1515 **Health and Safety audit  
Parliament building**

**Mr Speaker:** Next Question.

1520 **Clerk:** Question 1053, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety state if the Parliament building complies with the Factories Act and its subsidiary legislation requirements; and if not, will the Minister place a request to the factories inspectors to conduct an audit of the building?

1525 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, we do not feel that there is any cause for concern to give consideration to such a request.

1530 The Parliament building complies with the Factories Act as much today as it has done for the past 16 years. Therefore, if the previous administration did not see fit to carry out an audit during those years, it is logically unlikely that this Government will do so, especially since it has been stated that the intention is to modernise said building in due course.

1535 In any event, the hon. Member may be aware that a refurbishment of the Parliament is presently in an advanced planning stage.

**Hon. J J Netto:** Mr Speaker, with respect to the Hon. Minister, he said that there is no cause for concern. I think that is an important part of the answer he has given us.

1540 Mr Speaker, I am not a Health and Safety specialist myself, but we all have access to the ante-room and we have all seen, for instance, part of the cornice at the top, which has fallen down and is now covered by wood by a contractor who fixed it up. Does the Minister, in the context of that, know whether there is asbestos in the ceiling, and as a result of broken asbestos in the ceiling – as a result of the broken cornice – there are airborne fibres which may be falling down on the staff who happen to be working down below the cornice?

1545 Does the Minister also know that the electricity installation that is in this building goes to the year 1960, probably the days of the AACR and may perhaps not comply with electricity regulations of the Factories Ordinance?

Does the Minister know, for instance, whether these particular chairs conform to Health & Safety standards? I do not think they do.

1550 For the Minister to say there is no cause for concern is quite a statement, Mr Speaker, when all I am asking for is for someone to do an inspection to provide that if there is anything, at least something can be done, and if there is not anything, then we are all much easier and relaxed about it.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am one of the Ministers responsible for what, in the last phrase of this answer, is referred to as the impending refurbishment of this Parliament.

1555 The hon. Gentleman will recall that the cornice that he refers to fell at some stage after 2003 and before 2007, and that the people with responsibility for the airborne spores of asbestos – please God there are not any – which might have been circulating are the ones sitting opposite us today, him being one of them.

1560 The hon. Gentleman will know that, although we have been accused of many things in the past 12 months, we have not been accused of spending on lavish new chairs or benches for this place, Mr Speaker. The benches and chairs in this place are the ones that were there for the past 16 years – and, indeed, even when you used to sit on these benches yourself many years ago.

1565 The hon. Gentleman will know that nothing has happened in this building to change its makeup to take it into the sort of... or any change occurred to take any sort of concern to arise for a factories inspection to be carried out as a result of anything that has happened after 9th December 2011. But, Mr Speaker, if I can add this: the hon. Gentleman will agree with me that this building is not as accessible as it needs to be, that this building is now a Parliament the fabric of which is diminishing.

1570 There are, Mr Speaker – and we always joke about it in the ante-chamber – two cockroaches (**Hon. Dr J E Cortes:** Three now!) that have been lying patiently on some of the tiles that look down upon us.

**Mr Speaker:** I thought it was the Hon. Mr Cortes who monitored the incidence of cockroaches.

1575 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, that is why – if the hon. Member will give way – there are three, and not two.

**Hon. Chief Minister:** They have been there for years, Mr Speaker. They have been more patient with us than any Speaker has had the grace to be.

1580 I am delighted to tell the House, Mr Speaker – as the hon. Gentleman has already referred, and as I had cause to mention to the Hon. the Leader of the Opposition – that we are planning a refurbishment of this place early in the New Year. Once we have some plans set out for that, we will want to be consulting with all Members, because a refurbishment of this place is not just something for the Government, it is something for the Members, which is led principally by the desire to install the cameras that will hopefully allow people to see what happens in this place and not just hear it.

1585 In that context, Mr Speaker, with those changes coming, the Government has not thought that it makes sense to commission a Health and Safety audit of this place until such time as the refurbishment commences – something that the hon. Gentlemen opposite and Lady opposite will have an opportunity to see the detail of very shortly, and that hopefully will mean that we are not accompanied for much longer by our cockroach cousins up there.

1590 **Mr Speaker:** May I inform hon. Members, in case they do not know, that in five years' time, in 2017, this building will be celebrating its bi-centenary. That is an indication of how old it is. I am aware, because I have myself been involved recently, that there are plans afoot to do something in the very near future, and I would also hope, with respect to 2017, that we can look even that far.

1595

#### **Health and Safety laws Representations from stakeholders**

1600 **Clerk:** Question 1054, the Hon. J J Netto.

1605 **Hon. J J Netto:** Mr Speaker, has the Minister for Health & Safety had any representation from members of the local branch of IOSH, trade union officials, or employers in general to the effect that the current laws regarding Health and Safety are too cumbersome and a review of such is necessary for all stakeholders?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

1610 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, this was mentioned at a meeting held on 23rd October 2012 with trade union officials from Unite. Present

included Susan Murray, Unite's National Health and Safety Adviser; Michael Netto, Steven Morgan, Edward Baglietto, shop stewards of Unite.

1615 As I have already informed the hon. Member in my answer to Written Question 212/2012, at present there are no immediate plans to review the legislation. However, this is not to say that Her Majesty's Government of Gibraltar will not consider reviewing the legislation in the future.

1620 **Hon. J J Netto:** I think the impression that one gets, Mr Speaker, is that everyone who has to make use of Health and Safety legislation... and I think the Factories Act, if I remember rightly, goes back to the early 1950s, or something to that effect. Obviously, as a result of that, we have had very integrated legislation going back to the 1950s, plus all the European legislation that we have had to transpose, which has been added onto the Factories Act.

1625 I think that if the Hon. Minister actually speaks not just to the people he mentioned in his answer right now, but indeed those people on the front line, delivering Health and Safety in whatever industry groups, in whatever company it is, public or private, he will find that there is a need for a review. The legislation is too cumbersome to operate and perhaps...

1630 There are different schools of thought as to the way forward. Some say that we should model on to the UK, in which... Obviously, they have certainly streamlined all that bulkiness of legislation, and I think that if the Minister actually makes it some sort of a priority – I am not saying an immediate priority, but certainly some kind of a priority – during the course of his term, that would be welcomed by all stakeholders.

So, in the question that I pose to him, I am basically saying, 'Look, this is something that the people on the ground floor will certainly benefit from.' Indeed, even the Government will benefit as a result of that, so I am putting that question to him.

1635 **Hon. P J Balban:** Mr Speaker, in fact it was, I believe, 1956 when the legislation was originally drafted, but when we said 'A New Dawn', I did not expect the hon. Member opposite to suddenly wake up and realise that it was since 1956 that this legislation was in effect.

1640 They had 16 years to be able to do something about it. It has been cumbersome not only for the past 12 months, but it has been cumbersome for a lot longer than that. The previous administration had the power to be able to have done this. This legislation has not been cumbersome in the past year; it has been cumbersome for a lot longer than that.

1645 **Hon. J J Netto:** Mr Speaker, certainly we did a hell of a lot of things in the 16 years that we were in government, like the transposition of a lot of Health and Safety directives, which were not transposed –

**Mr Speaker:** Would the hon. Member please ask a supplementary question? I think he is urging the Minister to consider reviewing the legislation.

1650 **Hon. J J Netto:** Yes, that is what I am... I do not want to get... You are right, absolutely right, Mr Speaker. I am not going to get tracked on what happened 16 years ago, but it is up to the Minister. If he wants to take my request on board and start thinking that *he* is the Minister, *he* is the one who has got to act, and if he listens to the stakeholders they will tell him that there is a need for a consolidation. So my question is to him. Think about your watch, and do it now.

1655 **Hon. P J Balban:** Mr Speaker, we will most definitely take a look at this so-called cumbersome legislation, but the point in question is that this has not been something which has happened overnight. We have been in government for 12 months. The hon. Gentleman was there for a lot longer, and this could have been done, if it was so important to have done so. We will most definitely have a look at that. The hon. Gentleman did have his opportunities to do so in the past.

1660

**EDUCATION, FINANCIAL SERVICES, GAMING,  
TELECOMMUNICATIONS AND JUSTICE**

1665

**University of Gibraltar  
Discrepancy re consultancy fees**

1670 **Mr Speaker:** Next question.

**Clerk:** Question 1064, the Hon. Mrs I M Ellul-Hammond.

1675 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education explain why there is a financial discrepancy between £25,000 paid as consultancy fees for the 'Establishment of University of Gibraltar', as cited in answer to Question 578/2012, and £12,500 for 'Education Department – Study into the setting up of a University in Gibraltar', as cited in Table GC1 'Government Awarded Contracts (over £2,000) by direct allocation since the General Election' on the Government website?

1680 **Clerk:** Answer the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1685 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the fee of £25,000 was paid in two tranches: £12,500 was paid in March 2012; and the second one, of £12,500, in September 2012.  
The details of the second payment were inadvertently omitted from the updates to the website.

1690 **St Bernard's School**  
**Water ingress and termite infestation**

**Clerk:** Question 1065, the Hon. Mrs I M Ellul-Hammond.

1695 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education say what is being done to prevent the severe water ingress and the termite infestation at St Bernard's School?

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1700 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the problem with water ingress at St Bernard's School is not new. There are reports of water ingress since 2004, and it is likely that the problem existed before then. Remedial works have been carried out in the past, but the problem has not been resolved.

1705 GJBS has been asked to prepare a scope of works for the Department of Education to consider. These works would involve works to the roof and the façade, aimed at solving the water ingress problem with a view to affording an effective solution for the building.

In relation to the termite issue, again the problem is not new. On 25th August 2010, a report was submitted by the Environmental Health Officer to the Director of Education following concerns expressed by the head teacher on the possibility of a termite infestation at the school.

1710 In 2011, COPLAGA was engaged to carry out specific termite treatment. The problem, however, was not eradicated.

1715 In October 2012, Bug Busters were engaged to carry out the following treatment: drilling, injecting and rendering of four termite cords; treatment of an area approximately 2 metres squared; investigation and treatment of two cabinets. The problem again appears not to have been eradicated as a result of this treatment.

In view of this, an in-depth intrusive survey to gauge the extent of the infestation has been commissioned to identify the extent of the infestation and damage, and to propose a course of action to obtain a long-term desired eradication of the problem.

1720 *Technical fault resulting in negligible loss of audio.*

1725 **European Arrest Warrants**  
**Details of warrants received in Gibraltar**

**Clerk:** Question 1066, the Hon. D A Feetham.

1730 **Hon. D A Feetham:** Can the Minister for Justice please state: (a) how many European Arrest Warrants have been received in Gibraltar for each calendar year in the last four years up to 30th November 2012; (b) how many of those European Arrest Warrants resulted in an extradition, and the offence alleged to have been committed; and (c) how many were rejected by the courts and how many were rejected by the Central Authority, and on what basis?

1735 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1740 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand over.

**Schedule to Question 1066 of 2012**

(a)

Year	Number of European Arrest Warrants Received
2009	6
2010	2
2011	9
2012 (Up to 30/11/12)	5
<b>Total 22</b>	

(b)

Number of EAWs which resulted in extradition	Offence alleged to have been committed
1	Conspiracy to defraud and money laundering
1	Supplying controlled drugs
1	Possession of indecent photographs of children
1	Drug trafficking offences
1	Theft and fraud
1	Importation of drugs
1	ABH and indecent assault on a male under 14
<b>Total 7</b>	

(c)

<b>Number of EAWs rejected by the Courts</b>	0
<b>Number of EAWs rejected by the Central Authority</b> These EAWs were rejected because the warrants failed to comply with a provision(s) of the European Arrest Warrant Act.	9

Note: 6 EAW's have not been executed because the person has either been arrested elsewhere or is in prison in Gibraltar or is the subject of criminal proceedings in Gibraltar.

1745 **Hon. D A Feetham:** Just on the failure... on the rejection of the warrants, the answer that you have provided in the schedule is that nine were rejected because the warrants failed to comply with the provisions of the European Arrest Warrant Act. Does the Hon. Minister have any more information than that? What kind of non-compliance with the Act are we dealing with? Is it a simple question of translations not being provided with the European Arrest Warrant? I know from my time that that was a common ground why they were rejected, but of course rejection on that ground invariably means just that

1750 the warrant is then reissued with a translation.

Does he have any more details? If he does not, I will not press him.

1755 **Hon. G H Licudi:** Mr Speaker, I do not have those details with me now, but I do note that the total rejected by the Central Authority were nine, and we have only had five European Arrest Warrants received in 2012. So some of these rejections clearly relate to the time when the hon. Member was in office as Minister for Justice. Assuming that the whole of the five of the 2012 had not been rejected, then certainly more than four or five.

1760 I do not have the specific information about the reasons for rejection. If the hon. Member wants, I am happy to obtain the information for him.

**Hon. D A Feetham:** I am much obliged to him, yes.

1765



**European Arrest Warrants  
Average processing times**

1770

**Clerk:** Question 1067, the Hon. D A Feetham.

1775

**Hon. D A Feetham:** Can the Government please state what is the average time between receipt of a European Arrest Warrant by the authorities in Gibraltar and (a) its acceptance or rejection by the Central Authority; and (b) any order of the Court?

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1780

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, between January 2009 and 8th December 2011, the average time between receipt of a European Arrest Warrant by the authorities in Gibraltar and (a) acceptance by the Central Authority was 27 days; (b) rejection by the Central Authority, 68 days; (c) Order of the Court, 37 days.

1785

Since December 2011, the average time is (a) acceptance by the Central Authority, three days; (b) rejection by the Central Authority, 10 days; (c) Order of the Court, 11 days.

**Hon. D A Feetham:** I would be very obliged if the hon. Gentleman were to allow me a copy of the answer, if at all possible. Thank you very much.

1790

**Legal Aid  
Payments to law firms and barristers**

1795

**Clerk:** Question 1068, the Hon. D A Feetham.

1800

**Hon. D A Feetham:** Can the Government give a breakdown of the amounts paid, since 9th December 2011 to date, to each law firm or barrister in respect of Legal Aid and legal assistance, giving a breakdown by firm and showing what are legal fees and what are disbursements?

**Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1805

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, monthly statistics in respect of Legal Aid and legal assistance, giving a breakdown by firm or barrister and showing what are legal fees and what are disbursements, are published online on a monthly basis on the Government of Gibraltar website. The figures are available online from 18th June 2011 to 30th November 2012.

1810

**Hon. D A Feetham:** Do you have no update since 30th November of this year? Obviously, I am aware that... I am asking for up-to-date...

The last time that I asked a question in relation to Legal Aid, the Hon. the Minister and I had an exchange in relation to Legal Aid in respect of one case in particular. Is the position of the Government still to continue not publishing that information?

1815

**Hon. G H Licudi:** I am not sure which specific information the hon. Member is referring to. If he is talking about the amounts paid in Legal Aid, my understanding is that those amounts appear in the monthly statistics, which are published online.

1820

**Hon. D A Feetham:** I will talk to the hon. Gentleman outside, because I know there is some sensitivity in relation to this. I will explain it, and I will deal with it with him in the lobby.

1825

1830

**Recess**

**Clerk:** The Hon. the Chief Minister.

1835

**Chief Minister (Hon. F R Picardo):** Mr Speaker, may I move now that the House do recess until 3.00 p.m.

1840

**Mr Speaker:** The House will now recess to 3.00 p.m., when we shall be dealing with Questions to the Minister for Tourism, Commercial Affairs, Public Transport and the Port, and Questions to the Minister for Equality and Social Services.

*The House recessed at 11.17 a.m. and resumed its sitting at 3.00 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 3.50 p.m.

Gibraltar, Monday, 17th December 2012

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

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

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

## Questions for Oral Answer

### TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

#### Spanish tourism Minister's statement on reduction

**Clerk:** Answers to Questions continue.  
Question 1010/2012, the Hon. D J Bossino.

5 **Hon. D J Bossino:** Mr Speaker, first of all, before I pose the Question formally, I would like to express my gratitude, to both the Clerk and the House in general, for disrupting the order of Questions earlier this morning. I know that the Order Paper, as is normally the case, puts me in first, but I had a court commitment, and I am indeed very grateful for the disruption.

10 Can the Minister for Tourism confirm that he stated at a press conference recently that there had been a, I quote, 'decrease in certain sectors such as Spanish tourism'; and if so, can he provide the House with details of the basis on which he made such an assertion?

**Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

15 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, perhaps, in the spirit of Christmas, the hon. Gentleman could have extended his thanks also to me, given that I did not object (*Interjections*) but, be that as it may, in my own personal experience, having questions moved from one Order of the Day to another has had some difficulty for me personally in the past – and I did not even raise even one objection.

20 Mr Speaker, to answer the Question of the hon. Gentleman, I can confirm that I stated that there had been a decrease in tourism from Spain at a press conference recently. The indicators I have, up to the end of November of this year, show that there has been a decline in coach arrivals from Spain.

25 **Hon. D J Bossino:** Mr Speaker, that really satisfies the Question that I had, but simply to say, in response to the preamble to his answer, that I do beg his forgiveness for the omission. Of course, I am grateful to him personally for being so accommodating.

30 **Cruise liner arrivals  
Anticipated numbers**

**Clerk:** Question 1011, the Hon. D J Bossino.

35 **Hon. D J Bossino:** Can the Minister for Tourism confirm to this House how many cruise liner calls and passengers he expects will be arriving in Gibraltar by the end of 2012 and 2013?

40 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I refer the hon. Gentleman to the website of the Gibraltar Port Authority.

45 **Hon. D J Bossino:** Mr Speaker, I am fully aware that one ought not to ask questions – I do not know the precise provisions of the rule – in relation to information and statistics which are in the public domain as, indeed, the Minister has just referred me to the information contained on the Gibraltar Port Authority website.

50 The reason why I ask that Question is because the information in the public domain is contradictory. I think he said, in his party political broadcast, that there were 170 cruise calls for 2012, and then he expected, in 2013, that there would be 187. In the Gibraltar Port Authority website information which I gleaned on 7th December, which is the day before... the eve on which one could file questions, it stated that there were 172 cruise calls, and for 2013, instead of 187, the same website referred to 185. So this is precisely why I used the word very carefully and asked for confirmation. Can the Minister do that for me now?

55 **Hon. N F Costa:** Mr Speaker, yes, to assist, the hon. Gentleman is correct to say that the website shows that, for 2012, the number of cruise calls is 172, and for 2013 the number of cruise calls is 185.

On the date of the broadcast, the number was 187. There have been two cancellations that brought it down to 185 for 2013.

60 If I may also, by way of background... The number of cruise calls for 2012 has fluctuated. At one point, it was 175, but now it is down to 172, as a result of cancellations during the course of this year.

**Hon. D J Bossino:** One of the reasons why I asked for confirmation is because I do appreciate that these numbers are subject to fluctuation and I wanted to know the most updated information available.

65 Just by way of a supplementary, Mr Speaker, does the Minister accept that less cruise calls does not necessarily mean less passengers? In fact, I think we had this debate at the time of the Budget, when I referred to some statistics. If I can cite these, Mr Speaker: in 2012, we had 172 calls – or 170 calls; according to the website information it was 172 – and that brought 290,000-odd passengers. In 2007, which is the second highest number of calls that Gibraltar has received, we had 227 calls, and yet that only brought – I say ‘only’ in comparison to the 2012 figures – 275,000-odd passengers, 14,000 less than in 2012.

70 So, given those statistics, does he not accept the proposition I just put to him?

75 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman has just alluded, I have accepted that premise during the course of the Budget speech and in the course of question and answer sessions.

I have explained to the hon. Gentleman that, whereas there may have been more cruise calls in previous years, the reason why numbers of passengers may be higher is simply because ships tend now to be larger, so they accommodate more cruise passengers.

80 I have, therefore, already confirmed that proposition to him in a previous question and answer and during the course of the Budget debate, but if he wishes, I am happy to reconfirm the position once again today.

85

**Yacht Register  
Promotion and marketing plans**

**Clerk:** Question 1012, the Hon. D J Bossino.

90

**Hon. D J Bossino:** Mr Speaker, further to the replies given to Question 688/2012, can the Minister for the Port provide this House with details of the plans the Government has to promote and market the Yacht Register?

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**Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, further to our attendance at various events this year, 2012, Government is looking to promote the Gibraltar Yacht Registry in three ways.

100

For 2013, we are considering attendance at the following major forums and shows to broaden awareness and promote the Gibraltar Yacht Register: March 2013, Opportunities in Superyachts Forum, Malta; April 2013, Gibraltar Superyacht Forum; May 2013, American Superyacht Forum in Las Vegas; June 2013, the Future of Superyachts Forum, Palma de Mallorca; September 2013, Cannes Boat Show and Monaco Boat Show; November 2013, Global Superyacht Forum, Amsterdam.

105

The two boats shows we are considering attending are the two most important events in the European calendar. Attending these events will be beneficial, as in these shows there are many forums and seminars taking place, allowing the opportunity to meet new possible clients.

Secondly, Mr Speaker, increase the marketing presence of the Gibraltar Yacht Registry in face-to-face meetings with associations and other targeted clients.

110

Thirdly, Government is developing a promotional brochure for the Yacht Registry, which will be made available as a hard copy distributed among yacht representatives, as well as a digital copy which will be available for download from the new yacht website.

Perhaps the hon. Gentleman will want to request an invite to the Las Vegas Yacht Show.

115

**Hon. D J Bossino:** Indeed, Mr Speaker, to all of them – I am sure my wife would be particularly happy! He is certainly in the... set to beat Mr Bossano in the globetrotting stakes.

Mr Speaker, he did refer, in his initial reply to the Question which I posed to him in 688/2012, that further plans were being developed to promote the Yacht Register – and presumably these are the plans – and he said that these were being devised in conjunction with, and I quote, ‘interested parties’. Can he advise this House which interested parties these are?

120

**Hon. N F Costa:** Mr Speaker, the consultations have been conducted by Mr Alan Cubbin, who is the current Maritime Administrator, but the hon. Gentleman may now know that Mr Richard Montado has been shadowing Mr Alan Cubbin for the past few months, precisely because he has been selected to be the new Maritime Administrator.

125

I cannot tell him precisely who the consultees are, but from recollection in my discussions with Richard and Mr Cubbin, if I recall, they were the Ocean Village Group and other private commercial entities. If he asks me again specifically, I will have the information to hand for him.

130

**Hon. D J Bossino:** Mr Speaker, reference was made to the promotional brochure. I think I made this point on the last occasion that I did pose this question, Mr Speaker. Can the Minister advise this House as to when he thinks that the promotional brochure will be available? I suppose the obvious answer would be that he expects it to be available before March 2013, which is the first event that he will be attending as part of the promotional exercise. Is that correct?

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**Hon. N F Costa:** Mr Speaker, the hon. Gentleman both asks and answers his own question.

**Mr Finlayson**  
**Renewal of consultancy**

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**Clerk:** Question 1013, the Hon. D J Bossino.

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**Hon. D J Bossino:** Can the Minister for Tourism advise this House what the Government's intention is in respect of the renewal of Mr Finlayson's consultancy?

**Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

150

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker. At this stage it is the Government's intention to renew Mr Finlayson's contract for a further six months.

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**Hon. D J Bossino:** Mr Speaker, would the renewal... and I will not suggest an answer, in case I get accused again of both asking and answering my own questions, but would the renewal be in the same terms in the certain terms of salary and... Well, the term I think he has already confirmed – it is another six months – but in terms of salary, perhaps?

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**Hon. N F Costa:** Mr Speaker, simply to say that I was not accusing the hon. Gentleman. I was simply saying that he both asked and answered his own question. It was not by way of an accusation. The answer is yes.

165

**Hon. D J Bossino:** I should have asked this question at the last occasion when I had an opportunity to ask questions in relation to Mr Finlayson, but can the Minister advise this House what results Mr Finlayson has produced?

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**Hon. N F Costa:** Mr Speaker, we did have quite a lengthy question and answer session on Mr Finlayson. In fact, I have got the extracts here to prove the same.

If I recall correctly, on the last occasion, I informed him that when Mr Guerrero and I were in discussions with British Airways in order to increase the flights from seven to nine weekly, to have two flights on the weekend, I noted that it did greatly assist us to conclude our negotiations by the statistical work he conducted, in terms of the throughput on the number of visitors arriving at the Gibraltar Air Terminal that both stayed in Gibraltar and went through the border into Spain.

175

In addition to that, Mr Speaker, Mr Finlayson has already prepared, as I referred the hon. Gentleman on the last occasion, a very thorough document which has been sent to prospective interested airlines in different parts of Europe, so that they can learn about the Air Terminal and Gibraltar as a destination and the capacity of the new Air Terminal.

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**Hon. D J Bossino:** Mr Speaker, is this very thorough document available for members of the public, or indeed myself?

185

**Hon. N F Costa:** Mr Speaker, I remember asking Mr Guerrero to make that document available online. I am not sure whether it is available or not. If it is not, I will press my Chief Executive to make sure that it is available online, and I will also ask Mr Guerrero to send a copy of it to the hon. Gentleman opposite.

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**Hon. D J Bossino:** Mr Speaker, this question now links into my first and second questions, in terms of his terms and whether he feels that Mr Finlayson has performed. Does Mr Finlayson have performance targets?

195

**Gibraltar Bus Company Ltd**  
**Tender for eco-friendly buses**

**Clerk:** Question 1014, the Hon. D J Bossino.

200 **Hon. D J Bossino:** Can the Minister for Transport update this House as to the progress which has been made in respect of the tender process in connection with the eco-friendly buses which are due to replace the current fleet of the Gibraltar Bus Company Ltd?

205 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

**Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the selection process to determine the most suitable companies is in its final stages. It is envisaged that invitations to tender will be issued to these companies promptly after the New Year.

210 Since this answer was drafted, the head of procurement informed me, on Friday, that the companies that have passed the pre-qualification stage have already received letters, inviting them to put forward their proposals to the procurement board.

215 **Hon. D J Bossino:** Mr Speaker, just to recap slightly, are we still talking about nine companies at that pre-qualification stage?

**Hon. N F Costa:** I do not have the information in front of me, Mr Speaker, but from recollection, reading the e-mail on Friday, I am quite sure that there are six companies who have successfully gone to the second stage, but I will confirm that to him in writing.

220 **Hon. D J Bossino:** And if the Minister could, Mr Speaker, endeavour to provide this House today, if he is in a position to do so, with a prediction as to when he thinks that the first bus will be on our roads?

225 **Hon. N F Costa:** Mr Speaker, I have the e-mail before me. There are five companies who have successfully completed the pre-qualification stage. The closing date is 31st January 2013. I am further advised that, given Gibraltar's specific requirements in terms of road dimensions and weights, the production of a bus may take anywhere between nine to 12 months.

230 **Hon. D J Bossino:** Sorry, nine to 12 months from which date, Mr Speaker?

**Hon. N F Costa:** From the closing date of the submission, which is 31st January.

235 **Taxi meter system  
Progress of upgrade**

**Clerk:** Question 1015, the Hon. D J Bossino.

240 **Hon. D J Bossino:** Mr Speaker, further to the replies given to Question 597/2012, can the Minister for Transport update this House as to the progress which has been made in respect of the upgrading of the taxi meter system?

245 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

250 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the Government has been working closely, as the hon. Gentleman knows, with the Gibraltar Taxi Association regarding the new meter and GPS system. This is at an advanced stage, and most vehicles now have the pre-installation in place for the meters to be installed shortly.

255 **EQUALITY AND SOCIAL SERVICES**

**Dr Giraldi Home  
Resident minor**

260 **Clerk:** Question 1033, the Hon. J J Netto.

**Hon. J J Netto:** Mr Speaker, can the Minister for Social Services clarify if the minor referred to in answer to Written Question 188/2012 has been using the respite or sitting service since 2007 in the Dr Giraldi Home?

265 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

**Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, I can confirm that the minor referred to in Question 188/2012 has used the respite service and the sitting service since 2007 at Dr Giraldi Home.

270

**Hon. J J Netto:** In relation to the respite service since 2007, was that for overnight stay?

**Hon. Miss S J Sacramento:** Mr Speaker, that is not information that I have to hand. I have checked the information that has been prepared for supplementaries, and that detail is not included.

275

**Hon. J J Netto:** Mr Speaker, given that Dr Giraldi Home is an adult setting for service users, I would have thought that the more natural thing to do is that perhaps the minor would have gone to Tangier View, which is the setting for minors.

280 I do recall this particular minor, that he uses the sitting service but not the respite service, but can I ask the question whether at the time of considering, during the course of this year, the respite services – and if, indeed, it was for staying overnight – whether the management of the Care Agency did an assessment as to whether it should be provided in Dr Giraldi Home or Tangier View?

**Hon. Miss S J Sacramento:** Mr Speaker, the information that I have is that this service user has been using the disability service since 2007 and that he uses this service twice a week.

285

Mr Speaker, there is no distinction drawn as to whether this is a new service that has been introduced this year, so I can only assume that it is a continuation of what has been provided since 2007.

In any event, Mr Speaker, I am told that the service was provided in consultation with the parents, and therefore an assessment would have been undertaken on that occasion.

290

**Hon. J J Netto:** Yes, Mr Speaker, I am aware, as I said in my first supplementary question, that this minor was using the sitting service – I do not doubt that – but I do not recall, standing on my feet, that since 2007 onwards... has been using the respite services.

295 If the minor has been using the respite services – and in respite services we mean, or we define it as staying overnight for short periods of time – my supplementary question is I would have imagined that the management would have done an assessment, which would have included, of course, the views of the parents, no doubt about it, as to whether the minor should be left, or doing the respite services in an adult setting, or the natural thing would have been to go to Tangier View, which is a setting for minors.

300 So my supplementary question is, is the Minister aware that the management of the Care Agency did an assessment to determine where the respite service should be done, in Dr Giraldi Home or Tangier View?

**Hon. Miss S J Sacramento:** Mr Speaker, it is not specific information that I have before me, but having said that, I do know from the information that I have before me that, as part of the assessment that was undertaken, it was felt that the Dr Giraldi Home setting was in the best interests of the minor, given that he is familiar with the staff there because he has been using that service since 2007.

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In terms of the detail of the supplementary, Mr Speaker, I do not have that particular information.

**Hon. J J Netto:** If I write to the hon. Lady, therefore, she might be able to provide me with the answer, Mr Speaker.

310

315 **Dr Giraldi Home**  
**Allegation against employee**

**Clerk:** Question 1034, the Hon. J J Netto.

320 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services confirm that an employee of the Care Agency, working in the Dr Giraldi Home, has made a report to the line manager, stating that another employee was consuming a prohibited drug whilst working in a flat in the Dr Giraldi Home?



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

325 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** No, Mr Speaker.

**Hon. P R Caruana:** No, I cannot confirm it, or...?

330 **Hon. Miss S J Sacramento:** No, there is no such report, Mr Speaker; as opposed to no, I cannot confirm. I can confirm that there is no such report.

**Hon. D A Feetham:** Can the hon. Minister confirm that she is not aware of any incident of this sort happening over the last year when she has been a Minister?

335 **Hon. Miss S J Sacramento:** Mr Speaker, when I said no, the answer is no to the way that the Question is formulated, and that is the answer, Mr Speaker.

340 **Hon. D A Feetham:** Yes, Mr Speaker, but I formulated a different question. I have asked, by way of supplementary, whether she is aware of an incident of this nature occurring whilst she has been a Minister in her Department.

345 **Hon. Miss S J Sacramento:** Mr Speaker, I am aware that there is an incident, not of this nature but of a similar nature. I can tell the hon. Gentleman that procedures have been followed and I am aware that it is being dealt with and the proper procedures have been followed in this regard.

**Hon. J J Netto:** Okay, Mr Speaker, if she is aware that an incident has taken place –

**Mr Speaker:** Of a similar nature.

350 **Hon. J J Netto:** – of a similar nature, can the hon. Lady provide the date on which this particular incident of a similar nature occurred?

355 **Hon. Miss S J Sacramento:** Mr Speaker, it is not a detail that I have before me but, in any event, Mr Speaker, because this is something which has invoked a disciplinary procedure and will be subject to a disciplinary hearing, I would be reluctant to give further details in this Parliament.

360 **Hon. D A Feetham:** Mr Speaker, the Hon. the Minister for Social Services said that it was not the same, it was of a similar nature. Can she confirm to the House that the incident involved the consumption of a prohibited drug –

**Hon. P R Caruana:** The alleged consumption.

365 **Hon. D A Feetham:** The alleged consumption of a prohibited drug whilst working in a flat or whilst on duty?

**Hon. Miss S J Sacramento:** Mr Speaker, as I said initially, that is not the subject of the... That is not the disciplinary incident that has arisen. It is not as the hon. Gentleman puts it.

370 **Hon. D A Feetham:** I am not putting it in any particular way. You, the Hon. the Minister, have said ‘a similar incident’. Can she elaborate on what a similar incident actually means? We are not asking for the Minister to divulge any names. This is not something that is going to impact on anybody’s right to a fair trial, or anything like that. This House, and certainly those on this side of the House, have a right to know what ‘similar incident’ actually means.

375 **Hon. Miss S J Sacramento:** Mr Speaker, it would not be appropriate to give further details at this stage, given, as I said before, that it is something that will be subject to disciplinary proceedings.

380 **Hon. P R Caruana:** But, Mr Speaker, will the hon. Lady not acknowledge that this House is entitled to know at least whether there has been an incident and the nature of that incident? It could be an alleged... it could be an accusation, it could be subject to investigation, but the idea that the report that something is alleged to have taken place is itself *sub judice*... Well, Mr Speaker, I suppose what we will do is wait until we read about it in the newspapers and find out about it.

385 It is clear that the hon. Member is dancing on a pinhead. (**A Member:** No.) She is answering the Question by reference to the particular way the Question has been formulated, and therefore obliging the Opposition to play Twenty Questions with her.

390 All we are interested in knowing is – without any detail, and she can couch it in whatever non-committal terms, in terms of whether the charges are proven or whether it is formal or informal – is she aware whether there has been an incident, which she has now said involves some sort of disciplinary measures, but which involves inappropriate behaviour through the consumption of substances by a carer whilst on duty? Yes, or no?

Either there has been a report of it, or there has not. It cannot be prejudicial to anybody to say, ‘Yes, there has been a report of that.’

395 **Hon. Miss S J Sacramento:** Mr Speaker, I can confirm that the allegation is not that a care worker has consumed a prohibited drug at Dr Giraldi Home. That is not the allegation. I am happy to inform the hon. Members in private what the allegation is, but it is not that any care worker has consumed drugs at the Dr Giraldi Home. That is not the allegation.

400 **Hon. P R Caruana:** Yes, alright. Will the hon. Lady acknowledge that I have not couched my supplementary in relation to drugs or Dr Giraldi Home? I have said a care worker on duty, consumption of substance – which could be alcohol, which is not illegal – and it may not have been in Dr Giraldi, it may have been somewhere else.

Care worker, consumption, disciplined: is there such an incident?

405 **Hon. Miss S J Sacramento:** No, Mr Speaker, no consumption at Dr Giraldi Home of drugs or alcohol. That is the answer, Mr Speaker.

**Hon. P R Caruana:** But I am not talking about Dr Giraldi.

410 **A Member:** That was the Question.

**Hon. Miss S J Sacramento:** That is the Question.

415 **Mr Speaker:** With due respect, the original Question is ‘whilst working in a flat in the Dr Giraldi Home’.

**Hon. P R Caruana:** My supplementary.

420 **Hon. J J Netto:** Can I ask a further supplementary question, because the hon. Lady has said that disciplinary action has started – I think those were her words. Can I ask her whether invoking disciplinary action has happened at least two weeks after the alleged incident in Dr Giraldi Home?

**Hon. Miss S J Sacramento:** Mr Speaker, could he repeat the question, please?

425 **Hon. J J Netto:** What I am saying is that the hon. Lady has said that the Care Agency has invoked disciplinary action against an employee of the Care Agency. That is what the hon. Lady has said. What I am saying is, as a result of that –

430 **Mr Speaker:** You are not supposed to say; you are supposed to ask.

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

Can I therefore ask whether invoking the disciplinary code against this person has been, at the very least, two weeks after the incident had transpired?

435 **Hon. Miss S J Sacramento:** Mr Speaker, with respect and with your indulgence, I would submit that this is not a matter for Parliamentary Questions, to be discussed openly in Parliament.

440 Mr Speaker, I have already offered to the hon. Gentleman to provide him with details of the incident on a confidential basis, given that there will be disciplinary proceedings in this respect. What I can assure him is that the disciplinary procedure has been invoked and has been followed.

**Hon. D A Feetham:** Mr Speaker, I do not think it is appropriate for the hon. Lady to be offering to provide us with the information on a confidential basis – information that is a matter of public interest.

445 How does the hon. Lady actually justify the position that the party on that side of the House took in relation to all those incidents that they were asking questions about and they have now referred to a public enquiry, which you –

**Mr Speaker:** That has got nothing to do with the present Question. (*Interjection*) No, the public inquiry –

450 **Hon. D A Feetham:** How does this –

**Mr Speaker:** No, it has nothing to do with this matter.

455 **Hon. D A Feetham:** Mr Speaker, you have not heard my question.  
How do you justify the position that you have taken there and the position that you take now, which is, effectively, to provide no information about an incident in your own and in the very same Department? How do you justify that?

460 **Hon. Miss S J Sacramento:** Mr Speaker, at this stage it is an allegation and it needs to be dealt with properly and fairly, and what I am saying is that this incident is not being brushed under the carpet. It is something which has invoked the disciplinary procedure and is being dealt with.

I do not see how this allegation can be connected to anything else, Mr Speaker. That is the answer.

465 **Hon. J J Netto:** Mr Speaker, can I ask a further supplementary question?  
In relation to when the Care Agency found out that there was an allegation, did the Care Agency suspend this individual straight away, or that was done eventually, or the person has not even been suspended?

470 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, if I may assist the House, and if I may refresh the memories of the hon. Gentlemen and Lady opposite, when I asked questions, when I was a Member of the Opposition, in respect of an ongoing investigation and suspension that occurred in the GHA in respect of a particular doctor, the Hon. then the Chief Minister rose to say in this House that, because the matter was being investigated, there should not be furnished across the floor of the House *any* particulars or any questions arising out of it, which was a  
475 reply which we accepted, as a result of which I asked no more questions across the floor of the House.

My hon. Friend has, in fact, offered to go one step further than they did, which is to provide details on a confidential basis.

480 **Hon. J J Netto:** Mr Speaker, that does not offer any clarification or answer to my question. My question to the hon. Lady is to say has the person been suspended while the allegation is being made – and, if the person has been suspended, was he suspended from the minute the allegation was made; or has the person not been suspended at all?

485 **Hon. Miss S J Sacramento:** Mr Speaker, I do not feel that it is appropriate for any further details to be given at this stage.

**Hon. D A Feetham:** Mr Speaker, may I ask the hon. Lady, has the matter been reported to the Police? That is one supplementary.

490 The other one is the hon. Lady said that we were not talking about a *consumption* of prohibited drugs: are we talking about possession of a prohibited drug?

**Hon. Miss S J Sacramento:** Mr Speaker, I refer to my most recent answer and I do not wish to provide any further details at this stage, but I am happy to answer it privately.

495 **Hon. P R Caruana:** Is it the hon. Lady's position that she thinks it is prejudicial, because it is under investigation, even to tell this House the *nature* of the alleged incident? In other words, whether it is a case of murder, incest, drug consumption, simply being rude to a superior, she is willing to tell us nothing about the level of gravity of the offence. To decline to do that on the basis of *sub judice*, would she not accept, is abusive of the *sub judice* rule?  
500

This House is entitled to know whether, somewhere in the public sector, there has been an incident which should be of public concern.

She is entitled to preserve the proprieties of the right to a fair hearing, or the right to a fair trial, or the right to an investigation, which I concede, but those are not the only ends of the spectrum. Those are at the end of the spectrum, and in the middle there is the ability to inform this House, which is neither one

505 thing nor the other in terms of the extremities that I have described. She cannot take refuge in the extremity when she is not being *asked* about the extremity.

510 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the fact is that the hon. Lady has given that information which the hon. Member seeks already. She has given, in one of her earlier answers, which I heard on the broadcast of these proceedings, clear indication of the nature of this type of offence, because she has confirmed that an offence of the nature of the one that the hon. Member's Question alluded to, is the sort of offence that we are dealing with.

515 Mr Speaker, let us be clear. The hon. Lady is saying, in terms, 'I do not think it is appropriate for me to say publicly, across the floor of the House, any more about what stage that issue is at, but I am quite happy to have a conversation outside so that you are aware of it,' and she is saying, '*at this stage*'. In other words, there will come a stage where things will have advanced, where it is possible to give further information across the floor of the House and put that information in the public domain.

520 Mr Speaker, I do not think that is unfair. I think that is almost, to an extent, what the hon. Member is getting to. Now that he has had confirmed what the *nature* of the offence alleged is, surely, if they are *really* interested in what is happening, they will take the information confidentially and await a future stage when the information can be put in the public domain.

525 **Hon. P R Caruana:** Mr Speaker, I am very grateful for the Hon. the Chief Minister's intervention. I do not know how much of the exchange he was able to hear in the broadcast –

**Hon. Chief Minister:** Except for the [*inaudible*].

530 **Hon. P R Caruana:** – but Mr Speaker, it is not an accurate recital of what has transpired so far to say that we are aware of the nature of the offence. Indeed, the Question asks whether it is consuming a prohibited drug while working in a flat in the Dr Giraldi Home. When I have asked the hon. Lady, she says, 'No, it is not that, but it is of a similar nature,' and when I have asked her whether it is consuming *any* substance on *any* premises by *any* care worker, she has said 'No, no.'

535 I do not suppose I am the stupidest individual in Gibraltar. I can tell him, having just sat here listening to the exchanges, mainly between other Members of this House, that I am none the wiser as to what might be the nature of the offence.

540 Indeed, that is all I am seeking in supplementary. It would suffice the purpose of *my* supplementary – I do not know if it would my colleague, but it would suffice the nature of my supplementary – simply to be told, 'Yes, it involves drugs or drug consumption or drug possession, and I am not willing to say any more on that.' That would be to confirm the *nature* of the offence, but we have not even known if it is about drugs, or it is about drug consumption or substance abuse of any kind. Indeed, it has been denied.

545 **Hon. Chief Minister:** Mr Speaker, I do not think that is quite right. I think I have heard all of the exchange, except the bit that took me from the bottom of the steps to the top here, and the hon. Gentleman will recall that he was told that an offence of the nature described did occur.

He has then sought to ask further supplementaries to determine further where that alleged type of offence occurred. So we are talking about the type of offence referred to in the Question. We do not want to say more about where it may have happened or not happened, but we have confirmed, I believe, the nature of the type of offence and are happy to give them all the details that they want privately.

550 This is not a question of not giving the details; it is just a question of wanting, *for now*, not to share them publicly – because the hon. Lady has said 'at this stage'.

**Hon. P R Caruana:** That is okay, Mr Speaker, and I now accept the Hon. the Chief Minister's answer.

555 As a result of the Hon. Chief Minister's answers, I now believe – perhaps you would confirm to me – that, without wishing to give any details, it is an offence of the nature of consuming a prohibited drug: that was contradicted by the Lady Minister, who, when I said, 'Never mind drugs, never mind Dr Giraldi – I am not asking about Dr Giraldi – is this a case of drug, or any other substance, consumption anywhere else, not just Dr Giraldi, by a care worker – yes, or no?' and I was told no.

560 **Hon. Chief Minister:** That is right, Mr Speaker, because that is the right answer, because there are – (*Interjection by Hon. P R Caruana*) The hon. Gentleman needs to know – (*Interjection by Hon. P R Caruana*) No, Mr Speaker, the hon. Gentleman needs to know that he said a number of things in the context of putting up his question, which has assumed certain aspects of what might happen in respect of such an offence, and he has gone perhaps a step too far.

565 I am quite happy to recess the House for a moment and give him the detail, Mr Speaker, but this is an issue which is sensitive because of the nature of what is happening, and the information should be put in

the public domain, absolutely right, at the right time, but not just now. That is the only thing we are saying.

570 **Hon. J J Netto:** Mr Speaker, can I ask a further supplementary question to the hon. Lady?

**Mr Speaker:** The last supplementary; I have given enough latitude.

575 **Hon. J J Netto:** Could she perhaps confirm that in the incident she is talking about on the person who seems to have done something prohibited, as far as drugs is concerned, the person was not suspended, but the person was instead transferred to the Dr Giraldi office, which is about 10 metres away from flat number 1?

580 **Hon. Miss S J Sacramento:** Mr Speaker, I can confirm that the person is suspended now.

**Mr Speaker:** What was that? I did not hear.

**Hon. Miss S J Sacramento:** I can confirm that the person is currently suspended.

585 **Mr Speaker:** Is currently suspended.

**Hon. Miss S J Sacramento:** As to the details of what I am being asked, I do not know, Mr Speaker. The person is suspended and, as I understand it, has not been in touch with any of the service users since the date of the allegation.

590 **Hon. J J Netto:** Mr Speaker, that is good to know, that the person is suspended now whilst the investigation is taking place.

The person may be suspended today... My original first supplementary question was to ask when was the date of the incident –

595 **Hon. Miss S J Sacramento:** And I said no.

**Hon. J J Netto:** – and you said no. But is she aware that perhaps it was last week, or two weeks ago, or three weeks ago? If the person is suspended today, at the very least one would assume that the Minister would know whether the incident took place a week ago, two weeks ago, three weeks ago.

600 **Mr Speaker:** The Minister does not deal with the suspension, does she?

605 **Hon. J J Netto:** Well, may I ask my second supplementary question: can she confirm that she has had a meeting in Dr Giraldi Home with Jenny Allison and Carlos Banderas to discuss this issue?

**Hon. Miss S J Sacramento:** Mr Speaker, no, I have not been to Dr Giraldi Home in a while. I have not had a meeting at Dr Giraldi Home with anyone.

610 **Hon. J J Netto:** The meeting could have been, perhaps, in her office. Can she confirm that she has had a meeting with Jenny Allison and Carlos Banderas to discuss this incident?

**Hon. Chief Minister:** Wouldn't it be strange if she hadn't?

615 **Hon. Miss S J Sacramento:** Mr Speaker, the disciplinary process is being dealt with by the Human Resources Department upon legal advice every step of the way, first of all.

The matter is being conducted by the officials, as is appropriate. That I am kept informed, absolutely; and I was informed immediately when the allegation arose. That I do not recall the date right now is a different matter, because we are in the realms of supplementaries, Mr Speaker; but that I have been kept informed by management, absolutely. That it is being dealt with by management, absolutely, from the bottom to the top.

620 This is a very serious matter, Mr Speaker, and legal advice is being taken every step of the way. I can assure the hon. Gentleman that this is being dealt with appropriately and nothing will be swept under the carpet.

625 **Clerk:** Question 1035, the Hon. J –

630 **Hon. P R Caruana:** Mr Speaker, can we just add that the hon. Lady... With the Speaker's indulgence, it is the second time that she has thought it appropriate to make a reference to 'nothing being swept under the carpet'.

The interest of this side of the House is not limited to circumstances of preventing things from being swept under the carpet. In other words, it had not crossed my mind that you might have been sweeping anything under the carpet. The public interest in knowing is not limited to circumstances in which there may be an attempt to sweep under the carpet, and she must not interpret, unless the allegation is specifically made, that the fact that the Opposition takes an interest in a matter is an implicit accusation of sweeping things under the carpet.

I am grateful to Mr Speaker. It was not a supplementary.

640 **Mr Speaker:** Next question.

**Care Agency  
Ministerial contact with member of staff**

645 **Clerk:** Question 1035, the Hon. J J Netto.

650 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if the hon. Lady has personally phoned a member of the Care Agency at her private home number, reassuring the employee about the reports submitted in relation to bullying and harassment during 2012?

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

655 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, this is not a conversation that I recall at all, but any reassurance that I would have given would be that the matter would be dealt with by the Human Resources Department, in accordance with procedure.

660 style="text-align: center;">**Alzheimer's and dementia sufferers  
Domiciliary care funding**

**Clerk:** Question 1036, the Hon. J J Netto.

665 **Hon. J J Netto:** Mr Speaker, could the Minister for Social Services say how many sufferers of Alzheimer's and dementia are receiving help from the domiciliary care funding subhead of the Care Agency as from Friday, 30th October 2012, broken down by the number of hours of domiciliary care given per person and showing the total amount spent for this group since the beginning of the financial year to 30th October 2012?

670 **Clerk:** Answer, the Hon. the Minister for Equality and Social Services.

675 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, 19 sufferers of Alzheimer's and dementia are receiving help from the domiciliary care funding subhead of the Care Agency as from Friday, 30th October 2012.

A table showing the number of hours per person will be handed to the Member opposite. The total amount spent for this group since the beginning of the financial year to 30th October is £61,761.22.

Answer to question 1036 of 2012

	Number of hours of Domiciliary Care received per week as from 30 October 2012
1	10
2	14
3	22.35
4	13.45
5	3
6	3
7	4.35
8	28
9	5.5
10	12
11	3
12	14
13	49
14	10
15	7
16	35
17	7
18	21
19	5

680

**TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES**

685

**Sustainable Traffic, Transport and Parking Plan  
Tender for consultancy services**

**Clerk:** Question 1042, the Hon. D J Bossino.

690

**Hon. D J Bossino:** Since Question 656/2012, can the Minister for Traffic confirm whether the tender for consultancy services in relation to the Sustainable Traffic, Transport and Parking Plan has been awarded; if so, to which entity; and can he provide further details of the services which will be provided by the successful tenderer?

695

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, no, sir, it has not been awarded.

700

**Mr Speaker:** Next question.

**Hon. D J Bossino:** Mr Speaker, can the Minister provide this House with an indication as to when he considers that the tender will be awarded?

705

**Hon. P J Balban:** Mr Speaker, we are actually at the final stage of the tender assessment at the moment and it should be made imminently, the award.

710

**Hon. D J Bossino:** Mr Speaker, can I ask the Minister what has been the cause of delay? I think, in the answer to one of my supplementaries back on 19th July, he did indicate... unless I have got it wrong, but I think he did indicate that:

‘It is expected that the invitation to tender will be forwarded within the next couple of weeks.’

715

Has that been done and then...? Maybe he can explain the timeline and what has happened since 19th July, because I do not fully follow it from the answer that he gave to that particular supplementary.

**Hon. P J Balban:** Mr Speaker, an EU tender requires a minimum number of days for each stage, and this extends the whole process beyond what is normally the case for tenders published locally only.

720

In addition, the submissions received have been comprehensive and detailed, hence they require time to assess. Queries were raised and clarifications requested and replied to by the consultants. All the shortlisted consultants were also asked to give presentations.

725

**Engineer Lane/Upper Town escalator  
Awarding of tender and cost**

**Clerk:** Question 1043, the Hon. D J Bossino.

730

**Hon. D J Bossino:** Can the Minister for Traffic advise which company was awarded the tender for the construction of the Engineer Lane/Upper Town escalator and what the cost of this project is?

**Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

735

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the works to construct the Upper Town pedestrian link were awarded to Casais, the main contractor for the Engineer Lane multi-storey car park, as a variation to the contract in the sum of £597,901.

740

**Adjournment**

745

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn to Thursday, 20th December at 3.00 p.m.

**Mr Speaker:** I will now put the question that the House now adjourn to Thursday, 20th December at 3.00 p.m. Those in favour. (**Members:** Aye.) Those against. Passed.

The House will now adjourn to Thursday, 20th December at 3.00 p.m.

750

*The House adjourned at 3.50 p.m.*





# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.30 p.m.

Gibraltar, Thursday, 20th December 2012

## The Gibraltar Parliament

*The Parliament met at 3.00 p.m.*

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

[CLERK TO THE PARLIAMENT: M L Farrell Esq RD *in attendance*]

## Order of the Day

5

### SUSPENSION OF STANDING ORDERS

10

#### **Standing Order 7(1) suspended to proceed with Government Statement**

**Clerk:** Sitting of Parliament, Thursday 20th December 2012.  
Suspension of Standing Orders, the Hon. the Chief Minister.

15

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Government Statement relating to the Experts' Report into Fishing in British Gibraltar Territorial Waters.

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**Mr Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

**GOVERNMENT STATEMENT**

25

**Experts' Report into Fishing in British Gibraltar Territorial Waters  
Statement by Minister for Health and the Environment**

**Mr Speaker:** The Hon. the Minister for Health and the Environment.

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**Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Report from the Commission of Experts on Fishing and Marine Conservation in and around British Gibraltar Territorial Waters has now been received by the Government. It will be assessed over coming weeks by the Department of the Environment and the Nature Conservancy Council, following which the Government will decide on what, if any, action needs to be taken in respect of the matters considered. The Report will

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be published once this process is complete.

**Clerk:** Answers to... Sorry.

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**Hon. P R Caruana:** Mr Speaker, it seems to me the Statement is simply to the effect that they have a Statement, that they have the Report. Well, we read that in the press 10 days ago.

**Questions for Oral Answer**

45

**TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES**

50

**Clarification on Question 1039/2012  
Tenants decanted from unsafe dwellings**

**Clerk:** Answers to Questions continue.

55

**Mr Speaker:** Before we proceed with Questions, the Hon. the Minister for Traffic, I think wants to say something, clarification of a matter that was left outstanding on Monday?

**Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Yes. Thank you, Mr Speaker.

60

Mr Speaker, further to the reply given to Question 1039/2012, I would like to inform the hon. Member that one further case was erroneously omitted. Therefore the answer is that a total of five tenants were urgently decanted from their flats. The omitted case was that... or the case decanted on 8th November 2012 and they are expected to return to their flats on 20th December 2012.

65

**CHIEF MINISTER**

70

**Factories Inspectors  
Chief Minister's statement to Health & Safety seminar**

**Clerk:** Question 1070/2012, the Hon. J J Netto.

75

**Hon. J J Netto:** Mr Speaker, given the answer to Written Question 234/2012, will the Chief Minister now take the opportunity to apologise to the attendees of the Health & Safety seminar organised by the local branch of IOSH and Unite the Union, for having misled them when he said:

'there has been a clear change in Health & Safety since the arrival of the new Government, which has seen the doubling of the Factories Inspectors from two to four?'

80

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, certainly not, as what I told the conference was correct.

85 **Hon. J J Netto:** Mr Speaker, what he did say to the conference is what I have just quoted in my original Question, which I am not going to repeat.

The fact of the matter is that he told the conference there were four Factory Inspectors and that is untrue. There are two Factory Inspectors, which have been confirmed by the Chief Minister indeed in last month's answer and indeed confirmed by the Minister for Housing... by the Minister for Health & Safety.

90 The fact is, Mr Speaker, he can wriggle out as much as he wants from what he actually said, but the fact is that he said that, given the enormous energy and push given by the new Government, there are now four Factory Inspectors, which, clearly, there are not. The number of Factory Inspectors today are exactly the same number there were when we were in Government.

95 What has happened is that the Government has transferred two Health & Safety officers from the Housing Agency to support the Factory Inspectors, but those two people transferred have neither got the role nor the status, nor been given that position by the Director in accordance with the Factories Ordinance.

100 So I put it to the Chief Minister, is his personal ego more important than saying the truth and will he rectify and push ego to one side and apologise to those people for misleading them?

**Hon. Chief Minister:** Mr Speaker, when people try and bring things like ego into something as simple as this, you know that they are in trouble.

105 There were two Factories Inspectors when the hon. Member was in Government; there are now four. There are two people, of those four, who have been seconded to the post and who have qualifications as Health & Safety inspectors. There are four people doing the work of Factory Inspectors.

It is not a question of ego, Mr Speaker; it is a question of simple mathematics. I said that we would double the number and we have.

110 **Hon. J J Netto:** Mr Speaker, the Chief Minister is actually wrong and if he cares to look back at previous questions, even the questions answered by his Hon. Minister on the matter, in relation to Question 785/2012, in the provisions of how many Factory Inspectors there are, it is two and then you have the two seconded Health & Safety officers, which has also been confirmed by the Minister last month.

115 So we have *not* had a doubling of Factory Inspectors. What we have had, to use a Spanish phrase, is: *desvestir un santo para vestir a otro santo*. That is what we have had. We have *not* increased Factory Inspectors. In any case, the Government, through the Director in accordance with the legislation, has not gazetted the appointment of any further factory inspectors.

120 So it is not a question of mathematics; it is a question that the Chief Minister is trying to wriggle out from being truthful to the facts and therefore the result of the matter is that his ego is more important than the facts.

**Hon. Chief Minister:** Mr Speaker, I do not discern a question and I am not going to rise to answer the same point again.

125 **Clerk:** Question 1071, the Hon. J J Netto.

130 **Welcome to Hon. C A Bruzon  
on return to Parliament**

135 **Mr Speaker:** Perhaps before we proceed, if the hon. Member will allow me, I had not realised when I was in the antechamber that the Hon. Charles Bruzon was in the House today. Therefore I am sure I am speaking on behalf of all Members when I say how delighted we are to see him here with us and to wish him every good health. (*Applause*)

140 **Minister for Housing and the Elderly (Hon. C A Bruzon):** Thank you very much, Mr Speaker and I thank all the hon. Members for their good wishes for a speedy recovery. I am talking about every Member of this Parliament, including yourself, Mr Speaker, and the Clerk.

Thank you very much. (*Applause*)

**Moroccan workers  
Hostel accommodation**

145

**Clerk:** Question 1071.

150

**Hon. J J Netto:** Yes, Mr Speaker, if I can also add that the general sentiment, I think with the whole House indeed, regardless of where we are sitting, we are all extremely glad to see the Hon. Charles Bruzon here in Parliament.

155

Will the Chief Minister consider abandoning his policy of transferring the Moroccan workers from the current hostels to the proposed floating vessel, and instead proceed with the GSD Government policy of providing a proper constructed hostel in the old Ready Mixed site in Devil's Tower Road?

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

160

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the use of a floating hostel on a temporary basis and the development of a new workers' hostel on land are not mutually exclusive.

165

**Hon. J J Netto:** Mr Speaker, they may not be mutually exclusive, but the point is that the new Government decided that they were not going to proceed, for whatever reasons, with the previous GSD Government in providing a properly constructed hostel on the old Ready Mixed site. The new Government is perfectly entitled to choose what options they decide to do.

170

But the fact of the matter, as I see it anyway, is that the Government finds itself in a situation today where none of the two Moroccan Associations are in favour of transferring the current Moroccan workers in the Buena Vista hostel to this floating vessel. My understanding is that the Moroccans themselves who happen to be in the Buena Vista hostel are not excited and they do not want to go to the floating vessel. Most people in Gibraltar think that it is quite degrading to treat the Moroccans in the manner in which the Government option is – meaning transferring them from a properly constructed hostel to a floating vessel – and in any case, quite apart from the moral issue, which is for me the most fundamental, important issue of all, most people in Gibraltar would think that a floating vessel berthed *anywhere* around the port of Gibraltar is a totally unsightly thing, which obviously does not go hand in hand with promoting Gibraltar as a finance centre.

175

So, in my supplementary question (*Laughter*) to the Chief Minister, given that there are more and more delays all the time – we have wasted now 12 months and we are exactly today, 12 months on, as we were 12 months –

180

**Mr Speaker:** Will the hon. Member ask a question, please? The preamble to justify the supplementary, I think is long enough.

185

**Hon. J J Netto:** Will he not consider his current plans, abandon the idea of a floating vessel and construct a proper hostel for the Moroccan workers? (*Interjections*)

190

**Hon. Chief Minister:** Mr Speaker, I do not think the hon. Gentleman understood what it was that I have told the House on previous occasions and what I have reminded him of now. The whole point of the floatel was that it was to provide accommodation for an interim period, whilst a hostel was developed on land.

195

So it is not a question of abandoning the policy, because there is no policy to abandon. We are not saying that Moroccan workers should live on this floating hostel and not have something built on land. That is to deal with the premise of the question.

200

Second, Mr Speaker, I do not know how it is that he gets up in this House and makes statements of the sort that he does. He knows that he is responsible for his statements in this House. He has alleged that I have said something which is not truthful. I am not going to pursue that – in his previous Question. But I will tell him, Mr Speaker, that the Moroccan Community Association, the President of which I met yesterday, are very pleased with the possibility of this floatel coming into action. So I do not know where he gets it from, that he can make a statement in this House, as he has a moment ago, for which he is responsible, that both of the Moroccan workers' representative organisations are against this idea.

I also do not know where he gets it from to say that it is degrading to offer people the opportunity to move into what was a three-star hotel – a floating three-star hotel. It then became a prison for a while and if it is to be used, Mr Speaker, it will be subject to a refurbishment which will make it *much better* accommodation than Buena Vista *ever* was for the period when he was in Government, (**A Member:** Hear, hear.) than Devil's Tower Road has ever been for the period that he was in Government, whilst we develop the worthy hostel that workers who come to Gibraltar deserve – not just Moroccans, but many

205 different nationalities, because, as he will know, there is now a call for workers' rooms, not just for Moroccan workers.

Everything, therefore, on which he has premised this Question, Mr Speaker, is unfortunately wrong.

210 **Hon. J J Netto:** Well, Mr Speaker, if it is such a wonderful floating hotel that they are going to do, why is it, at the beginning of his answer just now, he said it is going to be an interim basis. I put it to him in the form of a question: is it that the Government's latest thinking on the matter is that whenever this floating hotel vessel becomes sufficiently good enough to perform the function of a floating hotel, it is going to be for a short period of time – 12 months, 18 months, 24 months – until eventually constructing a proper hostel on land, on a permanent basis?

215

**Hon. Chief Minister:** Mr Speaker, yes, except that that is not the latest thinking on the matter. If the hon. Gentleman goes back and looks at the questions he has asked me on this very subject, that is exactly the answer I have given him previously – I think on two or three occasions.

220

**Hon. J J Netto:** So can I ask, Mr Speaker, what is the alternative site that the Government is thinking today, in order to construct a hostel on land?

**Hon. Chief Minister:** Mr Speaker, there are a number of options and we have not yet identified the one which we will determine is the appropriate one.

225

**Hon. J J Netto:** Does the Government have a timetable as to when they think they will determine what is a suitable site?

230 **Hon. Chief Minister:** Mr Speaker, when the Government determines a suitable site, it will make an announcement.

**Mr Speaker:** Next question.

235

**Petroleum products  
Imports and exports during last 12 months**

240 **Clerk:** Question 1073, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government state the value of imports and exports of petroleum products for the last 12 months?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, figures in respect of the imports and exports of petroleum products are provided to the Statistics Office by the importers and are requested on an annual basis at the end of the calendar year. These figures are therefore not yet available.

250 **Hon. D A Feetham:** So effectively, they will be available by the end of this year. Will the hon. Gentleman undertake to provide me with the figures, as and when the Government has it?

255 **Hon. Chief Minister:** Mr Speaker, I do not know whether they will be available immediately at the end of the calendar year; it may be at the end of the first month of next year.

For the reasons that the Hon. the Leader of the Opposition used to give when he was standing here, in order not to fail in an undertaking, I am not going to undertake to do that, but if the hon. Gentleman writes to me in January, then I will make sure that the person who collates the information does provide it to him.

260 **Hon. D A Feetham:** I am much obliged.

265

**Public and private sector employment  
PAYE payable and numbers employed**

270 **Clerk:** Question 1074, the Hon. D A Feetham.

275 **Hon. D A Feetham:** Mr Speaker, based on the last Employers' Annual Statement, Declaration and Certificate submitted to date, what was the PAYE payable, and the numbers employed by area of employment as follows: (a) MOD; (b) Gibraltar Government; (c) Government-owned/joint venture companies; and (d) private sector employment?

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

280 **Chief Minister (Hon. F R Picardo):** Mr Speaker, based on the 2011-12 Employers' Annual Statement, Declaration and Certificate submitted to date, the PAYE tax payable by area of employment is as follows (in millions): (a) MOD, £2.88 million; (b) Gibraltar Government, £30.17 million; (c) Government owned/Joint Venture companies, £3.43 million; and (d) Private sector employment, £66.94 million; giving a total of £103.42 million.

285 I will give the hon. Gentleman a copy of this, if he likes. I have not been given a handout.  
The Employers' Annual Statements for the tax year 2011-12 are currently being processed and it is not possible at this stage to provide details of numbers employed by area of employment.

**Mr Speaker:** Next question.

290

**EU Directives pending transposition  
Details**

295 **Clerk:** Question 1075, the Hon. D A Feetham.

300 **Hon. D A Feetham:** Can the Government list the EU Directives which are pending transposition in Gibraltar, showing the name and number of the Directive and the date by which they were to have been implemented?

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

305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, all of these questions seem remarkably familiar. I recall Members on this side of the House asking them when we were over there – quite right too!

Mr Speaker, at present, there are five EU Directives pending transposition in Gibraltar. I will now hand the hon. Member a table with the information requested.

**ANSWER TO QUESTION 1075**

**Directives pending transposition in Gibraltar**

**as at 17 December 2012**

Directive name and number	Transposition Deadline
Directive 96/53/EC on maximum dimensions/weights in traffic amended by Directive 2002/7/EC.	17 Sep 1997 09 Mar 2004 09 Mar 2005
Directive 97/81/EC concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and ETUC, extended to the United Kingdom amended by Directive 98/23 (on the extension of Directive 97/81/EC).	20 Jan 2000 07 Apr 2000
Directive 2002/8/EC to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.	30 Nov 2004 (30 May 2006 for Art 3(2)(a))
Directive 2002/74 amending Directive 80/987/EEC on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer. See now codification carried out by Directive 2008/94/EC on the protection of employees in the event of the insolvency of their employer.	08 Oct 2005
Directive 2004/80/EC on compensation to crime victims.	01 Jan 2006

310 **Mr Speaker:** Does the hon. Member have any supplementaries?

**Hon. D A Feetham:** Are there any infraction proceedings in relation to any of these at all?

315 **Hon. Chief Minister:** Not as far as I am aware.

**Legal services  
Fees paid by Government**

320 **Clerk:** Question 1076, the Hon. D A Feetham.

325 **Hon. D A Feetham:** Can the Government give a breakdown of the amounts paid since 9th December 2011 to date to each law firm or barrister in respect of legal services, giving a breakdown by firm and showing what are legal fees and what are disbursements?

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

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

335 The hon. Gentleman and I spoke in the antechamber, Mr Speaker, about whether this information was on the website. I am asking the Statistics Department to provide this data on the Government website from now on and update it monthly. At present, I am advised that only the fees for legal drafting services are already on the site. These fees are in addition to any fees paid in respect of drafting services. Clearly the sums reflect amounts invoiced and paid and some firms may have unbilled work in progress.

**ANSWER TO QUESTION 1076**

<i>Law Firm / Barrister</i>	<i>Legal Fees</i>	<i>Disbursements</i>
Andrew J Hayes	£1,200.00	
Beloff QC, Mr M	£1,600.00	
Brick Court Chambers	£7,750.00	
Charles Gomez & Co	£22,212.00	
Cleary Gottlieb Steen & Hamilton	£197,840.53	£1,915.64
Cramer-Salamian Avocats	£34,973.85	
Hassans	£267,967.00	£62,362.77
Isolas	£13,280.00	£45.00
Jean-Christophe Diserens	£3,551.07	
Lewis QC, Mr A	£3,225.00	
Saini QC, Mr P	£6,000.00	
T&T	£31,760.00	£70.00
TSN	£140,353.00	£83,824.91
Verralls	£9,800.00	£285.00

340 **Hon. D A Feetham:** Yes, thank you very much for that.

As I recall, when he used to ask these questions, he always used to split the question up between legal services and legal drafting. I never understood why, because, of course, legal services include legal drafting. So what the Hon. the Chief Minister is saying, really, that that practice of splitting the drafting of legal services, that will continue by putting assistance on the website.

345 Could I ask the Chief Minister, also, if I were to send him a list of questions that certainly are statistical in nature, that perhaps he might also consider putting that information online – a commitment, of course, he cannot give, because he has not seen the questions – but he might consider putting the information, statistical in nature, also on the Government website, so that I do not have to ask the questions? Certainly I would not ask them on a monthly basis, but certainly every six months.

350 **Hon. Chief Minister:** Mr Speaker, I have indicated that this particular statistic will now be published. I have just suggested to the Hon. Deputy Chief Minister that in fact the statistic that the hon. Gentleman asked about a moment ago, which was the importation of petroleum products, which used to be given across the floor of the House, when the now Minister for Employment used to ask the now Leader of the Opposition is another one that I think should be put on the website.

355 I am quite happy to look at a list of questions which the hon. Member is proposing should be put on the website, so that we can add more information to that already transparently available.

360 **Community Care  
Funding**

**Clerk:** Question 1077, the Hon. D A Feetham.

365 **Hon. D A Feetham:** Can the Government confirm how much funding has been provided to Community Care since 9th December 2011?

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

370 **Chief Minister (Hon. F R Picardo):** Mr Speaker, from 9th December 2011 until the financial year-end contributions totalling £5,350,000 have been made to Community Care. The total contributions of the financial year 2011-12 were as per the approved estimate, that is to say £16 million. Contributions to Community Care during this financial year to date – that is to say, April to November 2012 – total

375 £9,165,000.

**Gibraltar Provident Trust (No. 2) Pension Fund  
Employees electing to join Provident Fund**

380 **Clerk:** Question 1078, the Hon. D A Feetham.

385 **Hon. D A Feetham:** Can the Government list the entities that were contributing to the Gibraltar Provident Trust (No. 2) Pension Fund as at the end of November 2012 and in respect of each, state the number of eligible employees on that date and the number that had elected to join the Provident Fund?

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

390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will now hand the Hon. Member a statement with the information requested on the list of entities contributing to the Gibraltar Provident Trust (No. 2) Pension Fund and the number of members that have joined.

He will see that there is not *all* the information that he has requested in what I am giving him and this is the reason for it.

395 All public sector employees are eligible to participate in a pension scheme. Those employees who are not eligible for a pension under the Pensions Act are eligible to join either the Gibraltar Provident (No. 2) Pension Scheme or the Guaranteed Superannuation Fund Pension Scheme. In some cases, employees have been given the option to retain their own private pension arrangements and there are also some employees who receive a gratuity in lieu of a pension under the terms of their contract of employment.

400 An analysis of the number of persons who may be eligible to join the Gibraltar Provident (No 2) Pension Scheme and who may have elected to have other pension arrangements, or indeed who may have elected not to participate in any pension scheme, is not therefore readily available.

I have asked nonetheless that such information should be collated. I expect it will take some months to collate. I will provide the hon. Gentleman with the information when I have it.

405



**Gibraltar Provident Trust (No. 3) Pension Fund  
Participant employers in private sector**

410 **Clerk:** Question 1079, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Government state, as at the end of November 2011, which employers in the private sector were participating in the Gibraltar Provident Trust (No. 3) Pension Fund and in respect of how many employees each?

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

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

**Answer to Question 1079 of 2012**

**Gibraltar Provident Trust No 3 Pension Scheme  
Membership as at November 2011**

<b>Company Name</b>	<b>No of Members</b>
Aquagib	3
Baker Tilly (Gib) Ltd	15
Change Management	2
Companies House	12
Fidux Trust Company Ltd	1
Financial Services Commission	32
Gala Casino	1
Gedime Motors Ltd	3
Gibraltar Chronicle Newspaper Ltd	12
Gibraltar Chronicle Printing Ltd	19
Gibraltar Duty Free Shops	1
Gibraltar General & Clerical Association	2
GM International Homes Ltd	2
Grant Thornton (Gibraltar) Ltd	12
Grant Thornton Fund Administration Ltd	4
GT Fiduciary Services Limited	1
Helvetic Fund Administration	2
HFFT Limited	2
James Molinary	2
Ladbrokes International Ltd	18
Lemma Europe	1
Lewis Stagnetto Ltd	31
Marine & Industrial Services Ltd	1
Marr Co. Ltd T/A The Paint Shop	5
Master Service (Gib) Ltd	28
Newcastle Building Society	5
Robvia Ltd	2
Saccone & Speed (Gibraltar) Ltd	12
Serco Limited	105
SM Seruya Ltd	1
Sterling Travel Ltd	1
TCMS Ltd	3
Turner Group	15
Willis Management (Gibraltar) Ltd	9
Xanthos Asset Management Ltd	1
York Ltd	16
<b>Total 36 Companies</b>	<b>Total 382 members</b>

**Gibraltar Provident Trust No 3 Pension Scheme  
Membership as at November 2012**

Company Name	No of Members
Aquagib	4
Baker Tilly (Gib) Ltd	14
BDO	3
Change Management	4
Companies House	12
Fidux Trust Company Ltd	1
Financial Services Commission	38
Gala Casino	2
Gala Interactive	7
Gedime Motors Ltd	3
Gibraltar Chronicle Newspaper Ltd	11
Gibraltar Chronicle Printing Ltd	20
Gibraltar Duty Free Shops	1
GM International Homes Ltd	2
Grant Thornton (Gibraltar) Ltd	13
Grant Thornton Fund Administration Ltd	5
GT Fiduciary Services Limited	1
Helvetic Fund Administration	2
HFFT Limited	2
Hillside Ltd	16
James Molinary	2
Ladbrokes International Ltd	18
Lemma Insurance	2
Lewis Stagnetto Ltd	33
Marine & Industrial Services Ltd	2
Marr Co	5
Master Service (Gib) Ltd	32
Newcastle Building Society	4
Robvia Ltd	2
Rock Motors Retail Ltd	3
Saccone & Speed (Gibraltar) Ltd	12
Serco Limited	99
SM Seruya Ltd	1
Sterling Travel Ltd	1
TCMS Ltd	3
Turner Group	14
Willis Management (Gibraltar) Ltd	8
Xanthos Asset Management Ltd	1
York Ltd	17
<b>Total 39 Companies</b>	<b>Total 420 members</b>

425 **Hon. D A Feetham:** Mr Speaker, these two questions are certainly the type of questions that lend themselves, statistical, to the provision of information on the actual website – not of course on a monthly basis, but certainly, if the Chief Minister would consider on a calendar year basis or at the end of the financial year – and I would ask him to consider actually putting these statistics on the website.

430 **Hon. Chief Minister:** Mr Speaker, I am quite happy to consider that. I do not think there is any reason why this should not be available. It is now available in *Hansard*. It should be more easily available on the internet – although of course, *Hansard* is now available on the internet and people can find the information – but I am quite happy that this information should be put into the public domain without the need for there to be a question in this House.

435

**Mid-Harbour Estate  
Maintenance**

440

**Clerk:** Question 1080, the Hon. P R Caruana.

445 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister say why the Government has not properly maintained the Mid-Harbour Estate during the last 12 months?

445

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

450 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Question is based on a false premise. The estate in question has been properly maintained in the last 12 months. The problems now being experienced in that estate do not relate to a lack of maintenance. Cracks do not appear as a result of a lack of

maintenance. Flooding of a garage, as occurred before the General Election, does not occur through any lack of maintenance.

455 Perhaps the question should be ‘Can the Leader of the Opposition say why his Government allowed the estate to be handed over to tenants despite the problems inherent in the building?’ (*Applause*)

**Hon. P R Caruana:** He certainly can and has every intention of doing so, Mr Speaker – now, so he does not have long to wait.

460 Mr Speaker, before I do that, can the hon. Member say how he reconciles his answer that there has been no lack of maintenance with the Government’s public statement that:

465 ‘There has been no cleaning and maintenance of the Aco Drain, the walkway gargoyles are full of muck and sludge and they get blocked with standing water. The roof gutters, the Government has been told, have not been cleaned since handover in March last year and the presence of seagull nests, due to lack of maintenance, has resulted in rainwater overflowing into the roof and creating water penetration issues to the apartment below.

This is not the first of the previous administration’s projects where a clear lack of planning has meant little or no attention has been paid to maintenance issues’,

470 said Number 6. I presume that when the hon. Member said that a few days ago, he was not referring to seagulls that had been found on 8th December, that he was referring to seagulls recently found and that he was referring to roof gutters that were blocked now, not blocked on 9th December. It is a little bit late, a year later, to say, on 9th December last year there were blocked drainpipes.

475 The Government has put out a press release listing a litany of things which they have now found, which they attribute to lack of maintenance. Mr Speaker, whatever might be the issues that they found on 8th December, about which we also differ, 12 months seems to me enough for the hon. Members to have put in place whatever system of maintenance they claim the previous Government did not have in place.

So given that he has just claimed that there is now a system of maintenance in place, and by implication has been for some time, why has there been, during the last 12 months, still gargoyles full of muck and sludge that have got blocked with drain waters and roof gutters etc, and seagulls in drainpipes?

480 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman knows that there is going to be a meeting between the Hon. the Minister for Housing and representatives of this estate, I think, in January, the House was told earlier during the course of this session, which will be to address a lot of the issues which are relevant to the estate.

485 The position is simple, Mr Speaker: of course there is a maintenance programme in respect of Mid-Harbour Estate, but it has not addressed these issues which have caused problems at the estate.

But I thought the hon. Gentleman was going to answer for the cracks, etc that I referred him to. Is it that he is not going to deign to provide an explanation?

490 **Mr Speaker:** I think I should tell hon. Members that it is not for the Opposition to be answering questions and if the matter is going to reach that situation, what hon. Members should do is to debate the matter properly and not during questions and answers. They have an opportunity to do that. I have more than once drawn the attention of hon. Members to Standing Orders and Rules and this is a very appropriate matter to do precisely that.

495 So whilst this is an issue of a certain public importance, I am not going to allow a debate on the pretext of a question and answer session.

**Hon. P R Caruana:** Mr Speaker, so far I have asked one question and one supplementary. Presumably, Mr Speaker’s [*inaudible*] –

500 **Mr Speaker:** No, I am not stopping the Hon. the Leader of the Opposition –

**Hon. P R Caruana:** – is addressed to the Chief Minister –

505 **Mr Speaker:** I have intervened because the Chief Minister has said that the Leader of the Opposition has not answered a question. It is not for the Leader of the Opposition here in the House to answer questions. That can be done in a debate, certainly.

510 **Hon. P R Caruana:** Mr Speaker, is the Chief Minister not aware that at the time of the last Election, the Government had in place an arrangement whereby GJBS would deal with the maintenance of this estate, as it does for example, the Edinburgh House estate and that his Government cancelled that arrangement immediately on coming into office. Therefore, far from there having been no maintenance arrangement in place and subsequent maintenance by them after the Election, it is the reverse.

515 There *was* a maintenance arrangement in place before the Election, which they cancelled and have failed to replace with anything else as a result of which failure to replace our arrangement with anything else, all these things that they themselves have highlighted in their statement have happened: namely, the litany of things that they attribute to lack of maintenance in their public statement have all occurred during the last 12 months as a result of *their* failure to put into place any arrangements for maintenance, having cancelled our arrangements for maintenance, which was the GJBS model. Is the hon. Member aware of that?

520 **Hon. Chief Minister:** I am told, Mr Speaker, that that is a tissue of lies. (*Interjection by Mr Speaker*) For a simple reason, I am told that there was *no such contract*, that there was therefore nothing to cancel and what the hon. Member has just told the House is untrue.

525 **Hon. P R Caruana:** Well, Mr Speaker, so we are accepting the use of the word ‘lies’, are we across the floor?

**Mr Speaker:** No, no, no.

530 **Hon. P R Caruana:** So you will call him to order?

**Mr Speaker:** He has now said ‘untrue’. I *thought* I had heard ‘lie’ –

535 **Hon. P R Caruana:** Well, you did.

**Mr Speaker:** I did correctly and therefore I asked him to repeat... to clarify that matter.

**Hon. P R Caruana:** No, Mr Speaker. The use of the word ‘lie’ for clarification is not permitted –

540 **Mr Speaker:** He has said he did not. I would prefer that hon. Members should say that ‘that is not correct’ and leave it at that. So would the Hon. the Chief Minister withdraw ‘untrue’?

**Hon. Chief Minister:** [*Inaudible*] put it like that, Mr Speaker.

545 **Mr Speaker:** Right.

**Hon. P R Caruana:** No, Mr Speaker, the hon... it is not a question of what the Speaker prefers. The use of the word ‘lie’ is either permitted or not permitted, regardless of what the Speaker prefers. My understanding of the Rule is that it is *not permitted* and it is not permitted subject to clarification or whether the Speaker prefers this or prefers that.

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**Mr Speaker:** Would the Hon. the Leader of the Opposition listen to me clearly? Please, sit down.

555 **Hon. P R Caruana:** Yes, I will, of course.

**Mr Speaker:** Sit down. The use of the word ‘lie’ is unparliamentary. (**Hon. P R Caruana:** Exactly) Right, he then altered that and said ‘untrue’. I am not making a ruling at this stage of whether ‘untrue’ is unparliamentary or not, but I asked him to amend that and I said that my preference is I do not like to hear the word ‘untrue’ – is it correct or not? That is sufficient.

560 So forget about the question of lying, because that is unparliamentary and I do not need to rule any further on that.

**Hon. P R Caruana:** Well, let me tell the hon. Member that whoever told him it was untrue was lying to him (*Laughter*) and let me further tell the hon. Member that *he* has misled this House in the last three minutes.

565 I did not say in my own intervention, as he has just attributed to me in his last one, that there was a *contract* with GJBS. So in order to accuse me of lying, he says, he is lying because there was no contract to cancel – as if I had said there was a contract! I did not say there was a contract; I said there was an *arrangement*. Even a lawyer of his calibre should know the difference between an arrangement and a contract.

570 Mr Speaker, there was an *arrangement*, an arrangement the existence of which has been confirmed to me on the telephone very recently by people who would know about it, as indeed I knew about it at the time. Therefore, there was an arrangement that GJBS Ltd would deal with the maintenance of this estate as is the case with Edinburgh House and that they, on coming into office, told GJBS that they were not

575 required to continue with any such arrangement that the previous Government may have intended them to operate.

That is why I put it to him there is a lack of maintenance in... and not what he has *incorrectly* – to use the Speaker's preferred word – told the public that they were left with no arrangement and that the lack of maintenance subsequently is the result of that.

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**Hon. Chief Minister:** Well, Mr Speaker, I have not heard a question. I have heard a statement, but I thought the hon. Gentleman was not here to answer questions and I have heard a snide remark about what calibre of lawyer I am, which I can reply to, because I am obviously –

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**Mr Speaker:** I would rather you did not.

**Hon. Chief Minister:** Indeed, Mr Speaker –

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**Mr Speaker:** The quality of barristers is not a matter of concern to this House.

**Hon. Chief Minister:** Indeed, Mr Speaker, indeed! (*Laughter and applause*)

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**(Minister for Enterprise, Training and Employment) Hon. J J Bossano:** Or to most of the human race! (*Laughter*)

**Hon. Chief Minister:** Absolutely right, Mr Speaker! (*Laughter*) But in fact there are two in this House who have become Chief Minister, so they must be of the same calibre and I do not intend to take it further than that.

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**Mr Speaker:** Fortunately, there are another two in this House, who, without being barristers, have also been Chief Ministers! (*Laughter*)

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**Hon. P R Caruana:** I should add, Mr Speaker, with the same degree of humour – whatever degree that might have been, about which I make no comment – as the Hon. Chief Minister has made his remark about barristers and indeed the Hon. Speaker has made his about barristers, then of course the same is true about the qualities of universities which Members of this House have attended, which did not prevent the hon. Member from being perfectly snide about the difference between a degree from Oxford University and a degree from a university... without the Speaker interfering or even sighing.

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**Hon. Chief Minister:** Mr Speaker, I detect in the hon. Gentleman a desire to talk about things which are totally irrelevant to Question Time. So I am going to resist having to get up and deal with issues like this, because my experience is that that is how we get ourselves into the sort of behaviour that people outside this House then come to think is not befitting of this Parliament.

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**Income Tax Act 2010  
Issues of concern to Ecofin**

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**Clerk:** Question 1081, the Hon. P R Caruana.

**Hon. P R Caruana:** Thank you. Mr Speaker, can the Chief Minister say which are the issues about the Income Tax Act 2010 that have been of concern to Ecofin?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Code of Conduct Group has found that the non-taxation of foreign sourced intra-group interest is a harmful aspect of the Income Tax Act 2010. This is based on a *de facto* assessment of the measure.

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I am happy to tell him more, perhaps not across the floor of the House.

**Hon. P R Caruana:** Foreign group?

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**Hon. Chief Minister:** Foreign sourced intra-group interest.

**Hon. P R Caruana:** Subject to there not being some other reason to recommend discretion, given that the Commission already know what the proposed solution is – I do not know if there is anybody else that he does not want to discover what the proposed solution is – is he able to say in this House what the Government’s proposed solution is, which he has indicated in the press the Government has for this?

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**Hon. Chief Minister:** Mr Speaker, the Government has consulted quite widely with relevant heads of chambers and heads of accountancy practices and has chosen not to make public what the proposed solution is more widely, because although the Commission will be made aware of that proposal, there are, as the hon. Gentleman knows, other forces at play here, so I am quite happy to brief him as others have been briefed, or have those technicians that advised him and are now advising me brief him on the detail of this, but I would rather not do it at this moment across the floor of the House.

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**Western Beach reclamation  
Government intentions**

**Clerk:** Question 1082, the Hon. P R Caruana.

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**Hon. P R Caruana:** Mr Speaker, will the Chief Minister say whether the Government intends to proceed with the Western Beach reclamation?

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

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**Chief Minister (Hon F R Picardo):** Mr Speaker, Government is assessing the cost of this reclamation before making a final decision on how to progress it.

**Hon. P R Caruana:** Mr Speaker, is it not the case that much of the cost of the reclamation is in fact not borne by the Government and that therefore the question of cost to the Government is secondary?

665

Implicit in the Hon. the Chief Minister’s answer is that at present the Government is not proceeding with it, but reserves the right, subject to review, to proceed with it?

**Hon. Chief Minister:** No, Mr Speaker, because there is active consideration of a number of options actually progressing.

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**Hon. P R Caruana:** Mr Speaker, would that be with the support of and agreement of the important commercial entity in Gibraltar who was to be a principal user of that reclamation?

**Hon. Chief Minister:** Indeed, Mr Speaker.

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**Hon. P R Caruana:** And can the hon. Member confirm that it is the policy of the Government, as indeed it was the policy of our Government, when we were on that side of the House to proceed with such reclamations as it considers to be in the best interests of Gibraltar regardless of external opposition, either from our immediate neighbours or from further away?

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**Hon. Chief Minister:** Absolutely, except that for this one on the western side, none are presently planned.

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**Hon. P R Caruana:** Sorry, I did not catch: none of what is presently planned?

**Hon. Chief Minister:** Presently planned.

**Hon. P R Caruana:** What isn’t?

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**Hon. Chief Minister:** Reclamations.

**Hon. P R Caruana:** Well, this one. This is on the western side.

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**Hon. Chief Minister:** Except for this one on the western side, none are presently planned.

**Gibraltar public relations in Spain  
Recent appointment of lobbying firm**

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**Clerk:** Question 1083, the Hon. P R Caruana.

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**Hon. P R Caruana:** Mr Speaker, can the Chief Minister say how the firm recently appointed by the Government to lobby and conduct public relations for Gibraltar in Spain was selected?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, they specifically offered their services to the Government's Media Director in early 2012. The proposal was considered by the Government to have merit. The advice of the Media Director, having researched the market, was that the proposed cost was appropriate and that the company in question had the background and client base to merit their appointment.

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**Hon. P R Caruana:** So, Mr Speaker, is it the policy of the Government that, in relation to public procurement, they are content not to undergo a process of public tendering for the delivery of public services, if a private supplier approaches the Government privately, makes them an offer which the Government evaluates and considers good, without comparison, without market testing – with or without market testing – and therefore just allocates it? Does the hon. Member not agree that that would circumvent the public tender process for what is a public service?

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**Hon. Chief Minister:** Mr Speaker, not so much as it has been circumvented in the past, but given the very sensitive nature of the service to be provided here and the fact that it is a service being provided to the Government in Spain, not in Gibraltar, then in these particular circumstances, it was thought appropriate to proceed in this way – in these *very particular* circumstances.

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**Hon. P R Caruana:** But would it not have been more appropriate, and indeed more usual, if the Government – and I do not quibble with the underlying desire to have public relations consultants for use in Spain, but is it not a more appropriate and normal way of procuring services of that sort to launch a sort of beauty contest/public tender process to ensure (a) that we are getting the best company for the job and (b) that the price is the keenest for the job? That is what public tendering is for. Why would the Government not have done it that way in this case? What are the particular reasons?

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**Hon. Chief Minister:** Mr Speaker, I do not know whether the hon. Gentleman can sustain that it would have been usual, because, of course, given the many millions expended by the hon. Gentleman on contracts which were awarded directly and which were not put out to public procurement processes at all – and he knows that he and I have a long-standing dispute as to whether, in fact, there was a requirement under EU legislation that particular consultancy agreements were required to go out to public procurement procedures of the European sort – I cannot see how, for *this* contract, it would have been usual to go out to public procurement.

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In fact, Mr Speaker, to tell you the truth, given what I have said, I think the hon. Gentleman should be reading between the lines. There is a very sensitive service being provided to Gibraltar here. It is not one where the Government felt it was appropriate to publish a tender asking Spanish companies that provide this service to give us keener prices. There are going to be many more soft issues there than just prices.

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I think the hon. Member, if he were not keen to make a political point and were sitting where I am sitting today, would have seen it exactly the same way as I do.

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**Hon. P R Caruana:** Mr Speaker, of course I am very keen to make political points; it is my job as Leader of the Opposition to make them, so I make no apology for the fact that I am trying to make political points. Whether he enjoys them or not is a different matter.

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But Mr Speaker, look, I do not accept the hon. Member's constant implication in these statements that we used to contract willy-nilly and without justification, without tender. But even if he were right in levelling that accusation against me, given that he was so critical of it when he was on this side of the House, does he not think that people would expect him not to do the same? Or does he really expect people to accept that what he does is okay, because he thinks that we used to do it too, even though he won office by promising to do things differently?

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So, I do not know how long he is going to carry on defending public procurement without tendering, because he alleges that we used to do it as well. But it would seem to me that he should acknowledge that, given that he criticised it, he ought not to incur in it himself.

760 All that said, Mr Speaker, can he tell this House whether there is any connection between this company in Gibraltar, any individual, linked by family to anybody in Gibraltar, any Gibraltarians involved in this company? Is there any link of any kind between this company and Gibraltar?

**Hon. Chief Minister:** Mr Speaker, he asks questions, pretends to answer them himself and then asks another one.

765 This is not about us doing what we said was wrong when they did it. The hon. Gentleman said in his first question, the question that I answered, would it not have been *usual* for the Government to go out to public procurement tender? Mr Speaker, it could not be usual, given that, for the time that he was in office, these things never went out to tender and contracts worth tens of millions of pounds of consultancy services did not go out to tender, even though there were EU rules that did require them to go out to tender.

770 So this question that we alleged that things did not go out to tender: it is not an allegation; it *happened*. Whether it was usual for something like this to go out to tender: Mr Speaker, it cannot be usual, if it was not done for the past 16 years.

775 Now, the final sting in the tail of the question: is there any connection to Gibraltar, or any Gibraltarian family relevant to this company? As far as the Government is concerned, the answer is no and the reason why this company was chosen had nothing to do with connection with Gibraltar. It had to do with the quality of the work that we are recommended to believe that they can do.

780 **Hon. P R Caruana:** Mr Speaker, I have not asked him, whether the decision was made because of any such connection, so it is not a question of as far as the Government is concerned. Really I am asking as far as the Government is *aware* – it is a factual question. Is the Government aware of the existence of any family or other link of any kind with Gibraltar, regardless of whether they took it into account in their decision-making process. Yes or no?

785 **Hon. Chief Minister:** Mr Speaker, I think it would have been implicit in what I have said that the answer is clearly no.

**Mr Speaker:** Next question. Sorry – yes?

790 **Hon. D A Feetham:** Yes, Mr Speaker. Can the Chief Minister answer this? As far as he is aware, he has indicated that the introduction was made by the media manager officer there at No. 6 Convent Place, I presume – Media Director at No 6. Convent Place. Is he aware that there was any other intermediary involved, other than, obviously, the Media Director, who acts in an official capacity? Was there any third party involved in the introduction at all?

795 **Hon. Chief Minister:** Mr Speaker, as far as I am aware there was not and the Media Director did not report that there was. If the hon. Gentleman believes that there was, I would like to know.

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**Lobbyists/political consultants engaged by Government  
List and costs since 8th December**

805 **Clerk:** Question 1084, the Hon. P R Caruana.

**Hon. P R Caruana:** Mr Speaker, will the Chief Minister provide to this House a list of all persons engaged by the Government as lobbyists and political consultants at public expense, and provide the total cost since 8th December 2011?

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

815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the amount paid by the Government in respect of lobbyists and political consultants since 8th December 2011 amounts to a total cost of £170,221. The Government will follow the practice of the previous administration and will give no further breakdown of that sum.

**Hon. P R Caruana:** Mr Speaker, the hon. Member has now said in two successive meetings of this House that it was the practice of my Government not to give this information, and I do not think that that is true. It may be the case that we were never asked, but certainly, I do not recall ever having being asked



820 to give details of who public expenditure was incurred with by way of lobbyists and refused to identify the lobbyist or the amount of money paid to him.

So these repeated statements upon which the hon. Member opposite seeks to justify his complete lack of transparency is, as far as my recollection goes, untrue.

825 However, given that it is already known that Mr Glyn Ford, a GSLP member activist and indeed General Election campaigner, is a paid lobbyist of the Government of Gibraltar, how does it reduce his effectiveness with those that he lobbies, for this House simply to know how much he is paid for the service?

830 I suppose the damage to the credibility comes from it being known of you that you are a paid lobbyist, not by knowing how much it is that you have been paid to be the lobbyist.

**Hon. Chief Minister:** Mr Speaker, he is completely off the mark, even on that. It is very simple. Luckily, we do not rely on the hon. Gentleman's recollections in this House of these debates. There is something called *Hansard*, where he can check what he was asked and the answers that he used to give. Because the hon. Gentleman's recollections, I have learnt, are designed to advance the argument that he is making at any particular time.

835 Mr Speaker, I am actually not badly disposed – apart from the fact that the hon. Gentleman wants to make a partisan political point and wants to try to use that somehow to make party political capital across the floor of this House. We are not here just to make party political points. He is the Leader of Her Majesty's loyal Opposition and should be making points which are good for Gibraltar, even if they are political points, not just points which are good for him. (*Interjections*) Not just points that are good for him, Mr Speaker.

840 But I am actually quite disposed to look at this question with the hon. Gentleman, if he likes, in a different way, but he does not seem interested. He *never* gave a breakdown of the head in the Estimates Book which relates to this, and he refused to do so.

845 I actually believe that it is not in Gibraltar's interests that we should be bandying this information across the floor of the House, because it could blunt the effectiveness of the service that Gibraltar is paying for. In other parliaments, there are select committees that meet *in camera* that look at details like this, so that public expenditure is exposed in detail to both sides of the House without it being done in a way that results in the effectiveness of what the money is being spent on being lost.

850 I am quite happy to consider that with him, if he is serious in the issues that he is raising.

**Hon. P R Caruana:** Mr Speaker, several things: first of all, again he challenges my recollection that what he is attributing to me about my past practices is not true, but he invokes *Hansard*, hoping that people will assume that *Hansard* said what he says it does – but he does not actually produce *Hansard* to demonstrate that what I am saying is incorrect. I am telling him that his allusion to *Hansard* is as inaccurate as his allusion to the fact that I have refused to give this information in the past. It would not have crossed my mind in my recollection and in my knowledge of what our attitude to public transparency was, to have denied this House information about how much a publicly paid consultant was getting, or even to admit that he was a publicly-paid consultant.

860 But, Mr Speaker, be that as it may, does he not accept that the *blunting*, as he calls it, of the effectiveness of Gibraltar's lobbyists derives not from the people and Parliament of Gibraltar knowing how much they are paid, but it derives from the knowledge that they *are* paid lobbyists and that is already known? That is already in the public domain. Therefore, I put it to him that the logical conclusion to which people will come, hearing him, is that they do not want the people of Gibraltar to know how much of their money they have used to reward Mr Glyn Ford for services rendered to the GSLP.

865 And the reason why I will not accept his offer of dealing with this in private is because I do not think this is a matter that should be dealt with in private. I do not want to know how much Mr Glyn Ford has been paid as a matter of curiosity; I want to know how much it is he has been paid to see if it is justified in all the circumstances and, if it is not, to be able to becry publicly, which I cannot do, if I accept his offer to be told privately.

870 **Hon. Chief Minister:** It is incredible, Mr Speaker, that the Leader of Her Majesty's Loyal Opposition – Her Majesty's *Loyal* Opposition – has actually accepted on his feet that what he has done by his analysis is, in effect, to blunt the work that could have been successful for the people of Gibraltar being done by a gentleman of the political experience and calibre of Glyn Ford in the European Parliament. He has accepted that himself. It is incredible that he actually seems, from his snigger, to be proud of it.

**Hon. P R Caruana:** I am.

880 **Hon. Chief Minister:** It could be, Mr Speaker, for all he knows, that Mr Ford was doing something very important indeed for the Government and people of Gibraltar, *not* for the GSLP, as he pejoratively

tries to paint it, but then again, I have been at the sharp end of his pejorative painting, he can paint pejorative anything that he likes. The fact is that this Government would not spend a penny of taxpayers' money to advance its party political cause.

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But of course, Mr Speaker, as we now know, before 8th December, the position was very different. The hon. Member spent taxpayers' money on designs and drawings – taxpayers' money – which he then put into the GSD manifesto for party political ends –

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**Mr Speaker:** I think –

**Hon. Chief Minister:** – and I see him grab his head, Mr Speaker, because he does not want to face up to it.

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**Mr Speaker:** With all due respect to the Chief Minister, I think that between the Chief Minister and the Leader of the Opposition, you are both widening the ambit of the original question and I am not going to have any more. Either we return to the specific matter, or we move on to another question.

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**Hon. Chief Minister:** Well, Mr Speaker, I am grateful for your indication, because I think that issues like this are what bring Question Time into disrepute, but the hon. Gentleman has been allowed a very wide berth to make very wide allegations against the Government and against the political party that I represent. I have nothing more to say to him on the issue that he raises so pejoratively and contrary, in my view, to the public interest of Gibraltar.

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**Mr Speaker:** Next question

**Hon. P R Caruana:** Mr Speaker –

**Mr Speaker:** No. Next question.

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**Hon. P R Caruana:** With respect, Mr Speaker, I wish to raise a Point of Order.

**Mr Speaker:** We are having no more on this matter.

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**Hon. P R Caruana:** But the hon. Member has misled the House in his statement.

**Mr Speaker:** And you will say something and then he will come back to the charge and the matter never ends!

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**Hon. P R Caruana:** Mr Speaker – if Mr Speaker does not care –

**Mr Speaker:** No! If hon. Members want to debate this issue, they can raise it at another time of the agenda – *not now!*

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**Hon. P R Caruana:** It is not a question of debating this issue. If Mr Speaker is going to adopt the position of not allowing the Leader of the Opposition to raise a Point of Order –

**Mr Speaker:** *I am allowing both of you!* I have allowed both of you –

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**Hon. P R Caruana:** – without even knowing what the Point of Order is, you should know that we will bring a substantive motion on the subject.

**Mr Speaker:** If the Hon. the Leader of the Opposition thinks that he can scare me with that threat, he has got another guess coming!

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**Hon. P R Caruana:** It is neither a scare, nor a threat. It is my right to bring a motion.

**Mr Speaker:** And it is my right under Question Time to decide that the matter has been sufficiently aired and to invite hon. Members to have a debate whenever they so wish.

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**Hon. P R Caruana:** Well, Mr Speaker, I can tell the hon. Chair this: I have been in this House *only* since 1990 and I have *never*, however spurious it might have turned out to be, *never, never* come across an incident in which a Speaker prevents a Member from raising a Point of Order *without even knowing what the Point of Order is! Never!*

945 **Mr Speaker:** What is your Point of Order?

**Hon. P R Caruana:** No, Mr Speaker, now I will raise it by substantive motion.

**Mr Speaker:** Very good.

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**Overseas Territories Joint Ministerial Council  
Joint statement on Gibraltar**

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**Clerk:** Question 1085, the Hon. P R Caruana.

**Hon. P R Caruana:** Mr Speaker, can the Chief Minister say why he believes that the recent joint statement agreed by the Overseas Territories Joint Ministerial Council represents a step forward for Gibraltar?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, it represents a step forward, because there is no fetter on the exercise of our right to self-determination referred to, or on the nature of our future decolonised status.

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**Hon. P R Caruana:** Mr Speaker, the *Gibraltar Chronicle* attributes to the hon. Member – I invite him to express a view now, as to whether it *correctly* attributes to him or not – but attributes to the hon. Member statements – I was going to say to the effect, but it is actually explicitly – which convey the meaning that the alleged huge step forward – which I would accept and acknowledge was a huge step forward, if it were correct, and therefore my question is designed to establish whether or not it is correct – that in the hon. Member’s view, the UK’s withdrawal or non-articulation on this occasion of the words ‘where it is an option’ amounts to a reversal by the United Kingdom of its position on Utrecht; that it amounts to a denial to the people of Gibraltar of the right to opt for independence.

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‘Asked if this meant that the UK had turned its back on the Treaty of Utrecht, Mr Picardo said’

– that is the attribution that, you know, it may or may not be accurate after it – Mr Picardo said.

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‘he thought it means that the UK recognises that it “cannot curtail our right to decide not to be British”.’

Of course, which the UK has never curtailed, except that it has said, ‘If you want to stop to be British, you have got to be Spanish.’ That is the consequence of the UK’s position on Utrecht. It is not that you cannot – (*Interjection*) Yes, Mr Speaker. The UK’s position on Utrecht is that independence is not an option. You can only cease to be British, either by being independent – which the UK said is not a possibility – or by joining Spain, which the UK says *is* a possibility, but then you become Spanish.

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But he added that that would not mean that Britain would concede.

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‘We have moved forward massively’,

and then he continues in that vein.

If it is true that it can correctly be interpreted, that the correct interpretation of the UK’s agreement on this occasion and in that Overseas Territories document, not to qualify – which was a qualification intended for Gibraltar, this business about whether it is an option – no, I am not sure it even is the Falklands; I think it is *just* Gibraltar – then that would be no step forward at all. Indeed, it would be meaningless, if it was just on the basis that it does no harm for the UK not to say it on this one occasion and this one paper, but if it meant – which is what is implicit in what the hon. Member is saying – if it were to mean that this is a signalling by the UK – which is the sense that these statements give – that it was the first indication by the UK of its abandonment of its long-standing position on Utrecht, namely that it operates to curtail the right of the people of Gibraltar to opt for independence – more than curtails; *denies* the right of the people – then that would indeed be a huge step forward, which I would wish to be the first to congratulate the hon. Member for achieving to the extent that he has achieved it, and which this House and indeed the whole of Gibraltar would wish to celebrate more widely.

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But what I do not think we can do in this House is... or what I am doing in this House, therefore, is just ascertaining that these press reports are either being misinterpreted by me or that the hon. Member

has been misquoted, or that they do not mean and are not intended to mean that the UK has reversed its position on Utrecht. But of course if the UK has not reversed its position on Utrecht, it is hardly a massive step forward.

1010 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has seen not just the interview in the *Chronicle*, but also, I assume, in order to come to this House and make these points, the Statement of the Joint Ministerial Council, adopted by the Prime Minister of the United Kingdom and by the Minister for the Overseas Territories and placed on the website of the Foreign and Commonwealth Office.

1015 If he has seen that, Mr Speaker, and he has seen in the report from the *Chronicle* that the draft that was initially put to us specifically carved out the possibility that Gibraltar did not have these rights; but the draft that was approved, because Gibraltar raised those points for those reasons – if he has seen it and as I am going to assume that he has – specifically leaves open those options, and Gibraltar made no secret that it believed it was achieving something, as a result of that, well then, Mr Speaker, either the Foreign Office has signed up to a document that is contradictory, on its face, to the position it has repeatedly taken, or the position is one that none of us would like to consider.

1020 I would invite him therefore to celebrate the fact that there is at least a contradictory document alighting from the Foreign and Commonwealth Office, which says specifically that the territories – all of the territories, including Gibraltar – have the right to determine for themselves whether they wish to sever the link. All of this debate, Mr Speaker, in the context... As the hon. Gentleman and I had the opportunity of discussing recently in a very convivial, for once, episode of ‘Viewpoint’, in the context of neither his party nor mine considering that independence is something that we want to pursue, but because of the long-standing theoretical position that Gibraltar was always, in the view of the United Kingdom, prevented from choosing independence – although I have to correct him, Mr Speaker, in this respect: only the territory of Gibraltar would become Spanish in the example that he gave, not the *people* of Gibraltar. I think that is an important distinction. We have always – (*Interjection by Hon. P R Caruana*) Well, we have always argued that the land and the people are inseparable, but of course the nationality would not run in that example. (*Interjection by Hon. P R Caruana*)

1030 So, Mr Speaker, if the hon. Gentleman does not have the Statement of the Joint Ministerial Council, I am quite happy to give him a copy, but it is on the website.

1035 **Hon. P R Caruana:** Well, Mr Speaker, I do have it and of course, it is implicit in what the hon. Member is saying that he is answering the question that I put to him in my supplementary, as yes, that is what I think it means. In other words, I think the UK *is* signalling a resilement from its traditional position on Utrecht, because if all that the step forward was, that the UK had, by eliminating the reference to where it is an option that we have acquired the right to sever the link, the same as all the other territories have the right to sever their link... That is not new. We have *always* had the right to sever the link.

1040 The UK has always told us that we have the right to sever the link. Indeed, Mr Roy Hattersley, in his Hattersley Memorandum, positively *encouraged* us to sever the link and accept that our future was with Spain. The UK’s position in respect of Gibraltar has never been that we do not have the right to sever the link with Britain; it has been that, if we exercise the right to sever the link with Britain, it can only be by joining Spain, but the UK has never prevented us from severing. They have said to us, ‘You can either stay with Britain, or you can integrate with Spain.’ So, the UK’s position has always entertained our right to sever the link.

1045 The massive step forward – which I would love to be the first to congratulate the hon. Member on, because I think it would be a *genuine* advancement for Gibraltar – is if the correct interpretation of the omission between the first draft and the final text of the words applicable to Gibraltar, ‘where it is an option’, were that the UK had abandoned its position with which every Gibraltarian disagrees in theory, even those who do not want independence, that somehow the people of Gibraltar... that the Treaty of Utrecht curtails the right to self-determination, including independence, *if* the people of Gibraltar were to want independence. That would be a massive step forward, because it would be to recognise that we have un-curtailed, unconditional moral rights of self-determination. That would be the massive step forward.

1050 What I am trying to find out from the hon. Member is whether, in his view, that is what he meant when he said that this was a massive step forward – because that is not the impression that the *Chronicle* gives that he meant: namely, does he believe that what he achieved between the first draft and the final communiqué of persuading the UK to eliminate these five words... does he think that the UK was therefore abandoning and reversing its long-standing policy that the Treaty of Utrecht means that the option of independence is not an option for the people of Gibraltar without Spain’s consent?

1055 **Hon. Chief Minister:** Mr Speaker, if they did not mean that, now they have got all the arguments why they should not. This statement in the *Chronicle* was on 8th December and I have not yet heard anybody from the Foreign and Commonwealth Office set out something contrary to what I said here.

The Treaty of Utrecht is 300 years old next year. I think that age may be starting to show and even the United Kingdom might be embarrassed to be relying on treaties 300 years old to curtail modern rights.

1070

He says, Mr Speaker, that he would be the first one to congratulate me, if I had achieved something like that, but I have heard that before during the course of the Broadcasting Bill, when the hon. Gentleman was analysing how the power in respect of matters of moments of internal security was being dealt with in that Bill. He said, this is going back to the Governor and it should not go back to the Governor because in times of emergency, it should still be Ministers that are relevant, and then he realised that what he thought he had read as ‘Governor’, actually read ‘Government’ and he actually said in this House – and thank goodness, Mr Speaker, that we do not rely on his recollection, that there is *Hansard* to show it – that ‘this must be a typographical error, this must mean Governor, because if it is “Government”, then the hon. Gentleman has achieved a huge step forward and I will be the first to congratulate him.’

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Well, Mr Speaker’ (*Interjection by Hon. P R Caruana*) I corrected him at the time. I told him that actually it was not a typographical error, that we had achieved that, what he described, ‘huge step forward’ and yet when the Bill was published, no longer as a Bill but as an Act, I am still waiting for the chocolates or the flowers, let alone the congratulations.

1085

Anyway, look, it is not true, Mr Speaker, that if we were to choose to become independent – an option that none of us considers is appropriate for Gibraltar – we would become Spanish. These things are much more sophisticated than that. The Treaty of Utrecht says that Gibraltar will not pass from under the British Crown to another sovereign. It is perfectly possible to remain under the British Crown and not be dependent on the United Kingdom in one of the models of dependency that is presently accepted.

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So therefore, much of what the hon. Gentleman has said is lacking in analysis. But do I believe that we achieved something? I have said as much, Mr Speaker.

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I do not know whether it is that the hon. Gentleman wants to set me up for a fall. I do not know whether it is that the hon. Gentleman would rather that we had not achieved anything and wants simply to provoke a response, but I have not been shy in saying what I believe happened, *if* it were that there was another form of words which expressed where independence is an option... but that is not the case, Mr Speaker. The form of words in its place is *explicitly the opposite*.

It says in the text of the press statement of the JMC:

1100

‘The people of *each* Territory have the right to choose whether or not their Territory should remain a British Overseas Territory.’

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There are many things that we can be which are not a British Overseas Territory and are certainly not Spanish. I would have thought that the hon. Gentleman knew that much. I actually say repeatedly that I have a very high regard for his capacity, his intellect and the calibre of a lawyer that he is. It is a pity, Mr Speaker, that in analysing this issue, he simply wants to try and attempt to show that what I have said happened is not the case.

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**Hon. P R Caruana:** Mr Speaker, I have not attempted to show *anything!* I have asked him a perfectly simple question, the last ten minutes of which can only be interpreted as an attempt to avoid the need to having answered a perfectly simple question.

1115

Does the hon. Member believe that the consequence, that the effect of having persuaded the British Government to remove the words from the Overseas Territories Communiqué, ‘where it is an option’ that the effect and meaning of that is that the United Kingdom has abandoned or changed or altered or resiled from its long-standing position that the Treaty of Utrecht denies to the people of Gibraltar the right to independence. Yes or no?

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I am not trying to achieve any other thing. I would have thought that he could tell me whether he thought that that is what it meant. He does not want to tell me whether that is, but that is what he has told the *Chronicle* he thinks it meant and I wanted him to confirm it to me in this House that that is what he thinks it meant – nothing to do with Spain or treachery or being a good lawyer or a bad lawyer or the Governor and the Broadcasting Bill and *Hansard* and recollections and memories and all this rubbish that he has used to pad out his answer.

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The question is simple: is the massive step forward, to which he referred in the local media, is that massive step forward the fact that, in his view, the United Kingdom has abandoned its long-standing position about the implications of the Treaty of Utrecht in curtailing our right to self-determination? That is my supplementary. If he does not want to answer it, he can just say so, but he does not have to conceal his refusal to say so behind insulting or patronising words.

Mr Speaker, I do not know whether I am a good lawyer, a bad lawyer or a medium lawyer. The hon. Member professes to think that I am a brilliant one, but every time I express a view that he does not like, he more or less says that I am some sort of an idiot. Well, Mr Speaker, I cannot be a good lawyer except when I say things that the hon. Member does not agree with.

1130 Let us be clear about this, because I cannot imagine that the hon. Member means what he has said in  
 this House just now and I ask him, therefore, whether he does mean it. The hon. Member has in fact said  
 that you can be under the British Crown – if he had left out the adjective ‘British’, he would be right! Of  
 course you can be under the Crown of Queen Elizabeth II and her successors and not be British. There are  
 1135 the Australians and the Canadians and the New Zealanders and all the other Commonwealth Countries  
 that recognise the Queen as the Head of State to prove it. You can be not under Britain, not British, but  
 have the same Queen as Britain; but of course, when Queen Elizabeth is Queen of Australia, she is not the  
*British* Queen of Australia. This is, she is not wearing the British Crown; she is wearing the Australian  
 Crown, and the Queen is not Queen of Australia because she is the British Queen. Now Mr Speaker.

1140 So therefore, to suggest – and I ask the hon. Member to consider whether this is what he is saying –  
 that you can be, theoretically, both independent and under the British Crown is a manifest *nonsense*.  
 There is no way of being independent under the British Crown. You can be independent under Queen  
 Elizabeth II –

1145 **Mr Speaker:** Will you ask a question, please?

**Hon. P R Caruana:** Yes, I am asking the hon. Member – I am sorry if I am boring the Hon. Mr  
 Speaker – I am asking the Hon. the Chief Minister to confirm whether that is what he said and whether he  
 really does believe that you can be independent under the British Crown?

1150 **Hon. Chief Minister:** Mr Speaker, I extend to the hon. Gentleman the professional courtesy of calling  
 him a good lawyer even when I disagree with him, because I am, I consider, a professionally courteous  
 person. Some others might only wish to consider somebody able, when they are in agreement with each  
 other. I am not like that.

1155 Mr Speaker, the fact is that – and this is the first time, I believe, since the 1950s – that the United  
 Kingdom has put its name, so to speak, to a document that does not draw the distinction in respect of  
 Gibraltar that it has traditionally drawn before. So we consider, Mr Speaker, that just there, there is a huge  
 step forward.

1160 But I have said what I have said to the *Chronicle* and I stand by every word of it. If the hon. Member  
 just simply wants to come to this House with articles in the newspaper and get me to confirm my quotes, I  
 am quite happy for him to do so.

1165 The hon. Gentleman, Mr Speaker, will know that, at the time that he was Chief Minister, coins were  
 uttered out of the Gibraltar Treasury that referred to Her Majesty the Queen as ‘Elizabeth II, Queen of  
 Gibraltar’, much as she is Elizabeth II, Queen of Australia. So is he saying that, in those coins, he gave  
 the first hint of a streak of seeking independence that we had not discerned before in him, because they do  
 not say the ‘British Queen of Gibraltar’?

Well, Mr. Speaker, I actually believe it is possible for us to be under the British Crown and not  
 dependent on the United Kingdom, which is exactly what I said before and I know that his recollection  
 may be different –

1170 **Hon. P R Caruana:** You are not answering the question.

**Hon. Chief Minister:** I know that his recollection may be different, but *luckily* we do not rely on it,  
 Mr Speaker. There is *Hansard* to show that that is exactly what I said.

1175 **Hon. P R Caruana:** That is the answer to my question.

1180 **Hon. Chief Minister:** There is much more that we can read into what Utrecht would say, if we were  
 to allow ourselves to be dragged back to the times when Utrecht fettered our right to self-determination. I  
 invite him, Mr Speaker, to change his chip and to support the Government of Gibraltar in ensuring that  
 we get the United Kingdom to stick to its ministerial JMC statement, which sets out the position as  
 clearly as it does and to support the Government in taking what we believe is that great step forward. If he  
 does not wish to, Mr Speaker, look so be it – he can answer to future generations of Gibraltarians. It will  
 not be for want of *our* trying.

1185 **Hon. P R Caruana:** Mr Speaker, how precisely does he not understand what I am trying to do? I am  
 trying to see whether there is a position on which we can support the Government. What I am not willing  
 to do is to give the hon. Member a blank cheque for his completely fantastic interpretation of what  
 somebody else said, without that other person meaning what the hon. Member claims it meant.

1190 For a start, the statement that he says is so clear is not couched in the language of self-determination  
 and independence and therefore there is not a statement that Gibraltar has the right to independence.

There is a statement about each having the right to choose whether or not their Territory should remain a British Overseas Territory. That is already a wholly different ball park. Or are we now going to –

1195 **Hon. Chief Minister:** Would the hon. Member give way?

**Hon. P R Caruana:** Yes.

**Hon. Chief Minister:** Mr Speaker, we are delving almost into debate –

1200 **Mr Speaker:** Both of you are debating. I have allowed 25 minutes, because it is an important matter, but there is a limit.

1205 **Hon Chief Minister:** And Mr Speaker, this is the sort of thing that I believe we should be debating by motion, because I think it is not bad that Gibraltar should have a fixed position.

**Hon. P R Caruana:** I think I may have to bring a motion at the next opportunity.

1210 **Hon. Chief Minister:** But Mr Speaker, I asked the hon. Gentleman to give way, because he said this was not couched in the language of self-determination. The sentence that we are talking about is caught between two other sentences. The sentence before says this:

‘We share a commitment to the principle [...] of self-determination.’

1215 The sentence afterwards says:

‘Any decision to sever the constitutional link between the UK and a Territory should be on the basis of the clear and constitutionally expressed wish of the people of the Territory.’

1220 So I actually put it to him, Mr Speaker, that it is very much couched in the language of self-determination.

1225 **Hon. P R Caruana:** Mr. Speaker, I will just say one more thing, because I agree and it is clear that this is now a debate – and it is an important subject, so I will bring a motion just so that the House gets the opportunity to debate it. But, Mr Speaker, the UK has frequently said of itself that it is committed to the principle and right of self-determination, which is all it does here. There are a *million* quotes like this one!

**Hon. Chief Minister:** But not in this –

1230 **Hon. P R Caruana:** But when it applies it to Gibraltar, it does, as it does in the preamble to our Constitution, make the wretched exception. This juxtaposition of sentences:

1235 ‘We are committed to a modern relationship based on partnership and shared values. We share a commitment to the principle and right to self-determination. The people of each Territory have the right to choose whether or not their Territory should remain a British Overseas Territory.’

1240 The fact that the words, ‘except where it is not an option’, which do not arise, unless the word ‘independence’ is included in the sentence, which it is not – without including the word independence, they cannot have the omitted words – does not mean necessarily what the hon. Member says it means.

1245 But look, I want it to mean what the hon. Member says it means! But we have got to do – (*Interjection*) Yes, Mr Speaker, but what we cannot do is have another four years of building a castle on sand. (*Interjection*) If the UK genuinely means by this any indication of a change of position, then we should get them to confirm it to us, not build a whole jurisprudence about our future on the basis of a completely... of an interpretation of loose words which, at the very best for the hon. Member, are capable of not meaning what they say.

I am sorry my definition of loyalty and patriotism is not to help the hon. Member fly an unjustifiable kite.

1250 **Hon. Chief Minister:** Mr Speaker, his definition of loyalty and patriotism is to pretend that everything that he achieved was great and to try and denigrate everything that anybody else may have achieved. That is *patently* clear.

If I can just tell him, Mr Speaker, if he reads this carefully, the next sentence is equally important because it says:

1255 'Any decision to sever the constitutional link between the UK and a Territory should be on the basis of the clear and constitutionally expressed wish of the people of the Territory.'

In *our* Constitution, there is no reference to Utrecht. There might be a reference in something which is *outside* the Constitution, but not *in* the Constitution. Somebody who wanted to support the cause of Gibraltarians and take them a step forward would be making *that* analysis and not the one that he is making.

1260 **Hon. P R Caruana:** If Mr Speaker will allow me – if not I will wait. I will not... Mr Speaker, even on that, I am trying to be as understanding and as helpful as possible of his interpretation (*Interjection by Hon. Chief Minister*) without allowing him to write gospels which are not the case.

1265 Mr Speaker, even on the question of the final sentence that he has just quoted, the language is carefully selected. Any decision to sever the constitutional link between the United Kingdom and a Territory should be on the basis of the clear and constitutionally expressed wish of the people of Gibraltar. (**Hon. Chief Minister:** *Exactly!*) Exactly, what the Foreign Office will argue is that the constitutionally expressed wishes of the people of Gibraltar cannot include independence, because our  
1270 Constitution says that our right to independence is curtailed by the non-availability of independence (*Interjections*) – or do you think that word is there by chance?

**Hon. Chief Minister:** Mr Speaker, our Constitution *does not* say that. How is it that we can have this debate or this exchange on something this important, Mr Speaker? This, although none of us want  
1275 independence, is one of the central issues in our politics about the rights of our people. Our Constitution is a document that everyone can see. Some people have problems accessing *Hansard*: now they can see it on the Parliament website, or they can come here, because it is a public document. The Constitution everyone can check at home tonight. It does *not* contain what the hon. Gentleman says it contains about our right to independence. It does not.

1280 **Mr Speaker:** May I now intervene and bring matters to a close.

This is a very important subject. It is a matter that should properly be debated in Parliament, in which other Members of this House would also have an opportunity to participate in the debate. I do not think it is right and proper to abuse the Standing Orders of this House by having a debate following from a  
1285 question on what is undoubtedly an important issue.

I invite hon. Members to endeavour to bring a motion to the House, have a proper debate, and in the interests of Gibraltar try to arrive at a consensus view. If they can, all well and good and I am prepared to be as liberal as is necessary, but we have had half an hour on this matter and we are moving on to the next question.

1290

**Spanish environment site in Gibraltar territorial waters  
Steps or actions available to seek removal**

1295

**Clerk:** Question 1086, the Hon. P R Caruana. Question 1086.

1300 **Hon. P R Caruana:** Mr Speaker, will the Chief Minister say what steps or actions are available to seek the removal of Spain's designation of a Spanish environment site in our waters?

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

1305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is pursuing various avenues in this respect. I do not believe it is in the public interest that I should at this stage divulge what actions are being considered. I am happy to brief the hon. Member today and to keep him briefed on 'Privy Council' terms in respect of this matter, which is in the national interest and one on which we should be entirely united.

1310 **Hon. P R Caruana:** Mr Speaker, I accept, on this subject, the briefing on Privy Council terms, but I do not accept the last bit of the statement that we should be united on whatever actions the Government decides it wants to take. It is just that I do not agree with the last statement from the Chair that in the interests of Gibraltar we should try and adopt a consensus position. The important thing is to adopt the *correct* position and disagreements, as we have often agreed across the floor of this House, disagreements on matters, however important the matter is, are not bad in a democracy; it is good in a democracy. It is much more important to the people of Gibraltar that the Opposition does not support the Government on



1315 the wrong argument than it is in the interests of so-called unity for the Opposition simply to support whatever the Government decides is the right course of action.

That was a philosophy which I used to share when they used to utter it in this House, even though others did not, and I will continue to defend from this side of the House.

1320 But I accept that Privy Council rules for briefing are appropriate, given that obviously it is not in the interests of Gibraltar to expose publicly what action the UK Government or the UK Government may be contemplating, and thereby alert others and make the action less effective or less possible.

So I accept the hon. Member's offer.

1325 **Hon. Chief Minister:** Yes, Mr Speaker, I am grateful for that, I suppose. But it is also very important that when the Government puts the right argument, the Opposition, if it is loyal, should support the Government when those right arguments are put. (**Hon. P R Caruana:** Yes.) And should those arguments be tested and analysed? Of course they should, Mr Speaker, but when we reach the right conclusion, we would expect, or the people of Gibraltar, in my view, would expect that the Opposition would support the Government.

1330 In fact, Mr Speaker, it was he who used to say, when he was in Government, that having been elected if there was to be unity, it was around the arguments that *he* used to put. But, Mr Speaker, you know, people will have heard what was said in relation to the former question.

1335 **Hon. P R Caruana:** Yes Mr Speaker, can I just remind the hon. Member, or will he accept something, that the term 'Her Majesty's Loyal Opposition' alludes to loyalty to Her Majesty, not loyalty to the Government? (*Laughter*) (**A Member:** Hear, hear.) This idea that the hon. Member – this theme of the hon. Member this afternoon – that somehow the Opposition is disloyal for challenging the Government on certain matters because they are too important is a figment of the hon. Member's imagination!

1340 The Opposition of Gibraltar will oppose the Government on matters, however important they might be, domestic or external, when we consider that the interests of Gibraltar are not being properly served by their handling by the Government (**A Member:** Hear, hear.) (*Applause*) and our loyalty is to Her Majesty the Queen, not to her temporary Government of Gibraltar as it now likes to call itself.

1345 **Mr Speaker:** Next question.

**Hon. Chief Minister:** Well, no, Mr Speaker, if I might just deal with that, because I think it raises an important point... With your leave – (*Laughter and interjections*)

1350 I am waiting to hear whether you allow me to carry on, Mr Speaker.

**Mr Speaker:** I would rather we go on to the next question.

1355 **Spanish environment site in Gibraltar territorial waters  
Legal effects under EU law**

**Clerk:** Question 1087, the Hon. P R Caruana.

1360 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister confirm that the United Kingdom Government has stated to him that all the legal... Mr Speaker, this question is intentionally carefully drafted to be accurate in terms of what can be attributed to the hon. Member.

1365 Can the Chief Minister confirm that the UK Government has stated to him that all the legal effects under EU law of Spain's designation of an environmental protection site in our territorial waters can and will be ignored by the United Kingdom Government and *can* be ignored by the Gibraltar Government?

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

1370 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this answer has been carefully drafted to answer the question.

Yes, sir. There could be no other position to take. In fact the UK Government's position has been clearly set out in the recent statement made by the Foreign Secretary in the House of Commons.

1375 The Foreign Secretary repeated that the designation of the Spanish environmental site does not confer any rights on Spain within British Gibraltar Territorial Waters and that the UK Government remains confident of the UK's sovereignty over British Gibraltar Territorial Waters (BGTW).

1380 The Foreign Secretary also stated that it was equally clear to the UK Government that any attempt by a Spanish State vessel, or a vessel acting on behalf of the Spanish State, to exercise jurisdiction within BGTW is a violation of British sovereignty and that the UK Government will respond accordingly and will continue to take whatever action it considers necessary to protect British sovereignty and the interests of Gibraltar, its people and economy.

For the record, Mr Speaker, the European Court has not in any way recognised the Spanish designation as valid – despite repeated assertions to the contrary by Spanish politicians and commentators. All the EU Court did was turn down Gibraltar and the UK’s cases on a technicality.

1385 And finally, Mr Speaker, if I may just add this: it appears to me, Mr Speaker, that the hon. Gentleman sometimes when he speaks is not holding brief for the people of Gibraltar, but for others, and I would ask him to look back on some of the things he has said today and reconsider his position, because although we are, of course, all loyal to Her Majesty, I think our first loyalty should be to the people who put us here – the people of Gibraltar.

1390 **Hon. P R Caruana:** Well, Mr Speaker, I think it is absolutely shocking and disgusting and typical of the hon. Member’s presentational marketing bluster approach to life and to politics for him to stand up in this House to say that I hold a brief other than for the people of Gibraltar.

1395 Mr Speaker, the people of Gibraltar have chosen to elect me to be their Chief Minister on four successive terms. They had no doubt about whose brief I was carrying. It remains to be seen on how many occasions they choose to take the same view of him.

The hon. Member, despite his instincts, should not assume that the interests of Gibraltar coincide with *his* views or *his* Government’s position or *his* Government’s view on any matter. Indeed, I think the people of Gibraltar think the opposite.

1400 Now, Mr Speaker, so much for his completely uncalled for and outrageous and let me say –

**Hon. Chief Minister:** [*Inaudible*] mate!

**Hon. P R Caruana:** And let me say –

1405 **Mr Speaker:** I really think hon. Members this afternoon are really getting carried away! May I please ask for a modicum of good sense?

**Hon. P R Caruana:** Yes, Mr Speaker. I am sorry, Mr Speaker, I –

1410 **Mr Speaker:** Will they please try to lower the tone of the personal acrimony. It does not serve the House and it does not serve anybody any purpose at all.

1415 **Hon. P R Caruana:** Well, Mr Speaker, I do not concede and I am sure neither does the Hon. Chief Minister that we have incurred this afternoon in bad sense. In other words, the judge of the good sense of Members of this House is for others to make.

The Hon. Speaker could, if he had wanted to, when he heard the hon. Member attribute effectively treacherous motives to me, have stopped him and said, ‘That is a breach of Standing Orders. You cannot impute improper motives to a Member.’ He chose not to, leaving it to me to incur his wrath –

1420 **Mr Speaker:** I will now recess the House for ten minutes.

*The House recessed at 4.40 p.m. and resumed its sitting at 5.00 p.m.*

1425  
**Spanish environment site in Gibraltar territorial waters**  
**Legal effects under EU law**  
**Question concluded**

1430 **Clerk:** Mr Speaker.

**Mr. Speaker:** We were on Question 1,087.

Does the Hon. the Leader of the Opposition have, or any other Member of the Opposition side, have any supplementaries?

1435 **Hon. P R Caruana:** Yes. I accept the Hon. the Chief Minister’s invitation to be briefed on Privy Council terms.

**Gibraltar territorial waters  
Freedom to protect**

1440

**Clerk:** Question 1,088 the Hon. P R Caruana.

**Hon. P R Caruana:** Thank you, Mr Speaker.

1445

Can the Chief Minister say whether it is the policy of the Government that, in any reconstituted forum of dialogue with Spain, the Gibraltar Government *must* be free to protect Gibraltar's sovereignty by adopting positions and making statements in relation to co-operation matters and initiatives that protect exclusive British sovereignty and Gibraltar jurisdiction over territorial waters?

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

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

I should add that the Government of Gibraltar remains strongly committed to dialogue as part of the trilateral process and that the United Kingdom has also repeatedly stated that it remains similarly strongly committed to the trilateral process.

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**Hon. P R Caruana:** Yes, Mr Speaker, I asked the question in order that our positions should be clearly known in public and on the record because *this* is what the Spanish Government means when it accuses me, in the trilateral process, of raising issues of sovereignty. Raising issues of sovereignty.

1460

Why would I want to *raise* issues of sovereignty with Spain? It is that raising issues of sovereignty took the form of *not agreeing* to particular forms of co-operation in relation to the waters because they would prejudice exclusive British sovereignty. I think it is important, Mr Speaker, that we agree that no one out there should think that there is any scope for redesigning dialogue, either inside or outside the trilateral forum, in a way that any Gibraltar Government could accept without being free to say, 'That is not acceptable to me because it prejudices British sovereignty.'

1465

I think it is important that this message is heard and that it is understood. Firstly, would he – and I had better convert this into a question - agree with me that the fact that you are not formally discussing sovereignty as an agenda item and that you do not want to speak about it and that your interlocutor does not want to speak to you about it, cannot be an impediment to you adopting positions on co-operation matters, which is wholly different, by invoking the need to protect sovereignty?

1470

**Hon. Chief Minister:** Yes, Mr Speaker, I have always understood that and that can also be expressed in another way, which is to say that one will *not* consider any issues of sovereignty in such a process and that, therefore, if something which arises touches and concerns sovereignty, in the same way as you can raise sovereignty in order to ensure that sovereignty is not affected, you can also say, 'Because it touches and concerns sovereignty, I am not prepared to go into it.' (**Hon. P R Caruana:** Yes.) Those are two sides of the same coin, if he will accept that.

1475

**Hon. P R Caruana:** I do accept that and when he has said, 'Because it prejudices sovereignty,' the other side cannot say, 'I am going away because he has raised questions of sovereignty.' That is the point, Mr Speaker: that they abuse the raising of the question of sovereignty, based on what is a discussion about co-operation, but in which you have also got to be mindful that co-operation does not become a Trojan horse through which sovereignty is prejudiced.

1480

The reason why I am asking this question is that it is a complete red herring. It is a complete red herring for either of the three parties to the trilateral forum - any of the three parties, by which I mean Spain - to think that they collapsed the trilateral forum for that reason and that any other process of dialogue is viable, quite apart from the trilateral aspect, in which we must not, we cannot, and we would not be free to do exactly the same. Every co-operation on waters which *they* say are disputed *necessarily* involves being on your guard and questions of potential sovereignty implications.

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1490

**Hon. Chief Minister:** Yes, Mr Speaker, and what I am asking him to consider and also put for the purposes of the understanding of the position of both sides of the House is that there can be not just a positive veto - and I would interpret what the hon. Gentleman has said as representing the positive veto - but also a negative veto.

1495

Therefore, those who say that they would not engage with the Government of Gibraltar, because their prejudice leads them to say that they do not consider us to be valid interlocutors in respect of the issue of sovereignty, might actually be more comfortable and Gibraltar might be just as protected, if Gibraltar was saying, 'We do not believe that there should be *any* room to discuss issues of sovereignty in a process where the relevant three sides are represented,' and where co-operation touches and concerns on those issues, where *one* of the parties is uncomfortable - ourselves being the relevant party in this respect - we

1500 can have a negative veto on the issue. I think that is two sides of the same coin. But it can help, perhaps, to get some people who might be comfortable with the *positive* veto, because the way that we would express the negative veto would be to say, 'Because it is sovereignty, neither of us believe that we should be engaging with each other on it,' and it may be that issues of co-operation then are not advanceable in some areas.

1505

**Draft Ministerial Code  
Presentation to House**

1510

**Clerk:** Question 1089, the Hon. P R Caruana.

**Hon. P R Caruana:** Mr Speaker, can the Chief Minister say when he expects to bring to this House the promised Ministerial Code?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government will shortly start work with the Hansard Society in the United Kingdom to produce a draft Ministerial Code. The work will also produce a draft Parliamentary Code to cover all Parliamentarians and a draft Civil Service Code to cover the work of Civil Servants.

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The draft Ministerial Code and the draft Parliamentary Code will be brought to this House for debate. The draft Civil Service Code will be considered with all representative bodies, including the Unions, in the Civil Service Review.

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**Hon. P R Caruana:** Mr Speaker, I asked the hon. Member that because, in a pre-electoral press conference, he said that he had laid it down as one of his first priorities for Government, the drafting and adoption of a Ministerial Code by which all Ministers will have to abide, thereby underpinning the need for real accountability etc, etc.

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'If I am elected Chief Minister by our people, I would immediately instruct the drawing up of a draft Ministerial Code to meet the specific requirements of Gibraltar's modern Government.'

1535 Will he accept that, whatever it is that he intends to do now, he has *not* given the matter the immediacy, the urgency and the priority that he said in his pre-election statement that he would?

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**Hon. Chief Minister:** No, Mr Speaker, for this reason, because I have a draft Code on my desk which I am not happy with and that is why we are going to work with the Hansard Society in order to produce a better Code which will be brought to this House for consideration. It is, Mr Speaker, in my view an essential of the modernisation of the work of this House that there should be not just a Ministerial Code, but also a Parliamentary Code, as well as a Code in terms of the modernising of the work that is done by the public sector for Civil Servants.

1545 So, Mr Speaker, I am afraid I will not take the point, but it is an important thing which will be achieved shortly and I hope it will be something on which the House can work constructively when we bring the draft Codes here.

**Hon. P R Caruana:** Mr Speaker, given that the hon. Member said, pre-elections, that he was going to do it immediately, if the hon. Members were keeping a list of the electoral promises that they had not complied with, as well as the ones that they have complied with, does he accept that this would be on the first list? In other words, the ones that they have not complied with since, for whatever reason, the priority and immediacy as his *first priority for Government* has not materialised in that way.

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And, secondly, can I ask him if he can put a timetable on this? Are we going to exhaust any sort of more significant part of this legislature of this term before we have a Ministerial Code?

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I asked somebody who said it was very important that we should have it. We did not have it because we did not attach to it the same need of priority; but *he* has given it a lot of priority. Therefore, I would be grateful if he is able to give this House any sort of indication of what he means by 'shortly' in terms of the fruits of the co-operation with the Hansard Society.

**Hon. Chief Minister:** Mr Speaker, no. I would not accept that it would be on the wrong side of the balance sheet - on the negative side of the balance sheet - for a number of reasons. First of all, I have told him there is a draft. I just did not consider it an appropriate draft.

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Secondly, Mr Speaker, if he wants to look at where it is that we have ticked the boxes from and, perhaps more importantly, he might care to look at the manifesto which was what we put to the people during the course of the Election period, which says this, Mr Speaker, the Ministerial Code on Page 12:

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‘We will adopt the Ministerial Code applicable to Her Majesty’s Ministers in the United Kingdom with such modification as may be necessary to adapt for the circumstances of Gibraltar and it will apply to Ministers. A Parliamentary Code will apply to all Members of Parliament.’

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There is nothing there, Mr Speaker, to suggest when it would happen. In any event, Mr Speaker, given that I opposed him for many years when he used to tell us that the word ‘soon’ could mean as frequently as outside of the four years that make up one Parliament, then perhaps the word ‘immediately’ can also be interpreted as not necessarily meaning the week after.

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But I will tell him this, Mr Speaker, in the hope of finishing this period of Question Time in a more convivial mode, I sincerely hope that we will soon receive the recommendations of the Parliamentary Commission, of which Mr Speaker is Chairman. This is an important part of the work of modernising the work of the Parliament as much as the consideration of the proposals of the Parliamentary Committee will be. I sincerely hope that this will be something that will be done, if not in the first half of the next calendar year then, at the very latest, in the context of the full calendar year next year, in time for it to be done half way through our Parliamentary term at the latest.

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**Hon. P R Caruana:** Mr Speaker, can I ask the hon. Member why it should take so long to...

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I take his point about quoting from the manifesto. I had made the mistake of relying on this sort of painting the panorama with a wonderful photograph of the then Leader of the Opposition and the then Leader of the Liberal Party, now the Deputy Chief Minister, convened expressly for the purpose of saying that it was one of his first priorities in Government, the drafting *and* adoption - not just the draft sitting on his desk.

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So I am afraid I fell into the trap of thinking that what he tells the electorate *outside* of his manifesto is also something that the electorate can expect him to deliver on, but now I know that it is only what is in the manifesto that counts and I suppose people will have to remember that.

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But can I ask the hon. Member, I am not aware of what the detail of the UK Ministerial Code is and, therefore, I do not know how appropriate or inappropriate it might be in its application to Gibraltar, but can he explain why the application of the UK Ministerial Code to Gibraltar, which is what he has now read out to me from his manifesto as being his manifesto commitment, as opposed to the press conference, why it should take so long? What is there conceptually about the UK Ministerial Code that takes, possibly from now, twelve months, twenty-four from the Election, to modify and tailor make for Gibraltar?

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**Hon. Chief Minister:** Mr Speaker, there are a number of aspects of it that we think can be more appropriately worded for Gibraltar.

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I am not going to answer the rest of what he addressed because I did hope that we would end this Question Time on a more convivial note! (*Interjection*) He used to tell us that the things which are conjectured in the Westminster Parliament are not necessarily the best in the world and that we should not just *slavishly* copy what it is that Westminster does.

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Now, Mr Speaker, I will take the example, if he likes, of what it is that is wrong with that Code and why we have not adopted it by comparing it to whatever it was that was wrong with the Environmental Charter, Mr Speaker, where the hon. Gentleman told us repeatedly that he was working very hard on it because it was such an essential document and I remember the Hon. Mr Netto was then the Minister responsible for the Environment. That it was taking a hell of a lot of his time and the time of Mr Netto to ensure that we had a *better* draft than simply the one that had been adopted by *all* the Overseas Territories and thankfully, Mr Speaker, there is *Hansard* to vouch for that. (*Interjections*)

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When it came, Mr Speaker, seven years later – *seven* years later – *one* word had changed from the draft adopted for all the other Overseas Territories. I will always remember it, Mr Speaker, as a one-word change and I am delighted *on this occasion*, Mr Speaker, I am so sure of my ground that I am delighted to take him the *Hansard* for Christmas so that he can enjoy reading it!

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**Hon. P R Caruana:** No. Mr Speaker, the hon. Member may be able to do that with the Management Plan that *followed* the Environmental Charter, but the hon. Member must surely remember - if not he can refer to *Hansard* - (*Laughter*) that I said in this House that we were going to adopt the same Environmental Charter as the UK but in a way and a time that made it perfectly clear that, because the environment was a constitutional responsibility of the Gibraltar Government, that we were not doing it by directive and compulsion of the UK Government, like all the other Overseas Territories were doing it. In

the end, we changed just one word to make it clear, (*Laughter*) but I explained in this House what we were doing and why we were not doing it in the same way.

1625 The exchange to which he relates and invites us all to go to *Hansard* in the certain knowledge that nobody will - certainly nobody listening - is in relation to the Management Plan, which did take quite a long time to develop, which is the phase after the Charter.

1630 But the Charter *itself* was *unashamedly* to adopt the same standards and priorities as other Overseas Territories, but in a way which reflected the fact that this was *our* decision, because it was our constitutional competence and not something that the UK could decree in an Overseas Territories Consultative Council [*inaudible*]. That is how it happened, Mr Speaker, and I will go no further than that so as not to spoil the conviviality which the hon. Member seems keen to end today's proceedings on.

1635 **Hon. Chief Minister:** Mr Speaker, all I will say is that we have had a lot of arguments about what is or is not in *Hansard*. I am so sure of my ground on this one that I will bet him, double or nothing, all the other points of *Hansard* that have been raised today, because on this one he was *explicit*. He was explicit as to why we were taking so long, not on the Management Plan but on the Charter, to only see a one word change in respect of the Charter.

1640 I remember saying, Mr Speaker, at the time that even the penguins of the British Antarctic Territory had beaten us to it. But, Mr Speaker, I will leave it at that.

**Mr Speaker:** Next question.

1645 **Hon. D A Feetham:** Mr Speaker, may I ask...–

**Mr Speaker:** Sorry, I didn't realise ...

1650 **Hon. D A Feetham:** In relation to the Parliamentary Code that the Hon. the Chief Minister mentioned, does he have drafts in relation to that or is he waiting for the Report from the Committee before he embarks on the drafting of the Parliamentary Code?

1655 Also, whilst he is at it, could he also answer this: will the Opposition be consulted on the drafting of the Parliamentary Code or is it the intention of the Chief Minister to effectively bring a draft Code to Parliament to debate and then consider what views have been expressed and change it in the light of that because in our view – in my view, certainly – the Opposition ought to be consulted *pre* the debate in Parliament?

1660 **Hon. Chief Minister:** Mr Speaker, there is as much a draft of a Parliamentary Code as there is a Ministerial Code, which has been an adoption of the English version, which I do not think necessarily works.

Remember that the UK Parliament is a Parliament of 650 Members. This is a very different sort of Parliament that works in a very different sort of way. There are no backbenchers here, for example. There are simply Members of Government or Members of Opposition. So all of these issues, Mr Speaker, are relevant to what has been produced. (*Interjection*)

1665 Mr Speaker, I believe... there aren't today... But there aren't today.

1670 Mr Speaker, I believe it is incumbent on the Government to produce a draft of this and then to debate the issues with the Opposition. I will make sure that all Members of this House have advance copies of the draft as soon as it is available to us and we will receive representations from the Opposition once they have the draft. I believe it is important that those documents be *debated* and *adopted* by the House because they are documents, in my view, *of* the House that will regulate the behaviour *of* Members of the House and Members *of* the Executive.

If the hon. Member, when he has received the draft, wants to make any drafting points, wants to make any substantive points, in representations to the Government, then I assure him that they will be considered in good faith.

1675 **Hon. P R Caruana:** Will the hon. Member just consider in his own time – clearly, there is time for the hon. Member to think about this - that in the UK that is not how it would happen, and I think for good reason.

1680 I think once the Government brings the draft of the document to this House and we debate it in this House, there is a sense in which the Government wants to defend the content of what it brings to the House. Equally, I suppose, there is a sense in which the Government may think that it needs to resist any points that the Opposition makes and, indeed, might consider that the Opposition simply wants to, as he has suggested today, score political points. (*Interjection*)

**Hon. Chief Minister:** Would the hon. Member give way?

1685 **Hon. P R Caruana:** In the UK... Yes.

**Hon. Chief Minister:** Just for a moment. Perhaps, in setting out my position of what I think the process should be, I have not alighted upon the fact that the Hansard Society, of course, in producing the draft I think will be, rightly, in touch with the Opposition.

1690 That is not an issue that I see being in dispute, but it will be produced for the Government and the Government will then bring it here and there may be issues thereafter. So I do not know whether that deals with the point that the hon. Gentleman is putting.

1695 **Hon. P R Caruana:** In the UK legislation even, let alone... this would be taken in committee first and it would be scrutinised in a committee in which political input can be had before it gets into the glare of the adversarial environment of the floor of the House. It depends on what we want to do. Clearly, it is a Government proposal; the Government has chosen not to do it by means of a select committee of the House, presumably because it is not a parliamentary thing, it is for the executive and the opposite could have been argued, too.

1700 I do not know whether the hon. Member is willing to say if the Government considered making that project a parliamentary project, as opposed to a Government project, and allow a committee of Parliament to take responsibility. It is part of their manifesto, as we have now said.

1705 Certainly, if the Hansard Society will consult with the Opposition that, in large measure, serves the same purpose as the Government itself consulting; in other words, the Opposition will have a role, an opportunity to express views and influence what eventually reaches the floor of this House, before it is too late.

**Hon. Chief Minister:** Yes, Mr Speaker, that is how I see it.

1710 Even in the most convivial moments, I would not put a manifesto commitment or control of delivery of a manifesto commitment in a committee of the Parliament over which the Government would have no control.

**Hon. P R Caruana:** We did.

1715 **Hon. Chief Minister:** But that was not an issue that had to be delivered within a particular period of time and a constitution is something well above even the Parliament, Mr Speaker. So I do not necessarily think that a select committee of the Parliament is necessary for something like this. I think that, with the assistance of an entity like the Hansard Society, working as much with the Opposition as with the Government at the consultative stages, as much with Mr Speaker and the Clerk during the consultative stage, I think that that will produce a draft Code.

1720 As I have said, the Members will then be sent the draft, so that they can make representations before it comes to the debate. So I think we may be arguing over something where, perhaps – I do not whether I dare hold myself hostage to this – but perhaps we might all be agreeable, anyway.

1725

## ENTERPRISE, TRAINING AND EMPLOYMENT

1730 **Registered unemployed  
Number of Moroccan workers**

**Clerk:** Question 1055, the Hon. J J Netto.

1735 **Hon. J J Netto:** Mr. Speaker, could the Minister for Employment say how many Moroccan workers aged 60 and over are registered unemployed at the Employment Service, broken down by age and length of time as registered unemployed?

**Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

1740 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, as at 30th September 2012 the total number of Moroccan workers aged 60 and over registered unemployed was 42.

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The breakdown by age is as follows:

1750	Age 60	4
	Age 61	1
	Age 62	12
	Age 63	10
	Age 64	8
	Age 66	1
1755	Age 67	2
	Age 68	1
	Age 69	1
	Age 72	2

1760 The breakdown by length of time registered as unemployed is as follows:

	Under 3 months	10
	3 – 6 months	3
	6 – 12 months	7
1765	12 – 24 months	9
	Over 24 months	13

1770 **Future Job Strategy trainees**  
**Permanent jobs; contract terminations; public and private sectors**

**Mr Speaker:** Next question.

1775 **Clerk:** Question 1056, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr. Speaker, how many Future Job Strategy trainees have found permanent employment in the entity they were placed for training since the scheme began, stating whether they were taken on in the private or the public sector?

1780 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I will answer this Question together with Questions 1057, 1058 and 1063.

1785 **Clerk:** Question 1057.

1790 **Hon. D A Feetham:** Can the Minister for Employment please state as at 30th November 2012, how many Future Job Strategy trainees are placed in the public sector and how many are placed in the private sector?

**Clerk:** Question 1058.

1795 **Hon. D A Feetham:** Can the Minister for Employment please provide brief particulars of the reasons why each Future Job Strategy trainee has had his contract terminated with ETCL, other than the fact that that person has found permanent employment?

**Clerk:** Question 1063.

1800 **Hon. D A Feetham:** Can the Minister for Employment please state how many Future Job Strategy trainees have had their contracts terminated with Employment Training Company Limited since the scheme was introduced, other than for reasons that the trainee in question has found permanent employment, giving a breakdown of whether the trainee was placed in the public or the private sector at the time?

1805 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.



1810 **Hon. J J Bossano:** Mr Speaker, as at 30th November 2012, 54 trainees were employed within the entity that they had been placed for training, eight in the public sector and 46 in the private sector; 178 trainees were placed within the public service and 329 placed within the private sector.

Other than as a result of having obtained employment, 96 ETCL trainees, of which two were in the public service, had their contracts terminated, 62 were at the individual's own request, 20 found not suitable, 12 due to reports of misconduct and two were not offered employment.

1815 **Hon. D A Feetham:** So, on the last statistic, in relation to the two that were not offered employment, can the Hon. Minister confirm that the training was actually recuperated by ETCL as, in fact, is stated in the contract, with each service provider or training provider?

1820 **Hon. J J Bossano:** The two employers have been invoiced with the amount and one has confirmed that he will be paying and I am awaiting an answer from the other one and action will be taken if it is not complied with.

1825 **Hon. D A Feetham:** Mr Speaker, in relation to the question whether individuals or trainees have found permanent employment with the entity that they had been placed for training, I think the answer that he gave me there was that 54 individuals (**Hon. J J Bossano:** Yes.) had been found permanent employment and eight in the public sector. (**Hon. J J Bossano:** Yes.)

1830 My recollection of the hon. Member answering my questions about this in the past has been that the whole object of the exercise - despite the fact that we disagree, that this is the way that it was put at election time - was that people would be shifted from the public sector to the private sector, because there was never any *guarantee* of employment in the public sector and the promise was a guaranteed job in the private sector. Can the Hon. the Minister for Employment please inform this House as to what qualities, what special circumstances, were involved in relation to these eight very lucky individuals that were found permanent employment in the public sector?

1835 **Hon. J J Bossano:** Well, Mr Speaker, the very lucky individuals were the lucky individuals who were in the Care Agency being trained as carers, which was the group that I have already identified in answer to previous questions, where they are trained as carers to work in the elderly care home and, clearly, there is not another home that they can find jobs in. These people have been trained specifically for that and, consequently, although there is not an agreement in terms of a partnership agreement with a business, 1840 they are recruited in the knowledge that there is a vacancy for them to go to.

1845 Given that the system that was in place before, the hon. Member will remember that, if you were a local, you were asked to have either two GCEs or experience and, if you did not have the two GCEs, you could not get the experience because there was nowhere else to get the experience. As I explained to the hon. Member, the criterion is still two GCEs or experience, but they can get the experience now by going in as a trainee and the reason why there are only eight is because only eight have been there long enough. There will be more than eight, but they will all be in that category.

1850 **Hon. D A Feetham:** Are we talking about individuals that are specifically training for a qualification relating to care workers, or are we talking about individuals that are effectively placed within Social Services and there is no qualification at the end of the day, that those individuals are taken on within Social Services and then placed within the care worker section within Social Services?

1855 **Hon. J J Bossano:** They are not in Social Services. These are the individuals - (*Interjection*) - these individuals are in the Care Agency and, in fact, what they have got is evidence of having worked in a home which is what all the frontier workers that were recruited previously had, when they came with a piece of paper from the other side. They had no qualifications in anything because what was required was *either* GCEs or experience and what the people here could not get was the experience, unless they went to work in La Linea first and got the piece of paper from there.

1860 **Hon D A Feetham:** Yes, with respect to the hon. Gentleman, I think that his references to frontier workers are completely irrelevant to the question that I asked him. I would not want the hon. Gentleman, or the people listening to this debate, to come out of this debate with the impression that the hon. Gentleman has something against Spanish workers. I just would not want that at all.

1865 He has not answered my question. (*Interjections*) He has not answered my question. He has not. No. Perish the thought. Absolutely. He has not answered my question. The question is, is there a qualification at the end of it, that these eight individuals have been trained have a qualification at the end of it for care worker, or is it that these eight individuals are part of a number of people placed within the Care Agency and they are doing on-the-job training and, at the end of the day, the Government decides to take them on as care workers.

1870        Whilst he is at it, could he also answer this? Are these eight individuals just simply doing care worker work, or are they doing something else, as part of their placement with the Care Agency before they were taken on?

1875        **Hon. J J Bossano:** Mr Speaker, I do not know whether the hon. Member thinks I am for or against frontier workers, but we have got a very clear manifesto policy on what we want to do for all the unemployed that are in Gibraltar, as he knows. The position is quite simple. All the care workers that were there in Mount Alvernia before 9th December have no qualifications. What they had was experience of having previously worked in a care home and all the care workers in this group of eight have got the same level of skill that was previously required, before 9th December, but was not *obtainable* before 9th December, because the previous administration did not give the opportunity to people here to come in with no previous experience and acquire the experience as part of a training programme. The training programme leaves them at the same state of skill that the other carers, that were recruited before, had when they were recruited, which they obtained by working in their home state, in homes, similar to ours, which was not possible here, because there was nowhere else those skills could be obtained within the boundaries of Gibraltar.

1885        It may be that, in future, we will decide to introduce this, since we are talking to City and Guilds about a whole range of different qualifications that the experience they have obtained and the training they have had will enable them to get a piece of paper, but that piece of paper has not been required of *anybody* working in the home before 9th December.

1890        **Hon. D A Feetham:** The hon. Gentleman has mentioned frontier. He is the person that has brought it up, Mr Speaker. He has mentioned in the same answer the question of frontier workers and the question of these trainees, so therefore I would ask him to answer this question. Is it the Government's policy to have a situation where, effectively, non-Gibraltar belongers are gradually removed from the Care Agency and replaced by Gibraltar belongers?

1895        I quite understand, and I accept, that it must be the aim of *any* Government of Gibraltar to get as many of our people in employment as possible. I accept that, but I am asking whether, as a matter of policy, the policy is to remove those that are there now – and I understand some people are there on 11 month contracts that are revolving – and effectively replace them by Gibraltar belongers? Has he received any representations from the Union in relation to this policy by the Government and what is the Government's attitude to that?

1900        **Hon. J J Bossano:** Mr Speaker, first of all, I am not responsible for dealing with the unions and I am not responsible for industrial relations, as he knows.

1905        Secondly, the question is about *my* responsibility as Minister for Employment in relation to training and my responsibility is to get as many of the resident population into these jobs, which was what used to happen before 1996 and then, for some peculiar reason between 1996 and 2011, the previous administration argued, that people either were not interested in that kind of work or were not able to do it. We have already produced eight and we are going to produce many more. Since there is a continuing demand for this work, if we had not put in place this mechanism, all that would have happened would be that that avenue of employment would have been closed to people in Gibraltar, because there was no way, without working in the home, that they could learn how to work in the home, since there is no other one. Therefore, the situation is that we are committed to continuing this level of training and to increasing the number of resident workers. There are many young people interested in learning to do this job and I am very happy that they are, because it proves that the argument that was being used before was not true. They simply did not explore the avenue of the local supply workers.

1915        I need to remind the hon. Member that when I have asked in the past about the reason for having imported workers in this area, I was regularly told that it was only because they were there, as it were, on temporary, renewable contracts, while people were being trained. All the people that are on 11-month contracts and are concerned about the renewal of those contracts are not people who have started work in the last 11 months, but people who were already on 11-month contracts before.

1920        **Hon. D A Feetham:** Mr Speaker, what I have asked the hon. Gentleman is whether there is a deliberate policy on the part of the Government to effectively remove the workers who are there at present, because they are Spanish or non-Gibraltar belongers, replacing them with Gibraltar belongers. Is that the policy or is it not the policy?

1925        Again, for example, another question he can consider as well, because it is related....

1930        **Mr Speaker:** Why can we not deal with one question at a time?

**Hon. D A Feetham:** Because it is related, I think that it would be helpful, but I will sit down if –

**Mr Speaker:** No, no, fine.

1935 **Hon. D A Feetham:** Do these eight arise from, for example, *new* vacancies that have been created by the Government, or is it replacing Spanish workers who have not had their contracts renewed?

1940 **Hon. J J Bossano:** Mr Speaker, these people are filling jobs that are there on the complement that the House has voted and the jobs they are filling are the jobs that were empty, otherwise we would not be able to fill them, irrespective of whether the jobs are filled, because there were people before who have left, or there has been an increase in the complement. The reality is that more than eight new jobs have been created in this financial year, if the hon. Member cares to look at the number of carers employed last year and this year. In fact, we need more than eight in order to meet the requirements of the increases as a result, for example, simply of the wards that have been opened in the St Bernard's Hospital, which are part of the Care Agency.

1945 **Hon. D A Feetham:** My final question in relation to this series of questions: you may recall that we have had a number of exchanges across the floor of this House in relation to the length of contracts of people in the Care Agency. We have questioned the Government about this, the issue of 11-month contracts. Is it the policy of the Government that, where a Spanish national or non-Gibraltar belonger serves out his or her 11 months, the Government is not going to renew that contract and will effectively have a situation where that vacancy is then filled in by a Gibraltar belonger? Is that the policy?

1950 **Hon. J J Bossano:** Mr Speaker, I do not think this is a question that arises from any of the originals. The hon. Member is asking me what has happened to the people who have completed their training in ETCL and now he is asking me is it the policy of the Care Agency to replace their employees with trainees?

1955 I have just told him that there are, at the moment, more than sufficient extra jobs requiring people to be recruited than there are people in the pipeline. So it is a non-issue as far as I am concerned, but, in any event, I am answering as Minister for Employment questions relating to my responsibilities, which are for the trainees that come out of training. All the trainees that are currently – there are many more than eight – completing their training in the next month or two and that figure will be growing substantially and since there is always, in all these outfits, a turnover, what the hon. Member will see is an increasingly resident, predominantly Gibraltar staffed Care Agency, which is what used to be in the past, and what has changed in the last 15 years. We will be moving back to the direction, where these job opportunities will be there for our people that need the jobs.

1960 **Hon. D A Feetham:** Mr Speaker, I wanted it to be my last supplementary, but the Hon. the Minister for Employment is – and I do not want to be derogatory of the hon. Gentleman – but he is the master of not answering the question and effectively weaving in and out of the dangerous territory that obviously he is treading. He is treading the dangerous territory, not because I asked him the original Question, but because it arises out of an answer he has given me in supplementaries. Therefore, I am entitled to pursue it.

1965 The question is, is it Government policy, is it *deliberate* Government policy not renewing those 11-month contracts in relation to Spaniards and non-Gibraltar belongers, in order that those vacancies can be filled in by Gibraltar belongers?

1970 Because we all know, Mr Speaker, that...

**Mr Speaker:** You have asked the question.

1975 **Hon. J J Bossano:** Mr Speaker, the hon. Member clearly has not followed what has been going on in this Parliament in the last 15 years, otherwise he would know that whenever Members of the Opposition ask a question and do not like the answer, what the Government Members used to say from this side, 'Well, look, that is the answer that you are getting. It may not be the answer you want to hear and it may not be the answer you like, but it is the answer you are getting.' And the answer he is getting is that, as Minister for Employment, responsible for the ETCL, which is what the original Question is, I am telling him that the ETCL trainees will be increasingly filling the jobs in Mount Alvernia. As a consequence of that, all the jobs that come out in future will be taken by local people – *all* of them. There will be no new people coming in, because we do not need them. We have got our own supply of people, willing and able to do that work, and all the jobs that become vacant, either as a result of people leaving, or as a result of the expansion of this service will be taken on by local people.

1980 The only reference that I make to frontier workers is that he seems to be concerned that the locals should be qualified, notwithstanding the fact that the record that he defends is 15 years of taking people from outside, who are not qualified, who were taken simply on the basis that they had experience: and

1995 they produced a letter, showing they had worked previously in the field. That is the only reference I have made, that we are giving people in Gibraltar, for the first time, the same opportunity to get these jobs that people from outside Gibraltar have, because they were being *discriminated against* previously, since more was being required of them. If he thinks that that gives him the right to question what may or may not happen to people who are now in employment, he can ask it till the cows come home, but I am not going to give him any answers, other than the one I want to give him.

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**Clerk:** Question one thousand and –

**Mr Speaker:** [*Inaudible*] you have...

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**Hon. D A Feetham:** Does he not recognise – and he and I share some common values –

**Hon. J J Bossano:** I hope not! (*Laughter*)

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**Hon. D A Feetham:** Whether he agrees with that or not, just simply because I do not like the way that he does things, we share some common values. One of those values, as somebody who comes from an ideology that is a centre-left ideology, is not to just simply sack an individual and make that individual unemployed or prevent them from pursuing employment opportunities just simply because they are Spanish nationals or non-Gibraltar belongs. Does he not accept that is entirely wrong to, effectively, have a policy that is dependent on a philosophy that says, simply because you are *not* a Gibraltar national, despite the fact that you may be the best person for the job, despite the fact that you may be doing your job to the best of your ability and everybody is happy with you, we are not going to be renewing your contract of employment because I want to fill this vacancy with trainees? Does he not accept that, as a matter of principle, that is wrong?

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**Hon. J J Bossano:** Mr Speaker, I do not accept that he is left of anything, let alone centre-left or left of centre. Therefore, I do not accept that, ideologically, we have anything in common and I do not accept that there is a shred of anything left in him that was common to us when we used to belong to the same party.

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Starting from that premise, it is quite obvious to me that he wants to make an issue of something that has not happened and which he claims *may* happen. When and if it happens, if he wants to bring a censure motion to this House, in that we are being too concerned about protecting jobs for Gibraltarians, he can do it and we can debate it, but I am answering questions to him about what is happening with the trainees who are in the system *now*.

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He chooses to do that to try and pursue a line, which happens to coincide with incorrect views that have been expressed in the Spanish media, which we have made absolutely clear have not got a shadow of truth in them. Therefore, he knows exactly what he is doing and I know what he is doing and the answer is that his question is: do I accept, or do I not accept that something that has not happened would be wrong, if and when it happened? The answer is that he is not entitled to ask that question, because nobody in the Care Agency or anything else has been sacked on grounds of nationality. So his argument is simply in his imagination and in the fiction that is being put out in the public domain. (*Applause*)

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**Hon. D A Feetham:** Just one more, Mr Speaker, on this series of questions. He says that it is untrue and he questions my motives as to why I ask the question. Well, actually, I ask the question because perhaps I am also aligned to all those workers from the Care Agency, and Mount Alvernia in particular, who last week nearly went on strike, because the Government, it appeared, led by the initiative, by you – sorry, Mr Speaker, by the Minister for Employment – had taken the view that somebody who was there and everybody was happy with them, simply because they were Spanish national, not resident here in Gibraltar, that that person could not have his contract renewed and could not reapply. Indeed, the Chief Minister had to intervene in the situation to prevent industrial action. Is that not correct?

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**Hon. J J Bossano:** It is not correct that I have anything to do with industrial relations or industrial action. Therefore, Mr Speaker, the hon. Member is *inventing* things and then asking me whether they are correct. His inventions are not correct. I have had nothing to do with this, any more than I have to do with a supposed party that excludes Spaniards, on my instructions. That is a complete lie and what the hon. Member is now saying is new to me, is also a complete lie. I have nothing to do with the people who are in employment. I am concerned with the people who are *unemployed* and the concern that I feel for them clearly is not shared by that side of the House.

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Fine, that is evident because, if they did share it, we would not be in a situation, where the level of local participation in the staffing of the Care Agency has been declining year after year after year in the last 15 years.

**Level of unemployment and benefit paid  
Details from January 2012**

2060 **Clerk:** Question 1059, the Hon. D A Feetham.

**Hon. D A Feetham:** Can the Minister for Employment please state how many people were registered unemployed as at 30th November 2012 and on a month-by-month basis since January this year, the number of people in receipt of unemployment benefit?

2065 **Clerk:** Answer, the hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the number of persons receiving unemployment benefit as at the end of each month, in each of the first three quarters of 2012, was as follows:

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January	105
February	127
March	152
April	127
2075 May	127
June	118
July	218
August	223
September	204

2080 **Hon. D A Feetham:** Mr Speaker, with respect to the hon. Gentleman, he is more candid with the information he provides the *Gibraltar Chronicle*, than with the information he is providing this House today.

2085 I asked him for unemployment *figures*, where people are registered unemployed. The Question is in two parts: ‘Can the Minister for Employment please state how many people were registered unemployed’ and then the question about receipt of unemployment benefit, because I want to compare one with the other, but he said to the *Gibraltar Chronicle* that there were 1,000 people unemployed and that was reported in Monday’s edition of the *Gibraltar Chronicle*. Perhaps he did not read it because he was not in Gibraltar.

2090 Can he please provide the figures for registered unemployed in Gibraltar?

**Hon. J J Bossano:** I think, Mr Speaker, the Question has been interpreted, the hon. Member was asking for the unemployed at 30th November and not for the unemployed on a month-to-month basis since January, which I believe is already public.

2095 **Hon. D A Feetham:** No, it is not... the unemployed on a monthly basis is not public. What I have asked is, how many people were registered unemployed *as at* 30th November 2012. As at that date, how many people were registered unemployed *and* on a month-by-month basis in January this year, the number of people in receipt of unemployment benefit is two separate, effectively –

2100 **Hon. J J Bossano:** I know.

2105 **Hon. D A Feetham:** Yes. He has given me the second and the hon. Gentleman knows that I have concentrated my public comments on questions of unemployment in relation to receipt of – in fact, not even receipt of unemployment benefits – applications made and accepted, on a month-by-month basis, of unemployment benefit. That does not actually deal with receipt of unemployment benefit, which he has provided. But I have not, actually, I have never asked the question – and I am asking now about registered unemployed as at 30th November. He told Mr Dominique Searle at the *Chronicle* that there were 1,000 people registered unemployed. That was reported in the *Chronicle*. Is that a correct figure or is it not?

2110 **Hon. J J Bossano:** Mr Speaker, first of all, I have told him that the figure for the fourth quarter will be given in January 2013.

2115 **Mr Speaker:** No. I am afraid, the hon. Member, you actually omitted that last sentence. I noticed that you had –

**Hon. J J Bossano:** The fourth quarter will be given in January 2013.

**Mr Speaker:** He omitted to say, I have it here in the draft answer – the fourth quarter will be given in January 2013. He had the answer, but he omitted to –

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**Hon. D A Feetham:** Yes, but what is the previous quarter? It is not in the – if the answer is that registered unemployed – and he knows what question I am asking – if the answer is registered unemployed, the figures are made up on a quarterly basis. I am telling him that it is not on the internet, so I do not know what the previous quarter of registered unemployed had been, because it is not on the internet.

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What is on the internet, and what I have been using, is applications made and received for unemployment benefit and, on that basis, I have calculated that there must be between 8% and 10% more unemployed, effectively, recently, the last time I made my statement, than there was on 9th December. I suspect there is much more than that. If you do not have the figure for registered unemployed for this last quarter, what is the figure for the last quarter, but you have not given me an answer in relation to that at all.

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**Hon. J J Bossano:** Mr Speaker, the hon. Member has got a Question, which is what is the unemployed on 30th November. The figure for 30th November – which is the one he is asking for – will be given in January, in accordance with the policy adopted by the previous Government and spelt out in answer to Question 443/2007, where the previous administration said that they would only produce the unemployment figures on a quarterly basis. Therefore, since the Question is only asking about November and November is in the fourth quarter, he will get the fourth quarter in January. The second half of the Question has been interpreted by the Department to be limited to the people who are receiving unemployment benefit. (*Interjection by Hon. D A Feetham*)

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As far as the numbers unemployed, I can tell him that the figure for the unemployment, from my recollection, is around the same as it has been in the past – in that there is a fluctuation, it tends to go up in the summer months and it oscillates around the figure of 500, who are the people that are registered unemployed. As the hon. Member knows, we have got people who are on social assistance, people who are in training without a job guarantee and we consider all those to be without a job and, consequently, unemployed. So we do not make the distinction between whether they are registered as unemployed, or they are available for work without bothering to register.

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The figure of 1,000 is the figure that *he* was using before the Election and the figure that I have been using since and what I have made clear on a number of occasions in public is that, notwithstanding the fact that the numbers in employment have gone up this year, and the figures are on the internet and I am sure, if the Member looks at the number of residents taken into employment, he will see that, already in 11 months, we have exceeded the numbers employed in 12 months in the preceding year. So, notwithstanding that, the numbers that are still available for work and without a job has not come down, because more people have come and registered. Sometimes, people who have been out of work for a very long time are now registering. Therefore, people on Social Assistance are not registering so, in fact, the registered figure is not coming down, even though we have the figure in employment is going up. The registered figure still oscillates around the 500 mark. It changes up and down from month to month.

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**Hon. D A Feetham:** I will ask him for all the previous four quarters, which are not on the internet, at the next session of the House.

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The Hon. the Chief Minister, when he was the Leader of the Opposition, during his maiden budget speech, said this:

‘The nation has had enough. The nation is let down by a Government that has not known how to resolve the plight –

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**Mr Speaker:** What is the relevance of that?

**Hon. D A Feetham:** I am going to ask a question. I am asking a question. This is my –

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**Mr Speaker:** It is relevant?

**Hon. D A Feetham:** Of course, it is relevant. (**Mr Speaker:** Right.)

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‘The nation has had enough. The nation is let down by a Government that has not known how to resolve the plight of almost 400 unemployed. The nation is ready for a change of Government.’

Well, in the light of the fact that unemployment has increased from 400 to 500, is the nation ready for a change of Government or just simply a change of Minister for Employment?

2180 **Hon. J J Bossano:** Given that I am devoting 84 hours a week to the job, anybody is welcome to take it away from me, Mr Speaker, but I can tell the hon. Member that if he had the smallest shred of being left of centre, as he claims, he would have stood up to welcome the fact that I have told him that we have got more of our Gibraltarians and other residents in employment now, than ever before. He does not seem to welcome that and I have already given him the explanation.

2185 Mr Speaker, the reality is that it is not worth attempting to provide him with information. I have just told him the reason why the unemployment is not going down as one would expect, when employment is going up, is because there are people coming forward that have not worked for years. People that he has been urging me, in the past, to try and help back into employment. I tell him that that is the case and therefore he says, notwithstanding there are more people than ever before, we should change our Minister for Employment. Well, I am afraid he does not have a say on whether I am Minister for Employment or not, but I can tell the hon. Member that all the people who have got jobs since 9th December, I am sure, are grateful for the effort and the hours and the time that I put in and I am committed to ensuring that we keep on bringing down the numbers of people without work, whether they are registered or not and we keep on putting more and more of the residents of Gibraltar into employment and I would have hoped that he would share that objective, given that when we have this debate, they all say, I am not going to succeed, but they wish it was possible to bring unemployment down to the levels that I want. I believe it is possible and I am going to devote everything that I know and I have learnt in my life to achieving it.

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**Frontier workers  
Nationality of those registered with Employment Service**

2205 **Clerk:** Question 1060, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government provide a breakdown – and you see I am asking a Question so that the hon. Gentleman can provide the answer with the information he *really* wants to provide me - by nationality of the frontier workers registered with the Employment Service for each month since December 2011?

2210 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** The total number of frontier workers registered with the Employment Service since December is as follows:

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December 2011	7,910
January 2012	7,690
February 2012	7,566
March 2012	7,460
2220 April 2012	7,413
May 2012	7,268

And that is the lowest figure that it reached, in May.

2225 **Hon. D A Feetham:** Seven thousand, sorry, can you repeat that -

**Hon. J J Bossano:** 7,268.

Since May the figure for frontier workers has actually gone up, notwithstanding the fact that they keep on claiming that it is going down.

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June, 2012	7,335
July, 2012	7,418
August, 2012	7,481
2235 September, 2012	7,501

and then it went down in October:

October, 2012	7,443
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2240 Then, in November, it has gone up again:

November, 2012 7,461

2245 which shows, in fact, that the market is what decides the demand and not that there is a deliberate policy of removing frontier workers and replacing them. It goes up and down, depending on the demand for work.

**Mr Speaker:** Would the Hon. Minister notice that there is another sentence at the end of the draft?

2250 **Hon. J J Bossano:** The nationality, Mr Speaker – which covers almost half of the United Nations – I now hand over to the hon. Member for each month. It would take several hours to read it out!



Table EMP.2  
Frontier workers by nationality, 2011

Nationality	January	February	March	April	May	June	July	August	September	October	November	December
American	8	8	8	8	8	7	9	9	9	10	11	11
Argentinian	1	1	1	1	1	1	1	1	1	2	2	3
Australian	2	1	1	2	2	3	3	3	3	3	3	3
Austrian	14	13	13	12	11	12	9	10	10	10	9	8
Belgian	9	10	11	11	11	10	10	11	12	11	12	12
Brazilian	2	2	2	2	2	1	1	1	2	2	2	2
Bulgarian	14	13	15	15	15	16	17	18	17	5	15	15
Canadian	3	3	3	3	3	2	2	2	2	2	2	2
Colombian	1	1	1	1	1	1	1	1	-	-	-	-
Czechoslovakian	31	35	35	35	35	35	38	38	39	43	42	43
Danish	37	37	36	37	38	38	38	36	34	34	33	34
Dutch	35	35	34	34	36	35	33	34	34	33	38	35
Equatorian	2	2	2	3	3	4	3	3	2	2	1	1
Estorian	8	7	7	8	9	8	9	9	10	8	9	9
Finnish	9	9	9	9	9	8	8	8	8	8	8	8
French	73	70	72	67	70	73	67	77	76	78	79	79
German	114	115	114	115	114	112	97	115	115	109	110	110
Gibraltarian	132	140	138	141	144	143	145	144	142	145	144	144
Greek	26	28	29	28	31	34	28	34	33	34	33	32
Greek Cypriot	6	6	6	7	7	7	7	7	7	7	6	5
Hungarian	48	48	53	55	58	69	71	67	74	71	73	72
Indian	2	2	2	3	3	4	4	4	4	4	4	4
Irish	61	61	63	62	61	60	63	66	66	63	65	64
Israeli	4	4	4	4	4	4	4	5	5	4	3	3
Italian	62	67	65	64	67	75	68	74	83	86	84	84
Japanese	2	2	1	1	1	-	-	-	-	-	-	-
Korean	1	1	1	1	1	-	-	-	-	-	-	-
Latvian	7	7	11	11	14	17	16	13	14	13	15	16
Lithuanian	43	45	49	44	48	47	48	46	48	47	47	47
Luxembourg	1	1	1	2	2	1	2	1	1	2	2	2
Macedonian	1	1	1	1	1	1	1	1	1	1	1	1
Maltese	1	1	1	1	1	1	1	1	1	2	2	2
Moroccan	2	1	2	3	3	2	2	2	3	3	3	3
New Zealander	3	3	3	3	3	3	3	3	3	3	3	2
Norwegian	3	3	3	3	2	2	2	2	2	2	2	2

Other British	2,024	2,073	2,086	2,074	2,061	2,004	2,022	2,026	2,017	2,031	2,070	2,075
Philipino	1	1	1	1	1	1	1	1	1	1	1	1
Polish	204	194	204	188	199	199	200	198	203	184	173	147
Portuguese	245	239	241	253	245	256	249	243	271	268	290	294
Romanian	73	87	86	87	88	95	94	94	98	94	101	99
Russian	4	4	4	4	4	4	4	3	3	2	2	2
Slovakian	20	20	24	24	25	27	24	28	26	27	26	27
South African	1	1	2	2	2	2	2	2	2	2	2	2
Spanish	4,072	4,106	4,195	4,261	4,190	4,360	4,610	4,548	4,538	4,524	4,392	4,357
Swedish	17	18	18	22	25	29	29	29	30	33	34	34
Swiss	9	10	10	10	10	10	10	9	11	9	9	9
Tunisian	-	-	-	1	1	-	-	-	-	-	-	-
Ukrainian	6	6	6	6	6	6	5	5	4	4	4	4
Uruguayan	1	1	1	1	1	1	1	1	1	1	1	1
<b>Total</b>	<b>7,445</b>	<b>7,543</b>	<b>7,675</b>	<b>7,731</b>	<b>7,677</b>	<b>7,830</b>	<b>8,062</b>	<b>8,033</b>	<b>8,068</b>	<b>8,027</b>	<b>7,969</b>	<b>7,910</b>

Updated 12 January 2012

Source: Employment Service

Table EMP.2(b)

Frontier workers by nationality, 2012

Nationality	July	August	September	October	November
American	11	11	11	11	11
Argentinian	3	3	4	4	4
Australian	3	3	3	3	3
Austrian	7	7	7	7	7
Belgian	9	11	12	11	11
Brazilian	3	3	3	4	4
Bulgarian	21	21	21	21	24
Canadian	2	2	2	2	2
Colombian	-	-	-	-	-
Czechoslovakian	33	35	36	36	36
Danish	36	39	40	41	38
Dutch	38	38	39	38	40
Equatorian	1	1	1	1	1
Estonian	11	11	12	11	11
Finnish	8	8	9	9	9
French	71	71	72	73	75
German	116	112	114	117	115
Gibraltarian	153	150	153	148	149
Greek	42	46	51	55	54
Greek Cypriot	6	6	5	5	5
Hungarian	84	83	86	79	78
Icelandic	1	1	1	1	1
Indian	4	4	4	4	5
Irish	73	74	76	79	79
Israeli	3	3	3	3	3
Italian	95	96	96	90	93
Japanese	-	-	-	-	-
Jersey	1	1	1	-	-
Korean	-	-	-	-	-
Latvian	18	19	19	19	19
Lithuanian	19	19	13	12	12
Luxembourg	1	2	2	2	2
Macedonian	1	1	1	1	1
Maltese	5	5	5	6	6
Mexican	1	1	1	1	1
Moroccan	3	4	3	2	2
New Zealander	2	2	2	2	2
Norwegian	2	2	2	2	2
Other British	2,096	2,109	2,092	2,083	2,099
Panamanian	1	1	-	1	1
Philipino	2	1	1	1	1
Polish	94	90	89	93	95
Portuguese	233	237	243	247	246
Romanian	100	106	110	109	122
Russian	2	2	2	2	2
Slovakian	38	35	33	32	34
Slovenian	1	1	1	2	2
South African	2	2	2	2	2
Spanish	3,915	3,955	3,966	3,918	3,900
Swedish	34	35	38	40	38
Swiss	9	9	9	8	9
Tunisian	-	-	-	-	-
Ukrainian	3	3	4	4	4
Uruguayan	-	-	-	-	-
Venezuelan	1	1	1	1	1
<b>Total</b>	<b>7,418</b>	<b>7,482</b>	<b>7,501</b>	<b>7,443</b>	<b>7,461</b>

Updated 12 December 2012

Source: Employment Service

Frontier workers by nationality, 2012

Nationality	January	February	March	April	May	June
American	11	11	11	11	11	11
Argentinian	3	4	3	3	3	3
Australian	3	3	3	3	3	3
Austrian	7	7	7	7	7	7
Belgian	12	13	12	11	9	10
Brazilian	2	2	2	2	3	4
Bulgarian	15	16	16	18	19	19
Canadian	3	3	3	3	2	2
Colombian	-	-	-	-	-	-
Czechslovakian	42	39	38	39	38	37
Danish	34	35	35	35	37	37
Dutch	34	35	36	38	36	37
Equatorian	1	1	1	1	1	1
Estonian	9	11	11	12	12	11
Finnish	8	9	9	8	8	8
French	76	77	77	70	70	71
German	110	110	113	110	109	111
Gibraltarian	145	146	154	154	155	156
Greek	32	34	36	37	39	42
Greek Cypriot	5	5	5	5	5	5
Hungarian	68	75	73	77	77	79
Icelandic	1	1	1	1	1	1
Indian	4	4	4	4	4	4
Irish	67	69	70	69	68	70
Israeli	3	3	3	3	3	3
Italian	85	85	88	90	93	91
Japanese	-	-	-	-	-	-
Jersey	-	-	-	-	-	1
Korean	-	-	-	-	-	-
Latvian	16	17	17	17	19	18
Lithuanian	45	39	39	36	28	20
Luxembourg	2	1	1	1	1	1
Macedonian	1	1	1	1	1	1
Maltese	2	2	2	2	4	5
Mexican	1	1	1	1	1	1
Moroccan	4	4	4	4	3	2
New Zealander	2	2	2	2	2	2
Norwegian	2	2	2	2	2	2
Other British	2,062	2,074	2,070	2,057	2,064	2,072
Panamanian	-	-	-	-	-	1
Philipino	1	1	1	1	1	1
Polish	143	122	116	114	105	92
Portuguese	297	296	239	219	216	223
Romanian	97	91	83	90	89	89
Russian	3	3	3	3	2	2
Slovakian	26	25	25	25	25	28
Slovenian	1	1	1	1	1	1
South African	2	2	2	2	2	2
Spanish	4,152	4,033	3,987	3,971	3,839	3,899
Swedish	36	37	39	39	37	36
Swiss	10	9	9	9	9	9
Tunisian	-	-	-	-	-	-
Ukranian	4	4	4	4	4	4
Uruguayan	1	1	1	1	-	-
Venezuelian	-	-	-	-	-	-
<b>Total</b>	<b>7,690</b>	<b>7,566</b>	<b>7,460</b>	<b>7,413</b>	<b>7,268</b>	<b>7,335</b>

Updated 4 October 2012

Source: Employment Service

2260

**Hon. D A Feetham:** This is all the same question that he asked always. It is in the same format.

**MOD employees**

**2265 Number registered with Employment Service**

**Clerk:** Question... sorry. Question 1061, the Hon. D A Feetham.

**2270 Hon. D A Feetham:** I think this is answered in a previous question that the Chief Minister has already answered, he has already provided me with, but if you have got the answer separate, I will take it.

Can the Government state what was the number of employees registered with the Employment Service and employed by the MOD at the end of November 2011 and 2012?

**2275 Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr. Speaker, the total number of employees registered with the Employment Service employed by the MOD in November 2011 was 698 and November 2012 was 598 – a hundred less.

**2280 Hon. D A Feetham:** Can the hon. Gentleman provide any information as to account for the decrease in exactly 100 employees in the MOD from November 2011 to 2012? Is that to do with casuals, or is it transfers to Government? Is there a reason for that, does he know?

**2285 Hon. J J Bossano:** Mr Speaker, there has been a constant decline of numbers, throughout 2011 and throughout this year. We have just taken two specific months and it so happens – by coincidence, I think – that there is exactly 100 less between November and November in that 12-month period, but there have been people taken on into the Government companies that were set up by the previous administration, so some of these people are not actually unemployed. They have not gone from being in the MOD to being registered with the Employment Service, but from being in the MOD to being in the companies that were set up in the case of the generating station and in the other company that was set up and, in some cases, there are people who have taken advantage of the exit packages which have got a cut-off point. In fact, I think, at the moment there are more people wanting to go than the MOD is willing to leave, because the fact that the package is at its most valuable to the individual below a certain age, means that people are keen to go because, in practical terms, in some instances, if they stayed, they are really working for nothing.

**2295 Clerk:** Question –

**2300 Hon. P R Caruana:** Would the hon. Member say whether he is familiar – I assume he is – with that element of the global agreements that prevent the MOD from lowering their manpower below a certain level before 2017 and is that being adhered to by both? Is the Government holding the MOD to that agreement?

**2305 Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, this is an issue that is relevant to ongoing discussions between me and the MOD and what I should tell him is that, when I was elected and I saw the figure at the end of the schedule 3 of the agreement, at the bottom of the column, which I think from memory was 590 something, I observed that the number had been reduced.

The reduction, on some occasions, was as a result of agreement with the Government of Gibraltar. For example, the totals, I think, there included people who were employed with GMES [Gibraltar Mechanical & Electrical Services Ltd] and, of course, before the Election, GMES people had moved into the wholly owned company also, which is GMES, it is ISGS into GMES etc. I noticed there was a discrepancy, even then, between the number that was left over in the MOD, or should be left over in the MOD, and this was when this question of what is known as the VERS was referred to me –

**2315 Hon. P R Caruana:** The what?

**Hon. Chief Minister:** The VERS – the Voluntary Early Redundancy Scheme – which the MOD has been running.

**2320** On that issue I have been in contact with the MOD, because they have been letting people go on Voluntary Early Redundancy Schemes who are relevant to the numbers in the columns that add up to the total and then taking people on short-term contracts to 2017. So can I just leave it with him, that this is an issue that has been picked up by us and is live with us, because all those short-term contracts end on the same day in 2017.

**2325**

**Gaming industry  
Number and nationality of employees**

2330 **Clerk:** Question 1062, the Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, can the Government say what is the total number of persons employed in the gaming industry in Gibraltar, giving a breakdown by company and by nationality, showing how many are residents and the dates when the figures apply?

2335 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

**Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, the total number of persons employed in the gaming industry in Gibraltar, according to the records of the Employment Service – which may not be 100% up to date, because sometimes contracts take time to reach us - as at 30th November was 2,699. Of these, 1,354 are Gibraltar residents.

The breakdown by gaming company is as follows:

	Total Employees
Tombola (Int) Ltd	13
Mansion Gib Ltd	132
32 Red PLC	58
888 Holdings PLC	4
Bwin Party Digital Ent PLC	5
Profitable Play Ltd	17
Partouche Interactive (Gib) Ltd	8
Leisure Spin Ltd	5
Gala Interactive Gib Ltd	79
Coral Interactive Gib Ltd	70
BetClic Everest (Gib) Ltd	56
Cassava Enterprises Gib Ltd	156
Bwin Party Management (Gib) Ltd	438

	Total Employees
TSE (Gib) LP T/A BetFred	23
St. Endellion Ltd	19
Probability (Gib) Ltd	10
Petfre (Gib) Ltd	125
Entertaining Play Ltd	15
Ladbrokes International Ltd	173
Digibet Ltd	15
Stan James PLC	225
Spielo International (Gib) Ltd	111
WHG International Ltd	331
Etruvian Gibraltar Ltd	94
Hillside (Gib) Ltd	124
Newcote Services Ltd	393
<b>Total</b>	<b>2699</b>

2345

The break down by nationality is as follows:

Nationality	
American	12
Antiguan	6
Argentinian	2
Australian	5
Austrian	20
Belgian	7
Bolivian	1
Bulgarian	20
Brazilian	1
Canadian	5
Chinese	6
Czech /Slovak	8
Danish	22
Dominican	3
Dutch	19
Estonian	5
Ecuadorian	1
Finish	8
French	46
German	108
Gibraltarian	346
Greek	59
Greek-Cypriot	3
Hong Kong	1
Hungarian	23
Indian	31
Indonesian	1
Irish	48
Israeli	21

Nationality	
Italian	83
Japanese	1
Kazakhstan	1
Latvian	12
Lithuanian	7
Luxembourg	2
New Zealand	1
Malaysian	5
Maltese	1
Mexican	1
Moroccan	3
Norwegian	1
Other British	1368
Polish	56
Portuguese	43
Romanian	25
Russian	6
Slovakian	14
Slovenian	1
South African	3
Spanish	171
Swedish	48
Swiss	1
Taiwanese	1
Thai	2
Turkish	1
Ukrainian	3
<b>Total</b>	<b>2699</b>

2350 **Hon. D A Feetham:** Mr Speaker, I do not know whether the hon. Gentleman has actually caught up (*Laughter*) with the Government's iPad culture. He certainly has not caught up with the culture of providing schedules across the floor of this House in answer to Questions. May I ask that the hon. Gentleman provides me with a copy of that answer that I may take it away with me for further reading over the weekend. (*Laughter*) Thank you very much.

2355 Could I, whilst I am at it, wish the hon. Members opposite and, indeed, the entire House and those listening to our proceedings, a very Merry Christmas indeed and a Happy New Year.

**WRITTEN ANSWERS**

2360 **Clerk:** With that we come to the end of Answers to Oral Questions.  
Answers to Written Questions, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the Answers to Written Questions, numbered W239/2012 to W263/2012 inclusive.

2365 Mr Speaker, I have the honour to move that this House do now adjourn *sine die*. (*Interjections*)  
Sorry? We are not doing any Bills. Ah! You are doing a Bill. Ah! Sorry? I thought we were not doing Bills; I was not doing *my* Bills. So, Mr Speaker, I *thought* I had the honour of adjourning the House *sine die*, but in fact the Minister for Justice -

2370 **Mr Speaker:** You still have the honour to move!

**Hon. Chief Minister:** - asks that I adjourn the adjournment for a few minutes.

2375

**BILLS**  
**FIRST AND SECOND READINGS**

**Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012**  
**First Reading approved**

2380

**Clerk:** Bills, First and Second Reading.

2385 A Bill for an Act to amend the Companies Act, the Trustees Act and the Partnership Act to make provision for the keeping of proper books of account, the maintenance of records, identifying settlors, trustees and beneficiaries of trusts and the abolition of share warrants to bearer.

The Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2390 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Companies Act, the Trustees Act and the Partnership Act to make provision for the keeping of proper books of account, the maintenance of records, identifying settlors, trustees and beneficiaries of trusts and the abolition of share warrants to bearer be read a first time.

**Mr Speaker:** I really think we should take each Bill separately.

**Hon. G H Licudi:** It is one Bill.

2395 **Mr Speaker:** Ah, it is one Bill.

I now put the question, which is that a Bill for an Act to amend the Companies Act, the Trustees Act and the Partnership Act, to make provision for the keeping of proper books of account, the maintenance of records, identifying settlors, trustees and beneficiaries of trusts and the abolition of share warrants to bearer be read a first time.

2400 Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Companies, Partnerships and Trusts (Miscellaneous Amendments) Act 2012.

2405

**Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012**  
**Second Reading approved**

2410 **Hon. G H Licudi:** Mr Speaker, I have the honour to move that the Bill be now read a second time.

The amendments contained in the Bill will make provision for the keeping of proper books of account, the maintenance of records identifying settlors, trustees and beneficiaries of trusts and the abolition of share warrants to bearer.

2415 These amendments represent Gibraltar's response to the recommendations for change in the Peer Review Report on Gibraltar by the Global Forum of Transparency and Exchange of Information, phase 1, legal and regulatory framework, published in October 2011.



The industry was consulted earlier this year on the recommendations, which were small in number and, in many respects, uncontroversial. These were already best practice and, in any event, a professional responsibility or mandatory under FSC licensing or other obligations. The amendments are designed to ensure that all individuals or entities are caught, not just those licensed by the FSC.

2420 Three responses were received and there was general agreement with the proposed amendments. The amendments (a) create an obligation on all companies, partnerships and trusts to maintain complete records on their accounts and ownership (b) restrict the issues of share warrants to bearer and requires that existing share warrants are registered (c) require that all trusts maintain information on relevant settlors, trustees and beneficiaries.

2425 Mr Speaker, in relation to the amendments to the Companies Act, clause 2(2) defines the proper books of account – the term ‘proper books of account’. The definition currently filed at section 314(2) of the Companies Act has been expanded to incorporate underlying documentation significant to the trade or business of the company, such as contracts or invoices. This definition has been applied to the Companies Act as a whole, creating a single, universal standard of documentation that must be retained in respect of company accounts. As a result of this amendment, the definition in section 314(2) is no longer necessary. It has therefore been repealed, or is proposed to be repealed, by sub-clause (6).

2430 Clause 2(3) imposes a requirement that holders of share warrants to bearer are registered on the Companies Register of Members within a period of nine months from the commencement of the clause. Where a bearer has not been registered in the time limit, rights attached to the relevant warrant will not be exercisable and the company will have committed an offence. The amendment also prevents companies from issuing any new share warrants to bearer.

2435 Sub-clauses (4) and (5) standardise the period for which proper books of account must be retained by companies to five years.

2440 In relation to amendments to the Trustees Act, Mr Speaker, clause 3 of the Bill inserts two new provisions. The new section 61 requires trustees to record the identity of settlors, trustees and beneficiaries of trusts and maintain this information for a period of five years. I would say, for the sake of clarity, that a settlor, although not expressly set out in the Bill, is considered any person who settles *any* assets into a trust, whether or not that person is actually described as a settlor in the trust documentation.

2445 The new section 62 imposes a duty of trust to maintain proper books of account equivalent to those obligations on companies found under section 170 of the Companies Act. The definition of ‘proper books of account’ corresponds with the proposed amendments to the Companies Act.

Finally, Mr Speaker, in relation to the Partnership Act, clause 4 of the Bill inserts a section into the Partnership Act again imposing an obligation to maintain proper books of account in keeping with the requirements under section 170 of the Companies Act.

2450 Mr Speaker, I commend the Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2455 **Hon. P R Caruana:** Mr Speaker, on this occasion Her Majesty’s Loyal Opposition will be loyal to the Government as well as to Her Majesty. (*Laughter*) I recognise, from the report, that I think had arrived [*inaudible*] in Government, that these were the things that we were asked to do. It is worth noting that our regime about bearer shares was already a very controlled regime, where they had to be deposited and information – the authorities had to be aware of who the owner was etc, but the Opposition agrees with the Government that this is a very payable price for getting on the... for passing the test in full, so that next time they come round, they will give us credit for having complied with their [*inaudible*].

2460 We will be supporting the Bill.

2465 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Companies Act, the Trustees Act and the Partnership Act, to make provision for the keeping of proper books of account, the maintenance of records identifying settlors, trustees and beneficiaries of trusts, the abolition of share warrants to bearer, be read a second time.

Those in favour? (**Members:** Aye.) Those against? Carried.

2470 **Clerk:** The Companies, Partnerships and Trusts (Miscellaneous Amendments) Act 2012.

2475

**Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012**  
**Committee Stage and Third Reading to be taken at this sitting**

2480

**Hon. G H Licudi:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2485

**Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**International Co-operation (Tax Information) (Amendment) Bill 2012**  
**First Reading approved**

2490

**Clerk:** A Bill for an Act to amend the International Co-operation (Tax Information) Act 2009, the hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2495

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the International Co-operation (Tax Information) Act 2009 be read a first time.

2500

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the International Co-operation (Tax Information) Act 2009 be read a first time.

Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The International Co-operation (Tax Information) (Amendment) Act 2012.

2505

**International Co-operation (Tax Information) (Amendment) Bill 2012**  
**Second Reading approved**

2510

**Hon. G H Licudi:** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This Bill amends the International Co-operation (Tax Information) Act 2009, so as to clarify the time periods covered in relation to the provision of information and assistance on taxation matters. In criminal tax matters, information can be requested under the Act in respect of any calendar year beginning on or after 1st January 2004.

2515

In all other specified tax matters, information can be requested under the Act in relation to periods commencing on 1st January following the date of entry into force of the relevant scheduled agreement, or TIEA, or where the scheduled agreement expressly provides otherwise in relation to the periods specified therein. The Bill is in line with the express corresponding provisions contained in the 2002 model agreement on exchange of information on tax matters, that is the OECD model agreement, and the OECD model agreement commentary.

2520

I would add, Mr Speaker, that I am advised that what this Bill does, in fact, reflects the existing practice and this is simply being put into place for the sake of clarity for all those persons who deal with these matters, either professionally or are recipients of requests.

I commend the Bill to the House.

2525

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the question, which is that a Bill for an Act to amend the International Co-operation (Tax Information) Act 2009 be read a second time.

2530

Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The International Co-operation (Tax Information) (Amendment) Act 2012.

2535

2540 **International Co-operation (Tax Information) (Amendment) Bill 2012**  
**Committee Stage and Third Reading to be taken at this sitting**

**Hon. G H Licudi:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2545 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2550 **COMMITTEE STAGE**

**Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012**  
**International Co-operation (Tax Information) (Amendment) Bill 2012**

2555 **Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into committee to consider the following Bills clause by clause: the Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012 and the International Co-operation (Tax Information) (Amendment) Bill 2012.

*In Committee of the whole Parliament*

2565 **Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012**  
**Clauses considered and approved**

2570 **Clerk:** A Bill for an Act to amend the Companies Act, the Trustees Act and the Partnership Act to make provision for the keeping of proper books of accounts, the maintenance of records identifying settlors, trustees and beneficiaries of trusts and the abolition of share warrants to bearer.  
Clause 1.

2575 **Mr Chairman:** Clause 1 stands part of the Bill.

**Clerk:** Clause 2.

**Mr Chairman:** Clause 2 stands part of the Bill.

2580 **Clerk:** Clause 3.

**Mr Chairman:** Clause 3 stands part of the Bill.

**Clerk:** Clause 4.

2585 **Mr Chairman:** Clause 4 stands part of the Bill.

**Clerk:** The Long Title.

2590 **Mr Chairman:** The Long Title stands part of the Bill.

2595 **International Co-operation (Tax Information) (Amendment) Bill 2012**  
**Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the International Co-operation (Tax Information) Act 2009.  
Clause 1.

2600 **Mr Chairman:** Clause 1 stands part of the Bill.  
**Clerk:** Clause 2.

**Mr Chairman:** Clause 2 stands part of the Bill.

2605 **Clerk:** The Long Title.

**Mr Chairman:** The Long Title stands part of the Bill.

2610

### BILLS FOR THIRD READING

#### Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012 International Co-operation (Tax Information) (Amendment) Bill 2012

2615 **Third Reading approved; Bills passed**

**Clerk:** The Hon. the Chief Minister.

2620 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012 and the International Co-operation (Tax Information) (Amendment) Bill 2012 have been considered in Committee and agreed to without amendments and I now move that they be read a third time and passed.

2625 **Mr Speaker:** I now put the question, which is that (1) the Development Aid (Amendment) Bill 2012...sorry, I have got that one on my Order Paper; it should not be there.

I now put the question, which is that the Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012 and the International Co-operation (Tax Information) (Amendment) Bill 2012 be read a third time and passed.

2630 Those in favour? (**Members:** Aye.) Those against? Carried.

The Companies, Partnerships and Trusts (Miscellaneous Amendments) Bill 2012. (**Members:** Aye.)  
The International Co-operation (Tax Information) (Amendment) Bill 2012. (**Members:** Aye.)  
Carried.

2635

### Adjournment

**Clerk:** The Hon. the Chief Minister.

2640

**Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker. I do *now* have the honour to move that this House do now adjourn *sine die*.

2645 May I take this opportunity to thank all Members of the House for the work that they have done throughout the year. This is the first time that the House has met for 10 meetings for Questions in any one calendar year and offer them all the very best for a Christmas and New Year that I hope will be happy and prosperous for all, though, of course, not politically for Members opposite... I know that they wish the same to us!

2650 **Mr Speaker:** May I associate myself with the remarks of the Chief Minister and wish all hon. Members and their families a prosperous, happy and peaceful Christmas and all the best for 2013.

I now propose a question, which is that the House do now adjourn *sine die*.

I now put the question, which is that the House do now adjourn *sine die*.

Those in favour? (**Members:** Aye.) Those against? Passed.

2655

*The House adjourned at 6.30 p.m.*