



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 1.00 p.m.

Gibraltar, Thursday, 19th December 2013

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

Clerk: Meeting of Parliament, Thursday, 19th December 2013.

(i) Oath of Allegiance;

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CONFIRMATION OF MINUTES

Clerk: (ii) Confirmation of Minutes – the Minutes of the last Meeting of Parliament which was held on 21st November 2013.

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

Mr Speaker signed the Minutes.

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

Questions for Oral Answer

20 **TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT**

Solid growth in Gibraltar tourism Basis for reports

25 **Clerk:** (viii) Answers to Oral Questions. Question 765/2013, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, it is the season to be jolly, so let us see how this session proceeds. I mean, really, on 19th December! I think it will make for a very interesting session. Let us see how it goes.

30 Mr Speaker, further to Written Question W122/2013, can the Minister for Tourism state on what basis the operators reported solid growth?

I think there is something in the sound system.

35 **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): Yes, Mr Speaker, I note the hon. Gentleman's characteristic injection of charisma to the start of the proceedings of the House, and I take the opportunity to wish him a Merry Christmas and a Happy New Year.

40 In answer to his question, Mr Speaker, the basis on which the operators reported solid growth was on the sales, traffic and yield figures.

Hon. D J Bossino: And equally, I do wish the hon. Member opposite, and all the hon. Members, and the Speaker, and the rest of the Parliament, a Happy Christmas, and a Happy New Year.

45 My hon. Friend Mr Figueras is grimacing here, (*Laughter*) I suppose at the smarminess of the exchange.

Mr Speaker, does he know, because I know, that he based his press release very much on the report which he had received at the UKGTA meeting; and in his answer to the question, he referred me to that meeting, and he said that apparently there is an item on every agenda of the UKGTA where all the tour operators etc deliver their own updated reports?

50 Did he enquire further as to whether, for example, they reported an increase from the previous year, or previous years, given that he must have put an enquiry that there was an increase in activity, if I can put it in those terms?

55 And my question is whether he was able to empirically analyse the evidence that... well, first of all, I suppose whether the evidence was presented before him, and if it was, whether he was able to analyse it with some care.

Hon. N F Costa: Mr Speaker, I am happy to say, that British Airways Holidays, Superbreak Holidays, Classic Collection Holidays, Thomas Cook Cresta, they all reported solid growth.

60 Private operators tend to be careful when providing the Government with figures. I, however, trust them implicitly that they would not be reporting solid growth to the UKGTA, unless, of course, they had reported solid growth within their sales. I met with them individually after the UKGTA, where we did on some occasions look at figures, and they reported growth over the last year's figures.

65 **Hon. D J Bossino:** Mr Speaker, does he know whether the growth was in terms of numbers of passengers, in terms of the number of flights? We will have that information in any event. But I assume that, for example, if there was growth in the number of flight passengers, that will at some point be reflected in the official Government statistics, whenever the Tourism Survey Report is produced. Can he be a bit more specific?

70 **Hon. N F Costa:** Well, Mr Speaker, as I have intimated in the first supplementary to his question, I cannot be specific in the terms of percentages or figures, because those are, of course, commercially sensitive to the private operator in the UK.

75 He is right in saying that the official statistics in respect of passengers coming to Gibraltar by air will be reflected in the survey that is presented and laid in the table of the House. He will be able to make that empirical analysis himself.

In terms of the UK operators that have themselves announced increases, he will recall that Superbreak Holidays and Thomas Cook Cresta publicly announced during this year that the sales to Gibraltar had increased. So, they themselves had done so during the course of the year.

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**Dredging vessel, *Norstar*
Stability difficulties, 17th November 2013**

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Clerk: Question 766, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Port provide an explanation to Parliament, stating the reason or reasons for the ship, *Norstar* adopting an 18° heel sometime during Sunday, 17th November 2013, whilst having in its cargo some 4,000 tonnes of material dredged from Ocean Village for the purpose of allowing the floating hotel to dock?

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

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Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the incident is presently being independently investigated by the office of the Marine Accident Investigation Compliance Officer, and the report will be finalised and published in due course.

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Hon. J J Netto: Mr Speaker, could the Minister at least provide, whilst accepting what he has just said, the name of the company that was doing the work, in terms of putting the 4,000 tonnes inside the ship? What was the name of that particular company?

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Hon. N F Costa: Mr Speaker, I am afraid I do not have that information with me. Of course, I know the company, but I am getting the name confused with another one, but if he writes to me, I will give that information to him.

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Hon. J J Netto: Mr Speaker, could I perhaps help him by suggesting that it could have been Steel Mac?

Hon. N F Costa: Given that I deal with the names of many different companies in all of my areas of responsibility, I could be confusing the name of that company in respect of some other project.

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Hon. J J Netto: Could I further ask, Mr Speaker, whether the Minister is aware – leaving to one side the name of the company which may have done the particular work – that the company was engaged either through a tender board decision or whether it was by direct allocation?

Hon. N F Costa: Mr Speaker, I will need notice of that question.

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Hon. J J Netto: Mr Speaker, I will take it up by writing to the hon. Member.

Hon. N F Costa: I am very grateful to the hon. Gentleman.

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**Sandy Bay
Plans to construct underwater breakwater**

Clerk: Question 767, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Tourism say if there are any plans by the Government to construct an underwater breakwater between the two newly created groynes at Sandy Bay, in order to maintain the sand in the enclosed area, given that at the moment the one deposited there earlier this year has been almost washed away by the levanter?

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

140 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, in the first place, I do not accept the premise contained in the second part of the question, that states:

‘given that at the moment the one deposited there earlier this year has been almost washed away by the levanter’,

145 for the reason, that I will explain shortly.

The construction of a submerged breakwater between the newly created groynes is currently underway. As was stated in supplementary answers to Question 209/2013, this was an option and it has been decided to proceed with it.

150 The submerged breakwater will enhance the protection provided to the beach even further, the full regeneration of which will take place next year. The sand that was deposited on the beach during this last summer was a very small amount within the context of the full regeneration volume. As opposed, Mr Speaker, to what happened when the former administration were in Government, where almost £1 million of taxpayers’ money vanished with the winter storm at Catalan Bay and Sandy Bay during 2011, the small amount of sand deposited by this administration this year has not been lost, given the protection

155 already provided by the groynes, but merely redistributed following wave action.

Moreover, the hon. Gentleman will have realised that, even before the groynes were completed, there was already considerable natural accretion of sand on the shoreline.

160 **Hon. J J Netto:** Well, Mr Speaker, first of all, I am grateful to the Member for taking the decision to construct the underwater breakwater in order to avoid any sand being moved away by the levanter – although I have to take issue with him, in the sense that he says that the sand there had not been taken away by the levanter. If the hon. Member wants, I have got a picture for him, which I can pass through the usher to him, where he sees that most of the sand has been taken away, so it is a reality, and I welcome the fact that he is going to take measures which I actually asked him to do in May of this year.

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Hon. N F Costa: Mr Speaker, in the first place, I do not think that the hon. Gentleman has asked me a question, but I will happily reply to the preface of the supplementary that never was.

170 I also have photographs that showed how in 2011, the water came all the way up to the revetment of Both Worlds, so if he wants to exchange pictures after the session of the House, I will be more than happy to do so.

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And, in the second place, it is not the case at all that we have done a submerged breakwater because he suggested that we did so, as *Hansard* will attest, and I have a copy of it here. We said that, at the time of constructing the groynes, the option of building an underwater breakwater was in fact being considered, but that the decision had not been finally determined until the groynes were built. That having been done, the experts having taken a look at it, they decided that the underwater breakwater would indeed be a good idea.

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I also remind the hon. Gentleman that when they decided in 2011 to spend almost £1 million in placing sand at Catalan Bay, at Sandy Bay, they did so without the construction of any groynes at all, so that the sand that they deposited did in fact wash away, and it was washed away by that storm. And I have told him in the answer that the sand that we deposited, which was a very small amount, in addition to the natural accretion that came as a result of the curved groynes, has not been lost. It is just redistributed within the groynes area, so that we will be able to recover that when we do the full regeneration of the beach, which will take place next year.

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Hon. D A Feetham: Mr Speaker, certainly from the Opposition’s side, what we are interested in is in the ultimate success of this particular project – not looking backwards, but looking forwards.

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If at the end of the day – (*Interjection*) No, no, it is serious. If at the end of the day, the hon. Member is successful in keeping the sand within Sandy Bay, we will be the first to congratulate the hon. Gentleman for a job well done. (*Interjection*) But there appears to be... I do not know whether it is a difference in terminology or what it is, and so that I understand it, the Hon. Mr Netto used the term ‘moving’ of the sand, the Hon. the Minister has said that there had been a ‘redistribution’ of sand following wave action. Can he just explain what he means by that, and where has the sand been redistributed to? Because, of course, from my knowledge of the English language, redistribution and moving seem to be the same thing.

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But can he just answer those two questions, please?

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Hon. N F Costa: Mr Speaker, it is clear that the knowledge of the English language of the Hon. Leader of the Opposition does not extend to remembering what the hon. Gentleman said, in fact, at first. What the hon. Gentleman said, in fact, at first was that the sand had almost been washed away by the levanter. That does not imply movement; that means that it has disappeared.

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And I have explained to the hon. Gentleman, twice now, that in fact the sand that was deposited, which was a very small amount of sand that was deposited... the rest in fact, believe it or not, was natural accretion, as a result of the groynes. That has been redistributed and held within the groyne area, so that when we regenerate the beach with the full amount of sand, which would be a lot more than the very little amount that we deposited, we will be able to recover that amount and replace it at the beach.

The technicians and the engineers who have written supplementary answers to me have guaranteed me that the sand, the little amount that we deposited, is within that area and will therefore be fully recovered when the full regeneration happens next summer.

Hon. D A Feetham: So, Mr Speaker, I just do not understand what he means by ‘fully recovered’. If it is fully recovered, it means it has gone somewhere. You have deposited – (*Interjection*) I am just trying to understand this. The Government has deposited sand – presumably it wanted to deposit more sand. It has not been able to do so, presumably because it is having difficulty – (*Interjections*) but all right, but let me just concentrate on the...

Where has the sand gone? I have been to Sandy Bay myself: there does not appear to be much of a beach there. Is it that it has actually moved into the water, and it is the Hon. the Minister’s position that that will eventually mean that there will be less sand that will be needed inside the water, which will mean that more can go onto the beach? I just simply do not understand what he is saying, when first of all, he talks about redistribution following wave action, and now he is saying again that it has moved – but where has it gone?

Hon. N F Costa: Mr Speaker, I think I have been exceptionally clear, but I will try to break it down to its constituent components.

In the first place, in the preface to the supplementary question, it is not the case as he suggested; it is that the Government, on the advice of the experts, decided to just deposit a small amount of sand, so that the full regeneration of the beach were to take place during next summer, that is coming. Because whilst the groynes were being constructed, obviously there was the possibility that if we fully regenerated the beach with let us say 100,000 tonnes of sand, then without the completion of the groynes, it would have been lost. This is why we decided on a small amount, which in addition to the accretion naturally of the sand on the shoreline, there would be a good chance that there would be a nice sized beach during last summer.

Now, redistribution means that instead of staying on the shoreline, it has gone on either side but contained by the groynes. That is it.

Hon. D A Feetham: So, Mr Speaker, he is satisfied – and now I understand what he is saying, it is on either side of the groynes – so he is satisfied that should, next year, the Government deposit more sand, that the groynes will do effectively their job, and that the sand will stay in the shoreline between those two groynes – that, at least as I understand it, there has, sort of, been like a test run with a small amount of sand, and the Government is satisfied that these groynes will do their job.

Hon. N F Costa: Mr Speaker, in the first place, as I always say when answering these questions, to be exactly accurate, because I am responsible for these statements in the House, I am not *personally* satisfied that the sand is there. I have not gone personally, dived in and checked. I am relying on the advice and information provided to me by the very people who are the professionals that have advised us on the construction of the curved groynes, and the submerged breakwater.

But I am satisfied, on the basis of that advice, and on the fact that – to my right, I have the Hon. Minister of the Environment, the Hon. Mr Cortes, who also forms part of the regeneration of Sandy Bay – that as a result of the curved groynes and the submerged underwater breakwater, there is very little possibility that there will be anything other than a very small amount of sand that may escape, but we are confident that the sand, the full regeneration of which will take place next year, will be nicely, neatly, tucked in by the construction of the curved groynes and the submerged underwater breakwater.

SPORTS, CULTURE, HERITAGE AND YOUTH

John Mackintosh Hall Recruitment of caretaker and night receptionist

Clerk: Question 768 the Hon. E J Reyes.

265 **Hon. E J Reyes:** Mr Speaker, further to Questions W132/2013, 571/2013, 522/2013 and W61/2013, can the Minister for Culture say when the position of caretaker at John Mackintosh Hall will be advertised and by when it is expected to be filled?

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, I will answer this question together with Question 769.

Clerk: Question 769.

275 **Hon. E J Reyes:** Further to the answer to Question No. W99/2013, can the Minister for Culture and Heritage say when the vacancy for night receptionist at John Mackintosh Hall will be advertised?

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

280 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no decision has yet been taken as to when both vacancies will be advertised and filled.

Hon. E J Reyes: Mr Speaker, I note the answer, but I also note that it is a bit in contrast with the previous answers provided, because, in Question 571, the Minister said, in respect of the caretaker's post, that the vacancy post would be advertised in due course.

285 Then, Mr Speaker, in the July session of Parliament, in respect of Question 522, the Minister ended up by saying that:

'... the officers within the Culture Agency are preparing themselves to advertise the post...'

290 and he added a rider:

'I hope that with the word 'soon'...I am trying for it to be soon, as in sooner rather than later.'

And that was before we managed to get a suntan in Sandy Bay with the revamped sand.

295 And then in the written answer in October, he still says that this still has not been filled. So, is the word 'soon' still playing an important factor here, and is the Minister willing to at least commit himself a bit further on how soon is 'soon'?

300 **Hon. S E Linares:** Mr Speaker, I still stick to the answer to the question, which is: no decision has yet been taken.

As to when 'soon' is, we can just be speculating here what soon is, whether it is soon within two years, one year, a month or a week.

305 **Hon. E J Reyes:** And then, Mr Speaker, if I may, perhaps the Minister can enlighten us... I know in the past in respect of the post of caretaker at the John Mackintosh Hall, he has informed this House that in the interim period, awaiting the advertisement, the post is currently being filled by three trainees from the Future Job Strategy. Can he then say how the post of the night receptionist at John Mackintosh Hall... is that also being filled in by gentlemen or ladies on the Future Job Strategy?

310 **Hon. S E Linares:** No, Mr Speaker, they are filled up by a contracted officer from OSG.

Hon. D J Bossino: Just to home in on the point that the hon. Member mentioned in his reply, he says that no decision has been taken, but presumably it is within the possible decisions open to the Minister – is it possible that he may decide not to fill these vacancies?

315 **Hon. S E Linares:** No, Mr Speaker, because the answer to the question is: no decision has yet been taken as to when both vacancies will be advertised and filled.

320 **Waterport Terraces children's play park
Refurbishment works**

Clerk: Question 770, the Hon. E J Reyes.

325 **Hon. E J Reyes:** Can Government provide details of any refurbishment works it may intend to carry out in respect of the children's play park at Waterport Terraces, together with respective estimated completion dates and estimated costs?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Ministry has met with tenants of the Estate with a view of refurbishing the children's play park. It is premature to give the hon. Member opposite the information requested, as in cost and estimated time.

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**Cricket and rugby
Alternative facilities to Europa Sport Ground**

340 **Clerk:** Question 771, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answers to Questions No. 560/2013 and 561/2013, can the Minister for Sports and Leisure inform this House if he has now identified and agreed upon with the respective Sports Governing Associations any alternative facilities to Europa Sports Grounds for the playing, teaching and development of either cricket or rugby.

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

350 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further formal and informal meetings have taken place with both the Rugby and Cricket Associations, relating to the playing, teaching and development of these sports. No further developments have yet been agreed.

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

355 The Minister has updated us that he has met the Association and informed us that no developments have been agreed upon, but I did include there, in that question is, if he had identified alternative facilities? Can the Minister shed any light on that?

Hon. S E Linares: No, sir.

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**Heritage sites
Details of works carried out**

365 **Clerk:** Question 772, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer to Question No. 567/2013, can the Minister for Heritage provide details of all works, together with respective cost, undertaken at any Heritage related site; stating by whom these works were carried out?

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

375 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to the answer to Question No. 567/2013, I now hand over to the Hon. Member opposite the information requested.

Schedule to QUESTION No: 772/2013:

380 Further works undertaken at Heritage sites inclusive of costs and works carried out.

(a) Site: South Port Gates

Works: Coats of oil based paint to the cannon at South Port Gates

Contractor: SFA Interiors

Total Amount: £ 785.00

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(b) Site: St Jago's Arch

Works: Conservation Works (September)
Contractor: Knightsfield Holdings
Total Amount: £7,321.31

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Hon. E J Reyes: Mr Speaker, so that I am sure I have got my record straight, on sub-paragraph (b), where it states that in respect of St Jago's Arch as a site, there have been conservation works carried out by Knightsfield Holdings amounting to just over £7,000 – Mr Speaker, is the Minister aware of, perhaps from figures he has got in front of him, is this in addition to whatever costs he may have given to me in previous answers to similar questions, or is this the grand total for the project that includes any information I may have received previously?

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Hon. S E Linares: Well, Mr Speaker, the question says 'further to the answer' so – he starts the question by 'further to the answer' – so this is, I would say, an addition to what has already been given. You asked last month, and I am giving you, as you asked me, updates as they come. You asked the question and I updated. It would be an addition to what has already been stated. That is why there are only two items on the schedule.

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Hon. E J Reyes: I am grateful, Mr Speaker, that does clarify the position for when one has to prepare future questions. (*Interjection*)

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Yes, Mr Speaker, may we ask there, is the Minister aware if these works have now been fully completed, or are they still ongoing and this is just as updated information as he is able to provide?

Hon. S E Linares: As I understand it, we are hopefully going to inaugurate it very soon.

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Hon. D J Bossino: So therefore, Mr Speaker, in other words, we will not expect there to be any more updates in terms of further expenditure? That would be the end of the expenditure. Is that the correct analysis?

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Hon. S E Linares: As far as I understand it, I hope they do not bring in any more invoices!

Gas storage facility Timeline for completion

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Clerk: Question 773, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Question No. 701/2013, can the Minister with responsibility for Utilities state what is the envisaged gas storage facility timeline, and whether completion of this aspect of works will be known when the tender is awarded?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, yes, sir, it will be known when the tender is awarded.

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Hon. J J Netto: Mr Speaker, I wonder whether the Hon. Minister has had the opportunity to have a discussion with the technical officers who have been preparing the tender notices, and whether they have given him a reason, or logic, why there is a need to have two separate tender processes – one for the actual construction of the new power station, and one separate to that for the gas storage facility, and how the two eventually will dovetail? I wonder whether he has had that conversation, and if he has had that conversation, whether he is able to provide Parliament with some further information to this matter?

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Hon. S E Linares: No, Mr Speaker, we tend to leave these things for the technical people to decide how to proceed in this matter, and then I... we trust them and we speak to them as to why they do it, if they say it has got to be done differently or separately, and that is how we do it.

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Hon. J J Netto: Mr Speaker, of course, we trust civil servants who do the work faithfully for us, but that is not the issue which I am raising.

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What I am saying is, as Minister for Utilities, he obviously has a vested interest in knowing what the timeline is on what is essentially one of the most important projects Gibraltar will undergo in the next couple of years, and whether the Minister has had the opportunity to raise the matter with them, and to

450 take an interest how the matter is proceeding, for the fruition of the total project – meaning the new construction of the power station, along with the gas storage facility. Has he had that discussion, notwithstanding the fact that he trusts civil servants?

455 **Hon. S E Linares:** Mr Speaker, I might have had the discussion – of course, it is an inter-ministerial group that is running the whole of the power station, and therefore things are discussed, and therefore when we discuss things, it is within us how they proceed, and they give us explanations of how they proceed, and we trust them implicitly as to the explanation, having had the discussion. That is what they have come up with, that is the timeline, or at least, the tenders have a final date, and from then we will proceed on selection and all the other process.

460 **Hon. J E Netto:** Mr Speaker, I am glad that there is an inter-ministerial committee, where they discuss these particular issues, but I am afraid that the Minister has not yet answered the question, and the question is, has he asked technical officers why there is a reason to have two separate tender processes, one for the construction of the new power station, and another one for the gas storage facility? Does he know the answer to the question?

465 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, there is something like 33 parties involved in putting proposals. There are some people who can do one thing, there are some people who can do the other thing, and there are some people who can do the two things. If we limited the tender to only those that could do the two things, we would have to discard two thirds of the possible bids, and we might be worse off.

TRAFFIC, HOUSING AND TECHNICAL SERVICES

475

Mid-Harbour Estate Curtailling non-compliance of house rules

480 **Clerk:** Question 774, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, sir, further to the answer to Question No. 617/2013, can the Minister for Housing provide details of all works which have been completed, together with respective costs in respect of the actions he announced would be undertaken in order to curtail non-compliance of house rules at Mid-Harbour Estate?

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

490 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 775.

Clerk: Question 775.

495 **Hon. E J Reyes:** Further to the answer to Question No. 617/2013, can the Minister for Housing provide details of all works programmed, but which have still not been completed, together with their respective estimated costs, and completion dates, in respect of planned actions to be undertaken in order to curtail non compliance of house rules at Mid-Harbour Estate?

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

500 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, further to my answer to Question No.617/2013, I am pleased to inform that the installation of the garage barriers is in an advanced stage.

The east entrance barriers have been completed, and the west entrance barriers will be completed by the end of this year. The costs for these works is £42,477.

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In respect of CCTV, the following works have been completed: a survey of infrastructure and installation of fibre from Fish Market Lane to Mid-Harbour's Estate; installation of cameras on the car park level.

510 The ongoing works, which are now nearing completion, are: connection to the main fibre ring; procuring CCTV signs; infrastructure costs for the cameras at podium level. The cost of works to date totals £11,522.

There are costs to do with infrastructure works that are still being determined. I am therefore unable to provide an estimated project cost at this stage.

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

If I may first of all, sir, in respect of the barriers that the Minister has just said have been already installed, can he confirm that these are already not only installed, but fully functional or, if they are still not functional, by when is that phase of the works expected to be in operation?

520 **Hon. P J Balban:** Mr Speaker, the plan is, as I said, that there still is... will remain to install by the end of this year the last barrier, which is the west entrance barrier, and until the CCTV cameras are fully operational, the barriers will not be operational either.

525 **Hon. E J Reyes:** And then, Mr Speaker, seeing they are both so closely connected, the CCTV cameras, one presumes, will obviously record images and so on, who will have access to those recordings made by CCTV cameras? Will that fall under the Government, through either the Housing Works Agency, and so on, or will it come under the body like the Tenants' Association or the Royal Gibraltar Police? Can we please have a bit of information in that respect?

530 **Hon. P J Balban:** Mr Speaker, the CCTV cameras will be linked to the Police Control Room, so it is the RGP.

535 **Hon. E J Reyes:** And Mr Speaker, the RGP will then make, if the need arises for whatever legitimate purposes... will the RGP be answerable to either the Housing Ministry or the Housing Works Agency, as the landlord or the landlord's representative, or is this going to be passed off or delegated to the Tenants' Association themselves.

540 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Well, Mr Speaker, in the same way as other public CCTV cameras are in operation in other areas of Gibraltar and will be in operation in other estates, not just this estate, the RGP, through their control room, will be able to monitor and record everything that happens through those cameras. So if there is an incident, the matter will be reported to the RGP and the RGP itself will be investigating whatever it is that happens. It is not a question of the RGP being answerable to anyone. They will have access to that footage, and they will be able to investigate any incidents that occur.

545 **Hon. D A Feetham:** Yes, as I understand it, it is effectively a continuation of the policy that we instituted when we were in Government. The RGP are working to a code of conduct specifically formulated for the basis of ensuring that there is no invasion of privacy, in terms of where the cameras can focus, where they cannot focus, etc. Can he confirm that really that is effectively what we are talking about?

550 **Hon. P J Balban:** Mr Speaker, I am not sure I understand the reference in the preface to the question about a continuation of a programme. We have installed fibre optic cables, we have installed CCTV and this is a continuation of our programme which we initiated, which we said we would do and will extend to a number of estates.

555 But the position is, certainly, that this is something that will be monitored by the RGP. They will have access to this, in the same way as they have access to the CCTV in other public areas.

560 Now, when we launched the public CCTV project, and we said how the cameras would operate with masking, with certain codes of practice, all that will continue to whichever other areas we install public CCTV in. So this will certainly form part of that overall public CCTV scenario, which will in fact include in due course other estates.

Hon. D A Feetham: Mr Speaker, perhaps I can refresh the hon. Gentleman's memory when he says that he did not quite understand the prefix to my question.

565 Does he not accept that three quarters of the fibre optic cables were actually laid when we were in Government; that in fact, this was a project that I had given the go ahead, when I was Minister for Justice; that cameras had already been installed, when we were in Government? And I am referring to in particular – (*Interjection*) Yes, Mr Speaker, and I am referring in particular to the cameras in Irish Town. Those were already set up when we were in Government.

570 Look, it is not a question of us wanting to take credit. I accept that the Hon. the Minister has actually continued with our policy and is effectively completing it, but what he cannot do is just simply whitewash or remove the fact that this was a project that was started and was implemented, largely, when we were in Government. Does he not accept that?

575 **Hon. G H Licudi:** Not at all, Mr Speaker. My recollection from the time that we went in, is that I gave the go ahead for the contract to be signed and for the fibre optic cable to be laid, and this was approved by us.

580 There may have been, and I certainly recall this, there may have been negotiations and some drafts prepared in advance, but – and I am talking purely from memory now – but my memory is that the contract was actually signed after this administration came into office, and the works actually started at that time. That is certainly my recollection and I certainly remember giving the go ahead, having seen the plans, having discussed with the RGP the location of the cameras, having been involved myself in where those cameras were going to be, and where the fibre optic cable was going to be.

585 Having been involved myself, I gave the go ahead to that, but it is irrelevant as far as we are concerned. This is something that is up and running. It was not, in any event, Mr Speaker, part of those plans which the hon. Member was talking about to have cameras installed in Mid-Harbour's. Mid-Harbour's was being constructed during the time that they were in office, and at no stage did they include in their plans for Mid-Harbour's CCTV. This is something that we have decided, and we have implemented.

590 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon N F Costa):** Hear, hear. (*Banging on desks*)

595 **Hon. D A Feetham:** Mr Speaker, he may be right about Mid-Harbours, but the hon. Gentleman has got selective memory. He cannot recall the fact that fibre optic cables were laid when we were in Government. He cannot recall the fact that cameras were installed in Irish Town. (*Interjections*) He cannot recall the fact that I believe that cameras were installed in Castle Steps. (*Interjections*) In Castle Steps, cameras were installed (*Banging on desks*) and he cannot recall the fact that cameras were installed–

600 **Mr Speaker:** If I may, the question – if hon. Members will look at the question – the question has got nothing to do with Irish Town or with any steps anywhere in Gibraltar. (*Laughter*) The question is about the Mid-Harbour Estate and I will ask hon. Members to stick to that. (*Interjections*)

605 **Clerk:** Question –

Hon. E J Reyes: Mr Speaker, following your sensible advice, and sticking completely to the question, can I bring the Minister back to Question 775? I hope my wording has led him to perhaps understand it better.

610 But it says I wanted details of all works programmed, but which have still not been completed. The Minister has kindly given me the information in respect of the barriers and CCTV, they were all matters that he had informed this House previously. But I separated the questions, one, two, to ensure that, Mr Speaker... saw the difference between two questions. I did not have one question that was very long winded, and I think they are two separate items: Question 774 referred to those which have been completed, and rightly, in the answer, the Minister referred to previous announcements. But Question 775 gives the Minister an opportunity to offer the tenants there, through this Question and Answer session in the House, is there anything that he has programmed that has still not been completed, but certainly imminent, and he can shed some extra joy during this festive season to those tenants.

620 **Hon. P J Balban:** Mr Speaker, in terms of the costs for the works of the barriers, as far as I am aware with the information I have been provided with, the £42,477 should be the total cost, even though we are weeks away from completion. That is my understanding that that is the total cost. There should be nothing else after that. Having said that, I will not put my... there could well be, but that is as far as I am aware.

625 Now, when it comes to the CCTV cameras, there are other things pending, which we are still awaiting quotes for, which it is impossible for me to provide that information at present. For example, we are still awaiting quotes for the signage and we are still waiting for other infrastructural works – for quotes on infrastructural works. So, as I said, once this information is available to me, I will be most happy to provide him with it.

630 **Hon. E J Reyes:** Thank you for that, Mr Speaker.

So, will the Minister inform this House when he has received that, or is he recommending that I pose this question again in the future, with Mr Speaker's leave, so that we can have an updated information sometime in the New Year?

635 **Hon. P J Balban:** Mr Speaker, I am happy for the hon. Gentleman to pose the question again in the future.

Mr Speaker: I think I should remind hon. Members that you cannot ask the same question within a period of six months. Those are the Rules of the House. If they want to change the Rules of the House, I am very happy that the Select Committee should do so immediately and bring a resolution here. But you cannot ask the same question within six months.

640 What the hon. Member is also free to do, to get that information, is to write to the Minister. What is the problem in writing, and getting an answer on a specific issue, within what has been a fairly wide question and answer?

645 **Hon. E J Reyes:** You are perfectly correct, Mr Speaker, hence... I don't know, one can interpret it rather cheekily but I said 'with Mr Speaker's leave', because I was aware of these Rules.

Mr Speaker, you are correct there is nothing wrong in my writing. Unfortunately, you see, if I enter into correspondence with the Minister, it becomes a correspondence between two Members of this House, and not quite something that is easily heard by the general public, and we then enter into a battle that we neither of us intend to, of press releases – I ask the Minister and the Minister said and so on –

Mr Speaker: Let me tell the hon. Member what he can do. He can ask a specific question on one issue, but not within the general ambit of the Mid-Harbour Estate. If it is a single issue on which he wants information, which happens to be within the Mid-Harbour Estate, he can ask the question about that specific matter, but not within the ambit of a repetition of either Question 774 or 775. Does he understand the point that I am making?

655 **Hon. E J Reyes:** Yes, Mr Speaker, I understand that, and by all means, should I have any doubt, I know that you always make yourself available for any clarification. Thank you.

665 **Re-allocation of empty homes
Costs and details of repairs and cleaning**

Clerk: Question 776, the Hon. E J Reyes.

670 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of all expenditure incurred, since the answer to Question No. 618/2013, in respect of contracts awarded for making empty homes suitable for re-allocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment, as well as indicating if the services contracted were for either repair works or cleaning services?

675 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

The Hon. the Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

I would also like to draw the hon. Gentleman's attention to the bottom sentence, which specifies that all services contracted were for repairs, none were for cleaning.

Answer to Question 776

Contractors	No. of Properties	Cost
ANDY HOLDINGS LTD	1	£11,450.00
SO1 CONSTRUCTION CO LTD	1	£11,047.96
W & N WORKS LTD	1	£10,130.00
BCS LTD	1	£47,287.91
GARCIA & PEREZ CONSTRUCTION	1	£18,500.00
ABEGON	1	£7,914.43
CIAP CONSTRUCTION CO LTD	1	£22,883.60
SFA INTERIORS	1	£6,005.00
ESS	1	£8,440.00
SA CONSTRUCTION CO LTD	1	£4,150.00
ERNEST LOPEZ & SONS LTD	1	£9,588.00
BCS CONSTRUCTION	1	£7,690.60
AVANTI CONSTRUCTION CO LTD	1	£3,400.00
W & N WORKS LTD	1	£12,821.50
INLINE FRAMING	1	£16,280.00
SFA INTERIORS	1	£10,221.90
A & K GENERAL BUILDERS LTD	1	£8,450.00
ON THE LEVEL LTD	1	£17,241.99
ANDY HOLDINGS LTD	1	£21,900.00
ABEGON	1	£6,195.00
ABEGON	1	£15,636.00

ALL SERVICES CONTRACTED WERE FOR REPAIRS
NONE WERE FOR CLEANING

680 **Hon. E J Reyes:** Mr Speaker, if I may, the Minister has provided us this list, but in one particular occasion, a huge figure sticks out that is in respect of an expenditure of £47,000. It does seem a big amount. (*Interjection*) (**Hon. J J Netto:** Provide details...) Yes, sorry.

685 So, Mr Speaker, I was saying that what first sticks out is a huge figure in respect of an expenditure of £47,287, in respect of repair works for one property alone. Given that it is almost four times as much as what seems to be an average type of expenditure, does the Minister have any information there, that he can shed some light in respect of why such a big expenditure in that single property?

690 **Hon. P J Balban:** Mr Speaker, with reference to the figure that the hon. Gentleman is referring to, BCS Ltd works was instructed by the Housing Department to do specialist works for the amount of £47,287.91. The works in fact were two houses which were converted into one. They required extensive repairs to the roof as a result of water penetration, and the construction of a new staircase to join both houses. Hence the figure in question.

695 **Hon. E J Reyes:** Thank you for that information, Mr Speaker.

I understand now that it was really a conversion of two into one, and roofs and so on, and costs do escalate, but given that it is such a big figure, can the Minister enlighten us as to why, in this particular case, given the huge scope of works there, why it was not put out to tender but rather just allocated, as seems to be the norm for other repair works, all of which keep more or less close to the £10,000 mark?

700 **Hon. P J Balban:** Mr Speaker, the procedure is that for any particular job or works that need to be carried out, three quotes are sought, and based on those three quotes, the decision is made as to which company gets the works.

705 **Hon. E J Reyes:** Yes, Mr Speaker, I know this matter of obtaining three quotes is certainly something that we think is acceptable – it has in many cases been carried out by this party when we were in administration – but is there any particular ceiling, sort of, saying if a job is going to be over £10,000 or £15,000, then it is not just simple three questions of calling round people on a particular list that the Ministry may have, but rather making it fairer, you know, and making the general public and other contractors aware that there is a major refurbishment work going out? I mean, it is a substantial sum of money.

715 **Hon. P J Balban:** Mr Speaker, all jobs, regardless of size, are submitted to the three quotes system. If the job is a larger job, then it is the larger companies that are invited to provide us with a quote. If there are smaller quotes, then it is the smaller contractors which are invited to provide quotes for a given job.

720 **Hon. E J Reyes:** So, Mr Speaker when the Minister is saying that if it is a big job, then it goes to the bigger companies, so if instead of £47,000, it were to be £472,000, would it still then just be a phone call to three companies picked at random by whoever? Or when does this system of a public announcement to all companies come in? Is there a guideline of a particular figure?

(**Minister for Enterprise, Training, Employment and Health & Safety**) **Hon. J J Bossano:** Mr Speaker, the system that was introduced in 2010 continues to be in place, which was that the tendering

725 process was suspended, and the work was distributed to people on the approved contractor list, unless it reaches the level required by the EU to be put out to tender. A statement was made at the time by the previous administration. We are continuing with that wise system.

Hon. E J Reyes: So the Minister has confirmed that there has been no change in respect of what the GSD had implemented.

730 **Hon. D J Bossino:** Mr Speaker, sorry just one further supplementary: is the Minister for Housing able to tell me whether any of these companies are beneficiaries of the start up schemes set up by the Government – basically, those companies which are able to register, I think originally it was No. 6 Convent Place and then Town Range? Do any of these companies benefit from that Government policy?

735 **Hon. J J Bossano:** Mr Speaker, the allocation of the work is given on the basis that it normally goes to the lowest tenderer, the lowest price, unless the prices are very close to each other, and there is a company that is running out of work. The whole process of allocating work is to ensure that there is continuity of work, so that people do not get laid off.

740 All these companies that do work for the Government are encouraged to take on trainees. All of them, whether they are companies formed with Government help by people previously employed or they are companies that were already in existence, they are all treated in exactly the same way.

745 **Hon. D J Bossino:** Yes, I know he will not tell me how many trainees are employed in each of those companies, because he does not tell me who the employer companies are from the private sector. But the question was related... I am not sure whether the hon. Member understood. The question was really related to those companies or that service which is being provided by the Government which includes registration at No. 6 or Town Range, and I wanted to know whether it was... not whether they employed any FJS trainees, but indeed whether they benefited from that Government policy.

750 I suppose I could carry out a search and find out whether they are registered in any of those places, but it is possible, in fact, even if I did carry out a search, that it was originally registered in No. 6, or Town Range, because it benefited from the Government policy in relation to nurture schemes, and then have gone to another corporate service provider.

755 **Hon. J J Bossano:** Well, Mr Speaker, I think we have already explained the system, but I will explain it again. Some people who are unemployed and who are having difficulty in getting employment in the construction industry, for example, have been given assistance in setting up a company, because clearly they are unemployed, they cannot afford to use these services to set up a company.

760 When they are up and running, then they find their own lawyer, their own accountant, and their own premises from which to operate, they join the approved contractor list, and they are treated with exactly the same criteria as anybody else that may have started off life in a different way. So they do not get preferential treatment, nor are they discriminated against.

765 **Hon. D J Bossino:** But, Mr Speaker, I am not sure whether the... I do not think... the hon. Member is not answering my question. Does he know...? He may not know, and he may not be able to tell me, he may need notice of the question, I accept all of that. But is he able to tell me that of those companies which are listed in answer to Question 766, whether they have benefited from, or are currently benefiting from, the nurture scheme policy of the Government?

770 **Hon. J J Bossano:** Well, Mr Speaker, what I am telling him is that when the decision is taken, whether a particular company gets the tender or the job to do for the price that it has quoted, in that decision, there are no boxes ticked which determines how they came into existence, whether they got any help. So the answer is that any one of those companies may or may not be, but that is not something that enters into the allocation of work at all. (*Interjection*)

775 **A Member:** Does he know?

Hon. J J Bossano: Well, do I know, because of the names, says the hon. Member. Well if I did, which I do not, I would not tell him. (*Laughter and interjections*)

780 **Hon. D J Bossino:** Mr Speaker, what was the answer? He would not tell me. That is the answer I expected, but just to confirm is that what he said?

Hon. J J Bossano: I am glad to satisfy his expectations, Mr Speaker. (*Interjections and laughter*)

785 **Hon. D J Bossino:** You never fail me. (*laughter*)

Hon. J J Netto: Mr Speaker, if I may, I would like to take the Hon. the Minister for Employment back to one of the answers he provided just a minute ago, where he said that the system, that they applied the system, that it was introduced by the GSD Government in 2010. In the sense of looking at the approved list of contractors and within their approved list of contractors, then determining, basically, by
790 calling on three contractors within the approved list, which one basically or normally is the lowest bid.

Now that is not exactly what the GSD policy was in 2010. The GSD policy in 2010 was by all means to have... well, even before 2010, the approved list of contractors. But there was certainly thresholds as to the amount in which Departments – the Department then used to be Buildings & Works, now the Housing Agency – were able to pick up the names of the companies on the list, and basically call up three. There were thresholds, because I remember below £10,000, it would go to jobbers, which is just a person, self-employed more often than not; and beyond £10,000, the next threshold would be £100,000, which would go to a contractor, and then –
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800 **Mr Speaker:** Will the hon. Member please ask a question.

Hon. J J Netto: The question I am asking is that according to the threshold, below £10,000 it would go to the jobber, but beyond £10,000 it would go through a tender process, with the exception of GJBS. Is the Minister telling the House now that the policy has changed, and regardless of the size of the contract, even if it is half a million pounds, it will not go out to tender, and he will simply be asking three within the approved companies, in the list of contractors?
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Hon. J J Bossano: I can tell him that the policy that he claims existed is not the policy that was in existence in 2011. And I can tell him that the list that he mentions, which was the list that was held by Technical Services which had the thresholds, the thresholds were not because of any tendering, but whether the company had the capacity to take on work. Indeed, whenever... and by the way, that list was completely in disuse. When we asked about that particular list, the list which had the technical capacity of somebody to take on a £1 million work, or £5 million work, or £10 million work, we were told that that had not been looked at for many years. There were indeed on that disused list people like Bruesa and OEM, as if they were still alive and kicking.
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So the answer to his question is that the policy which he claims was there was not the one that was operating.

But in any event, of course, we are not obliged to continue with the policy that we find there, unless we think that that policy is one that we can subscribe to, and the basic policy that was different was that there was an announcement made that the tendering process was being suspended below the threshold required by the EU, which is, I think, something like €4.9 million, and that the allocation would be done in conjunction with the Employment Service, he may remember, where the companies were required to take on people from the Employment Service, and indeed, to require the consent of the Government, before they could terminate the employment of anybody that they had taken on, because it was a condition of getting the work that they would employ people who were unemployed, and registered as such.
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And that is still the system that is operating – with the lists that existed then, plus the people who, you know, have set up a business since.

830 **Hon. D A Feetham:** Yes, Mr Speaker, I can tell the hon. Gentleman, that the list was operational, because I, on many occasions, got complaints from people who thought that they should be allowed to tender for work or to be allocated work over, say for example, half a million, but Technical Services would not allow that because they were rigidly sticking to the list.

But the question is this: did I understand the hon. Gentleman correctly when he said earlier that the works are allocated, normally, in accordance with who is the cheapest, who provides the cheapest price for the job? Which implies that there must be some kind of tender system – whether it is a formal tender system, whether it is advertised, or alternatively an informal, effectively, tender system, where you are inviting a number of companies – for example, you identify five companies that have not had work for a period of time, to actually price for a particular job. I mean, how does that work? Am I right in what I have outlined to the Hon. Minister?
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Hon. J J Bossano: Yes, the hon. Member is right. The people are invited to put... I mean there is an element of offering it to people that are considered by those who know what they are doing, and know the people concerned, that they are capable of doing the work – some jobs are more specialist than others and require more skills than others, or more experience – or that the company should have been around for a
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longer time, so that at the end of the day they do the job satisfactorily, otherwise they would not get paid, of course, but it would not be in anybody's interest that that should happen.

850 So, essentially, what happens is that normally there are three quotes, and there is a tendency – I am sure the hon. Member knows, because it has always been there – that when people have got a lot of work, they tend to put a higher quote, because they are less in need of it, and therefore they are only interested in getting it if the margin is big enough. So the reality of it is that when there is a gap of a certain level, depending on the size of the work, the lowest of the three will normally be given the work.

855 Since the companies are companies that are constantly being given jobs, many, many jobs have been given out using this system in the last couple of years. The technical people know that they are capable of doing it or not.

860 If the three quotes are very close, and one is running out of work and needs the work more than the other two, because the other two are still doing work for us which is unfinished, then in fact, there may be a small difference in price, a few hundred, or a few thousand pounds, depending on the size of the project, and then the people that need the work must get it, because part of the system is linked to employment.

865 The entire thing, when it was announced in the House, was announced on the basis that it would be linked to taking people from Employment, and therefore it is not in the interest of the industry, or in the interest of the Government, or the individuals, that we should have somebody getting all the work, and then somebody else having to lay off people, and that is what we try to avoid. So the people that have got the policy brief to look at how the work is dished out work on that basis, which I believe was the spirit into which the decision was taken when it was introduced.

870 **Hon. D A Feetham:** Mr Speaker, who effectively takes the decision to allocate these particular contracts – which as I understand it, what he is saying is really there is an informal tender or pricing system, where you look at three or four companies based on a variety of criteria, employment being one of them, lack of work, being another – but, who are the people that effectively make this decision? Is it the Minister, or is it people from the Technical Department, people from his Department?

875 **Hon. J J Bossano:** The people that are doing it are people who have been working in the Housing Work Agencies, either at PTO or craft level and know what they are doing. I would not be qualified to know whether somebody can do a job or not. I mean the actual decision on the money, anybody can do, because it is just a number there of what the price is. That could be done by a clerical assistant, but it is not done by a clerical assistant, because in addition to the price, which would be a very simple thing to do, people have to be confident that the work is going to be performed to the standard that is required.

880 **Hon. D A Feetham:** But when the contract actually gets beyond a certain numerical level, is there then any kind of ministerial involvement at all? I can understand that if you are dealing with small jobs... but even with small jobs, it would be in the Minister's interest. Obviously, the Minister has a duty to keep a handle on the expenditure, because £10,000 or £20,000 contracts, if you have a series of these contracts, it can actually add up.

885 But I can understand with smaller contracts that one can allow the Housing Agency staff to make decisions, but is there a threshold over and above this that has to be referred to the Hon. the Minister? And also, is there effectively a budget? In other words, if these small contracts add up over a period of time, to more than, I don't know, £200,000, there is then a system whereby the Hon. the Minister gets notified, so that obviously he can then keep a handle on the expenditure in relation to this?

890 **Mr Speaker:** Before the hon. Member answers the question, that is the last question that I am allowing on the system, because there is nothing in the original answer about the system, on the basis of which contracts are awarded. It asks for details, for information, payments and so on, but the Hon. Mr Reyes did not ask what is the system used in allocating these contracts. I have allowed a number of supplementaries on this matter, which are beyond the ambit of the question. I think that is the last one I should allow.

900 **Hon. J J Bossano:** Mr Speaker, the procedure is that when there is a requirement for refurbishment of Government housing, somebody goes to inspect the work that is required, they produce a scope of work, then somebody employed as an estimator produces an estimate of what the cost would be, if it was done with direct labour. And then the three companies are invited to put in a bid, all of which are expected to be below the cost that has been estimated and generally are.

905 So there is no need to be concerned, or checking that it is getting out of hand, because the controls are there in the first place. If we cannot get a price that is below the price that has been estimated, given that there is a very substantial gap between the wages from direct labour and the wages in the construction industry, so one would expect that the price should be down below, but if that does not happen, then we

would normally ask somebody to take a look at the actual scope of works that has been identified, to see what is the explanation.

910 But, in 99% of the cases that does not happen. In 99% of the cases, as far as I recall, nobody has ever said to me the prices that have come in are too high, compared to what the Department would be estimating should be the cost, if it was done with direct labour. So, the answer is that really it is driven by the requirements of the job, as a result of the investigation of the state of the building and the scope of works identified, and the estimate done by people in the public service.

915 **Mr Speaker:** Next question.

920 **Government rental homes
Assignments and repairs**

Clerk: Question 777, the Hon. E J Reyes.

925 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question No. 619/2013, indicating how many will be repaired by: (a) the Housing Works Agency; (b) sub-contractors; and (c) the assigned tenants themselves?

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

930 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question No. 619/2013, 12 flats have been assigned.

The repairs are to be undertaken by the following: Housing Works Agency – two; sub-contractors – seven; the assigned tenants themselves – three.

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**Urgent decanting of tenants
Reasons and dates of decanting/return**

940 **Clerk:** Question 778, the Hon. E J Reyes.

945 **Hon. E J Reyes:** Can the Minister for Housing provide details of how many tenants required urgent decanting from their homes, since the answer to Question No. 623/2013, indicating the reason why, the date when said decanting became necessary, and the date when the tenants were able to return to their home?

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

950 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, two tenants have required urgent decanting since the answer to Question No. 623/2013. The reason why, the date when said decanting became necessary, and the date when the tenant was able to return to their home are as follows:

Tenant 1 was decanted due to refurbishment works; the date the decanting became necessary was 2nd December 2012; and the date when the tenant returned home is 16th December 2013.

955 Tenant 2: once again the reason was to do with refurbishment works; the family was decanted on 11th November 2013; and the works are still ongoing.

960 **Hon. E J Reyes:** Mr Speaker, am I correct in my understanding that Tenant 1 was decanted in December 2012 and was away for a whole year? If that is the case, is this Tenant 1 not included in any statistics of any previous answers that the Minister may have given me? Because then, when I add up figures over a given period, I could be duplicating Tenant A or whatever. Can the Minister shed some light?

965 **Hon. P J Balban:** Mr Speaker, I will have to check that for him, but I think there is a chance there has been a mistake there. The likelihood is that it has been 2nd December 2013 as opposed to 2012, because otherwise this tenant would have appeared in previous questions. So I will check that for him, but I am pretty sure there has been a typo there, okay.

**Residential homes
Allocations and assignments**

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Clerk: Question 779, the Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Housing, say how many residential homes have, since the answer to Question No. 624/2013, been: (a) allocated; and (b) assigned, showing the room composition of the respective homes?

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

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Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer to Question No. 624/2013, 49 flats have been allocated, and assigned as follows:

Allocated: 1RKB, 2; 2RKB, 10; 3RKB, 20; 4RKB, 4; 5RKB, 1; 6RKB, 0. A total of 37 have been allocated.

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Assigned we have: 1RKB, none; 2RKB, 3; 3RKB, 8; 4RKB, none; 5RKB, 1; 6RKB, 0. That is a total of 12.

**Government rental homes
Unpaid rents**

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Clerk: Question 780, the Hon. E J Reyes.

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Hon. E J Reyes: Further to the answer to Question No. W145/2013, can the Minister for Housing provide updated details of arrears in respect of unpaid rents pertaining to Government rental homes, as at the end of November 2013?

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

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Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the total amount of arrears in respect of unpaid rents, as at the end of November 2013, was £4,881,807m.

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

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That information, when added together with the full list that he gave me through the Written Question 145, shows in a way a standard type of increase from month to month, and I wish to express my concern, and share it with that of the Minister, given that this is money owed to Government and fairly, if they are in arrears, is the Government in a position to say how it hopes to introduce some sort of programme so that this list of unpaid rents? We may start to decrease it, rather than see a steady, but yet substantial increase over a number of months.

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Hon. P J Balban: Mr Speaker, the system in place remains the same as it was prior to the date of the election, when arrears were ready on the £4 million mark.

1015

**Housing Works Agency
Retired, transferred and seconded employees**

Clerk: Question 781, the Hon. E J Reyes.

1020

Hon. E J Reyes: Can the Minister for Housing provide updated information, inclusive of details of grades and dates, in respect of any further employees of the Housing Works Agency who have been: (a) retired; (b) transferred; and (c) seconded, either from or into the Housing Works Agency, since the answer to Question No. W146/2013.

1025

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

1030

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, since the answer to Question No. W146/2013, one craftsman retired on 16th December this year, and no employees have been seconded or transferred.

**Housing Works Agency
Update re comprehensive review**

1035 **Clerk:** Question 782, the Hon. E J Reyes.

Hon. E J Reyes: Further to Questions No. W147/2013 and 616/2013, is the Minister for Housing now in a position to furnish this House with any details of the comprehensive review pertaining to the Housing Works Agency and the Ministry for Housing which he has previously answered was now being considered by Cabinet?

1040 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, as previously advised, the internal report was passed to Cabinet and is still under consideration.

1045 **Hon. E J Reyes:** Does the Minister have any indication of by when it would have been considered, so we can sort of have some feedback, given that this question has been going on with the Minister's leave, 'further to question...' and so on? But I seem to be a bit monotonous, month in and month out, trying to see if we can establish by when we expect it to be completed and become public, especially for the sake of the employees of the Agency and the Ministry.

1050 **Hon. P J Balban:** No, sir.

1055

**Government vehicles
Number with non-polluting engines**

1060 **Clerk:** Question 783, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer to Written Question W149/2013, can the Government state how many of the vehicles listed are powered by non-polluting engines, as this part of the answer was missing?

1065 **Clerk:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the only vehicle that does not use any polluting agent as a means of propulsion is the Tesla, the G1, which is 100% electric. However, this is not a Government-owned vehicle, as this is owned by the Bassadone Automotive Group, and is leased to the Government.

1070 **Hon. J J Netto:** Mr Speaker, given that it is the Government's intention to fulfil one of its manifesto commitments, which is in page 32, to have vehicles powered by non-polluting engines, does the Minister have any indication as to how that commitment is progressing towards the end of their term of office?

1075 **Hon. P J Balban:** Mr Speaker, at present, the Government is doing all that is possible to make the fleet of vehicles more environmentally friendly. At the moment, staff cars... The one being leased by Bassadone Automotive Group is 100% pure electric. There are also other vehicles, which are the hybrid vehicles, of which two are plug-in hybrid electric vehicles, which mainly run fully electric most of the time that they are being used, but when driven in certain conditions, the hybrid... the fuel kicks in or the use for over a certain amount of *[inaudible]*.

1080 So the Government is doing all that is possible, to ensure that the Government's vehicles are more environmentally friendly, and its policy is to continue looking at vehicles in the future, when vehicles are replaced.

1085 **Hon. J J Netto:** So apart from the vehicle that the Chief Minister uses, the G1, is the Minister saying that they will not be able to carry out the manifesto commitment in their election pledge, then?

1090 **Hon. P J Balban:** Not at all, Mr Speaker.

Hon. J J Netto: 'Not at all' meaning that they will not be able to make the manifesto commitment?

1095 **Hon. P J Balban:** Mr Speaker, no, 'not at all', that the manifesto commitment is something which we are happy to be able to fulfil.

1100 **Hon. J J Netto:** So the Minister is saying he is happy to fulfil. However, in two years in Government, we only have one non-polluting car, which is used by the Chief Minister. Does he feel that he will be able to fulfil, in the remaining two years of the term of office, the rest of the vehicles in the Government fleet? (*Interjection*)

1105 **Hon. P J Balban:** Just this one vehicle itself, as the hon. Member says, is pure electric is one step, is a big step in terms of, compared to what was happening in the past. It is very clear that this Government's policy is totally different to the policy the Government of Opposition when they were in Government. (**Hon. N F Costa:** Hear, hear.) Even if you look at electric vehicles – and we are saying non-polluting vehicles – I mean, even the electric vehicles, they require electricity, and electricity is driven by whatever source of power generated. So, the fact is that the Government will do everything possible to adhere to its manifesto commitment, and it will, to provide vehicles which are non-polluting as per the manifesto commitment.

1110 **Hon. J J Netto:** Is the Minister therefore saying that whoever wrote those comments in the manifesto he did not know what he was talking about?

1115 **Hon. P J Balban:** Mr Speaker, I will not... I mean, what is he asking? I mean... Whether the person who wrote the manifesto commitment does not know what he is talking about. Mr Speaker, I do not really think I need to answer that question.

EQUALITY, SOCIAL SERVICES AND THE ELDERLY

'Looked After Children' Specialist care

1120 **Clerk:** Question 784, the Hon. Mrs I M Ellul-Hammond.

1125 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many times a Looked After Child needs to abscond and how seriously challenging the behaviour of the child has to be before he or she is considered as a candidate for specialist care in a specialist institution in the UK?

1130 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

1135 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, each child is an individual, with their own specific needs, Therefore, there is no prescribed formula on how many times a Looked After Child needs to abscond, or how seriously challenging the behaviour of a child has to be, before he or she is considered as a candidate for specialist care in the UK.

1140 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if there are any children presently who are candidates for specialist care in a specialist institution in the UK?

Hon. Miss S J Sacramento: There are, Mr Speaker, but, of course, as you will understand, I will not refer to any individuals.

1145 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say how many there are and when, if shortly, they will be moving to the UK?

1150 **Hon. Miss S J Sacramento:** No, Mr Speaker, as I have said in the past, if I feel that it is not appropriate to give that information in this House because it may identify a particular child, or children, then I will not do so, Mr Speaker. But, as I have also said previously, I am very happy to give that information behind the Speaker's Chair.

Hon. D A Feetham: Well, Mr Speaker, I am sorry to say that is not acceptable. Nobody is asking the hon. Lady to identify, nor provide information that identifies the individuals or the children in question.

1155 What the hon. Lady has asked is how many – how many children are being considered for this type of treatment? That cannot possibly lead to the identification of those children.

The Government has a duty to account, and it accounts in Parliament, not behind the Speaker's Chair. We will accommodate the Government as much as possible, whenever the information is of a sensitive nature. But, the information as to how many children are being considered cannot possibly identify the children in question. (*Interjections*)

1160

Hon. Miss S J Sacramento: Mr Speaker, in my judgement it can, because, while I am not going to say the number, but let us say for example if I were to say one, then that could easily identify the child. So quite frankly, Mr Speaker, the words of the Leader of the Opposition, when he says that he is going to support the Government, sound very hollow. In my judgement, Mr Speaker, I cannot answer that question for obvious reasons.

1165

1170 **Children with challenging behaviour
Care and secure accommodation**

Clerk: Question 785, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, as per her Budget speech of 2013, can the Minister for Social Services explain how she will be providing for children with challenging behaviour generally, and for their secure accommodation specifically?

1175

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

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, pathways for children are being looked at, and we are considering new premises which we would use to cater for children with challenging behaviour. Legislative changes are also being looked at.

1180

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the new premises: can the Hon. Minister say if a site or potential sites have been identified, and when construction or refurbishment will start?

1185

Hon. Miss S J Sacramento: Mr Speaker, again I will not at this stage say where the location will be. What I can confirm is that we have had a structural report on the premises which now allows us to proceed to the next stage of refurbishment of the building.

1190

Hon. D A Feetham: But, Mr Speaker, can she explain why she cannot provide information as to the location of this facility? Is that also sensitive information, that she cannot disclose? (*Interjection*) Well, can she explain why it is sensitive information? If it is sensitive, we will accept it. But, can she explain that?

1195

Hon. Miss S J Sacramento: Mr Speaker, rule number one when dealing with children is to be discreet. If I were to identify the location of a place which is going to be a challenging behaviour unit, then everybody is going to know what it is, where it is, and that the children inside the unit are children with challenging behaviour. Mr Speaker, again, in my judgement, I do not think it is appropriate to disclose that information.

1200

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Well done.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the Minister then suggesting that, once the facility is built and set up, and there are people working there, and the children there, that nobody will ever know, or ever find out, that it is a facility for children (*Banking on desks, and interjections*) with challenging behaviour...?

1205

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): It is not MI6.

1210

Hon. Miss S J Sacramento: Mr Speaker, that is totally different, but again, Mr Speaker, in my judgement, I do not think that it is appropriate that I should disclose the location of the premises.

1215 **Hon. D A Feetham:** But, Mr Speaker, why is it different, from the point of view of protecting
children, to disclose the location of the facility after it is built, but not before it is built, when you have
identified the site? Quite frankly, I do not understand the secrecy surrounding this issue, nor indeed the
distinction the hon. Lady seeks to draw. Of all Government Ministers – apart perhaps from the Minister
1220 of Employment, I have to say that he is perhaps one on his own – the hon. Lady is always reticent to
provide information, and hides behind excuses that, quite frankly, do not stack up. (*Interjections*)

Hon. Miss S J Sacramento: Mr Speaker, the Hon. the Leader of the Opposition just shows his
complete disregard for the importance for keeping certain things confidential. The building that we have
1225 identified is actually quite discreet in its location, and we will not be announcing the opening of this new
place with a fanfare and a press release and a plaque, which is maybe something that he would have done.
(**A Member:** Yes, absolutely.) But, in my judgement, Mr Speaker, I do not think that that is appropriate.

Hon. D A Feetham: Yes, but with respect, she still has not answered my question. What she said was,
1230 once it is built it is a different kettle of fish. Now, I quite understand not giving huge publicity to
something, opening it with fanfare – that is something for the Hon. Minister in her judgement. But, what
she said was that once it is built, that she would be identifying the location, as she cannot do it now
because it is in a planning stage. What I do not understand is the distinction that she seeks to draw
between now and then. I do not accept, quite frankly, that the Opposition is not entitled to that
1235 information on the grounds that the Hon. Minister suggests. But, in any event, I am seeking to understand
the distinction that the hon. Lady has drawn.

Hon. Miss S J Sacramento: Mr Speaker, I do not recall having drawn any distinction whatsoever.
My position will be that I will not disclose the location now, nor will I disclose it when it is ready. And I
1240 do not recall having drawn any distinction whatsoever. Maybe the Leader of the Opposition has heard me
say something that I have not said, maybe he has misinterpreted my words. But clearly, I have not drawn
a distinction.

Hon. D J Bossino: Sorry, Mr Speaker, she keeps on saying... the hon. Lady keeps on saying that in
1245 the exercise of her judgement... Obviously, we want to understand what criteria she is using. That is
really the only point that we are raising on this side of the House.

Now, clearly, this is Gibraltar: once the premises are refurbished, I think I can guess that it is more
than likely that we will know what the location will be. So in those circumstances, given that she is now
1250 saying that there is not a distinction as to pre and post refurbishment as to the location of the premises,
how does she intend to keep the location of those premises secret, to the extent that nobody will know,
other than the children, possibly their families, where the premises are?

Hon. Miss S J Sacramento: Mr Speaker, as I am sure you know, the Hon. Mr Bossino has
1255 completely misquoted what I have said. That is not what I have said. There is a difference between
keeping a place secret, and a difference between announcing what it is and where it is. In my opinion, this
is something that is of course, because of its importance, delicate, and sensitive nature, should be as
discreet as possible and I do not intend to disclose this information either now, or when it is ready. If he
will find out, then they will find out. But it is not something that we will be announcing, and I do not see,
quite frankly, Mr Speaker, what the whole point of this line of questioning is.

1260 **A Member:** Even if it was a political issue.

Hon. Miss S J Sacramento: Mr Speaker, (*Interjection*) the whole point of this is to do something to
1265 improve a service, and if the Opposition are going to say that they will support the Government in this,
then let them support the Government in this. The Government is saying that there is a reason for this, so
Mr Speaker, perhaps we can leave it at that, and not have so many supplementary questions on the same
point going round and round in circles. My answer will not change, Mr Speaker.

Hon. D A Feetham: But, Mr Speaker, does she not accept that there is a legitimate interest in the
1270 Opposition in finding out where a particular facility, which is important to this community, is going to be
located, (*Interjection*) so that the Opposition can itself scrutinise as to whether that facility, and that
location is, for example, suitable and fit for purpose? Or does she not accept that the Opposition has a
legitimate role in looking at a particular facility, and a particular location, and seeing whether that
particular location or facility is suitable for those children?

1275 I mean, what she is really trying to do is effectively prevent the Opposition from doing its legitimate
job, in relation to this particular facility. There is no... we are not making this particular point, because

we want to make life difficult for the Government. But, of course, without knowing where it is, how can we ascertain for ourselves that the location and the facility are going to be fit for purpose.

1280 **Hon. Miss S J Sacramento:** Mr Speaker, seriously! If the Opposition were so concerned about providing a facility that is fit for purpose, then they had 16 years to do it, Mr Speaker. (*Banging on desks and interjections*)

1285 **Children and Families team
Management restructure**

Clerk: Question 786, the Hon. Mrs I M Ellul-Hammond.

1290 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services explain what the management restructure of the Children and Families team is, as stated in her Budget speech of 2013?

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

1295 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, management and supervision lines have been changed within the teams.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say how they have been changed?

1300 **Hon. Miss S J Sacramento:** Mr Speaker, that is a matter for management internally. There have been different ways, different modes of supervision, different ways of managing the individual teams. Different teams have been broken down into different areas. There has just been a sort of general change in how Social Services work, how reports are now filtered through, and how they are supervised.

1305 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as a result of the changes, have any new management posts been created, or any new people taken on?

Hon. Miss S J Sacramento: No, Mr Speaker.

1310 **Clerk:** Question – (*Interjection*)

Mr Speaker: The Leader of the Opposition.

1315 **Hon. D A Feetham:** Mr Speaker, has this been a management initiative, or has it been a ministerial initiative, in consultation with management? Have there been, for example, any reports or anything like that, suggesting that there ought to be a management restructure? Can she provide some more information in relation to that?

1320 **Hon. Miss S J Sacramento:** It was just as a result of a management restructure between... consultation with management, at the general senior management meetings. There is no mystery to it. It is just a change in the operation, in the way that the Department is structured.

1325 **Hon. D A Feetham:** Yes, but firstly, were you involved, and secondly... I mean, what gave rise to the need for this restructure? Normally, having had experience of ministerial duties myself, it is either a policy initiative of the Government or the Minister concerned, because the Government, or the Minister, has taken the view that the management is not operating as efficiently and effectively as possible.

1330 Or alternatively, there is, for example, a report that is handed up to the Minister, or representations, handed up to the Minister, saying, 'Look, we believe that this is not operating effectively and efficiently, for *x*, *y* and *z* reason. I am just trying to explore with the Hon. Minister what it is that has led to this restructure.

1335 **Hon. Miss S J Sacramento:** Mr Speaker, it is as a result of meetings that I have with all my Departments. Generally, I just sit in with the teams, and ask them how they think that the Department would improve if there were any changes. Really, it is as a result of changes that have come as a suggestion from people within the teams, and if they think that the team will work better and be more supported that way, then they have my blessing. There is no... It is just as a general part of the process, and as part of my review of the teams within Social Services.

**Children and vulnerable adults
Vetting workers and volunteers**

1340

Clerk: Question 787, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services provide details of the regulations that have already been drafted, as confirmed in her 2013 Budget speech, on the vetting of people who work or volunteer with children and vulnerable adults?

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

1350

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 788.

Clerk: Question 788.

1355

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say when legislation on the vetting of people who work or volunteer with children and vulnerable adults will be brought to Parliament?

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

1360

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, the legislation is being drafted and will be brought to Parliament once it is ready.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will this become a command paper first?

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Hon. Miss S J Sacramento: It is likely that it will, Mr Speaker.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister, say, give us a timescale as to when the draft will be completed, and then it will be presented as a command paper?

1370

Hon. Miss S J Sacramento: I cannot at this stage, but as far as I am concerned, as soon as possible. But obviously I am in the hands of those who are drafting it.

1375

Hon. D A Feetham: Mr Speaker, what is the interaction between this particular legislation and the list of unsuitable people working with children, which is a list that is compiled under the Children's Act? And is it the intention of the Government to perhaps have one composite list, which is the position in the United Kingdom at the present moment? Indeed, in the United Kingdom, it also includes the list under the sexual offenders list, as well.

1380

Hon. Miss S J Sacramento: Those are some of the considerations that we are considering. But, in any event, the priority with this is to make sure that there are regulations to vet people as, at present, there is absolutely nothing. There is no requirement to vet anyone who works with children. In fact, this will go further, because this legislation will deal with... there will be a requirement to vet people who not only work with children, but also people who work with vulnerable adults.

1385

**Nursing Co-ordinator, Mount Alvernia
Details of post**

1390

Clerk: Question 789, the Hon. Mrs I M Ellul-Hammond.

1395

Hon. Mrs I M Ellul-Hammond: Mr Speaker, during the Hon. Minister for Social Services' Budget speech of 2013, she mentioned the commencement of a new Nursing Co-ordinator for Mount Alvernia. Can the Minister say if this post is in an acting capacity, and who the new Nursing Co-ordinator is?

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

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, the person in the post of Nursing Co-ordinator is in the post in an acting capacity.

1400 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister did not mention who the new Nursing Co-ordinator is.

1405 **Hon. Miss S J Sacramento:** Mr Speaker, the reason I have not mentioned this individual's name is as a result of Mr Speaker's ruling very recently, in the last Parliament or the Parliament before, Mr Speaker, where you said that it was not appropriate for individual public servants to be named in this House.

1410 **Domestic violence
Details of new forum**

Clerk: Question 790, the Hon. Mrs I M Ellul-Hammond.

1415 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, as outlined in her Budget statement of 2013, can the Minister for Equality say if she has set up the forum to deal with domestic violence, which interested parties form part of the forum, and how often does the forum meet?

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

1420 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I have met with officials from Departments such as Social Services, the Royal Gibraltar Police, the Court Services, Housing, the GHA, as well as Women in Need, with a view to setting up this forum, which will formally meet in the new year.

1425 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in the Minister's Press Release No. 849 of 25th November, she states that:

'My Ministry and all relevant agencies are working to ensure that such violence is entirely eliminated in Gibraltar...'

1430 What plans will the forum have for such violence to be eliminated?

Hon. Miss S J Sacramento: Mr Speaker, once the forum meets officially, I am sure we will start with a strategic plan on how to tackle this.

1435

**White Ribbon Campaign
Introduction to Gibraltar**

1440 **Clerk:** Question 791, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Equality say if she is in contact with, and when we will see, the introduction of the 'White Ribbon Campaign' to Gibraltar?

1445 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

1450 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the Social Services Department have been in touch with the White Ribbon, and I have also spoken to them myself. A decision as to whether or not this particular campaign will be introduced has not been taken.

1455 **Domestic violence
Refuge for homeless men**

Clerk: Question 792, the Hon. Mrs I M Ellul-Hammond.

1460 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Equality say how Government provides for homeless men requiring refuge from domestic violence?

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

1465 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, arrangements are currently made through Women in Need.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, are there any plans to continue with the building of a men's refuge on Windmill Hill which the GSD started, or indeed to earmark another site for this?

1470 **Hon. Miss S J Sacramento:** Mr Speaker, can I start off by saying that no work was done at Windmill Hill by the GSD in relation to any refuge for men, other than some plans, but no actual construction work was done.

1475 I can say that we will not continue with that, at that site, but it is a manifesto commitment that will be completed within this term of office.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, is the plan to build, or earmark a particular building for a specific facility, or to earmark flats within the community?

1480 **Hon. Miss S J Sacramento:** Mr Speaker, at present, we are considering various options, but the likelihood is that it will be a building, as opposed to individual flats.

1485 **Disabled people
Legislation to protect**

Clerk: Question 793, the Hon. Mrs I M Ellul-Hammond.

1490 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Equality say when the Government will legislate to further protect disabled people, ratifying and using the terms of the United Nations Convention on the rights of disabled persons as a model?

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

1495 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, legislation to this effect is being drafted, and we envisage that it will be ready in 2014.

1500 **EDUCATION, TELECOMMUNICATIONS AND JUSTICE**

**Students leaving full-time education
Details**

1505 **Clerk:** Question 794, the Hon. E J Reyes.

1510 **Hon E J Reyes:** Mr Speaker, can the Minister for Education provide details of how many students have left full-time education since the start of this present academic year; providing a breakdown by educational establishment, age of student, with detail of school year in which enrolled, date of termination, and reason for leaving, if known?

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

1515 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer together with Questions 795, 796 and 797 of 2013.

Clerk: Question 795.

1520 **Hon. E J Reyes:** Can the Minister for Education provide details of how many students who were undergoing full-time education, and enrolled in Year 10 at the start of the academic year 2012-2013 have since left full-time education, and consequently not presently in Year 11 for this current academic year;

providing a breakdown by educational establishment, age of student at the time, with date, month, of termination, and reason for leaving, if known?

1525 **Clerk:** Question 796.

Hon. E J Reyes: Can the Minister for Education provide details of how many students have ceased full-time education in either Years 10 or 11 since the start of this present academic year; providing a breakdown by school year, educational establishment, and reason for termination, if known?

1530 **Clerk:** Question 797.

1535 **Hon. E J Reyes:** Further to the answer to Question No. 635/2013, can the Minister for Education provide details in respect of any changes there may be in respect of students still enrolled for post-GCSE education in Year 12, or equivalent, when compared with those enrolled at the start of the current academic year?

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

Minister for Education, 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 to him.

Answer to Questions 794 and 796 of 2013

Sector	School	Numbers	Age	School Year	Date of Enrolment	Date of Termination	Reasons	
Secondary	Bayside	1	15	10	2/9/2011	5/11/2013	All left to seek Employment	
		1	15	11	1/9/2010	4/10/2013		
		1	15	11	1/9/2010	20/9/2013		
		1	17	12	1/9/2008	22/11/2013		
		1	17	12	3/9/2013	3/12/2013		
	1	18	13	1/9/2008	3/12/2013			
	Westside	1	15	9	1/9/2011	1/9/2013		All left to seek Employment
		1	16	11	1/9/2010	2/9/2013		
		1	19	12	9/9/2007	11/9/2013		
		1	18	12	9/9/2008	5/11/2013		
1		17	12	3/9/2008	19/11/2013			
Further	Gibraltar College	1	15	-	16/9/2013	15/11/2013	All left to seek Employment	
		1	18	-	16/9/2013	13/11/2013		
		1	16	-	16/9/2013	12/11/2013		
		1	15	-	16/9/2013	15/10/2013		
		1	17	-	16/9/2013	12/11/2013		
		1	17	-	16/9/2013	13/11/2013		
		1	18	-	16/9/2013	5/11/2013		
		1	16	-	16/9/2013	21/10/2013		
		1	19	-	16/9/2013	5/12/2013		
		1	18	-	16/9/2013	4/11/2013		
1	17	-	16/9/2013	29/11/2013				

Contd

Answer to Question 795 of 2013

Bayside School 2012/2013			Westside School 2012/2013		
Age of Student	Date of Leaving	Reason for leaving	Age of student	Date of Leaving	Reason for leaving
15	March 2013	All left to seek Employment	16	July 2013	All left to seek Employment
15	July 2013		15	July 2013	
15	July 2013		15	April 2013	
16	July 2013		15	May 2013	
15	January 2013				
15	July 2013				
16	July 2013				
Total Number of Students = 7			Total Number of Students - 4		

Answer to Question 797 of 2013

Bayside School	2 students left and 2 students enrolled
Westside School	2 students left
Gibraltar College	4 students left

1540 **Mr Speaker:** It is a fairly lengthy, and detailed schedule. I would suggest that I give time to the hon. Member to study it carefully, and give him an opportunity to ask supplementaries.

But, in the meantime perhaps we could move on to the next Question 798, which is the Hon. Mr Netto, and then, Mr Edwin Reyes can come back as soon as he is ready.

1545 **Hon. E J Reyes:** Thank you, Mr Speaker, you have suggested that in the past, and I think it works quite well, so I am very grateful for your suggestion, which I take up wholeheartedly.

1550 **Health and Safety in schools
Audit reports**

Mr Speaker: The Hon. Mr Netto then, Question 798.

1555 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question No. 702/2013, can the Minister for Education provide Parliament with copies of the Health and Safety audit report appertaining to the school, or schools, in which the works have now been completed?

1560 **Clerk:** Answer, the Hon. the Minister for Education, Telecommunications and Justice.

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the position remains as stated in my reply to Question 702/2013.

1565 **Hon. J J Netto:** Well, Mr Speaker, the answer that the hon. Member gave was that these were not going to be given in relation... because they were ongoing works. Now I have desegregated those works which are ongoing to the ones which he mentioned that are completed. So my question now is only whether the Health and Safety audit report can be provided to Parliament in relation to when the works have been finished, in those particular schools, or colleges, or wherever it has taken place?

1570 **Hon. G H Licudi:** Mr Speaker, my reference to being completed in the previous answer was in respect of specific recommendations which have either been completed, were in progress, or are scheduled, and then I said in my answer given that this is still work in progress. The Government does not propose to publish the reports at this stage – not the report, the reports, at this stage. That is still the position. This is still work in progress. So the matter will be further considered, when all the works are done.

1575 **Hon. J J Netto:** Mr Speaker, for the sake of clarity, can the Minister perhaps say whether some works, in some schools, have finished?

1580 **Hon. G H Licudi:** Of course, Mr Speaker, that is what I said in the last session a month ago.

Hon. J J Netto: So, if some works of some schools have finished, does the Minister have a problem with providing Parliament with a Health and Safety audit report, specifically done, for those particular schools?

1585 **Hon. G H Licudi:** Mr Speaker, the fact that some works in some schools may have been completed does not mean that there are not other matters which are in progress or scheduled to be undertaken. And therefore, once the whole programme is exhausted, then we will consider the matter further.

1590 **Hon. J J Netto:** Mr Speaker, well, that may mean is that until all such works are done, and if all such works are done, hypothetically speaking, say in eighteen months from now, then Parliament will never get the Health and Safety audit report.

1595 So can I ask the Minister for Education, in relation to the works which have been carried out already, in some schools, could at least those parts of the report, of the Health and Safety audit report, which deals only with those schools where the works have been completed, can it be desegregated from the main report, so that at least Parliament knows, in relation to those schools, what they said and we can follow it up, as Members of the Opposition?

1600 **Hon. G H Licudi:** No, Mr Speaker.

Hon. J J Netto: Why not, Mr Speaker?

Hon. G H Licudi: I have already explained why not. This is work in progress, and therefore the matter is still ongoing.

1605 **Hon. J J Netto:** But, Mr Speaker, I mean, this may be an excuse for the Government to say that, because it is work in progress, i.e. we will never give the Opposition what the Health and Safety audit report said, in relation to certain schools. Now, if they are the party that claims to be the party of transparency, they should acknowledge, within that particular statement, that there is an interest, both of the Opposition, of parents, and everyone who is involved in one way or another, with knowing what the Health and Safety audit report stated.

1610 What it cannot be, is an excuse for the Government to say because this is work in progress, and will therefore continue to be work in progress for the next 18 months, we will never give the Opposition that information. So will he not agree with me that that is contrary to the statement 'we are a transparent Government'?

1615 **Hon. G H Licudi:** Mr Speaker, I certainly do not agree with anything of what the hon. Member has said.

1620 Let us recall that this is an initiative that we took. During the 16 years that they were in Government: they did not do any Health and Safety audits or any Health and Safety reports in any of the schools. Therefore, this new found concern that the hon. Member suddenly has, about parents having issues with... Health and Safety issues, those concerns simply did not exist for 16 years. They have suddenly arisen.

1625 Well, at least this Government is doing something about it. At least this Government has commissioned somebody to do Health and Safety reports in all the schools, and at least we are making progress on all of the schools, on all of the reports, and once we complete the process, we will give further updates.

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

1630 **Hon. D A Feetham:** Mr Speaker, just so that I understand it – I do not profess to know as much as the hon. Gentleman, nor indeed my colleague, about this – but, are we talking about a Health and Safety audit report that is holistic, in other words that relates to all the works being undertaken, in relation to a particular school? Or are these individual reports relating to particular works that can effectively be segregated, as and when a particular job is complete?

1635 Because, of course, I can understand that, if it is a holistic report, dealing with all the works in a particular school, the point the Hon. Minister makes may have some validity in some force. If, of course, there are a series of reports in relation to particular works that have been completed, then I can understand why my hon. colleague obviously desires to see those reports, as and when the work is complete. Can he perhaps elaborate on that?

1640 **Hon. G H Licudi:** Mr Speaker, the position is as the hon. Member has described in the second part of his supplementary. There are general reports with a series of recommendations, and therefore it is not simply possible to extract little bits and pieces, and say 'This is the work that has been done, in respect of this particular part of the report.' So that is the position, and I note that, given that that is the position, he understands why the Government takes the position it takes.

1645 **Hon. D A Feetham:** I quite understand that. I think that you have been at cross purposes because if that had been explained from the beginning, perhaps the Hon. Mr Netto would have taken a different position.

1650 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, just to clarify, an audit report was made for each of the individual schools and institutions, and, if I remember correctly, by the end of last year about 75%, I think, of the audits had been completed of the schools. Now those audits, or those schools where the audit has been completed: is the Minister willing to give us a copy of the information? (*Interjection*)

1655 **Hon. G H Licudi:** Mr Speaker, all of the audits have been completed, and all of the audits were completed some time ago. There is a schedule of works. There is a programme, and that is what is ongoing, and those are the works in progress.

1660 **Hon. J J Netto:** Yes, Mr Speaker, but any Health and Safety audit report, whether it is done in schools, whether it is done in Government Departments, or any other particular site, done by any particular specialist, or consultant in this matter, will say, in School *x*, we, having done the audit, now are saying all these works need to be done, and they will go by school, systematically, one school by the

1665 other. What I am asking is, in relation to the works in schools that have been completed, can the hon. Member at least provide the Health and Safety Audit in relation to the works of those schools that have been completed?

1670 **Hon. G H Licudi:** Mr Speaker, the hon. Member asks the same questions three or four times. The answer has already been given.

1675 **Hon. D A Feetham:** But, Mr Speaker, what I do not understand – and you see, I have tried to be as reasonable as possible in understanding the Hon. Minister’s reticence to provide the information – and I could understand the answer that he gave to me, and it seems perfectly reasonable to me, the answer that he gave to me, but he has now said that actually all these reports have been completed. The audits have been done, they have been completed. (*Interjections*) That is what he has just said to me. The audits have been completed. (*Interjections*)

1680 **Hon. G H Licudi:** The question is about the work – not the audit. The audit has been done; the work is ongoing.

1685 **Hon. J J Netto:** The Minister also said that some works in some schools have been completed. What I am asking is in relation to the works which have been completed in some schools, at least in those areas which are now completed of the works. Can Parliament have the Health and Safety audit appertaining to those schools where works have completed?

1690 **Hon. G H Licudi:** Mr Speaker, I am not sure how many times one has to get up and hear the same question. (*Interjection*) Well, the answer has been given. It might not be an answer that the hon. Member wants, but the answer was even given last month to the same question. Last month, the hon. Member asked ‘In which schools have recommendations been carried out? Will the Hon. Minister provide Parliament with copies of the reports?’ The answer was given last month. The question is rephrased this month, but essentially the same question is being asked, and for four supplementaries, we have had the same question again, and the answer has been given in very, very, clear terms.

1695 **Hon. D A Feetham:** But, Mr Speaker, have reports been produced? Have audit reports been produced, or have they not, so that I understand it? Have there been reports produced? I am not asking about the... I understand what he is saying, about the recommendations not having been implemented yet, and the works being ongoing. But have the reports been produced? Because what he has said is that the actual audits have been complete. So that begs the question whether the reports have been produced. I would have thought that if the audit has been completed, the reports would have been produced. (*Interjection*)

1700 **Hon. G H Licudi:** Mr Speaker, I thought the position was obvious. The audits have been completed, and the reports in relation to those audits have clearly been produced.

1705 **Hon. D A Feetham:** Well, but, that being the position, and having really tried to be as generous to the Hon. Minister as possible, in relation to why his reticence for not providing... What conceivable reason can there be for failure to provide these reports? Why not produce these reports, or give the fact that the works are ongoing as a reason for it? Are these reports sensitive? What is the Government’s reticence in producing what are reports which are clearly in the public interest, clearly in the interest of parents, and clearly in the interest of the Opposition, to know about?

1710 **Mr Speaker:** Could I ask the Minister one question, in order to be clear in my mind, what it is that the hon. Members are talking about. The original question talks about a Health and Safety audit report, but hon. Members are talking about ‘reports’. Now, is it that there is a single global report, (*Interjection*) about all the schools taken together, or is it that there is a series of audit reports for each school? Which of the two?

1715 **Hon. G H Licudi:** There is a report for each school. And perhaps in answer to the hon. Member’s questions, I should repeat what I said in answer to the question last month: 16 educational establishments, 14 schools, one college and a nursery have had Health and Safety audits conducted, which I can also say now, that means the production of reports. Recommendations have been prioritised, according to their nature and urgency. These have so far either been completed, are in progress or are scheduled to be undertaken.

1725 Given that this is still work in progress, the Government does not propose to publish the reports at this stage. And what I have said today is that the position continues to be as that. This is still work in progress. There may have been more progress since last month, but this is still work in progress.

1730 **Hon. D A Feetham:** Yes, but what I do not understand is why the failure to provide the reports, or a summary of the reports. Simply by reference to the works having been carried out, you have the reports, they exist, he is asking about those reports. Now, why does the Hon. Minister link the reports with the work being carried out? It is just, really there ought not to be that link.

1735 **Hon. G H Licudi:** Well it is interesting to hear the hon. Member say, there ought not to be that link, because for 16 years, the Opposition previously was constantly told 'work in progress is work in progress, and the Government does not give further details' – the then Government does not give further details of work in progress.

1740 The position is that once the works that have been prioritised and are due to be completed, are completed, then the matter will be considered further, in respect of the provision of the reports. That is the Government's position. I note that it is not the position that the hon. Members want, or accept, but that is the Government's position.

1745 **Hon. D A Feetham:** Is the Government following the recommendations of these reports that they will not disclose, or is it the position that the Government has accepted some of the recommendations and disregarded others?

Hon. G H Licudi: What the Government has done is precisely what I said last time. Recommendations have been prioritised, according to their nature and urgency, and these have either been completed, are in progress, or are scheduled to be undertaken.

1750 **Hon. D A Feetham:** With respect to the Hon. Minister, that is not the question. You can prioritise recommendations, which means that you will implement ones quicker than the other. The question was, has the Government accepted all the recommendations, or has the Government decided to disregard some of the recommendations, in these reports?

1755 **Hon. G H Licudi:** Well, the position remains that this is still work in progress, and recommendations have been prioritised, according to their nature and urgency. And that is what is being done. That is the answer.

1760 **Hon. D A Feetham:** But, with respect, the Hon. the Minister is not answering the question, and it is a very simple question. I understand the Government is entitled to prioritise. Every Government does that. I understand that this is a work in progress, but surely the Minister, having a handle on this situation, because he is the Minister responsible, can enlighten this House on whether he, as Minister, has accepted all the recommendations (**Mr Speaker:** No.) or he has decided to (**Mr Speaker:** No.) ignore some of them.

1765 **Mr Speaker:** No, he does not have to answer that. It does not arise from the original question.

Hon. D A Feetham: But Mr Speaker, it arises –

1770 **Mr Speaker:** There is nothing in the original question –

Hon D A Feetham: Point of Order, Mr Speaker

1775 **Mr Speaker:** – or in the previous one, asking whether the Government had accepted all the recommendations in the reports.

Hon. D A Feetham: Point of Order, Mr Speaker.

1780 Mr Speaker, the Rules do not provide that it just simply has to arise from the original question. If the Minister has answered the question –

Mr Speaker: The Rules –

Hon. D A Feetham: If I may be allowed to finish –

1785 **Mr Speaker:** Yes, I will let you finish the Point of Order.

Hon. D A Feetham: Thank you very much.

1790 If the Minister has answered a question in a particular way, and has provided information in the answer, surely the Opposition, in accordance with the Rules, can ask a supplementary on the information that the Minister has provided. It cannot be the position that the Opposition has to then say, 'Ah, he has answered in this particular way, but I am not entitled to ask a supplementary on the information provided, because, somehow, it is not exactly squarely within the original question.' I do not believe that that is right.

1795 **Mr Speaker:** I think that the hon. Member is definitely wrong. I have no doubt, in my mind, that the Rules do provide for supplementaries to be asked arising from the subject of the original question. Now, there is a fine distinction here, in that the Minister has talked about prioritising the recommendations. That does not mean that in prioritising, they are accepting everything, or they are not accepting. (*Hon D A Feetham: And that is the Question.*) He has told you, the Hon. Minister has explained, that in considering the report, there is an element of prioritising. That is fair enough. That arises from the original question. 1800 But whether all the recommendations have been accepted or not is the subject of a separate question.

Hon. D J Bossino: I am grateful, Mr Speaker, there is, this question does arise, but...

1805 **Mr Speaker:** And, and...

Hon. D J Bossino: Yes.

Mr Speaker: In any case, may I say, I invite the hon. Member next month to ask the question, to put it down on the agenda. 1810

Hon. D J Bossino: Mr Speaker, this question does arise from the original question, as set out in the Order Paper. The Opposition's position is, that it would like disclosure of the reports. That is our position. The Government's position is that it will not disclose that, pending the completion of the works. The works are in progress, so presumably the logical conclusion of that is that when the works are completed, 1815 you will be providing disclosure of the reports.

What we are saying now, accepting the Government's position, in the question, Question 798/2013 is that, in respect of those schools, there are schools in respect of which the works have indeed been completed, in respect of those schools where the works have been completed, is the Hon. Minister willing to disclose the reports in respect of those particular schools, rather than wait for all the works in relation 1820 to all the schools to be completed?

This is the point, the discrete issue which I think may have been missed in the exchange.

Mr Speaker: I have allowed the hon. Member to make this supplementary, but I think the Hon. Mr Netto has already made the same supplementary four or five times, and he has received the same answer. 1825 But, I will invite the Minister to answer Mr Bossino's question.

Hon. G H Licudi: The position is as already stated. (*Interjections*)

1830

**Students leaving full-time education
Supplementary questions**

1835 **Clerk:** Question 794, the Hon. E J Reyes.

Mr Speaker: Now, the Hon. Mr Reyes has probably had more time than what he thought he was going to have (*Laughter*) to study the schedules. I invite him to ask any supplementaries that he may have.

1840 **A Member:** How pathetic.

Hon. E J Reyes: Thank you, Mr Speaker. Yes, and thank you for the extra time on that one.

Perhaps, the Minister might be able to shed a little bit of light on small doubts I have. In respect of the schedule, on the first page, that is a reply directly to Questions 794 and 796. The first student referred to, in Westside School, it says the age is 15, the school year is Year 9, and the date of termination is 1st 1845 September 2013. Normally, a student attains their 14th birthday in Year 9. This student in Year 9 would have actually reached her 16th birthday in Year 9. It could be a typographical error, or it could be that for

a particular reason, I know that sometimes a student is held back for a year. The Minister might have the information to hand, which is why I ask now.

1850 If not, we can enter into another exchange and not waste Mr Speaker's time now. But does he have a particular note, perhaps, to shed why this student who would have attained their 16th birthday, was still in Year 9 because she seems to have... or it says here she left to seek employment.

1855 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Yes, Mr Speaker, I asked exactly the same question, because it did catch my eye that there was a student in Year 9, and I was assured that this student left on reaching 15 years of age. What I do not know is whether there was a repeat year, or anything like that, but I was assured that the information given was correct.

1860 **Hon. E J Reyes:** That is fine, that is acceptable, Mr Speaker.

1860 My fault in respect of Question No. 797, I did not think I would need it, so I did not ask, the particular reasons for leaving, the students who were enrolled for post-GCSE education. One normally takes it that that is because they have had some sort of job offer. But the Minister could well have a little note there, in respect of... I see Bayside School had two students who left, which is the same as Westside, but two students enrolled, yet in the Gibraltar College four students left. Could it be, perhaps, by chance that of the four students who left the college, two happen to be the ones that enrolled in Bayside, so therefore, the overall population figures alter; or was it that two new students enrolled, because, perhaps, they came to settle into Gibraltar, and go into post-GCSE, non-compulsory education? It does have an influence in the final grand total of figures.

1870 The Minister may happen to have a note. If not, I am sure he will probably invite me to write, and I can happily do so, but it may save us both time, if the Director of Education has simply provided him some sort of little footnote.

1875 **Hon. G H Licudi:** Mr Speaker, I do not believe so. I do not believe that that is the position, because I did ask, and what the question asks is about changes, in particular with respect to students in Year 12, and what the information has been given is changes in the particular schools. I believe, I would have been told that if some of these changes overlapped, in that one person left one school to go to another, I believe I would have been told that because this question was discussed. So the answer, honestly, is that I believe the position is that these are children who have simply left schooling, and two new ones have arrived. That is my understanding.

1880

Hon. E J Reyes: I am grateful Mr Speaker, for the time you gave me, and the Minister has been as helpful as obviously he can from the notes provided by his Director.

1885

ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Labour Inspectorate and Future Job Strategy Current details

1890

Clerk: Question 799, the Hon. D J Bossino.

1895 **Hon. D J Bossino:** Can the Minister for Employment provide details, to include the number of individuals, their grades, and how many of them are FJS trainees, currently forming part of the Labour Inspectorate?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1900 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with Questions 800, 801, 802 and 803.

Clerk: Question 800.

1905 **Hon. D J Bossino:** Can the Minister for Employment provide details as to how the placements of so-called trainees of the FJS are being monitored?

Clerk: Question 801.

1910 **Hon. D J Bossino:** Can the Minister for Employment provide details of the companies currently involved in providing employment to the FJS trainees, to include the names of the companies, directors and shareholders?

Clerk: Question 802.

1915 **Hon. D J Bossino:** Can the Minister for Employment advise this House how the training which he claims graduates in the FJS are receiving are designed to produce jobs for them?

Clerk: Question 803.

1920 **Hon. D J Bossino:** Further to Question W152/2013, can the Minister for Employment provide current details of the individuals employed under the Future Job Strategy broken down into each of the FJS companies they are employed by with the duration of their contracts?

1925 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, the eight individuals forming the Labour Inspectorate are one HEO, one EO and six graduates.

1930 The role of monitors was discontinued in January 2012, when the £400-a-month so-called vocational training was replaced by employment contracts in the training companies.

There are currently 78 placement providers. They are being contacted to establish if they wish information about their company to be published.

The graduates who are not engaged in research are fulfilling administrative tasks and gaining managerial experience, which will benefit them in their CVs when applying for vacancies in the public or the private sector.

1935 Further to Written Question 152/2013 the details of the individuals employed by the training companies are as follows: CTCL had 64 individuals in the public sector, 63 under 25, all male. The duration of their contracts is up to 11 months.

It had 76 in the private sector, 52 under 25, 24 over 25, all male. The duration of their contracts is as follows: up to three months, 16; up to 11 months, 60.

1940 ETCL had 106 individuals in the public sector: 48 male and 58 female; 77 under the age of 25, 29 over. The duration of their contracts is as follows: up to three months, two; up to six months, 36; up to 11 months, 68.

1945 It had 86 individuals in the private sector: 41 male, 45 female; 46 under 25, and 40 over. The duration of their contracts is as follows: up to three months, 51; up to six months, one; and up to 11 months, 34.

Hon. D J Bossino: Yes, Mr Speaker, there is a lot of information there, and quite a few questions I would like to go through.

1950 In relation to the first one, which related to the Labour Inspectorate, that is something which seriously concerns me. As I understand, Mr Speaker, the Labour Inspectorate, pretty much up to the point that we were in Government, was comprised of all civil servants of a certain grade, and certainly with a lot of experience. I think other than perhaps one individual, they have all gone. I think one retired, and the others have gone to different Departments. This is obviously a very important part of the service which the hon. Member's Department provides.

1955 Now, can he tell me, firstly, whether the HEO is making moves to transfer? I am not sure whether this may be a new HEO, but I have heard that the HEO who had been there previously, up until very recently, has transferred to a different Department. Can he confirm whether there has been any movement in relation to that particular post? Maybe that is the best way I can formulate the question.

1960 **Hon. J J Bossano:** The answer is no.

Hon. D J Bossino: You do not know or are not answering?

Hon. J J Bossano: No, no – yes, I am answering and I am saying no, there has been no change.

1965 **Hon. D J Bossino:** So, it is the same HEO. Now, Mr Speaker, are the six graduates, trainees, which he refers to in answer to his question, the same six who were gazetted as being Labour Inspectors, as set out in the relevant Government Notice, I think it is 118/2013? Maybe he can confirm that? And I am assuming that that is the case, because he is nodding.

1970 Can he tell me whether, because I recall in his answer, Mr Speaker, that the reason why they had been appointed as Labour Inspectors... and he will recall the exchange that we had – I was concerned that,

again, because of issues of experience, issues of knowledge, and those types of considerations, that graduates should be carrying out the job of Labour Inspectors, a job which is actually, in effect, set out in the relevant provisions of the Employment Act, where they do have extensive powers.

1975 But he said, look in effect, ‘What they are doing is, you know, putting calls through to employers to get some information – that is the only reason why I have appointed them as Labour Inspectors.’ Can he confirm that, or can he advise this House as to how long he expects that these six graduate trainees will be holding that position, and whether the role that they are carrying out has now expanded to what he told me was their role, in answer to the question, I think, two sittings ago?

1980 **Hon. J J Bossano:** Well, I am not sure what the hon. Member thinks the role is, but the primary role of the Labour Inspector is to ensure that employers are complying with the requirements of the law, and that is what the inspection is involved.

1985 And normally, that arises either out of routine inspections, or as a result of somebody claiming that they are not getting something that they are entitled to – which, usually, is put right by a telephone call. The additional work that is being done, which I explained to the hon. Member, and it is certainly not over, and it will not be over, I think, in a short period of time.

1990 Because the reality of it is that the first exercise that the six graduates were involved with, was in an attempt to produce more accurate information, Mr Speaker, was contacting all the people that were registered with employees. I have explained on a number of occasions that anybody on the other side who has been in that Department knows that this is the case, that there is, notwithstanding the fact that the time limits laid in the law for people to keep the record of their employees up to date, is quite short. It does not happen. I can tell the hon. Member, only two days ago, we had a termination of an employee from 99 being registered this week.

1995 So the whole idea is that the accuracy of the information that we have got in the Employment Service... Well, there is a big discrepancy between the Employment Service figures and the figures that we get. I told him the last time, I believe, that historically, my experience has been, that when you try and get information as to the size of the labour force in Gibraltar, there are four sources of information – the Social Insurance, the PAYE, the employment record, and the Employment Survey – and none of the four come up with the same figure. So we have got four different figures and we have got no reason to be confident that any of the four is more accurate than any other one, or that the true figure may in fact be something different from all four.

2000 We have been attempting, with some success but there is still some way to go, to produce accuracy in a figure, so that some of these very large discrepancies are removed. That has meant that in approaching employers, the employers have, in more than one case, said, ‘Well, why should I give you the information that you want?’ The Labour Inspector, the six graduates that are doing this work as Labour Inspectors, can require employers to provide information as to the number of employees that they have, and then the Employment Service updates the records, which is something they should be doing. Employers can be fined, very draconian fines were introduced, but in fact, they have never been implemented, and they have never been imposed on anybody.

2010 As I have told the House previously, the Government itself – that is to say, Government Authorities, Agencies and companies – were no better at complying with the requirements of the law than the private sector was. So it could hardly be defended, I think, morally, that one should take private sector employers to court, or impose penalties on them, unless we put our house in order first. That exercise is still going on. It is a massive exercise. We are talking about going through 22,000 or 23,000 names, which is what the record of employees shows, and, in addition to that, of course, whenever we get an indication that those figures do not tally, it means that what we are now doing is sending two of the six on visits, because we had something like 250 employers that we could not contact on the phone, and we do not know whether they are still here or they have disappeared, but they are being now tracked down. The employment records cannot be altered until we get in touch with the people concerned and find out how many people they are really employing.

2015 So that is, today, still a very important part of the function of the Labour Inspectors, because when that is in, everything has been checked and is in order, then we will make it absolutely clear that from that point on, people will be expected to comply with the requirements of the law, and there will be penalties if they do not. But, we are not there yet.

2025 The other element is where somebody needs advice or has a complaint, on the basis that they do not think that they have been paid what they have been entitled to. In the main, the information that I have, is that those things are cleared up fairly quickly over the phone, and that quite often it is a case of ignorance, rather than bad intentions.

2030 Of course, there are many occasions when, for example, people in the construction industry, maybe with a contract that says that they are on the construction industry rate of pay, and they are not getting paid those, and the position is, as used to be the case before, that strictly speaking the Labour Inspector can only require the minimum wage to be paid, which is the only legally binding thing, the terms of the

2035 CATA contracts are the terms of engagement between an employer and an employee, and as was the case before, when I used to ask the same question from the other side, the answer appears to be – and that is still the legal advice that we are getting – that if somebody has a rate of pay on a contract, and that contract is not being honoured by the employer, then it is the individual and the employer that have got a dispute between them, but that the Department cannot require that amount of money to be paid, because it is not legally binding, in the sense that it is not what the law provides. The law provides a minimum wage of £6 an hour.

2040 And I can tell the Member, of course, that as far as the Department is concerned, the policy is very clear. If a contract comes in with less than £6, it does not get registered. So, if people are being paid, for example, less than the minimum wage, it is usually because the labour is illegal – because if it was legal and registered, the contract would have been sent back.

2045 So, the work of the Department involves these two aspects, and the policy is that, in fact, there will be more people appointed as Inspectors, not exclusively doing that and doing nothing else, but the people in the Department, some of whom have been there for quite a lot of years and are very familiar with the limited range of things which Inspectors are able to enforce, will be appointed as Inspectors, in addition to the team we have got now.

2050 **Hon. D J Bossino:** Mr Speaker, instinctively, I have a huge problem, quite frankly, that there should be six trainees, in effect, carrying out and discharging statutory duties. I have made that point to him, in the past, and I made it a few moments ago. He was quite blasé about the role and the duties of a Labour Inspector. But, in fact, they are very clearly set out in section 17 of the Employment Act. The powers which are available to a Labour Inspector are very extensive. They can carry out investigations, they can enter premises, they can require production and disclosure of books, registers, and all that type of thing. Those are the powers which, as a result of the actions which the hon. Member has taken, he has given to six named trainees – and their names in the *Gazette*, that is instinctively something which I find disturbing, if I can tell him that now.

2060 He mentioned at the end, Mr Speaker, that there is the intention, and I welcome that, to employ more people into the Labour Inspectorate. Now, is the intention...? At the moment we have I think it is eight, a complement of eight – one HEO, one EO and the six graduate employees – is the intention to fill the civil servant posts which have been left vacant, as a result of the individuals who I mentioned earlier who have left to different Departments? Is that the Government's intention?

2065 But is it also the intention to have these gentlemen, or ladies, above the six graduate trainees who are currently working in that Department? Can he explain that to me?

Hon. J J Bossano: Well, can I, just for the avoidance of doubt, make clear that the degree of disturbances he is experiencing will not influence my policy, because I am not disturbed in the least.

2070 **Hon. D J Bossino:** I know you are not.

2075 **Hon. J J Bossano:** And, in fact, I was very disturbed, when I found the state the Department was in, where people, dead and buried, were still being registered in our statistics as being at work. I do not know how you would impose on employers a requirement to comply with the law for the people who were in North Front, (*Laughter*) but that now is something that is in the past, fortunately.

I think the hon. Member seems to use the word 'trainee', as if in fact an unemployed graduate that is being given this work was somehow less competent to do it than anybody else. (*Interjection*)

2080 I have explained on more than one occasion, and in great detail, that effectively what they are doing is making sure that we are equipped for Labour Inspectors to be able to do all their duties and all the responsibilities that they have, which at the moment they cannot do, because we have not got a clue what the real position is, and given that we have got this discrepancy between reality and statistics, it does not seem to me right that we should say to people who, for years, have been permitted to live in this state of free-for-all, that the law was changed, a big hullabaloo was created by introducing fixed penalties, where people would be fined by Labour Inspectors for not having notified the Department within seven days that somebody had ceased working.

2085 Well, if, this is, Mr Speaker, the hon. Member wants to be disturbed about something, let him just put himself in the position that existed before 2011. Here was a law, brought by the Government as taking a very tough line, to make sure that employers complied with their duty under the legislation. There were people being told, that if they did not, within the seven days, notify the Department that somebody was no longer working there, an Inspector would be sent and if he went to the premises and the guy that was supposed to be working was not there, had left, and they had not bothered to tell us, then they could immediately have a fixed penalty imposed on them. But it never happened. The law was there, so you legislate, and now you create all these offences and all these new illegalities, and people are then happily

2095 permitted to carry on doing it. It is very difficult now to get people to comply with the law, when for years nobody has attempted to require the law to be observed.

I find it odd that the hon. Member should be so disturbed because there are now six people investigating the situation, and so undisturbed about the fact that it was 15 years of a cowboy situation, where if you were a conscientious guy, which was a small minority, you actually did what the law says, but the vast majority did not do it. And I keep on telling him that the Government Departments themselves were not doing it. So, it is a vastly improved situation from the point of view of observing the law.

2105 The six people that are there are going to continue doing what they are doing, which is that in order to assist them in the research to get accurate information... If, I have given, for example, the hon. Member, previously, an explanation of what we want to do in terms of training, and how applying logic to the situation, we say to ourselves, 'Well look, we need to find out first what is the demographic structure of the workforce in a particular industry and in a particular trade, but the figure is not reliable,' can he not see how important it is to get reliable figures?

2110 If I go by the statistics in the Employment Department, and there are 2,000 construction workers, and of those construction workers, we have got 50 carpenters, and the 50 carpenters have gone into the records we have got, ranged between the age of 40 and the age of 60, and I start planning to produce trained people, in the expectation that there will be a need for succession of people retiring, so that we do not rely on having to import. But if the statistics on which all that exercise has been done are not sufficiently reliable for us to be confident, so we are making an assumption that it is perhaps 70% accurate, or 60% accurate, well surely, he can see the value of what is being done. I have told him that the six are engaged in doing this, and that the only reason why it was necessary to give them the power was to make sure that if people refused to give them their payroll details, or the list of workers that they have got, so that they could be compared with the records, they would be able to require that information to be provided.

2120 Look, the fact that Labour Inspectors can do lots of other things does not mean that people then go out and start doing all the things the law allows them to do. So, they are doing what is required. The additional officers that will be appointed will be from the existing people in the Department, and it will be on top of the figures that I have given.

2125 **Hon. D J Bossino:** Mr Speaker, the hon. Member completely misses the point of my question. He completely misses the point of my question. My question was not to do with, as he puts it, the 'free-for-all', that there were dead people in North Front and all the rest of it. That is not the point. The point is the people who are discharging the duties, that is the point. And, with respect to the hon. Member, he has not answered my question, and the question – (*Interjection*)

2130 **Mr Speaker:** Well, if he has not answered the question, if he has not answered the question (*Laughter*) he has been at it for 20 minutes, (*Laughter*) so if a question is not answered by a Minister who holds the floor for 20 minutes, I do not know when it is going to be answered. (*Laughter*) (**Hon. D J Bossino:** Mr Speaker –)

2135 But I should give notice that we are going to move on, because we are not going to be dealing with the Labour Inspectorate all morning, right? There are other questions which have all been answered together, and I will ask the hon. Member to move on to those as well.

2140 **Hon. D J Bossino:** Mr Speaker, that is a criticism, I take it and I know there are various Government Ministers laughing about the intervention that the Speaker has just made – but actually that is a criticism of the Hon. Minister, not of me! It is the Hon. Minister who was rambling, and taking ages to answer a question. (**Several Members:** Hear, hear.) (*Banging on desks*) It is not the question that I am posing, Mr Speaker.

2145 **Mr Speaker:** The hon. Member asked the Minister for Employment what was the role – what was the role of the Inspectorate. Did he not ask that question? (**Hon. D J Bossino:** Mr Speaker –) Did he, or did he not ask about the role of the Inspectorate? Yes.

2150 **Hon. D J Bossino:** Yes, but that is not the point. I may have asked that question, I may have asked three or four questions, Mr Speaker –

Mr Speaker: You did ask the question! No, no, hang on, (*Interjection*) because I am not gaga, you know! (*Laughter*) Far from it!

2155 The hon. Member asked, in a supplementary, what is the role of the Labour Inspectorate, and the Hon. Mr Bossano has spent 15 minutes explaining that. (*Interjection*) Right, right, right.

Hon. D J Bossino: Mr Speaker, I have immense respect for the Speaker. He knows that, I have immense respect for him personally, and never, ever, *ever* would I have thought that he is gaga. Indeed, I have immense respect for the Hon. the Minister for Employment as well, so that is not the point.

2160 The point is the length... Mr Speaker, alights on one issue, and that is the length of the answer, that is the only point I am making, that has got nothing to do with me. I asked the questions, I cannot determine how long the Hon. Minister opposite is going to take to answer the questions. So, if this is lengthy, it is as a result of the hon. Member's intervention, and not mine.

I am not criticising the length of the answer. This is you, Mr Speaker, who is making that criticism.

2165 The point-specific discrete issue which I asked him in the question, Mr Speaker, is whether he intends to replenish the Labour Inspectorate with civil service posts, and if so – (*Interjection*) the point has not been answered, with respect – and Mr Speaker, and if so, how many?

Hon. J J Bossano: Well, Mr Speaker, clearly the hon. Member – (*Interjection*)

2170 **Mr Speaker:** Could I also enjoin the hon. Member who has been here since 1972, the principle that not only should questions be short, sharp and to the point, but as far as possible, so should the answers.

Hon. D J Bossino: Exactly.

2175 **Several Members:** Hear, hear. (*Banging on desks*)

Hon. J J Bossano: Well, Mr Speaker, I am criticised if I am short, sharp and to the point, and I say yes or no, and I am criticised if I provide a lot of information, so it is a no-win situation. (*Laughter*)

2180 I have to say to the hon. Member that maybe because I gave him more information than he wants to have, clearly he missed the fact that I also gave him the information that he was asking. I finished my answer to him by telling him that there would be additional officers, that they would be from the existing people, who have been in the Department, and that they would be in addition and not in substitution of the six. I have already told him that, and that is the answer that he says that I have not given, and I have given it. (*Interjection*) The record will show that I am saying the same thing twice.

2185 **Hon. D J Bossino:** Yes, I heard that answer. I think, I may have lost the... Maybe I am getting gaga, Mr Speaker. I have a recollection of the... My supplementary was in answer to the point he has just made. And I think the supplementary was, how many positions is he intending to make available? That is the question, in respect of which I do not think I have had an answer, with respect.

2190 **Hon. J J Bossano:** Well, I have not got a maximum or a minimum. That is to say, we will make other officers of the Department that have been there a long time and are experienced, which seems to be the thing that is causing him to lose sleep, in addition to the complement we have got now. Maybe another four or five.

2195 **Hon. D A Feetham:** Yes, Mr Speaker, I can certainly say that I sleep like a baby – I have to say, it is one of the positives in my life. (*Interjections*) But Mr Speaker, can the Hon. Minister tell me whether, before somebody or after somebody takes on the position of Labour Inspector, that person is required to undertake any training that is specific to being a Labour Inspector?

2200 **Hon. J J Bossano:** To my knowledge that has never happened, ever.

2205 **Hon. D A Feetham:** So, as I understand it, therefore, when these trainees become Labour Inspectors, they do not receive any kind of training that would help them become Labour Inspectors either. Because, they are, effectively, acting as Labour Inspectors. They are not being trained to act as Labour Inspectors.

2210 **Hon. J J Bossano:** Mr Speaker, just because his colleague to his left decides to call them trainees, that does not mean that they are trainees. They are not being trained as Labour Inspectors. They are not trained Labour Inspectors. I have explained on numerous occasions today, and in previous meetings, already. It is therefore for the record in Hansard that these graduates are doing research into the labour market, in order to eliminate the inaccuracies in the records of the Department available to the Parliament.

2215 I would have thought that the Members opposite, who are so keen to be given information, would welcome the fact that in future that information will be more accurate. I would have welcomed it when I was there. But in fact nothing was done in 15 years to improve the accuracy. The only thing that was done was to legislate to make the private sector behave, but in fact, the legislation never worked, because it was never actually put into effect. Nobody was ever fined by anybody for failing to put in a termination after seven days, or within seven days, and if that is not done, how can the Labour Inspectorate be in a

2220 position to ensure that the law is being implemented, as required, and impose fixed penalties, which the law allows them to do, when none of the data on record is accurate, and when I have already told him that there are 250 employers recorded in the Employment Service with employees who may not be there?

2225 I find it extraordinary that the hon. Member seems totally unconcerned about that. He is only concerned that the graduates are graduates, and not post graduates, or doctors, or some other higher qualification, and that somehow puts the system at risk. What puts the system at risk was the shambles that was there, which I have not yet been able, regrettably, to put right, even after two years.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Oh, but you will.

2230 **Hon. J J Bossano:** But I will, yes of course. (*Interjections*)

Hon. D A Feetham: Mr Speaker, I only have to rise for the hon. Gentleman to apparently get angry. I only have to ask a question (**Hon. D J Bossino:** Yes, yes!) and he gets angry!

2235 **Hon. D J Bossino:** Do not get angry.

Hon. D A Feetham: Look, I am not –

2240 **Mr Speaker:** He was not referring to the Hon. the Leader of the Opposition; he was referring to his hon. colleague – (*Interjections*)

Hon. D A Feetham: He was referring to me and the question I have asked! (*Interjections*)

Mr Speaker: He was referring to the hon. colleague.

2245 **Hon. N F Costa:** Mr Speaker, perhaps, if I may throw some sharp focus into this debate. The – (*Interjections*)

Hon. D A Feetham: Do you want me to give way?

2250 **Mr Speaker:** No, no, the Hon. Leader of the Opposition has the floor.

2255 **Hon. D A Feetham:** Well, Mr Speaker, if he was referring to the hon. Gentleman, not me, I apologise. I thought that he was getting angry at my question and my lack of concern. But, I can assure him, there is no lack of concern here, I am just trying to get to grips with, what the role of these individuals are, because, of course, if all that they are doing, they may have been appointed as Labour Inspectors, but if all they are doing is research work, they are effectively not doing the work of a Labour Inspector. Is it the Government's policy to just keep these trainees – I hope he does not mind my using the term 'trainee' – using these trainees, doing research rather than going and doing, for example, field work, which is also part of a Labour Inspector's role? (*Interjections*)

2260 **Hon. J J Bossano:** It is easier to get exasperated than angry. I have already given the answer. I have given the answer to the hon. Member's question already, today as well as previously. I have said – (*Interjections*)

2265 **Mr Speaker:** And therefore because you have, I am really bringing matters to an end on the Labour Inspectorate. Because the Hon. Minister is answering the same question again and again and again. (*Interjections*) I know that he has answered and *Hansard* will prove the fact that that question has been answered. Maybe, because he was holding the floor for 15 minutes, maybe the attention of Members of the Opposition wandered, and they missed the point, but he definitely (*Interjections*) he definitely did answer – he answered that (*Interjections*) and in his answer was he not dealing with policy? (*Interjections*) The Hon. Minister was dealing with policy in the answer. (*Interjections*)

2270 **Hon. N F Costa:** Let's not go over it again, we all know about it – we listened to it.

2275 **Hon. J J Bossano:** Mr Speaker, let me see if I can reduce it to words of one syllable and maybe then the message will get through.

There are six people who are graduates, who are employed in conducting the research that is required to have accurate records. Since I informed the Members of the House of this, and repeatedly today, I have told them that that is the function they have, and in order to be able to get the information that is required

2280 to remove the inaccuracies, they have to have the power that says to the employer, 'You cannot refuse to give me this information, because...' –

Hon. D A Feetham: I understand all that –

2285 **Hon. J J Bossano:** That is the only thing they are doing, so what is it that he does not understand?

2290 **Hon. D A Feetham:** So therefore the policy of the Government is not to allow them to do any field work, which is also the function of a Labour Inspector? That was the question, that they are not going to be doing... The policy of the Government is not to allow them to do any field work – that is it, that is the question.

2295 **Hon. J J Bossano:** Mr Speaker, is it then the case that what he calls field work is leaving the office and looking for the – ? (**Hon. D A Feetham:** Yes.) Yes, well clearly then the answer to that is that I have already told him that as well. I have already told him there are 250 employers recorded with the Employment Service that were not contactable by telephone, and now two of the six are trying to establish whether those employers and their employees still exist or not. And they are doing it in order to be able to conduct and complete the research on the accuracy of the records.

2300 I do not understand why they have great difficulty in understanding what is self-evident, because it has been explained *ad nauseam* so many times. If they still do not understand it, I am happy, to stand up here and tell them a hundred times, if it is necessary. But it is a very simple thing. There are 250 people that were not contactable. We want to know whether they are still here, and if they are not here, we want to be able to say to Members opposite, when they ask a question, how many construction companies are there, to have a figure that is more accurate than what I have got now, because now I do not know whether the people have had their telephones cut off or they just do not exist. I suspect a lot of them have stopped being in existence for many years. (*Interjections*)

2305 **Mr Speaker:** The Hon. Mr Bossino asked other questions: does he have any supplementaries on those?

2310 **Hon. D J Bossino:** Oh, yes, Mr Speaker.

Mr Speaker: Oh, yes, right let us get on with it please, because we must make progress. We are not going to be here all day, dealing with the same subject.

2315 **Hon. D J Bossino:** I do not think any of us... Anyway, Mr Speaker... Let's see.

In relation to the monitoring of the FJS trainees, is the hon. Member telling this House, if I have understood his answer correctly, that there is no monitoring whatsoever? Is that the position? Because, he mentioned –

2320 **Mr Speaker:** The hon. Member may not have the answer in front of him, but I do, right, and I am not allowing the same question to be asked. He was told: the role of monitors was discontinued in January 2012. So it has been discontinued. Is that clear? Does he understand that?
Now, let's get on to something else.

2325 **Hon. D J Bossino:** Mr Speaker, that was a clarification. The Speaker is correct that I do not have the answer to the question set out as –

Mr Speaker: There you are. Now you have got the answer to the question. Let's see if we can make –

2330 **Hon. D J Bossino:** Mr Speaker, shall I go to the corner? (**Several Members:** Ooh!) (*Laughter*)

Mr Speaker: The second part – there you are... [*Inaudible*]

2335 **Hon. D J Bossino:** Mr Speaker, if I can just finish – (*Interjection by Mr Speaker*) Mr Speaker, if I can just finish the point, I do not have the written answer in front of me. The Speaker does, I do not have it, that is why I requested clarification. The hon. Member has chosen, as he normally does, Mr Speaker, to bunch up five questions together. (*Interjections*) Five questions together, which is what he normally does. So that is the only point I was saying. I am grateful to the Speaker for the clarification.

2340 Now, Mr Speaker, how is it possible for the Government, for his Department, to monitor how the trainees are doing in their training?

2345 **Hon. J J Bossano:** Mr Speaker, the previous system that had monitors, had monitors because people were not placed with somebody that guaranteed them a job. And therefore, the performance of the person, in learning the job, is guaranteed by the fact that there is a job at the end of the day, and if the person is not performing as he should, then the employer has to decide that in the first month. There is no need for the monitoring role that existed before. Because they are no longer students, they are now employees of a company that provides that employee, as a trainee, for an agreed period of time...

2350 And I have already given him the statistics, of the percentage that get employment, and therefore, there is no other requirement, other than the employers have a form to fill up, on a monthly basis, telling us how the people are doing. But, at the end of the day, the commitment is inescapable – either they employ or they pay.

2355 **Hon. D J Bossino:** Mr Speaker, how does he ensure – ? He knows that I made the point in his reply to me on *GBC* in an interview. How does he ensure, for example, that trainees actually attend on their placements?

2360 **Hon. J J Bossano:** Mr Speaker, the employers are required to make a return which shows if the person is absent, if the person is sick, or if the person is on leave. If the person is absent, I do not know what experience the hon. Member has of employment, but I can tell him that no employer would tolerate somebody being absent, in the knowledge that they would have to take him on and pay him at the end of the three months, or whatever. So the reality of it is that the system that exists is one which I am satisfied is producing the results that it is designed to produce, which is that the people are being trained for jobs that exist, and are getting the jobs at the end of their training.

2365 **Hon. D A Feetham:** But, Mr Speaker, really, herein lies, I think, the difference between the Government and Opposition in relation to this – one of the distinctions, one of the fundamental differences.

2370 Am I right in saying, really, that what the hon. Gentleman is saying is this: we are really not concerned about the quality of the training that somebody receives, because, quite frankly, somebody cannot receive proper training in one month. What we are really concerned about (*Interjection*) is making sure that those people are employed by an employer. It is statistically driven, in other words, to reduce unemployment in Gibraltar, or get people into employment, not necessarily training driven – am I right?

2375 **Hon. J J Bossano:** No, Mr Speaker, the hon. Member is wrong, because, he knows very well the statistics of the results of the training that was existing before, where it existed – that is to say, there are now many carers in the Care Agency, as a result of training being provided which did not exist before 2011. (**Several Members:** Hear, hear.) (*Banging on desks*) And I have told them that we have now got an intake of people who are doing City and Guilds in the work trades, where clearly the training is linked to obtaining qualifications. We have been providing training for people to be qualified as bus drivers, which will mean that we will not have to bring bus drivers from outside, like we have been doing for the last 15 years.

But, of course, everything that we are doing is in order to get people into employment. That is what Employment Ministers are supposed to do. That is what they get paid for.

2385 **Hon. D A Feetham:** Yes, Mr Speaker, you see, even under the previous administration, there were different layers, different bows, so to speak, different strings to the bow, in terms of training. One had VTS on the one hand, one had the Construction and Training Centre, there were other training schemes in place. But this one-month training relates to what used to be, effectively, the VTS on-the-job training. Now, I am asking the Minister, what on earth can an individual, one of our young people, learn in one month? One cannot describe this as a training scheme. One can describe it as an attempt to get people in employment – I accept that – but it cannot possibly be described as a training scheme, because it is not possible to learn something worthwhile in one month. Is that not the case?

2395 **Hon. J J Bossano:** Mr Speaker, clearly the problem with the hon. Member is that he does not listen to what I tell him, and then he jumps to the wrong conclusions – (*Interjection*) Well, all I can tell the hon. Member, I have said to him, the one-month probation is the period that the employer has, to decide whether the person is going to be suitable or not –

2400 **Hon. D A Feetham:** Yes, to take them on.

Hon. J J Bossano: No, they do not take them on at the end of the one month. I have already told him, that they take them on at the end of the training, which is longer than the one month, and if they take them

on after the one month, that is fine, but if in the second month, or the third month, they say no, then they have to pay back the money.

2405 Did he miss all that? Was it his hearing or his unwillingness to accept the reality of the situation? Which is that what is happening now is two or three times as successful as what was happening before, in terms of getting employment, which he has repeatedly told us they would welcome. They want us to be successful. They want more people to be employed. Well, why is it that, for somebody who wants something to succeed, I have never seen anybody try so hard to make it fail?

2410 **Hon. D A Feetham:** What is the average period of training, in relation to this? I am talking about the replacement for the VTS. Originally, we started off last year with an 11-month contract, and I can understand that, in 11 months, you could say that somebody is obtaining some training. I think that 11 months is too short a period, in any event, but certainly I can see that in certain areas, 11 months could be sufficient.

2415 Then it was reduced by the Government to six months, then it was reduced to three months. Now it is one month. It is all very well for the Hon. Minister to stand up, and to say, 'Ah, no, no, no,' when he is caught out in this House – 'No, the one month is just a probation, but they get more training.'

2420 What is the average timescale for training of these individuals? Because it does not appear to us that there is a timescale for training, and this is just a scheme, in which to churn people – place them in employment, often in companies that the Government itself has helped incorporate, (*Banging on desks*) registered at No. 6 Convent Place and at his Ministry, which we only found out by chance, by searching Companies House.

2425 **Hon. J J Bossano:** Mr, Speaker, what is quite obvious is that the level of political dishonesty of the Member opposite means that it is a complete waste of time trying to give explanations.

He says that when I am caught out, I then come up and call it a month probation. I have been calling it a month probation since 1st February 2012! Has he forgotten that?

2430 What he has said is simply not true. It is not that I have been caught out today, and for the first time today, I have converted training programmes of one month into probation periods of one month. *The probation period of one month was announced on 1st February 2012*, and I said, if there is somebody with an 11-month contract, the first month – and I said it *in* the first month – is the time that the employer has got to decide whether they want to continue with that training or not.

2435 If, within the first month, the employer turns round to us, and says, 'We think this person is not the right person for this job', or 'we do not think he is showing enough interest, and I would like somebody else,' then the person comes back, and a new trainee is put in that placement.

2440 This has been explained since it started on 1st February 2012, and he now accuses me of having been caught out by him today, and inventing the one-month probation. Well, that is nonsense, like most of the things he says are nonsense, and in fact, it is clear that he is not remotely interested in the fact that more people are working now, than ever before. He is only interested in seeing what he can do to make out that there is some heinous plot, which conforms to the bad image of the policies of the Government that the GSD used to have, when he was in the GSLP and they were criticising us, including him.

2445 **Hon. D A Feetham:** Mr Speaker, he really should not be as sensitive as he appears to be today, in his reactions to my questions.

2450 But look, he says there is a one-month probation, during which the employer makes a decision. We know that these contracts are contracts that are being entered into with ETCL. What is the length of the contracts that these trainees enter with ETCL? Because, as I understand it, those contracts have gone down from 11 months to three months, and now (*Interjection*) – to three months; I am told it has not come down to one month, but certainly three months. Even if it is three months, what can anybody expect to learn? That is the point, that is what divides us. We want to get to the bottom of how well people are being trained, particularly the young people in Gibraltar. Now, what can people learn in three months?

2455 **Hon. J J Bossano:** Mr Speaker, the information the hon. Member is asking has already been provided today, as well as in the past. In the original answer, I have given a detailed breakdown of the length of the contracts of everybody, with their ages and their gender. What more does he want?

2460 There are 76 individuals in the private sector, 16 with three months, and 60 with 11 months, under 25, 52 of them, and over 25 (*Interjections*) the remaining 24 – I mean, all this information shows is that, as I have tried to explain to them, if they are really interested in seeing the logic of the system, it is driven by the demand in the market. So, if somebody says to us, 'Look, we want to train somebody to make hamburgers,' well look, I think it can be done in three months, actually. (*Laughter*) Now he may think it requires a degree in hamburgers; I do not – and the guy that wants to employ him does not either. Obviously, the person will argue that it takes much longer, because he wants to have him longer paid by us, rather than by him.

2465 But the answer is that we ask people to be realistic, and where there are people that can learn the job quicker than the 11 months, it makes sense to do it. Because then, as I have also explained before to the hon. Members, it means that with the same budget, we can actually help more people – which we all ought to be in favour of, because ultimately the result of the system will be seen when we see whether there are more Gibraltarians in employment.

2470 And I am saying to him, as I did a year ago, the Employment Survey for October will once again show a record number of Gibraltarians with jobs. We have got an obligation, not just in the Government but in the Parliament, to achieve that, because we ought to want our people to have jobs, and not have to rely on having to bring people in, unless it is in areas where the skills cannot be obtained.

2475 **Hon. D J Bossino:** Mr Speaker, I would be happy to hear and move on to another supplementary in relation to one of the bunched up questions, and that is in Question 801, I think it was. The hon. Member has answered it, but I am not sure he has understood the question, and it is possible to have the two interpretations. I do accept that

2480 And that is what I asked whether the companies currently involved in providing employment to the FJS trainees... whether he could provide information, which includes the names of the companies, directors and shareholders. What I meant was the Government-owned companies which form part of the FJS structure – in other words, CTCL, ETCL – I cannot remember the names, I have got the details here.

2485 The answers I have had from the hon. Gentleman in the past, or my colleague, Mr Feetham has had from him in the past, is that there are four subsidiary companies. I have just mentioned two, ETCL and CTCL; there is Graduate Research Development Company, Supported Employment Company Limited, and the parent of those companies is a further company, called Economic Development and Employment Company Limited, which has some sort of relationship above it with the Gibraltar Development Corporation.

2490 I just wanted – if he does not have any information with him, but I am sure it is something he is very familiar with – whether he can provide me with the full details of... in other words, whether the information I have just given him is accurate as at today' date, or are there more companies involved in the provision of that particular service?

2495 **Hon. J J Bossano:** Well, Mr Speaker, I do not know whether it is that the hon. Member is now trying to change the question that he put. The question that he put previously cannot have any interpretation other than the one that has been given to it by my Department, because the hon. Member says, can he have the details of the companies, currently, involved in providing employment to the FJS trainees, to include the name of the companies, which has already been given in the past, the directors, and the shareholders? Well, how can he say, 'I want to know who are the shareholders of the companies that are owned by the Government'? Well, the shareholders of the companies that are owned by the Government are the Government. So why does he want to know the shareholders?

2500 The reality of it is that the only considerable interpretation is that they wanted to know the details of who are the people providing the training and where the trainees are placed. Now, that is what I have told him. There are 78 private companies that have got trainees. If that is not the information that he is seeking, then the answer is there are no new Government companies. They are the same Government companies that were there before, with the same shareholders and the same directors. And the information is known to him already.

2510 **Hon. D J Bossino:** Well, no, Mr Speaker, the current information would not have been known to me, necessarily, but the interpretation of the question is very clear, in fact because I just based myself on the explanations that the hon. Member has given us as to how the scheme works. The FJS trainees, are employed by the Government's own company. They are not employed by the placement provider, until they stop being FJS trainees, and then they become employees of the placement provider. That is how I understood it. That is why the question was very specifically phrased, and I thought I have been, but you know, I think, generous to the hon. Gentleman by saying that it is possible that it would be open to those two interpretations. But, the question was very specifically phrased, in order to elicit the answer that I wanted. But, I am grateful to the hon. Member.

2515 And simply, just to alight on one point that he made in his answer, which is that he has provided me with the names of the companies of – in this case, the 78 placement providers – I do not think he has. In fact, that is a bone of contention that he knows we have aired publicly in press releases, that I will not be satisfied as to the success or otherwise of the scheme, until he provides me with the details of the employers who are actually employing the FJS trainees.

2520 So can he, maybe, clarify that in fact his position is that he will not provide this House with information as to who the placement providers, and then potential employers are?

2525

Hon. J J Bossano: Mr Speaker, the question that he is asking me now is the question that he says was not the question that he asked me before, but the one that I misinterpreted him as asking, to which I have already given him an answer.

2530 **Hon. D J Bossino:** Mr Speaker, in relation to Question 802, which dealt with the FJS trainees, and how he says I asked whether the training that they are receiving... how that training is designed to produce jobs for them, really that is based on one of his announcements, shortly after he took office as Minister for the Employment, were he was very confident that the training which these individuals would be receiving would be designed to produce jobs for them.

2535 Now, the reports that I am getting, at least in relation to some of the trainees – I cannot say accurately that it relates to all of them – those who are employed by the grad company is that many of them are actually doing rather menial jobs, and not what they thought and what was promised to them in the manifesto – like, for example, filing and stuff like that. I made this point, I think two sittings ago, where there was a very clear and express manifesto commitment, at page 25, of the GSLP manifesto, where he said – or rather, where the party now in power said – that those graduates returning to Gibraltar will be given a three-year contract as research assistants, and will be involved in undertaking the research work of the Departments, relating to inward investment, manpower planning, and efficiency measures, to assist economic growth.

2540
2545 Now, given the very clear promise which was made, how does he marry that with those individuals who are doing filing in Departments, which have got nothing to do with economic growth?

Hon. J J Bossano: Well, it is very easy, Mr Speaker, when that was put in the manifesto, we were being told by the Government that was in office then that there were only five or six, and I have already told him that. It is not possible to have 70 graduates and provide them all with the level of research that is available. We are using many more than we originally intended, simply because there are so many people that we found without work. In addition, of course, some of the people that we have taken on went beyond what was in the manifesto, in the sense that it is very clear, in that manifesto which he has read, that the opportunity was being given to returning graduates.

2550
2555 And there have been a number of instances, which certainly I want to make clear is not the intention of the scheme, and we were not conscious of it when it happened, that actually gave up their employment, and then registered as unemployed, and we put them in the scheme, thinking they had just come back, and they had not.

2560 There is no point in people who have got degrees and are now working in the private sector resigning from their jobs, in the expectation that this is a back door into the public sector, because it is not, and it was never intended to be.

2565 The reality of it is that there are something like 45 former graduate trainees who are in full-time employment in the private sector. They might have been able to get those jobs anyway, even if they had not been doing this, but we believe that the work that they are doing, and the range of places that we send them to, will be of assistance to them when they compete for jobs. But certainly, the requirement in the Department for people engaged in the research is not in the numbers that we have now taken on.

Hon. D J Bossino: Mr Speaker, in relation to competition for jobs, can he confirm that graduate employees... sorry, the trainees who are currently employed in the graduate company will be able to, fairly and squarely, compete for positions within the Civil Service, as with all the other – I think he said so before – certainly, in relation to the FJS trainees – with people from outside and people internally, within the Civil Service? Will they be able to compete for those positions?

2570
2575 **Hon. J J Bossano:** I can tell the hon. Member that, in fact, when applications were opened for AAs, many of our graduates and other trainees, notwithstanding the fact that they had the advantage of having had some experience in Departments, were not selected, because the quality of the applicants was so high.

2580 I can understand that the people doing the interviewing... even though they may have somebody that can say, 'Well, look, I have been working in such and such a Department, doing such and such a job, in the last 12 months,' that person that has that advantage, when competing in the Government for a job, where there were people, as I have explained to him already, that were applying who had maybe 20 years of working in a bank, or 20 years of working in an accountancy firm, or in the finance sector, in a situation where the vacancies that were being opened in the Government were weighted by a need for applicants with numeracy skills, where we have got a shortage within the Government... It is in areas like the Treasury where we tend to have a lack, within the Government, of people that either like or are capable of doing that level of work, and would rather be doing something else.

2585 So, in the interviewing exercise, people who came from the background of those financial services were given a higher ranking than those that came from a different background, when the selection was done, by the Public Service Commission. And that meant, I regret to say from my perspective, as a

2590 Minister for Employment, that some of the people that I had unemployed and some of the people that I
had in the training schemes, and some of the people that I had as graduates in the grad scheme were not
selected because there were so many people with many years of experience and of knowledge of
accountancy and that kind of work, which was an area that we were short of in Government, and
therefore, logically, the people who were doing the selecting were driven by other priorities than mine.
2595 My priorities would have been, frankly, to have had the ones that I had on my books getting employed,
because that would have meant that I would have then had money to be able to help other people. But it
did not happen, and therefore there is no guarantee – and I have said it on many occasions, because I want
to send a very clear message – the fact that people are working in a particular Department at the moment
does not mean that they have got a higher priority or an entitlement or a guarantee of anything.

2600 **Hon. D J Bossino:** Mr Speaker, I am grateful for that. So the answer is yes, they can compete for the
jobs. That is the position.

Hon. J J Bossano: They can apply, and they get in on their merits, yes, of course.

2605 **Mr Speaker:** Will you call Question 804?

Rock Administrative Services (Gibraltar) Limited
Details of services provided to Government

2610

Clerk: Question 804, the Hon. D J Bossino.

2615 **Hon. D J Bossino:** Can the Minister for Employment provide details of the services which are being
provided to the Government by Rock Administrative Services (Gibraltar) Limited?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2620 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** This
company provides supply cover to the public sector.

2625 **Hon. D J Bossino:** Mr Speaker, there is a specific question which arises from that answer. The
individuals who are employed by this company and are providing, as he said, the supply cover: can they
also compete for the vacancies which arise within the Civil Service, along with the others, with the FJS
trainees, the graduates, and other civil servants, or even people from outside? Are they able to compete
for those jobs?

2630 **Hon. J J Bossano:** They are only able to compete for jobs that are at the entry grade. The jobs in the
Civil Service are either promotion, in which case there are only people who are in those grades that can
apply, or there are jobs that are at the entry grade. At the entry grade, not just these people, but other
people that are on permanent supply can apply for.

Hon. D J Bossino: And not just specifically the Civil Service, but also GDC – would that apply, for
example, I think it is grade 1 in the GDC? Can he confirm that?

2635 **Hon. J J Bossano:** They can apply for any entry grade jobs in the public sector.

2640 **Hon. D J Bossino:** And by public sector, we are using the definition employed by the Employment
Survey, which includes Government Agencies, Statutory Authorities – I know he is nodding his head, but
may he for the sake of the record, say yes. (**Hon. J J Bossano:** Yes.) I am very grateful for the short
reply.

2645 Mr Speaker, is the hon. Member able to give me some details as to the terms, pursuant to which these
individuals are employed? For example, do they have the same pension rights; do they have the same
entitlement to leave; do they have the same entitlement to sick leave? I am just trying to establish whether
they are similar, or on exactly the same terms as their colleagues in the rest of the Civil Service. Or is
there any difference there? I wonder whether he could answer that question.

I think we are going to have an intervention from the Speaker.

Mr Speaker: I am going to allow the supplementary, but it does not arise... The original question is
'... Employment provide details of the services which are being provided...'. It does not say anything

2650 about the terms and conditions on which they are employed. But, I am going to allow it, so that the hon. –
Seeing that we are getting into the Christmas period, I am going to be generous.

2655 **Hon. D J Bossino:** Mr Speaker, it also arises from the answer that he has given, because he says that they provide unemployment... It could have been any number of services that Rock Administration could be providing as a company. Specifically – (*Interjection*) No, specifically, it is providing an employment service. Therefore I think, with all due respect, it arises from the answer that I have received from the hon. Member.

2660 **Hon. J J Bossano:** Mr Speaker, the Government has been using employment agencies to provide cover for years. This is not the only one. The Opposition just wants to know about this one, but this is not the only one that does it, and it is not something that has never happened before.

2665 What is new this year is that we have actually taken steps to address an area where previously there was a certain amount of discontent – legitimate discontent, in my view – in the public service, in that, if there was a high incidence of sickness, or a small Department lost two or three of its members, on maternity grounds or that kind of thing, the Department was supposed to carry on with the workload with the remaining staff. And this year, the Parliament voted a token vote, to provide cover which previously had existed in some areas, but not in others, and we actually treated every Department the same.

2670 So, the answer is that they are employees of a private firm – of this and of other private firms, there are quite a number of them – who get called to send somebody to work in a Department, but on terms which involve the private firm getting paid a premium over the rate of pay that they pay to the individual. But the conditions are there, the conditions of the private sector. They are not in the Civil Service, they are not the same as the rest, because if they were the rest, then they would be civil servants. They are not civil servants. And it has been going on for a long time.

2675 **Hon. D J Bossino:** Mr Speaker, can he tell me, can the Hon. Minister tell this House, whether this company is taking on FJS trainees? Does he have that information, and can he provide me with that information?

2680 **Hon. J J Bossano:** Like every Government contractor, and everybody providing a service, they are encouraged to do so.

Mr Speaker: Next question.

2685 **Hon. D J Bossino:** Mr Speaker, presumably, I know he probably needs notice of this question, but can he give me at least a rough estimate of how many of those trainees Rock Administrative has taken on, or has currently taken on?

2690 **Hon. J J Bossano:** No, I cannot tell him whether there is one, none or many, because he knows I am not prepared to identify the people that take placements. He knows that already. (*Interjections*)

Mr Speaker: Next question, Question 805.

2695 **Housing Works Agency**
Compliance with recruitment requirements

Clerk: Question 805, the Hon. D J Bossino.

2700 **Hon. D J Bossino:** Mr Speaker, can the Minister for Employment confirm that the requirements for recruitment at the Housing Works Agency are being complied with?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

2705 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, there is no requirement for recruitment in the Housing Works Agency.

2710 **Hon. D J Bossino:** Mr Speaker, I obviously stand to be corrected. That was not the understanding that I have, but I understand from my colleagues they may have answered the questions in previous sittings of the House.

The point I am trying to home in on is: as I understood there was an agreement, when the Agency was created, whereby if two individuals left the Agency but not by way of retirement, there would then be a replacement of one. So in other words, it was a 2:1 arrangement, and that is a specific point that, I understand, is not being adhered to.

2715 But if the hon. Member is telling me that that was not part of the deal, part of the terms of the contracts in the first place, then obviously, I clearly stand to be corrected, but so that he understands where the question was coming from, and perhaps he can elucidate further.

2720 **Hon. J J Bossano:** There is the reference that the hon. Member has made to two persons leaving and one being recruited, which, of course, is a mechanism designed to ensure the disappearance of the Agency, eventually. By inevitable arithmetical logic, if you replace two by one, eventually you will have two and then one, and then possibly a part-timer, a half.

2725 The Agency does not, at this moment, require to recruit anybody, independent of that. Just like, in 2011, there were 127 unfilled positions in the public service, on the complement which were not being filled, and in some cases going back to 10 years, and therefore, the filling of positions in the area will be undertaken when the Agency feels that it is appropriate to do so. But there is no time limit, as to when this should be done.

2730 **Mr Speaker:** Any other supplementary? Yes.

Hon. D A Feetham: Yes, I quite understand that. I do not have the grasp of mathematics that obviously the hon. Gentleman has, but of course, if you lose two and you do not replace them, you are going to get quicker to zero than if you are replacing it by one. Yes, that much is logical to me.

2735 Does the hon. Gentleman have the statistics, in terms of how many people have actually exited, and how many have been employed? If you have provided it, I apologise, but I have not been following this particular aspect of it.

2740 **Hon. J J Bossano:** The figure was given in a written answer previously, and there is only one extra body since that answer.

Hon. D A Feetham: One extra body.

Hon. J J Bossano: Yes.

2745 **Mr Speaker:** Any other supplementaries?

Hon. E J Reyes: May I, Mr Speaker, because the Minister has had a legitimate occasion to refer back to the written schedule that was kindly handed over before...?

2750 I am a bit confused in respect of one of the figures provided, Mr Speaker. Perhaps the Minister does have a particular note there.

2755 In respect of employees transferred out of the Housing Works Agency, I have got, on two occasions, one for 14th March and one for 19th March of last year. In respect of each of them, there are two, and it says 'craftsman/works supervisor'. Can he enlighten me, they are either craftsmen or they are works supervisors who were previously craftsmen. It is the same as saying teacher/head teacher. You are either a head teacher, receiving an equivalent head teacher's salary, or you are simply not promoted to be head teacher and you are just a teacher. So are they craftsmen or are they work supervisors?

It is half way down the page where it says 'transferred out'.

The author of the schedule, I believe, was the Minister for Housing. *(Interjections and laughter)*

2760 **Mr Speaker:** Let us pursue the matter –

Hon. D J Bossino: Mr Speaker, there are –

2765 **Mr Speaker:** – behind my Chair, and then, once it is understood what it is that he is after, and who should be answering it, then it can be answered – hopefully.

2770 **Hon. D J Bossino:** Mr Speaker, it arises from my question in relation to the Housing Works Agency. There has been a reply to the movements that there have been in the Agency, in answer to a written question, which was Written Question 146/2013, posed by my hon. Friend and colleague, Mr Reyes, and I assume, at the time, the Hon. Mr Balban already had responsibility for Housing. What my hon. colleague is asking is a specific question in relation to the description of two craftsmen/works

supervisors, which are set out in the schedule as transferring out from the Agency. That is a specific question which my hon. Friend is asking.

2775 **Hon. D A Feetham:** But anybody can answer.

Hon. D J Bossino: We are happy, yes – any takers, Mr Speaker! *(Laughter)* We are quite fine, so long as we get an answer this time.

2780 **Hon. J J Bossano:** I think the most probable answer, subject to going back and finding out, is that they were craftsmen acting as work supervisors. That is usually what it means when it has that line between the two.

2785 **Hon. D J Bossino:** Mr Speaker, is the hon. Member, Mr Bossano, the Minister for Employment, is he able to tell me...? The information that we have is that those two craftsmen/work supervisors have, in fact, transferred to his Department. Does he have that information? If he does, can he confirm whether what I am stating is correct, or otherwise?

2790 **Hon. J J Bossano:** The persons that have transferred, have transferred location geographically, but are engaged in work for the Housing Agency, in the sense that they are involved in the identification... I gave the hon. Member earlier the example of when the work is received from the customer, the first thing is that somebody goes out to do a spec of what it needs doing. Then, that is passed to an estimator, who also is working with me, and that estimator produces an estimate of what a contractor ought to be charging, given the costings that they use in the Housing Works Agency.

2795 So, the nature of the work has not changed, but the place where they are working from has changed.

Hon. D J Bossino: Can he tell us which geographical location has received these two individuals?

2800 **Hon. J J Bossano:** The geographical location is where they used to be, before they were moved to the other geographical location, which is in 31 Town Range.

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

2805 I am a little bit confused arising from that answer. *(Laughter)* Can then, Mr Speaker, can the Minister for Employment then explain to me what the difference is between having been transferred out or being seconded? Because I thought I was following his logic, that you are an employee of the Housing Works Agency, and because of a particular task required geographically, he was asked to go and sit nearer the Minister's domain, and then one can understand you are seconded for that purpose, but that then must be contradictory to the other one being transferred out. So, what is the difference between being transferred out or seconded, if really they both pertain to the Agency? I do not know.

2810 **Mr Speaker:** As Chairman of the PSC, I could answer that one for you, if you like! *(Interjections)*

A Member: If we can ask supplementaries, you can! *(Interjections)*

2815 **Hon. J J Bossano:** Mr Speaker, when staff is moved, from one area to the other, the policy is, that we keep them on the budget of the original area until 31st March, so they are seconded, and then on 1st April, in the new Estimates, Members will see that there is usually a foot note, in the Estimates Book which they approve, which says, 'previously shown under such and such a head'. So, while they are seconded, they are still shown in their original head.

2820 **Hon. E J Reyes:** Okay so, yes, the secondment then is only really effective during the course of that financial year, leading up to, in most probability, to be permanently transferred out.

2825 If I may indulge in your generosity, Mr Speaker, at the very, very top of the two gentlemen who retired, it said 'craftsman/COO', and I am not well acquainted with that terminology, and given that I have got the Minister for Employment's attention, who is more than an expert in this matter, can he explain to me what a COO is?

2830 **Hon. J J Bossano:** I think the problem with the supplementaries is that these are supplementaries about a written question of a previous meeting of the House – Question 146, which was followed not by supplementaries which related to this. It was followed by a new question, this time saying, has there been any change in terms of any new bodies? Frankly, I have no idea whether the COO is a –

Mr Speaker: If the Hon. Minister is not in a position to answer the question –

2835 **Hon. J J Bossano:** I cannot answer that –

Mr Speaker: – then he does not have to.

Hon. J J Bossano: I can go back and find out from the people who produced this, what they meant.

2840 **Hon. D A Feetham:** Can I just go back to the two individuals that are geographically located in Town Range, and it really relates, as well, to a question that I asked some time ago, about how the mechanism for determining how much is spent, when it is spent.

2845 Is the reason why these two individuals, who are integrally and intimately involved in ensuring that works are coming in within estimate, are located in Town Range because the Minister himself is taking an active interest – the Minister for Employment – in relation to ensuring that these works are also within any budget that the Government may have, in relation to them, and that spending does not get out of control in relation to this particular area? Is that the reason?

2850 **Hon. J J Bossano:** No, Mr Speaker. *(Laughter)*

ADJOURNMENT

2855 **Clerk:** The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the Government had intended to continue with Question Time this afternoon, but the Chief Minister's flight, it is anticipated, has been diverted to Malaga. So I now move to adjourn the House to Monday at 10 o'clock.

2860 **Hon. D A Feetham:** Mr Speaker, I have – and I will say so openly – I have offered the hon. Gentleman... My own questions are not questions that are time sensitive. If it causes any kind of problem to the Government, I am quite prepared for my own questions to be adjourned until January, provided obviously, as I do have the right to ask further questions in January. I have absolutely no problem with that, if that assists the Government. *(Interjections)* But, is there no possibility at all of continuing with, perhaps, the Health Minister's questions this afternoon?

2870 **Hon. Deputy Chief Minister:** No, Mr Speaker, the Government has to come back on Monday for several reasons, and I move the adjournment, which is to Monday at 10 o'clock.

Mr Speaker: I now put the question, which is that the House do now adjourn to Monday, 23rd December at 10.00 a.m. Those in favour? **(Members: Aye.)** Those against?
The House will now adjourn until Monday, 23rd December at 10.00 a.m.

2875 *The House adjourned at 1.00 p.m.*



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 1.17 p.m.

Gibraltar, Monday, 23rd December 2013

The Gibraltar Parliament

The Parliament met at 10.00 a.m.

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

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

Clerk: Sitting of Parliament, Monday, 23rd December 2013.
Answers to Oral Questions continued.

5

Questions for Oral Answer

10

HEALTH AND THE ENVIRONMENT

GHA complaints process Update on Ombudsman

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Clerk: We are now going to proceed to the questions which are being posed to the Minister for Health and the Environment.

Question 811/2013, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to Question 598, can the Minister for Health say when the GHA complaints process will be taken over by the Ombudsman, and at what stage they are in the process?

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

25 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there is no definite date yet. Advanced drafts of the procedure are currently under discussion.

30 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say if there will be a U-turn on the Government's manifesto commitment that complaints will be dealt with directly by the Office of the Ombudsman?

35 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a logical implication of what I have just said. The question was when the complaints process will be taken over by the Ombudsman, and I have said there is no definite date and advanced drafts of the procedure are currently under discussion. That does not contradict the Government's manifesto commitment that the process will be taken over by the Ombudsman; it is a question of how and how it is going to be implemented, but there is no change in that policy.

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**Staff recruitment and retention
GHA policy**

45 **Clerk:** Question 812, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain what the GHA policy for the recruitment and retention of staff is, and what the terms for contract workers are, wishing to apply for permanent and pensionable status?

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

55 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, staff are initially appointed on contract terms, and these may be of variable lengths depending on the specialism or post, and they may have their contracts renewed or extended, depending on the circumstances prevailing at the time.

On the completion of four years' good performance, where there is no locally qualified or eligible person studying, training or available for the post or where no succession plan candidate has been identified, staff on contract terms may be offered indefinite employment.

60 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if rolling over 10-month contracts is legal, as per EU employment law? Would he know that?

65 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a logical supplementary to the question that I have just answered and therefore I do not think I need to reply.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say who decides on the terms and conditions and the length of the contracts of new GHA staff?

70 **Hon. Dr J E Cortes:** Mr Speaker, terms and conditions will be standard and the length of contract will depend, as I said in the answer, depending on the specialism or post and what the succession plan may or may not be. There are no two cases which are the same and there will be different line managers who are responsible for taking those decisions.

75 **Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, can the Minister confirm that it is the line managers who make those decisions, not the Human Resources Department, or is it in conjunction with the Human Resources Department?

80 **Hon. Dr J E Cortes:** Mr Speaker, I am very proud to say that the Gibraltar Health Authority certainly now works as a team and when decisions have to be taken, which have a bearing on performance and employment, they will involve the managers in question and the Human Resources Department. On some occasions I may be involved, but usually I will not be.

**GHA contract workers
Changes to gratuity offer**

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Clerk: Question 813, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say when the 25% gratuity offer in lieu of permanent and pensionable status was removed from the contract of GHA contract workers?

Clerk: Answer, 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 25% gratuity offer in lieu of permanent and pensionable status was removed on 1st January 2012, following the ending of the old pension scheme by the last administration.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say what has replaced it?

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Hon. Dr J E Cortes: The Provident Pension Scheme, which was the one that replaced the old pension scheme. The Superannuation, the Provident 2, I think it is. I do not have that information. I have answered the –

105

Hon. Miss S J Sacramento and Hon. N F Costa: It is the Provident 2 and the Superannuation.

Hon. Dr J E Cortes: The Provident 2 and the Superannuation –

Hon. Miss S J Sacramento: Fund.

110

Hon. Dr J E Cortes: – Fund, I am informed by my colleagues.

Hon. D A Feetham: Yes, but the Superannuation Fund is a policy of your Government; it is not a policy of our Government.

115

Did I understand the Hon. Minister correctly? Did he say that the policy had changed as a consequence of changes that we had introduced to the pension system? Because the Superannuation Fund was something that was introduced by... sorry, I may have misunderstood you.

120

Hon. Dr J E Cortes: What I said was that gratuities were removed when the *old* pension scheme was removed. Gratuities were given because the old pension scheme was not available to short-term contract officers and when that scheme was done away with, gratuities were done away with, because they are now able to join the pension scheme.

125

Hon. D A Feetham: Can the Minister tell me whether people's contracts have been affected retrospectively? In other words, whether this has been something that has been introduced for future employees, respecting contracts, for example, of consultants that have been on this 25% of gratuity?

Hon. Dr J E Cortes: This is for new entrants; people who have a contract are bound to the contract.

130

**GHA contract workers
Reduction in housing allowance**

135

Clerk: Question 814, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say why there has been a reduction in the housing allowance for GHA contract workers, and whether this financial incentive will be removed entirely from the contract of GHA contract workers; and if so, when?

140

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, there has been no reduction in the housing allowance given to GHA contract workers and there are no current plans to remove this.

145 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say what is the GHA policy on housing allowance for contract workers, if he knows?

Hon. Dr J E Cortes: Mr Speaker, at the moment, there is a housing allowance given to contract workers. That is the current situation and that is what I have just said.
150

**GHA Human Resources Director/Strategic Development Executive Director
Termination of contracts; payments received**

155 **Clerk:** Question 815, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say why the Director for the GHA Human Resources and the Executive Director for Strategic Development are no longer in employment at the GHA, and how much they were each given for terminating their employment contracts?
160

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

165 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, these officers' departures from the GHA was by mutual agreement. The terminating payments were in accordance with the contracts that they had been given by the former administration and amounted to approximately £107,000 and £109,000 for Human Resources and Strategic Development posts respectively.

170

**District Nursing Charge Nurse
Applications received; details of appointee**

175 **Clerk:** Question 816, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say how many applicants there were for the vacant post of District Nursing Charge Nurse and who was successful in getting the job?
180

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, there were three applicants. It would not be correct to publicly state the names and my Hon. and Learned Friend, the Minister for Equality, Social Services and the Elderly, pointed out on Thursday that this is in keeping with the Speaker's ruling.
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Hon. Mrs I M Ellul-Hammond: Mr Speaker, have all three applicants been successful or just one chosen from the three?
190

Hon. Dr J E Cortes: Mr Speaker, the three applicants were successful.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, why were there the extra two charge nurse vacancies? Why were they not advertised separately at a later date, when the original vacancy advert was for only one charge nurse?
195

Hon. Dr J E Cortes: Mr Speaker, this came at a time when management decided that it was appropriate for these specific posts to be at that level. It followed procedure established in 2006 by the former administration, when a vacancy for one post had been advertised, but management decided that two should be taken and in order not to delay things further and to require the whole process to start anew, the selection procedure was extended to include those. So there is no change in established practice.
200

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say why a change in decision was made to move the employment from just the one charge nurse to now three charge nurses?
205

210 **Hon. Dr J E Cortes:** As I explained, Mr Speaker, this was as a result of the management of the section feeling that that was the more appropriate way in which to run this highly specialised section in which people are working largely independently, but carry a large amount of responsibility on their shoulders.

215 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Government now going to increase or double the number of community nurses too, commensurate with the doubling of these charge nurses in the community; and, if so, by when?

Hon. Dr J E Cortes: Mr Speaker, there is no current plan. As with all other matters in the GHA, we are constantly reviewing how we carry out our operations, but there is no current plan at the moment.

220 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does not the Minister agree that by having changed this decision at the last minute by management, by increasing... by offering employment to these *three* charge nurses after the issue of a vacancy notice for just *one* post, that other GHA staff may have been disadvantaged by not providing them with the opportunity to apply?

225 **Hon. Dr J E Cortes:** No sir. The Minister does not agree and, as I say, this is a practice which was following an established practice dating back to 2006. Maybe it happened then, but certainly I do not agree that it happened now.

230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that one of the successful applicants had, prior to the announcement of the vacancy, gone to the UK to undertake a course as a charge nurse manager for the community nursing and decided not to complete the course, and then later was taken on as a successful applicant?

Hon. Dr J E Cortes: Mr Speaker, I am not aware of those circumstances.

235 **Hon. J J Netto:** Mr Speaker, could I ask the Minister whether the decision to appoint the three applicants was that decision taken by the board which interviewed the three applicants, or was it taken by different sets of people above the individuals in that particular board?

240 **Hon. Dr J E Cortes:** Mr Speaker, the board is a board which selects its applicants and will have, I have to assume, found all three suitable. That is the only assumption I can make, otherwise they clearly would not have been appointed.

245 **Hon. J J Netto:** Well, Mr Speaker, he makes the assumption that that would have been the decision of the board, but yet he does not know. But he does not know either the fact that one of the applicants went to the UK to undertake that course prior to the application and he does not know that he decided not to complete the course either. It seems to me like the Minister for Health very conveniently chooses to ignore and assume things he does not... that may put him in a bad light and then take decisions in not answering questions here in Parliament.

250 Is it not the fact that the person that *he* knows, because he does know, who went to the UK to undertake such a course, decided not to do it, got the job now in the interview board because he happens to be an active GSLP member?

Hon. Dr J E Cortes: Mr Speaker, I think that –

255 **Mr Speaker:** Will the hon. Members of the Opposition make themselves responsible for the information that they are imparting?

Hon. D A Feetham: I think that that is a surprising question from the Speaker –

260 **Mr Speaker:** It is not.

265 **Hon. D A Feetham:** With respect, it is a surprising question (**Mr Speaker:** No.) because the Opposition *always* takes responsibility for the accuracy of the points that they make. This line of questioning is obviously a line of questioning with a purpose, and I think that unless Mr Speaker has *prima facie* evidence that we do not know what we are talking about, I do not believe that Mr Speaker ought to be making that point.

Mr Speaker: It so happens that Mr Speaker is the Chairman of the Public Service Commission.

270 **Hon. D A Feetham:** Mr Speaker, I do not understand –

Mr Speaker: No, No. I will say nothing further on the matter. I am just saying that it is a principle enshrined in the Rules and which I am glad to hear, from what the Leader of the Opposition says, that hon. Members of the Opposition make themselves responsible when they give information along the lines of the information that we have heard today. I am glad to hear that they make themselves responsible and that therefore, in their view, that information is accurate. That is all I want to say.

275
280 **Hon. D A Feetham:** Absolutely. We hold ourselves responsible for the accuracy. This is the first time... I have been a Member of this House since 2007 and I am not the oldest Member of this House, but it is the first time that I have ever heard a Speaker make a point like that about accuracy when my hon. colleagues are pursuing a line of questioning on the basis of information that they have.

We would never... nobody in the Opposition would be asking any questions if we do not make ourselves responsible for the accuracy and Mr Speaker, if Mr Speaker has information that casts doubt on the accuracy of our line of questioning, and Mr Speaker, well look, he can tell us that our line of questioning is inaccurate because he sits in the Public Service Commission and he knows it is inaccurate, but I doubt very much that Mr Speaker can actually go that far.

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290 **Mr Speaker:** I am making the point because the information that has been imparted to Members of the Opposition is apparently not available to the Minister.

Hon. Dr J E Cortes: Mr Speaker, if I may just comment?

The implication from the hon. Member is that I misled Parliament. I have no knowledge of any course taken or not taken by the applicants. I believe that what I do know is that the three successful applicants are extremely good professionals – every single one of them. Whether or not they are activists of any particular political party is not relevant to whether they are good nurses or not.

295 I can assure you, Mr Speaker, that if that board selected them, they are excellent nurses, and I can confirm it was a board which was referred to the Public Service Commission and therefore is completely out of any influence from me as a Minister. (*Banging on desks*)

300 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister perhaps inform this House as to whether the decision to go from one to three charge nurses was a decision that was taken before the recommendation of the board and after the advert, or was it after the recommendation of the board?

305 **Hon. Dr J E Cortes:** Mr Speaker, I have not got the time line in front of me. I have answered the question I was asked: how many applicants and who was successful? I have answered part one because I can. I cannot answer part two. I do not have a timeline in front of me and so I cannot answer that question.

310 **Hon. D A Feetham:** Mr Speaker, but, of course as the Minister responsible, does he not agree with me that it is rather odd that here we have a highly... he described it as a 'highly specialised' service, and those are the words that he used in answer to my Hon. Friend, Mrs Ellul-Hammond...? Now, bearing in mind that this is a highly specialised service and he being a thorough Minister as I know that he is – I mean I have every respect for him – that in a planning situation in a highly specialised service, does he not agree with me that it is odd that we have a situation whereby there is an advert for one charge nurse, and lo and behold, at some stage we do not know when, whether it is before the recommendation of the board or after the recommendation of the board, it then goes from one to three people being taken on? Does he not agree that at the very least what it illustrates is a lack of planning in relation to a highly specialised service, as he has described it?

320 **Hon. Dr J E Cortes:** On the contrary, Mr Speaker, I think it shows that one is able to take advantage of situations. If a selection process was ongoing, then that is an opportunity to be taken so as not to delay things and it is absolutely identical, I repeat, Mr Speaker, except that instead of an addition from one to three, it was one to two – an identical situation which arose back in 2006, which nobody batted an eyelid about. So there is no precedent. This is something which has happened before. (Interjection) Sorry – there was a precedent there.

325
330 **Hon. D A Feetham:** Well, Mr Speaker, yes, I do not dispute that in the past there may have been a situation where there has been... After the recommendation of the board, the report, for example, has recommended that there are two people that are highly, that are very, very good for this particular post and there is a policy decision taken at that stage to take two people. But you see that is very unusual and what we have here is an advert that has gone out for one and then ultimately three are taken on.

One always gets very good high quality applicants because the nature of our Civil Service is the fact that there are very good people, but one would have thought that in a highly specialised service, such as this one, that it would have been effectively demand led from the very beginning. One looks at what do

335 Here the decision has been taken that we need one and then ultimately – we do not know when the decision was taken, whether before the recommendation of the board or afterwards – it is then three. Does not the Hon. Minister think that is unusual?

340 **Hon. Dr J E Cortes:** It is unusual in the sense that it has happened twice, but it is not the first time it has happened. But nevertheless it was an opportunity clearly that the management took in order to be able to improve the service and take advantage of the fact that the procedure was already in motion.

345 **Consultants' contract
Details of negotiations**

Clerk: Question 817, the Hon. Mrs I M Ellul-Hammond.

350 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say who is dealing with negotiating the Consultants' contract and at what stage of progress are we in the process?

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

355 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the GHA is negotiating with UNITE the Union as they represent the majority of consultants. The negotiations are going well.

360 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that John Langan and Ernest Lima are still dealing with the negotiation of the consultants' contract?

365 **Hon. Dr J E Cortes:** Mr Speaker, Mr Langan and Mr Lima are dealing on behalf of the GHA with the negotiations of the consultants' contract. Let me just add that they both finish their term... well, Mr Langan, who is the interim Chief Executive, Mr Lima was an advisor, and Mr Langan has continued leading because he committed himself when he took on the job to complete these negotiations, but since he finished at the end of August he has been doing this on a *pro bono* basis.

370 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, seeing that the negotiations for this contract has been for over a year and a half, when will it be completed?

Hon. Dr J E Cortes: When an agreement is reached, Mr Speaker.

375 **Promotion of sexual health
Department's policy**

Clerk: Question 818, the Hon. Mrs I M Ellul-Hammond.

380 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, with reference to the Government press release number 861/2013, can the Minister for Health say how sexual health will be promoted, in addition to the Minister's plans to publish HIV and AIDS statistics?

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

390 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Public Health Department has developed a Health Improvement Strategy for Gibraltar, which includes sexual health as one of its key priorities for the next two years. The following are some of the initiatives that will be progressed within this programme area: (1) supporting education about sex and relationships in schools and youth settings; (2) providing access to good quality advice for all persons on sexuality, family planning and sexually transmitted diseases; (3) campaigning to reduce the prevalence of teenage pregnancies in our community; (4) supporting the establishment of a nurse-led sexual health clinic; (5)

encouraging access to HIV and STD testing for people who may be at risk; (6) improving the collection of anonymised local data to inform sexual health strategies; (7) producing relevant printed material.

395

In this, the GHA will continue to work with community groups, such as the Equality Rights Group, with which regular meetings have been held during the past two years.

400

**New Mental Health Unit
Opening date**

Clerk: Question 819, the Hon. Mrs I M Ellul-Hammond.

405

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Hon. Minister for Health said in his Budget Statement of 2013 that the new Mental Health Unit would be ready in October or November. Can the Minister advise when the facility will now be opening?

410

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the unit has been subject to the delays typical of the construction industry; it is now due to open in spring 2014.

415

**Hospital referrals
Patient costs**

420

Clerk: Question 820, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to Written Question 135/2013, can the Minister for Health say (a) why there are no figures for April 2012 and June 2013 and (b) why the cost for sending patients to Xanit have more than doubled per month since September 2013?

425

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

430

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, there are no figures for April 2012 and June 2013 because the bills for the months in question were paid on the following month. The costs for sending patients to Xanit have increased because a number of procedures that used to be referred exclusively to the UK are now performed in Xanit. This reduces the inconvenience of families travelling to UK and makes visiting of relatives easier.

435

The increase in referrals to Xanit has also coincided with a decrease in referrals to Spanish State Hospitals, due to long waiting times currently existing in the Spanish *Servicio Andaluz de Salud* system, which have worsened recently. In addition to this, there have sadly been a number of exceptional cases this year, which have involved long stays and expensive care.

440

Hon. Mrs I M Ellul-Hammond: Thank you for that, Mr Speaker.

Can the Hon. Minister say then if the service that was offered in the UK has now been... is being offered at Xanit, has there been also a reduction in the payment to the Department of Health for this sponsored patients' service as a consequence of the increase in payments to Xanit?

445

Hon. Dr J E Cortes: Clearly, Mr Speaker, if we are spending the money in Xanit, that money will not be spent in the UK; however, because of the fact that this is totally unpredictable, there could be other cases going to the UK and therefore you will not necessarily see a corresponding decrease. What there has been is a considerable decrease in referrals to other Spanish hospitals, particularly, as I said before, Spanish state hospitals, because of increasing waiting times in particular, which have got worse in recent months and over the past year.

450

I can say, however, that whereas there is an increase in referrals to Xanit, the total number of referrals to Spain was slightly down in 2013 or the first 11 months of 2013 in relation to 2012; but this is something that is not totally predictable. This is demand led and we are not going to refuse treatment to a deserving patient for reasons of this nature.

But globally I think I do have to point out one thing I said earlier, that it only takes one or two particularly difficult cases which have expensive care to make these figures rise considerably. It may be just one or two and so you cannot really relate it to the *number* of patients.

455

**Transportation of patients to hospital
Use of new ambulances**

Clerk: Question 821, the Hon. Mrs I M Ellul-Hammond.

460

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say if there is any truth in the rumour that a motorbike and its owner were transported in one of the new ambulances; and, if so, can the Minister provide details to Parliament?

465

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 sir. For the avoidance of doubt what I mean is that there is no truth in the rumour, not that I cannot say. There is no truth in that rumour.

470

**Gibraltar Medical Registration Board
Transfer of UK powers**

475

Clerk: Question 822, the Hon. Mrs I M Ellul-Hammond.

480

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in relation to the amendment to the Medical Health Act 1997 to provide for the compulsory registration of allied health professionals, can the Minister for Health say how will the powers of UK Governing Bodies be transferred to the Gibraltar Registration Board for the overseeing and policing of the ongoing requirements health professionals need to meet?

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

485

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the amendment of the Medical and Health Act 1997 at long last establishes the Gibraltar Medical Registration Board as a regulatory authority for allied health professionals in Gibraltar.

490

The law requires that the assessment of the qualifications and competence of the professionals is carried out by the respective UK regulator and not by the Gibraltar Board. Furthermore, any requirements laid by the UK regulator on maintenance of professional standards, continuous professional development or revalidation will be directly monitored by the UK regulator and impact upon Gibraltar *only* if registration is affected in consequence.

The UK regulatory bodies, in addition, have powers to oversee and police their registrants wherever they may practice. The Gibraltar Medical Registration Board will play a supportive role in this function.

495

Complaints or allegations of poor practice made to the Gibraltar Board regarding allied health practitioners practising within Gibraltar will be investigated locally; and, except where the complaints are wholly frivolous, the Board will notify the respective UK regulator, who may choose to invoke its 'Fitness to Practice' procedure. Decisions arising from the procedure will be binding on the practitioner in the UK and inasmuch as they impact on the petitioner's registration, by consequence, also in Gibraltar.

500

In addition, the Act also provides the Gibraltar Board with a range of powers to take independent action, which would be binding on registered practitioners within the territory of Gibraltar.

505

**Culling of seagulls
Duties of FERA and GOHNS**

Clerk: Question 823, the Hon. J J Netto.

510

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if the discussion alluded to by the Minister at the Committee Stage of the Appropriation Bill 2013, regarding extending the duties carried out by FERA to GOHNS in relation to the culling of seagulls have now concluded, and if so, provide Parliament with details of the agreement?

515

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, sir. They have not been completed.

520 **Hon. J J Netto:** Could the Minister perhaps elucidate as to why they have not concluded. Is there any sticking point, in terms of coming to a final agreement? I do recall that his comments at the Appropriation Committee Stage of the Bill, the Minister was saying that his intentions were to absolve the work being carried out in the past by referring to GOHNS. So perhaps if he could elucidate as to what the sticking points are in that discussion.

525 **Hon. Dr J E Cortes:** Mr Speaker, there are no sticking points. The discussions are still ongoing. It is a... I was going to say complex, but it is not a simple matter and the Department is dealing with it, with a view to implementing by the time the spring comes, which is when these measures need to be more effective.

530 **Hon. J J Netto:** So is the Minister envisaging a situation whereby after spring FERA will not carry out any further duties?

535 **Hon. Dr J E Cortes:** That is what I said at the time and that continues to be the situation at the present.

Hon. J J Netto: So in order to be able to carry out such duties in the future, will there be an extra amount of cost, or will the size of the budget for GOHNS increase accordingly?

540 **Hon. Dr J E Cortes:** Mr Speaker, the budget for the visits from FERA, I think was in the region in one year of close to £200,000 and another year £200,000 for people to come from abroad for six weeks, to carry out work, which local people were doing for much less over a period of a whole year. So therefore there is no intention to follow that practice. The intention is to use the expertise that is available in a more economically efficient way. I do not believe that the costs will be equivalent and certainly they will not be for a six-week period, they will be for a 52-week period.

545 **Hon. J J Netto:** Which will mean, therefore, an increase in the number of people dedicated within GOHNS for the culling of seagulls.

550 **Hon. Dr J E Cortes:** Mr Speaker, I am not going to publicly conduct the negotiations with any organisation here. We are looking at the way in which the work that was being done by FERA is going to be done in the future. Some of the work being done by FERA at the time probably did not need to be done, as I expressed at the time to the then Government of the time. But I am not going to go into details of discussions which are ongoing because it could compromise their outcome.

555

**West Place of Arms
Criteria for selection as dog park**

560 **Clerk:** Question 824, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the written answer to Question W136/2013, can the Minister for the Environment state what has been the criteria for selecting the West Place of Arms as a dog park?

565 **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, the area was selected on the advice of the Gibraltar Responsible Pet Owners Group. Consultation with the Gibraltar Heritage Trust and the Heritage Division confirmed that the proposed use was consistent with heritage. This was later unanimously approved by the Development and Planning Commission.

575

**Gibraltar Cat Welfare Society
Neutering of cats**

Clerk: Question 825, the Hon. J J Netto.

580 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 690/2013, is the Minister for the Environment aware that the Gibraltar Cat Welfare Society have been neutering cats for some years now; and if so, does the Minister know how many cats have been spayed on an annual basis?

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

585 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, I am aware. I am informed that 59 cats have been neutered this year, but I have not got any more information.

590 **Hon. J J Netto:** Does the Minister perhaps know whether this particular programme by the Cat Welfare Society will continue, because when I looked at their own website, it did not look to me like it was a function that was carried out every year. And as we have discussed in the past, here in Parliament, there is a need for a programme of this nature to be carried out, particularly in certain areas of Gibraltar, least to say the Upper Rock Nature Reserve.

So can the Minister perhaps inform the House whether this programme will continue into the future, either by them, or perhaps if they are not doing it, on a year-by-year basis by some other entity?

595 **Hon. Dr J E Cortes:** Mr Speaker, I am currently in discussion with the Cat Welfare Society to see how this programme can be continued.

Clerk: Question 829...

600 **Hon. D A Feetham:** Does the Hon. Minister have an idea of numbers of cats? Is there an effort to monitor the number of cats – the rise in population or decrease in population of cats? He knows that I live in the Upper Rock and my children have already adopted three kittens, I can tell him, that have been abandoned and there appears to me to be an increase in the number of cats. I mean, I do not know. I am just talking from my own experience of seeing them in the Upper Rock myself.

605 But is there a conscious effort on the part of the Government to basically monitor the numbers so that this particular problem can be kept on top of, because of course, as we all know, they are really wreaking havoc with wildlife in the Upper Rock in particular?

610 **Hon. Dr J E Cortes:** Yes, Mr Speaker, we are attempting to monitor certain key areas to see whether we can have an idea of the cat population, but there is no data. So at the moment we can only guesstimate, but we are trying to monitor in the Upper Rock.

615 **Hon. D A Feetham:** And, Mr Speaker, is he satisfied that the neutering of the number of cats that they have neutered – I think he indicated 59 – that that is going to deal with the problem? How long does he think that it will take before it will deal with and keep the population of cats within manageable proportions and certainly within numbers that will not cause significant damage to wildlife in the Upper Rock?

620 **Hon. Dr J E Cortes:** Mr Speaker, the figure I gave is a figure provided by the Cat Welfare Society and so it is not that the Government has been... as far as I know it never has been, although it does and has supported the Cat Welfare Society in carrying out this work, it has not done it directly and 59 neutered cats will not solve the problem in the Upper Rock... so, no.

625 **Hon. J J Netto:** Mr Speaker, just by way of providing information, I have just seen on the Cat Welfare Society's website, from a report published in 2007, that they say, and I quote:

'Over three years the Society has captured, sterilised and released 1,190 cats on the Rock.'

630 So perhaps that is some of the work they have done in the past. Obviously my concern is if that kind of progress can be maintained and some of the answers have already been provided by the Minister.

635 **Culling of cats
Monthly numbers**

Clerk: Question 826, the Hon. J J Netto.

640 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 691/2013, can the Minister for the Environment provide the monthly numbers of cats culled since 11th December 2011, as asked for, but not given.

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

645 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the number was given as an average, which mathematically is the number of cats culled per month and therefore the question was correctly answered. I now have to assume that rather than the monthly number, the hon. Member wishes to know the number per month. This information is provided in the schedule I now hand over.

650

Answer to Question 826/2013

Cats Culled

Month	2012	2013
January	0	0
February	3	0
March	0	0
April	0	0
May	14	2
June	0	0
July	0	23
August	0	6
September	1	15
October	7	3
November	4	0
December	0	0

Average = $78 \div 23 = 3.4$

655 **Hon. J J Netto:** Well, Mr Speaker, as the information may come now, but just to point out that if he goes to my Question 691, it asks the number of cats culled on a monthly basis. So I was right and he was wrong interpreting my question, but I will see the figures now.

Hon. Dr J E Cortes: Mr Speaker, I do not think I need to comment on that.

660 **Hon. D A Feetham:** He has very kindly provided a schedule and the culling appears to be really focused on three months in 2013: 23 in July; 6 in August; 15 in September. Then there are two other figures of 2 for May and 3 for October, but the rest is zero. There is a similar pattern also in 2012.

665 Can he explain this particular pattern of why there does not appear to be an even spread over months? It does appear to indicate that really there is no systematic programme spread over a year to deal with the question of feral cats by way of culling, which is one of the ways that obviously the Government, rightly in our view, is dealing with this particular issue.

670 **Hon. Dr J E Cortes:** Mr Speaker, we are talking about the cats here in urban areas and the way that this has been done in the past, and this was I think explained in my answer last time around, which although was converted to a written answer, because it was converted to a written answer there will not be a recollection of a discussion.

675 These cats have been culled as a result of a contract dating back to 2005, but the way that it has been operating for a number of years is that the cull has been activated by requests from the public, complaining about fleas or some other problems and it has been a result of that. Therefore when there has been a complaint, then the cull has been activated and therefore you will see this pattern, that suddenly there is culling and then it stops again.

680 The practice has been that it has been on the request of members of the community. Needless to say, there are those in the community who are not in favour of culls and I obviously recognise that as well. But the explanation of these stop and start figures is that they are following requests from members of the public.

Hon. D A Feetham: Mr Speaker, there are two points that arise from the answer that the hon. Gentleman has given and I am very grateful for it. One of them is that these are culls that have taken place in urban areas; the second is that it is a response to a request from members of the public.

685 Does he not agree with me that it does appear from that particular answer that really there is no systematic plan in terms of... that culling does not form part of the Government's plan to deal with the issue of feral cats in the Upper Rock, which he and I both recognise is wreaking havoc with wildlife, and in particular with an iconic species of Gibraltar, which is the Barbary partridge?

690 Can he explain why the issue of culling or culling as a legitimate form of control of feral cats has not been taken to the Upper Rock so that we can control the cat population there?

Hon. Dr J E Cortes: Mr Speaker, I think we have to distinguish the situation on the Upper Rock with that in urban areas. We must remember that there are those in urban areas who actually feed cats, and you may agree or disagree with them, but they are there, the people who do that, and who are very sensitive towards that; something that, as I say, whether you agree with it or not, you have to recognise... they are also members of our community.

695 The Upper Rock is a different issue. The way that the Upper Rock is being tackled is initially, as I said earlier, by monitoring and trying to determine what the scale of the problem is, particularly in areas which are more likely to have Barbary partridges, which are areas of more open ground rather than the dense vegetation. We are trying to build up a picture using a number of systems, which I can discuss later with the hon. Member opposite, to monitor, and then we hope to be developing a strategy to see how we tackle that so that the Barbary partridge can be protected.

Hon. D A Feetham: Can he give me a timeframe in relation to this, because we all recognise here that if we had a choice, you would not cull cats? That is the reality that one would not cull cats if one had the choice, but in a situation where they are impacting heavily on wildlife in the Upper Rock in particular, something as important to Gibraltar as the Barbary partridge, one would have thought that the Government would have perhaps been slightly more energetic in its attempt to get on top of the problem. Yes, because there is a sizeable population of feral cats in the Upper Rock.

705 So can he give me a timetable of when he thinks that perhaps the Government is going to be moving towards the Upper Rock in trying to cut down the population of feral cats in the Upper Rock that is causing such a problem with wildlife there?

Hon. Dr J E Cortes: Mr Speaker, we are in danger of having a really long discussion on Barbary partridge management, and I am happy to have that, but I do not know whether the rest of the Members particularly want to hear it.

715 There are a number of things here. Firstly, there is no way that no matter how much you do you are going to remove the full population of feral cats on the Upper Rock; therefore you have to concentrate on those areas where you want the partridges to do well, which means you concentrate on the areas which are better habitats for the partridges.

720 So what we are doing is we are in fact creating a new Barbary partridge habitat. We are monitoring those areas. We are in the final stages of acquiring Barbary partridges from Morocco and we want to time it in such a way that when we release these partridges, we are actually not releasing breakfast for cats. So we are timing it quite tightly and a lot of things have to slot in before we are ready to go.

725 **Hon. D A Feetham:** So just following on from that – this is my last supplementary question on this – so effectively the Minister envisages, in that very tight timetable for the acquisition and release of Barbary partridges, that when he releases those Barbary partridges, that he will have substantially dealt with the problem of feral cats in the areas where you are going to be releasing the partridges. Bearing in mind as well, of course, that that begs the question... I mean you are not going to be releasing them in fenced out areas.

730 So if you have a very large population of feral cats in the Upper Rock, they are bound to be moving, for example, to the area of Windmill Hill, where I presume that is one of the areas where he is going to be releasing some of these partridges, but can he perhaps shed some light in relation to that or give that guarantee to the House?

735 **Hon. Dr J E Cortes:** Mr Speaker, I sense the enthusiasm of the hon. Member opposite, and I am sure that behind it all he is extremely pleased that I happen to be Minister for the Environment. (**A Member:** Absolutely.) (*Interjections*) Mr Speaker, I did not hear that, but I am sure it was quite funny.

740 Mr Speaker, the idea is that this will work and that we will be able to ensure the ongoing success of the Barbary partridge or the *renewed* success of the Barbary partridge. But I really think, Mr Speaker, that from a question on monthly numbers of cats culled in urban areas, if I may add, to a discussion on the management of Barbary partridges, is probably – with respect to the hon. Member opposite, and I am

745 very glad to know that he shares my keenness for the species – I think that is probably as far as we need to take it at this point in time.

750 **Air pollution**
ESG concerns

Clerk: Question 827, the Hon. J J Netto.

755 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 700/2013, is the Minister for the Environment not aware of the ESG communiqué of 16th October 2013, in relation to the concerns of air pollution?

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

760 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, he is. Question 700/2013 asks whether the Department for the Environment had received reports of, and I quote:

‘persistent heavy air pollution associated with rotten eggs or sulphur smells’.

765 Mr Speaker, it had not. It had received four isolated complaints, which is precisely what I answered.

Hon. J J Netto: Mr Speaker, in the ESG communiqué of 16th October, they talked about persistent heavy air pollution in the area of Waterport Terraces, the South District and the Port. They also talked about talking to the Government, meaning probably the Minister for the Environment, and talking to the Department of the Environment in relation to raising their concerns on this persisting air pollution.

770 Has he now had that discussion with the Minister and the Department of the Environment in relation to their concerns?

Hon. Dr J E Cortes: Yes, Mr Speaker, I have very regular contacts with the ESG.

775 In relation to roundabout the time when the ESG issued their statement, which was on 16th October, there had been an approach, which I have recorded here on that day, from the ESG to the Agency. The matter was relating to smells that had occurred on the previous day and so it was difficult to investigate that particular instance.

780 There was subsequently a report the following day, not from the ESG, which was investigated. It appeared that there was an issue with a ship that had come into port with ammonia; but ammonia does not smell like rotten eggs and so it was probably unrelated to the previous one.

Certainly, I am glad to say that the large spate of smells related to bunkering, which happened a few years ago, has not happened, and these continue largely to be isolated incidents.

785 **Upper Rock Nature Reserve**
Temporary closures of pathways

790 **Clerk:** Question 828, the Hon. J J Netto.

795 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which pathways, green areas and walking routes in the Upper Rock Nature Reserve have been temporarily closed as a result of the comments made by the Minister of Heritage at the Heritage Trust AGM, in which he stated that what he saw were ‘death traps’?

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

800 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, as a result of continuing works to improve public access to the Upper Rock, works are ongoing in the Douglas Path/Mount Misery area, and access to a section south of the cable car top station has been closed off pending works.

This information is about a week old, Mr Speaker, and those works may have progressed since then. But, if you remember, we adjourned from last Thursday and I have not had the opportunity to check this morning.

805 **Hon. J J Netto:** Mr Speaker, just for the sake of clarification, is the Minister saying that this particular pathway that he is referring to was closed about a week ago? Is that what he is saying?

Hon. Dr J E Cortes: No, Mr Speaker.

810 There has been ongoing works in Douglas Path and what is known as 'Mount Misery'. Another section, which is south of the cable car top station, which is the other peak, so to speak, north of Mount Misery, has been closed off pending works. It is those works that I am not sure whether they have been carried out or not. The ones to Douglas Path and Mount Misery were ongoing when this answer was drafted and so they may well have been completed or will be nearing completion.

815 **Hon. J J Netto:** But in any case, what the Minister for the Environment is referring to is one particular pathway which has been temporarily closed. The impression that the Minister for Heritage gave, at the Heritage Trust AGM, was that there were many green areas and pathways in the Upper Rock Nature Reserve which were death traps. That is the impression, at least as quoted in the press.

820 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, if I may, since he is alluding to me, the fact is that what I said in the Heritage Trust AGM was that there was *one* place and that is Mount Misery, which is what my colleague is just stating. I can tell him for his peace of mind that I went there the next day, with a Health and Safety officer, and that is the place which is now blocked off for safety reasons. There is no pathway. There is no other place. It was just one specific place and that
825 was blocked off. It is still blocked off until works are now done.

830 **Waste disposal/management
Government plans**

Clerk: Question 829, the Hon. J J Netto.

835 **Hon. J J Netto:** Mr Speaker, further to Question 694/2013, can the Minister for the Environment state what will be the waste disposal options that the Government will embark upon, following the completion of the specialist report by Ramboll in January 2013, providing a timeline for the implementation of such policies?

840 Can I just add Mr Speaker, my understanding is that I gave notice of the question... I mean the deadline for the notice of the question was on Thursday, 12th December, and I believe the Government issued a press release on 16th December to the press, which is this one which I have got here, in a way that puts the position quite difficult because I am trying to ask a question for which already some of the answer may have been put on the public notice by the press.

845 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, if I may answer that point first. We are talking about two separate documents. The question which I have, and I am about to answer, Question 829 refers to a report by Ramboll which was a report on waste management options for Gibraltar.

850 The Waste Management Plan, which is the one that the hon. Member referred to in his last comment, is the Waste Management Plan for Gibraltar, which is independent – totally independent. It is a completely different document and it is an EU requirement that had to be published by a certain date and we did meet the timeframe. So it is a completely different document, and one is only to do with the other in that they are both talking about waste, and that clearly, if we commissioned a report in January to talk to us about waste options, clearly some of that will be reflected in the Waste Management Plan, but it was certainly a completely different document and in no way will one have affected the answer that I am
855 going to give you, which if I may, I will now proceed to give the formal answer.

860 Following completion of the Waste Treatment Options Assessment Report, undertaken by Ramboll in January 2013, Government resolved to invite tenders in the Official Journal of the European Union and local press for the design, build, finance and operation of a waste treatment facility. Government wishes to provide waste treatment facilities locally, with the aim of achieving the highest environmental standards in the treatment of its municipal solid waste and urban waste water treatment by-products, tyres and other bulky items.

865 Government's principal requirements for the waste treatment facility are the following: (1) a waste reception, sorting and storing facility for specific and separate waste streams; (2) a material recovery facility which will recover recyclable materials from the municipal waste stream; (3) a waste treatment plant of which technologies of advanced thermal treatment would be considered; (4) a facility capable of (i) generating electricity; (ii) and/or producing potable water; (iii) and/or producing biodiesel; (iv) and/or

producing syngas; (v) handling and treatment of ad-hoc waste; (vi) handling and treatment of saline sewage sludge.

870 The tender was advertised on 14th February. The tender stage has now closed. Government is currently reviewing the tender submissions and will be in a position to make a decision in the first part of next year.

875 **Hon. J J Netto:** Mr Speaker, does the Minister for the Environment have a timeline in relation to when they would like to see, at least tentatively in operation, the new waste treatment plant?

880 **Hon. Dr J E Cortes:** Mr Speaker, as soon as possible. This is something that is well overdue and something that this Government has taken on with great fervour. Clearly, we needed to have the consultant's assessment, which is the report that I referred to in January 2013, and then that was used to inform the tender process. The tender process is currently reaching its final stages and I would like to think, clearly it depends on what the different options are and what tenders are finally provided, but I would have thought that certainly, within this term of Government, we should see the waste plant operational.

885 **Hon. J J Netto:** I think Mr Speaker, with respect; I might have lost the last part of the words of the Hon. the Minister of the Environment. Did he give an indication as to by when the new waste treatment plant will be operative?

Several Members: As soon as possible.

890 **Hon. Dr J E Cortes:** Mr Speaker, as soon as possible, and my wish would be that it would be within this term of Government; but certainly it depends on the details of the selected tender.

895 **Hon. J J Netto:** So basically he is not in a position right now at least, whether it is in 12 months' time or 24 months' time.

Can I also ask the Minister what is the location as to where the waste treatment plant might be located?

Hon. Dr J E Cortes: Yes, Mr Speaker, the intention is still to have it on the Governor's Cottage site.

900 **Hon. J J Netto:** Is the Minister perhaps in a position to tell the House what percentage of electricity may be able to be produced by this waste treatment plant at this moment or will he have to wait for the completion?

905 **Mr Speaker:** That cannot possibly arise from the original question.

Upper Rock Nature Reserve: A Management and Action Plan Implementation of recommendations

910

Clerk: Question 830, the Hon. J J Netto.

915 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which recommendations of the 'Upper Rock Nature Reserve, A Management and Action Plan' have been implemented since 9th December 2011, which ones the Minister intends to implement in the next 24 months, and which ones the Minister feels that he will not be able to implement and why?

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

920 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the recommendations that will be implemented for the Upper Rock Nature Reserve and the wider Gibraltar Nature Reserve will all be fully laid out in the upcoming management plan that is being drafted by the Department of the Environment in consultation with the relevant stakeholders.

925 In any case, there are some notable recommendations that have been put into effect since 9th December 2011, which include: (1) extending the boundary of the Nature Reserve to include other important habitats, such as the Great Sand Slopes, Windmill Hill, Jacob's Ladder and Europa Point foreshore; (2) clearing areas of dense vegetation within the reserve; (3) appointing wildlife wardens; (4) reviewing traffic flows in the Upper Rock as part of the Traffic Management Plan; (5) establishing a

930 Caves Working Group, along with monitoring cave biodiversity and protecting specific caves and tunnels in the Upper Rock, by means of grilles and fences; (6) facilitating and supporting the monitoring of bat populations in Gibraltar as part of the Gib-Bats Project –this has already resulted in a new species of bat being recorded in Gibraltar, namely the Isabelline Serotine bat; (7) improving paths in the Upper Rock; (8) continued removal of invasive species.

935

**Control of Barbary Macaques
Access to Mount Alvernia**

940 **Clerk:** Question 831, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister of the Environment say if there are any permanent plans to avoid having Barbary Macaques entering into Mount Alvernia in the near future?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, management and staff at Mount Alvernia have been inducted in what measures they should take to discourage the monkeys. This includes ensuring staff and visitors do not provide food, making bins monkey proof and dealing with the scaffolding that has been in place for years.

Hon. J J Netto: Mr Speaker, can I just say that while the scaffolding has been there for many years, it is the case that the macaques are venturing into the homes more often, into the actual bedrooms of the residents there in Mount Alvernia, in frequent numbers, particularly lately. Whilst all the measures that the Minister has announced just now are positive steps in the right direction, it may not preclude the fact that macaques will continue to get inside the bedrooms of the residents.

955 For that particular aspect of the question, does the Minister not see that perhaps the staff in Mount Alvernia might need some extra help or resources, in conjunction with either the Department of the Environment or perhaps some other entity?

960 **Hon. Dr J E Cortes:** Mr Speaker, they are getting that. They are getting regular visits from the macaque team and being encouraged and advised on how to deal with this; so that is happening. There is constant contact.

965 The monkeys were attracted initially to fruiting trees in the gardens of the Mount and then discovered the bins and apparently people started to put food out for them, which is clearly something that we must all discourage. So the situation is being handled with the support of the team.

970 **Varyl Begg Estate
Pigeons culled in last six months**

Clerk: Question 832, the Hon. J J Netto.

975 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 696/2013, can the Minister for the Environment say how many pigeons have been culled in the last six months in Varyl Begg Estate?

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

980 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, four pigeons have been culled in Varyl Begg Estate in the last six months.

985 **Hon. J J Netto:** Mr Speaker, the reason why I am raising this particular question is because I have had representations being made to me by tenants of Varyl Begg Estate. In fact, I have taken the trouble myself of taking some pictures of the amount of pigeons, and I would say not just in the Varyl Begg Estate, because the whole area that is being affected by all this is, is practically the whole of the west side of Gibraltar. There are literally hundreds and hundreds of pigeons just flying around that particular area of Gibraltar.

990 Could I ask the Minister, on behalf of the tenants in Varyl Begg Estate, whether a particular effort could be made to tackle this over population of feral pigeons in that part of Gibraltar?

995 **Hon. Dr J E Cortes:** Mr Speaker, I am glad that the hon. Member has said that pigeons fly, because I thought that he had forgotten that fact, and the fact that four have been captured in Varyl Begg Estate does not mean that those that have been caught elsewhere are not ones that also frequent Varyl Begg Estate. They do fly between areas and therefore you cannot say that only four of the ones that use Varyl Begg Estate have been culled.

This is a concern. There is a large number of feral pigeons, as there have been for many years, and this is something that my Department is addressing with a view to introducing a programme which will be able to tackle this.

1000 **Hon. J J Netto:** Mr Speaker, can I invite the Minister, perhaps, to give some details of the particular programme he envisages will be implemented?

1005 **Hon. Dr J E Cortes:** Yes, before I do that, Mr Speaker, I will refer to my answer last time, which was that there have been 1,347 pigeons culled overall, so it is not that nothing is happening. Increased deployments to a number of areas in order to be able to attempt to bring the population down and also we are considering whether the feeding of pigeons is something that should be tackled as to whether or not that should be illegal.

1010 At the moment it is, in the sense that if you put out food, you are putting out litter, but there is not any specific targeting of the feeding of pigeons. Particularly in certain areas, like, for example, happened in Trafalgar Square, where it was made contrary to regulations, local regulations, to feed them in Trafalgar Square, it may be that we need to look at that, and that is something that is being looked at.

1015 **Importation of trees and turf from Italy and UK
Carbon footprint cost**

Clerk: Question 833, the Hon. J J Netto.

1020 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what is the carbon footprint cost of importing 140 trees from Italy for the Commonwealth Park, compared to a closer jurisdiction, such as Portugal or Spain?

1025 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 834.

1030 **Clerk:** Question 834.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment say what is the carbon footprint cost of importing turf from the UK for the Commonwealth Park, as compared to a closer jurisdiction, say Portugal or Spain?

1035 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the trees for the Commonwealth Park were purchased from Italy because Italy is the main producer of quality trees in the Mediterranean.

1040 It was absolutely essential for the establishment and success of the park that trees were purchased from the most reputable and reliable source possible. Trees are distributed throughout Europe from Italy, so that, for example, many of the trees that are used for landscaping in the UK arrive from Italy, either directly or indirectly, via Germany and the Netherlands. In fact, some of the best trees that are sold in Iberia are purchased in Italy and grown on in Iberia. So that purchasing closer to Gibraltar does not necessarily reduce the total distance of journeys for the trees.

1045 The trees for the park arrived from Pistoia, Italy, in five articulated lorries. The carbon footprint for the journey will have been about an estimated 29 tonnes. This is offset by the estimated amount of carbon sequestered by the trees so far, which given their sizes is about 103 tonnes. This offset would also cater for the higher quality turf being imported from the UK, about 28 tonnes, rather than a closer jurisdiction.

1050 The expertise that Italian growers have in packing these trees into lorries – 140 trees in just five lorries – means that although the distance covered is of course significantly greater, a larger number of lorries are likely to have been used had the trees been purchased in Portugal or Spain.

1055 It is doubtful, furthermore, that trees purchased in Iberia would have approached these Italian trees in quality, size and health. These factors would of course affect future growth and longevity positively, both of which will of course enhance future carbon sequestration.

1060 When all of these factors are taken into account, it is highly unlikely that there would have been any reduction at all in carbon footprint had these trees been purchased in Iberia. Quite apart from this, there is of course a net gain in carbon sequestering as a result of the new park, regardless of the trees provenance, so the park reduces Gibraltar's carbon footprints.

Hon. D A Feetham: Mr Speaker, what about financial cost? Before the Hon. Minister or Members of his staff went out and ordered these trees, was there an investigation of prices elsewhere in Spain, Portugal, or closer to home, where it might have been cheaper to purchase these trees?

1065 At the end of the day, I understand that it is always desirable to obtain the best possible quality, but when you are in Government, one balances the cost of best quality with obtaining reasonable quality at a lower cost that turns out to be better value for the taxpayer.

1070 **Hon. Dr J E Cortes:** Mr Speaker, I am sure I cannot detect anything behind the words of the Hon. Leader of the Opposition which may suggest that he would rather the trees died, and therefore that we got less quality trees. (*Laughter*) I say this, apart from the intention of perhaps making it a more jovial tone today, it is after all two days before Christmas, because clearly we need to have quality if this is going to be a park that will stand the test of time.

1075 It was not asked and so I do not have a cost for the trees, in particular, with me, but clearly they are the best trees available in the Mediterranean and the long-term cost benefit of acquiring these trees is something that is absolutely clear.

1080 ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Job vacancies offered to employed persons Government's policy

1085 **Clerk:** Question 806, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Minister for Employment state whether it is the Government's policy not to offer vacancies to those in employment?

1090 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, as this House has been told previously, the majority of the vacancies open since 2011 have been filled by persons who were not registered as unemployed.

1095 **Hon. D J Bossino:** And presumably the answer is that it is in the Government policy, given that on the ground, according to what the Minister is saying, it is not happening.

1100 **Hon. J J Bossano:** Well, Mr Speaker, it follows, as night follows day, that if the vacancies had not been opened to everybody, then it would not have been possible for the vast majority of them to have been filled by people who were not registered as unemployed.

Clearly, every time that somebody who is employed already gives up a job in the private sector and takes up a job in the Government, the unemployment figures do not go down, but there is nothing I can do about it.

1105

Definition of 'disabled' Government review

1110 **Clerk:** Question 807, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Government say when the definition of 'disabled' will change to ensure that all those who suffer disability, at whatever stage in their lives, will

1115 be entitled to disability benefits, what criteria will be used to define disability and at what stage is Government in the review of disability in our laws?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1120 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the Government is in the process of establishing clear and objective criteria to address the problems faced by those who become disabled, but were not born with a disability. This will be completed within the lifetime of the Parliament.

1125

**Leisure Construction and Maintenance Company Limited
Number of employees**

1130 **Clerk:** Question 808, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government provide details in respect of the number of employees who may have been employed since the answer provided to Question 650/2013 by Leisure Construction and Maintenance Company Limited, broken down by grade, age, gender and nationality?

1135 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, none have been employed since the answer to Question 650/2013.

1140

**Health and Safety
Provision of November 2013 statistics**

1145 **Clerk:** Question 809, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety provide the November 2013 statistics to Parliament of Health and Safety, as these were unavailable on the Government website when the deadline to hand in the Opposition's Questions to Parliament expired?

1150

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, I now hand over to the Member the information required.

GIBRALTAR PARLIAMENT, MONDAY, 23rd DECEMBER 2013

Table HS.1

Monitoring Activities, 2013

Industry Sector	November							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	3	9	2	12	4	-	4	34
Education	-	-	-	-	-	-	-	0
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	1	-	-	-	-	-	1
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	0
Medical & Health Services	-	-	-	-	-	-	-	0
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	3	-	-	-	-	-	-	3
Repairs Consumer Goods	-	-	-	-	-	-	-	0
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	1	1	-	-	2
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	2	-	-	-	1	-	-	3
Shipbuilding/Marine Repairs	-	-	-	1	-	-	-	1
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
Total	8	10	2	14	6	-	4	44

Updated 1 December 2013

Occupational Reportable Accidents, 2013

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

Updated 1 December 2013

Table HS.3

Enforcement Activities, 2013

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

Updated 1 December 2013

Table HS.4

Number of times legal advice has been sought during the month in relation to the number of inspections conducted, 2013

As at	Advice
November 2013	-
Total	-

Updated 1 December 2013

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

Table HS.5

Reasons for Factories Inspectors issuing Improvement and Prohibition notices, 2013

As at	Industry Sector	Improvement Notices	Prohibition Notices	Reason
30 November 2013	Construction	1	-	1. Failure to have a supply of clean hot and or warm, water; 2. Failure to have adequate and sufficient lockers and changing rooms.

Updated 1 December 2013

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

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Mr Speaker: The supplement is rather lengthy. Could I suggest that we go on to the next question and the hon. Member can come back and ask supplementaries when he has studied the information? Okay.

Hon. J J Netto: It will not be necessary, Mr Speaker, because subsequent to the closing date, it is on the website. So I have got it here with me, so I can ask the supplementary question straight away.

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Mr Speaker, could I ask the Minister for Health and Safety, because I have been looking at one of the tables in particular... I am referring to the table for monitoring activities and I do not know whether he has got it in front of him – monitoring activities for the month of November we are talking about – and I can see that there was a total of 44 activities, which are later broken down by each particular component. But of the total of 44, 34 correspond to the construction industry. Now the construction industry is just one industry group of 21 within the labour market, and that represents 77% of the total amount of monitoring activities for the month in November of the total. Could the Minister perhaps give an explanation why this unusually high figure of 77% is dedicated just on the construction industry?

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Hon. J J Bossano: Yes, Mr Speaker, I can give him the same explanation that I gave him the last time he asked an identical question, which is that construction activities take place in sites that stop being work places when the work is completed and open up new sites. Whereas if he looks at the rest, it is all inspections of permanent places of shops, retail trade and road transport. In all those cases the place to be inspected is inspected and if the inspectors do not find anything wrong, they do not have to keep on coming back.

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But in the construction sector, you can have one construction company and they are opening new sites every month and completing work on other sites. The pattern is the pattern that is normal, has always been there, and it is explained by the fact that construction companies are mobile from site to site, but shops are not, they are always in the same place.

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Hon. J J Netto: Yes, Mr Speaker, I do accept part of the answer given by the Minister, in the sense that construction sites are mobile and therefore the Health and Safety Inspector will want to inspect every, perhaps, new particular site that emerges in a particular construction; but the fact is that the figures are simply disproportionate. (*Interjection*)

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When you look at it in the month you have a total of 77% of the time dedicated to monitoring to that particular industry group. There is – and I have done an exercise myself and I do not want to go into a lengthy explanation here because it is Question Time – a particular industry group in the whole of this year which has not had one single inspection at all within the labour market. It just shows that there is a disproportionate amount of time dedicated only exclusively... well, I would not say exclusively, but *mainly* on the construction industry, to the neglect, perhaps, of other industry groups.

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Can I ask the Minister, because it is Question Time, whether he can discuss this with his own officials in order to see that other industry groups have some attention as well, because at the moment they are not having any attention at all?

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Hon. J J Bossano: No, Mr Speaker. I will not do that because I do not think it is my job to tell the Health and Safety Inspectors how best to conduct the activities that they are required to conduct under the law. I do not think that I am qualified to tell them that the amount of time that they spend going to a construction site is disproportionate. I do not know if that was the practice before 2011 and I will find out if it was, but it is certainly not the practice now and I do not intend to introduce it.

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Hon. D A Feetham: Well, Mr Speaker, and I see the Hon. the Minister for Financial Services laughing. It is not a laughing matter –

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Minister for Financial Services and Gaming (Hon. A J Isola): I was laughing at you!

Hon. D A Feetham: The reality is that the Hon. Mr Netto has pointed out that there are industry groups that have not received any visits from inspectors at all. He may not give instructions to inspectors as to who to visit or who not to visit, but ultimately he is politically responsible if inspections are not being conducted with the efficiency that they ought to be conducted, and that there are industry groups that are being, effectively, neglected or not being inspected.

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Does he not believe that that is a matter of concern? At least will he not undertake to go back and to actually look at the split, in terms of industry groups of inspections, and if there is a particular problem by way of neglect of a particular sector, that perhaps he ought to have a word with his inspectors and at least ask why it is that these industry groups have been neglected or there were no inspections in relation to them?

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Hon. J J Bossano: No, Mr Speaker. I will not do any of that because I do not think that just because the hon. Member opposite gets it into his head that there is a huge neglect of people who are at serious risk or small risk or any risk at all, when there is overwhelming evidence that the vast majority of accidents at work happen in areas, like the construction industry, where people are at risk and it is quite

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1220 obvious that the level of risk that takes place in... simply because anybody that has been at work knows that in an office with lawyers, is not the same as when you are going up scaffolding on a building site. So clearly, the inspectors, who know their job and are professionals, are doing the work in the way they think is more efficient.

1225 Let me say that this new interest in Health and Safety is surprising, when in fact I made public recently the fact that there is a requirement in the 1996 Regulations that every single entity in Gibraltar should produce a risk assessment and keep a record of places where there are more than five, and the Department had no evidence that that had been complied with. In fact, I am now in the process of ensuring that in areas where it has not been complied with, after somebody approaches the employer to find out if it is there, if there is a record, it will be done. I have given a public commitment that every
1230 single employer will have a risk assessment required of them, as the law states, within a year.

I do not think that there is more that can be done to do what is the basic thing, which is to do a risk assessment. When that has not been done, surely the risk assessment that is going to be done over the next 10 months will show us whether there are other areas that potentially we should be devoting more attention to.

1235

**Factory Inspectors
Reason for seeking legal advice**

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Clerk: Question 810, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Question 704/2013, can the Minister for Health and Safety say for what reason or reasons did the Factory Inspector seek legal advice in the month
1245 of October?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr
1250 Speaker, the legal advice pursued by the Inspectorate was on how to proceed after an improvement notice issued to GFI was appealed.

Hon. J J Netto: Was this improvement notice issued in September?

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Hon. J J Bossano: I believe it was.

Hon. J J Netto: And was the reason for the legal advice because the employer, in this particular case, was not putting right, basically, what the Factory Inspector had placed in the improvement order?

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Hon. J J Bossano: Well, as the original answer states, Mr Speaker, if the employer in question gave notice of appeal, it follows logically that he did not agree with the assessment of the Inspectorate and that is why he was going to appeal.

In actual fact, when the matter was referred to the Attorney General for advice, the Inspector went
1265 back to GFI and they agreed to comply with the Inspectorate and it did not go any further. But if it had gone to appeal, the Inspectorate needed the assistance of the Legal Department on how to deal with the appeal.

Hon. J J Netto: I am not sure whether I have understood the Minister correctly. Is he therefore saying that while they have been seeking legal advice, the actual works have not progressed on site, or they have
1270 progressed on site? I was not clear there.

Hon. J J Bossano: If somebody gets told to do something in his workplace to change something and he decides to appeal, then it means that he does not accept that what he is being asked to do has to be done. I am telling him that that is why the Inspectorate appeals are very, very rare. The Inspectorate then
1275 went to the AG's Chamber to say, 'Well, look, these guys are resisting, what needs to be done. They are going to go to appeal, so how do we deal with it?'

I am also telling him, although he has not asked me, that in practice, after that step was taken, and they went back, the company concerned changed its mind and decided not to proceed with the appeal, and complied with the order.

1280

HEALTH AND THE ENVIRONMENT

Artificial reef

Reasons for location and timing

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Clerk: Question 835, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister please explain why the Government laid the artificial reef in the area that it did, at the time that it did?

Clerk: Answer, 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, I am answering on the creation of the artificial reef as this was an environmental measure, co-ordinated and managed by my Ministry.

The location of the artificial reef is paramount, as this will largely determine the success of the prospect – (**A Member:** Project.) sorry, of the project... I apologise Mr Speaker – as this will largely determine the success of the project so that it will enhance the area's marine environment.

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More specifically, the north-west artificial reef was laid in this area for the following reasons: (1) sea grasses were prevalent in the area as documented by experts in scientific journals, but these had been destroyed by fishing activities, particularly raking. The design and layout of the reef has been done to facilitate the planting of sea grasses; (2) the seabed is of a sandy composition. The Department of the Environment had been continuously monitoring the water sediment and biological conditions of the site, which proved to be suitable for the creation of an artificial reef; (3) the area is not a shipping lane or military exclusion zone; (4) it is an area within British Gibraltar Territorial Waters, which provides no negative environmental impact, but maximum environmental gain.

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The reef, being in sheltered waters is the ideal location to: provide a spawning area for fish and marine life; provide an area for the re-colonisation and/or relocation of sea grasses; provide natural protection for the recolonisation of Habitats Directive Annex IV species, as listed under the Habitats Directive – for example *Pinna nobilis*; improve shellfish populations; provide a habitat for benthic communities to develop; and provide a new site for diving and snorkelling activities.

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In terms of timing, calm conditions with minimal wave, wind and tidal influences favour the deployment of artificial reef modules. The north-west artificial reef was deployed during the summer on 24th July and 25th July 2013, since the forecast for meteorological and sea state conditions were deemed suitable for said deployment.

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Hon. D A Feetham: Was there any discussion at all or was it factored into the decision to lay the reef in August? I recognise that the Government has every right to lay this reef where it laid it.

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A Member: In July.

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Hon. D A Feetham: Sorry, in July. But was there any discussion or was it factored into the decision, the possible repercussions that might have flowed from the laying of the reef and the impact that that would have had in terms of local traders because of ...and indeed there has been an impact on local traders – the consequence of the problems that we have had on the frontier? I mean, was that factored into the decision-making process by the Government, or the Minister, or the Chief Minister, when the decision was taken to lay this particular reef in July?

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Chief Minister (Hon. F R Picardo): Needless to say, Mr Speaker, I am not going to be engaging the Leader of the Opposition on what the Chief Minister and the Minister for the Environment discuss.

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Hon. D A Feetham: Yes, but Mr Speaker, that is a wholly inadequate answer, with respect.

We have a reef that has been laid in July. It has provoked, unjustifiably so, we recognise that – unjustifiably so, but in our view *predictably* so – a reaction from Spain which has involved restrictions at the border, which has then caused huge problems, particularly for mainstream traders at the height of the tourist season in August and September, which has led many of these traders to see a downturn in their turnover for those two months.

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I would have thought, and does he not agree with me, that any prudent and reasonable Government would have factored into their decision-making process that kind of consequence, despite having the legal right and the moral right, whatever you like, in terms of laying that reef, but factoring into the decision making process those consequences for mainstream traders and other businesses in Gibraltar?

Mr Speaker: Before the Chief Minister answers that supplementary question, let me make it clear that I am not going to allow a debate this morning, arising from this question, about the frontier restrictions or the measures being adopted by the Spanish Government, for whatever reason they may be.

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If the hon. Members of the Opposition wish to, they can raise the matter later, on the adjournment. It is a proper matter to raise on the adjournment, when a 40-minute debate can take place without a vote being taken and without a formal motion, or they can raise, they are free, under the Rules of this House, they are free to bring a motion on the question of the frontier restrictions whenever they so wish and then different Rules will apply because it will be a debate.

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But this morning, arising from this question, we are not going to have such a debate.

Hon. Chief Minister: Mr Speaker, I am very grateful for that, because I think that is exactly what the Hon. the Leader of the Opposition wants.

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May I just comment in respect of what you have said, that of course a motion on the adjournment falls in respect of matters which are urgent, and something which has been going on apparently since August is not going to, in my view, attract the epitaph of ‘urgent’.

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Mr Speaker: If I may correct the Chief Minister: not just urgent, but on any other matter, and it is any other matter that could have arisen during Question Time, and then it is for the Speaker to decide whether that is an appropriate matter to have debated on the adjournment.

Hon. Chief Minister: I am grateful, Mr Speaker, but let us be clear that the motion on the adjournment is not the sort of procedure that should be used by Oppositions that are fearful of losing votes on motions.

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The Opposition, if they want to debate this issue with the Government are free of course to do so and the Government would very much welcome the opportunity of debating this with the Opposition; but let us do it on a motion, Mr Speaker, that is clear, and let us do it on a motion where we take a vote.

1370

Mr Speaker, the position is very clear. I am not going to engage the Leader of the Opposition on what it is that the Government considers when it makes a decision. If I start the process of answering in respect of that question, then we are going to be here simply analysing who said what to who in Cabinet before a particular decision that hon. Members like or dislike was taken.

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But I do have to take issue with much of what the Hon. the Leader of the Opposition has said. He appears to not be living in the Gibraltar that most of the rest of us are living in. He appears not to have lived the history of Gibraltar that the rest of Gibraltarians have lived it, and I say that, Mr Speaker, not in respect of the restrictions of 1969 to 1982 and then 1985, when the frontier finally opened, but of course, Mr Speaker, in respect of the period of restrictions and of frontier queues and of rhetoric that the hon. Member did not live with us, because he was happily ensconced up in the north of England being a barrister there.

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He might not recall, and I hope that this is of assistance to him, Mr Speaker, that at the time that the GSD were in administration, when they laid no reefs, Mr Speaker, and they tore up no fishing agreements – in fact they did them – we had... Apparently I am *pesao* Mr Speaker, I hear the hon. Lady opposite saying, because I am reminding them of this.

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We had extremely long frontier queues. We had extremely negative rhetoric, all from the same place that we have them today, the Palacio de Santa Cruz and the *Partido Popular* Foreign Ministers of the time.

There was a very informative article today that I recommend to Members opposite, Mr Speaker, in a publication in Spanish called *Público – Público.es* – which analyses what is Plan A and what is Plan B for the Spanish Foreign Ministry.

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Plan A, Mr Speaker, is being nice to the Gibraltarians and see if they will agree to transfer the sovereignty of Gibraltar. Plan B says, Mr Speaker, if having been nice to the Gibraltarians they do not agree to any progress on issues of sovereignty, then start getting tough. And if the hon. Gentleman says, ‘Well, Mr Speaker, did you not consider Plan B when you were considering with the Hon. Minister for the Environment whether such a reef should be created in British Gibraltar Territorial Waters or not?’, let me put it to him, Mr Speaker, that he should go back and do a bit of research. Not so much on the numbers of inspections that Health and Safety officers rightly do in respect of the construction industry, rather than analysing Health and Safety in hairdressing salons or spas, but to read the words of Señor Margallo, when he was first appointed Minister for Foreign Affairs of Spain – not when he said, ‘*Gibraltar Español*’ or ‘*Esta broma se ha acabado*’ – this joke is over – but when he said in a lengthy interview on 21st January 2012, Mr Speaker, and for the purposes of assisting him that is 19 months before the reef was laid – 19 months before the reef was laid – ‘We are not going to progress with the trilateral process that is at an end and from now on we will have regional co-operation so long as there are advances on sovereignty –

1400

1405 **Mr Speaker:** Can I – ?

Hon. Chief Minister: – not otherwise’.

1410 **Mr Speaker:** Can I bring the Chief Minister (*Interjection*) back to the question and answer? The question was as to the reasons why the Government laid the artificial reef in that area and the time that it did so.

The Hon. the Minister for Health and the Environment has given detailed answers, based on environmental and biological conditions, as to why that was proceeded with. I am only going to allow any further supplementaries to deal with those aspects of the question and the answer.

1415 Anything else to do with the wider political issues, hon. Members can debate whenever they so wish. I make myself available for that purpose and I will then apply the liberal rules of debating which follow. But, we are not going to do that this morning and I am bringing this matter to a conclusion, unless supplementary questions are within the parameters that I have decided.

1420 **Hon. Chief Minister:** Mr Speaker, I am very happy to accept your ruling. I will allow the Minister for the Environment to deal with the biological and environmental aspects of this matter as he is much better qualified than I am. I think I have dealt with the political aspects that were raised by the Leader of the Opposition.

1425 **Hon. D A Feetham:** Mr Speaker, I am interested in the political questions and the political answers. If I cannot ask political questions and receive political answers, then I am not going to pursue the matter any further.

1430 **Hon. Chief Minister:** Mr Speaker, can I put it to the hon. Gentleman that environmental issues and biological issues are highly important political issues too.

Hon. D A Feetham: Yes, Mr Speaker, but I am interested in the reasons why the Government took a decision which in my view has turned out to be one of the most monumental errors of judgement in the political history of Gibraltar. (*Banging on desks*)

1435 **Mr Speaker:** May I make it clear that, as Speaker, I am also interested in those decisions. I do not want anybody to go away from this House under the impression that I am curtailing discussion on these matters. I am just saying that Question Time is not the appropriate time to do so and I invite hon. Members of the Opposition, if they so wish, to table a motion at the earliest convenience, in order to debate this important issue. So I do not want anyone, members of the public in particular, who may not understand what the Rules of Procedure are, to think that the Speaker is curtailing debate. The Speaker is not curtailing debate, provided it is at a time when debate is called for.

1440 We are dealing with questions and answers, the purpose of which is to ask for information, to enjoin the Government to adopt a particular course of action or to adopt a certain line of policy, and that is what Question Time is about.

1445 **Hon. Chief Minister:** I am very grateful, Mr Speaker. I think it is important the public should know that we are prepared to debate these issues.

1450 Mr Speaker, I think it is entirely politically appropriate though that I do deal with the hon. Gentleman’s last point, because I think the public will realise, Mr Speaker, that the biggest monumental error of judgement made in the modern history of Gibraltar was actually to leave the GSLP as it was in the ascendancy and to join the GSD. In any event, Mr Speaker, history will judge this Government for everything it has done, not just but including the reef, much more fairly than the Opposition would like us to be judged for their own narrow political purposes. And when we do, Mr Speaker, the advances made in respect of those waters off the isthmus may not look like such a monumental error of judgement.

1455 **Hon. D A Feetham:** And I will enjoy bringing a final curtain to your Government in two years’ time. (*Interjections*)

1460 **Mr Speaker:** Is there any supplementary on this particular question? If not, we will proceed to the next one. No. I see that the matter has been satisfactorily dealt with therefore. (*Laughter*)

Hon. Chief Minister: Well Mr Speaker, the hon. Gentleman has made a point and I think it is right that I should be able to answer it, because... if only with this observation, Mr Speaker.

1465 I think what you have done this morning, Mr Speaker, is to rightly draw out the Leader of the Opposition so that we have now been able to see, and so has all this community, that all of these issues

that he wants to debate, he is not interested, Mr Speaker, in any details as to the biological and environmental reasons for the creation of the reef. He just wants to use this opportunity, Mr Speaker, to hurt the Government politically so that he can bring a final curtain on our Government in two years' time.

1470 Mr Speaker, for the purposes of the record, let me just remind him that the person who will decide when to bring the final curtain down on the lifetime of this Parliament will be me when I go and see the Governor to ask him to convene a General Election. We do not know yet, Mr Speaker, who will lead the parties into that General Election, what the parties will be, which party he will be in at the time, Mr Speaker (*Laughter*) and the general public will decide who it is that governs Gibraltar afterwards. He should not assume that he is going to win any elections in the future.

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Mr Speaker: And I am bringing now a final curtain on this question and we go on to the next one. (*Banging on desks and applause*)

1480

CHIEF MINISTER

Costs to taxpayer

Members' expenditure; protocol, travel and entertainment

1485

Clerk: Question 836, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Chief Minister state the breakdown of expenditure so far since the commencement of this financial year in relation to (1) protocol; (2) travel; and (3) entertainment by all Members of the Government, broken down by each separate category and stating the purpose, place and date in which such event took place?

Clerk: Answer, the Hon. Chief Minister.

1495

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 837 and 838.

Clerk: Question 837, the Hon. D A Feetham.

1500

Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown of all costs to the taxpayer of the recent visit to the Fourth Committee of the United Nations, identifying everyone who was paid for by the taxpayer, together with items of expenditure associated with that individual?

Clerk: Question 838, the Hon. D A Feetham.

1505

Hon. D A Feetham: Can the Chief Minister please provide details of the cost of the Mega Pop Concert, the Jazz Festival, the Literary Festival and the Gibraltar Day in London?

Clerk: Answer, the Hon. the Chief Minister.

1510

Chief Minister (Hon. F R Picardo): Mr Speaker, ministerial travel costs are put on the Government website, as invoices are received and paid, including those of the Deputy Chief Minister, Minister Licudi and my own, in respect of our travel to the United Nations this year. Should any further Ministerial costs be received, they will be reflected on the website.

1515

Details of protocol and entertainment have never been provided before the financial year end, by any administration, as that amounts to, in effect, providing a management account of ongoing expenditure.

In respect of Questions 837 and 838, however, I now hand over a schedule with the information requested, except in respect of protocol.

Answer to Question 837

Breakdown of costs to date to the taxpayer of the recent visit to the Fourth Committee of the United Nations

GM DELEGATION	Air Fares	Accommodation	Meals, Transport and Other Expenses
Mr E Gomez	£5,472.00	£2,190.00	£1,628.50
Mr Javier Redondo	£5,583.00	£2,190.00	£1,679.30
Mr Jaime Trinidad	£5,072.00	£1,333.00	£412.35

PRESS PARTY	Air Fares	Accommodation	Meals, Transport and Other Expenses
Mr Stuart Green	£1,478.00	£798.00	£0.00
Mr James Murphy	£1,738.00	£798.00	£0.00
Ms Christine Vazquez	£1,696.00	£798.00	£0.00
Mr J.C. Teunis	£1,324.00	£1,650.00	£0.00

1520

STUDENTS	Air Fares	Accommodation	Meals, Transport and Other Expenses
Dr J J Brito	£1,425.92	£1,898.86	£788.79
Mr Thomas Blegden	£1,425.92	£870.86	£483.30
Ms Cristina Gonzalez	£1,425.92	£870.86	£483.30
Mr Roger Rodriguez Gabriel	£1,425.92	£870.86	£483.30
Ms Aysna Panfer	£1,425.92	£870.86	£483.30
Mr Thomas Ramagge	£1,425.92	£870.86	£513.01
Mr Ryan Robba	£1,425.92	£870.86	£483.30

Answer to Question 838

Gibraltar Day 2013

Guildhall Event	Church Service	Trinity House Breakfast	City Gaming Breakfast	VIP Lunch - The Gherkin
£88,354.97	£2,145.32	£7,474.47	£3,772.00	£1,962.38

Mega Pop Concert	Jazz Festival	Literary Festival
£566,860.17	£91,988.16	£152,921.00*

* Some further revenue may yet have to be off-set against this figure

Mr Speaker: My attention has been drawn to the fact that the Chief Minister... has he missed out the last line of the question?

1525

Hon. Chief Minister: Oh, yes, you are absolutely right, Mr Speaker. I am very grateful.

In relation to Question 837 and Question 838, there is another sentence I should have read out. Her Majesty's Government delegation on this occasion, the occasion of our visit to the United Nations, also included the Director of Education and six students.

1530

Hon. D A Feetham: Mr Speaker, I have the schedule here in front of me and it does not include – and can I take it from the non-inclusion – anybody from the Self Determination Group, it does not include Mr Matthews, unless I have made a mistake. Does that mean that Mr Matthews paid for his own travel and expenses to the United Nations and that is why it does not appear in this particular schedule?

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Hon. Chief Minister: Well, he should ask Mr Matthews that, Mr Speaker. The only thing I can say is that the Government did not pay for it.

Hon. D A Feetham: Yes, and for the avoidance of doubt, can he confirm that it was not paid for through any Government-owned company, either directly or indirectly?

1540 **Hon. Chief Minister:** Mr Speaker, as far as I know we have not paid for the SDGG to come with us to the United Nations through the Government, the Savings Bank, Credit Finance Company, all the ones that they say are secret, Mr Speaker, but they know everything about it and so does everyone else in our community.

1545

**Former Speaker of the House
Investigation into leak of personal tax affairs**

1550 **Clerk:** Question 839 the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state whether the investigation into the leak of personal tax affairs of the former Speaker of this House has now concluded?

1555 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, this investigation has now concluded and no evidence as to the source of the leak has been established by the Chief Secretary. A report of the investigation is presently being prepared.

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Hon. D A Feetham: Well, Mr Speaker, in relation to the report that he says is being prepared, is that a report that is a report to Government that will not be made public, or does he intend to make it public? Would he lay it before this House? What are his intentions in terms of the report into this particular issue, which is a serious issue, not only generally, but also for Members of this House? At the end of the day, this was a Speaker of the House and his personal tax affairs were leaked to members of the press.

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Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman understates the seriousness of what happened here and that to have the tax affairs of any individual leaked to the press is, to say the least, criminal. To have them leaked of a Member of this House is criminal and raises political issues too; and therefore I will not commit myself to publish the report for exactly the reasons that I said to him in answer to Question 497 this year, which I am sure he will recall, namely that it may be that that report leads to my making – my or whatever the appropriate mechanism is – to a criminal report being made for further criminal investigation.

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Hon. D A Feetham: I understand that if the report focuses on evidence that may form the basis of a criminal investigation, that it may not be appropriate to disclose the report – I understand that. But as I understood the answer, really the Government or the Chief Secretary has not been able to get to the bottom of how or where and when, the ins and outs of the leaking of this particular information.

1575

If there is nothing there in this report that can form the basis of a criminal prosecution, because at the end of the day it really is inconclusive, is there any reason why the Government will not disclose the report so that at least Members of the Opposition can look at it and also can look at the thoroughness of the investigation and the way that the investigation has been conducted? We are perfectly entitled to do so, you know.

1580

Hon. Chief Minister: Mr Speaker, the hon. Gentleman can do what he likes. He can look at whatever he likes, but what he is not going to become is the policeman of the Chief Secretary. Is he saying, Mr Speaker, that he has some doubt as to the thoroughness of the investigation undertaken by the Chief Secretary?

1585

I must say, Mr Speaker, that I watched in awe – watched, because now we are able to, after the reforms that this Government has made – the allegations being made in respect of employment issues, when the Hon. the Minister for Health was answering questions, and all of those implications which you were good enough to point out about the Public Services Commission and its working. Are we now to have suggestions in this House, that in respect of something as important and as sensitive and as, frankly, unacceptable as a leak of a taxpayer's information, the hon. Gentleman thinks that it is up to him to determine whether or not the Government or the Chief Secretary have been thorough in an investigation?

1590

Well, look, Mr Speaker, that is never going to be a reason for us to publish a report. What I am saying to him, in trying to agree... in fact, in going further than his own view as to the seriousness of this leak, Mr Speaker, is that the report *may* take matters further, and it may take them outside the ambit of simply a

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1600 Civil Service investigation into what has happened. But certainly, Mr Speaker, if the report is published, it will not be in order to enable the hon. Gentleman to make himself the policeman of the policeman.

Hon. D A Feetham: Mr Speaker, he really is very long winded in his answers today, and he really is waffling and waffling and waffling... more so today than on other occasions.

1605 Look, it is not up to me. It is not up to me, but I am perfectly entitled to examine that report and make my own mind up as to the quality of the investigation. That is part of the role of the Opposition. Or is he really suggesting that the Opposition is not entitled to look at this report and make up its own mind as to the thoroughness of an investigation into a very serious issue?

1610 Of course there are criminal implications, but it is also a matter of extreme importance to Members of this House that in relation to a Member of this House that there has been a leak of personal tax affairs that ultimately led to the Speaker's resignation last year. Mr Speaker, does he not recognise that the Opposition is entitled to that information?

1615 **Hon. Chief Minister:** Mr Speaker, the previous Speaker of this House, who gave eight years of service to this community and to this Parliament, explained why he resigned – in fact, not why he resigned, why he retired. He never suggested it was anything to do with the malicious leaking of information dealing with his tax affairs. The Hon. the Leader of the Opposition has just said the opposite.

1620 Look, Mr Speaker, there has only been one Speaker who has resigned as a result of something related to the work he has done in this House and that was Mr Alcantara, who had to face a motion of no confidence in the Speaker where the Government voted against him because he had ruled in a way that the Government did not like. The Government that he supported. The Government that he then became a Member of, when he made the monumental error of judgment of leaving the GSLP in its ascendancy and going to the GSD in its descendency.

1625 But, Mr Speaker, how can he say that he is entitled to a Government report? Well, Mr Speaker, if he has any legitimate expectation that he might see the report, which he does not, it might be because we publish reports. Or, Mr Speaker, is it that I had an entitlement – to use his words – to see the Customs Report prepared by the previous administration, which they refused to publish, or to see the Alan King report into the future of GBC, which they had prepared at a *huge* cost to the taxpayer and refused to publish? Well, Mr Speaker, where was the entitlement then when he used to sit here and snigger, as a Government Minister, when those reports were not published.

1630 This report is into a very sensitive matter, and I am telling the House it may lead to more, and all I am saying is I cannot commit myself to publish the report as a result of that. But, Mr Speaker, he says that we are waffling. Look, Mr Speaker, I think anybody who has been watching today will know that they are the ones gobbling like turkeys voting for Christmas, and we are the ones talking turkey.

1635 **Hon. D A Feetham:** He really has a propensity – he does it better than anybody else – to grandstand, the showmanship, the Hollywood; that is his thing. I have to say that that is his thing and I congratulate him for it.

1640 But, Mr Speaker, does he not recognise that he got elected on a ticket of doing things differently, even if it were right what he says. He was elected on doing things differently and he complained on many occasions that we had not published the King Report. Does he not recognise therefore that he ought to take a leaf out of his own political discourse and do things the way that he used to preach that he was going to do things, before he became Chief Minister of Gibraltar?

1645 **Hon. Chief Minister:** Mr Speaker, look I think the hon. Gentleman has not wanted to hear what I say. He accuses me of grandstanding, but he is asking questions, despite my answer being the report may be published unless there are reasons why it should not, because it may lead to a prosecution.

1650 Now Mr Speaker, of course we are doing things differently. There was a new dawn, thank goodness, on 9th December 2011. Things have changed, this Parliament is unrecognisable. People can watch us at home, and so much more has happened, Mr Speaker. But everybody knows that there has been real change in our community.

1655 But what I cannot do, Mr Speaker, is when we are dealing with a report that *may* lead to a prosecution, or an investigation or may be tangentially related to a prosecution or an investigation, commit myself today – and that is what we are arguing about – to publish the report. Mr Speaker, it maybe that those things do not come to pass and the report can be published, because my inclination, as hon. Members know, and they take me at my best in this respect, is always to publish unless there is a good reason not to.

But that does not mean, Mr Speaker, because there has been a new dawn, because at last there is transparency, because we are a more open Government, that the hon. Members can have a webcam set up in each of our offices to hear what we talk about when we are going to decide whether or not to lay a reef,

1660 to look at what it is that we are doing in respect of reports, and to have access to any information that may be of an important prosecutorial nature.

But, Mr Speaker, let that not stop him from sitting down, almost as if he were Scrooge, to say, 'Bah, humbug' to everything.

1665 **Hon. D A Feetham:** Mr Speaker, nobody is asking for disclosure of this report, if at the end of the day it is going to lead to a criminal prosecution or a criminal investigation. I have not suggested that. On the contrary, I have said if it does not do that, there is no reason why you ought not to disclose it, and certainly, not disclose it to the Opposition.

1670 Now, my final supplementary, will he at least, if there is no criminal investigation or criminal prosecution – criminal investigation, really... does he undertake to at the very least allow me sight, as Leader of the Opposition, of this report, bearing in mind that it does go to the privileges to disclosure of personal tax information of a Member of this House, and it relates to this House? And as Leader of the Opposition, will he at least undertake to let me see a copy of that report, even if on a confidential basis?

1675 **Hon. Chief Minister:** Mr Speaker, I said at the beginning of my answer to supplementaries that my answer remained as in respect of Question 497, which was in June of this year. The hon. Member's supplementary is identical to the one he asked me in supplementaries then.

1680 So I will just remit myself to saying this, Mr Speaker – it is at line 270 of the excellent *Hansard* that is now produced so much more quickly for these monthly meetings that we now have, instead of the one or two that they used to have when they were in Government, and called themselves democratic. And I said this, Mr Speaker:

1685 'Mr Speaker, I cannot commit myself to that, [the undertaking which he asked for] for a reason that I hope he will understand. It could be that this leads to criminal proceedings and therefore that the matter might be overtaken by the issues becoming the subject of a complaint or a charge. Therefore, Mr Speaker, I do not think it is appropriate for me to give the House an undertaking that this will result in a statement by me in this House, or the tabling of an investigation report, because it could become much more serious than that, and I hope he understands that reasoning.'

1690 Mr Speaker, I have said throughout the course of questions and answers this morning, the very same thing. If it leads to an investigation or at a criminal level, I cannot publish it; therefore Mr Speaker, the opposite must also be true. If it does not lead to an investigation for criminal proceedings, then I will be free to publish it.

1695 **Mr Speaker:** Next question.

Hon. D A Feetham: Mr Speaker, does that mean, because he has not given me a straight answer to this question. Does it mean that if it does not lead to a criminal investigation that the Hon. the Chief Minister will make that report public – (1); and (2), that at the very least, he will allow me to see it, even on a confidential basis?

1700 I am not asking about criminal investigations. This has never for me been about a report which leads to a criminal investigation. If it leads to a criminal investigation, I understand. If it does not – that is the question.

1705 **Hon. Chief Minister:** I have already answered those questions, Mr Speaker.

**Self Determination Gibraltar Group
Chairman's speech to UN**

1710 **Clerk:** Question 840, the Hon. D A Feetham.

1715 **Hon. D A Feetham:** Mr Speaker, did the Chief Minister read the speech of the Self Determination Gibraltar Group Chairman, Dennis Matthews, before it was delivered to the United Nations?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): No, sir.

1720 **Hon. D A Feetham:** Mr Speaker, did he agree with the sentiments expressed by Mr Matthews at the United Nations, comparing the actions of Spain to Gibraltar to that of terrorists?

Hon. Chief Minister: No, sir.

1725

**Establishment of Anti-Corruption Authority
Continuing plans**

1730 **Clerk:** Question 841, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state whether the Government has abandoned its plans to set up an Anti-Corruption Authority?

1735 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, we have not abandoned our plans in this respect, and expect to make an announcement in due course.

1740 **Hon. D A Feetham:** Mr Speaker, is this something that the Government intends to do during the course of 2014, just to put a tighter timetable on the answer the hon. Gentleman has given me?

1745 **Hon. Chief Minister:** Mr Speaker, the Government does not accept tighter timetables from the Opposition. Our manifesto is to be performed in the lifetime of this Parliament. Some things may be now performed in 2014, some in 2015 and in fact, Mr Speaker, if he understands the Rules of Procedure, we may be able even to go into 2016.

1750 **Hon. D A Feetham:** Yes, indeed. Will this involve the introduction of legislation in order to create this particular authority? And how does the Hon. the Chief Minister envisage that this will plug in to existing legislation, or will it require wholesale legislation, hermetically sealed from existing legislation, in particular for example, the Crimes Act and the Criminal Procedure and Evidence Act?

1755 **Hon. Chief Minister:** I do not recognise that as an analogy that you can use in relation to legislation, Mr Speaker.
It is very likely that this will require new legislation. I am not going to debate with him at this stage how it is going to be done. He will see when an announcement is made how we expect it to interface with existing legislation.

1760

**Credit Finance Company Limited; Consolidated Fund
Commutated pensions of civil servants**

1765 **Clerk:** Question 842, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state, what is the total amount paid by Credit Finance Company Limited in commuted pensions of civil servants?

1770 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 843.

Clerk: Question 843.

1775 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state how many civil servants have had their commuted pensions paid (a) by Credit Finance Company Limited and (b) from the Consolidated Fund since Credit Finance Company Limited was incorporated?

1780 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as at 31st October 2013, the total amount paid by Credit Finance Company Limited in commuted pensions of civil servants is £18,123,986.28. Figures as at 30th November have not yet been finalised by the Treasury. Therefore answers reflect tentative figures as at 31st October 2013.

1785 One hundred and twenty-four civil servants have had their commuted pensions paid by Credit Finance Company Limited.

1790 Sixty-one civil servants have had their commuted pensions paid from the Consolidated Fund, once the incorporation of Credit Finance Company Limited as follows: nine gratuity payments on retirement; 39 revised gratuity payments to civil servants who retired and had their gratuities paid prior to the incorporation of the company; and seven gratuity payments on death; and six gratuity payments on resignation.

1795 **Hon. D A Feetham:** Mr Speaker, just by way of clarification. Did he say £18 million – one eight – or did he say £80 million? It is just that we did not quite hear it.

Hon. Chief Minister: One eight, one two three, nine eight six, dot twenty-eight.

1800 **Hotels**
Financial assistance or loans

Clerk: Question 844, the Hon. D J Bossino.

1805 **Hon. D J Bossino:** When originally drafted, it was directed at the Minister for Tourism. I assume it is the Chief Minister who is going to be answering, so I will phrase it in those terms.

1810 Can the Chief Minister advise whether any hotels, other than the Sunborn but including the Marriott, are the beneficiaries of any loans from Credit Finance Company Limited, or are in any other way receiving financial assistance from the Government or the Gibraltar Savings Bank?

Clerk: Answer, the Hon. the Chief Minister.

1815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am informed that no hotels, other than the Sunborn, are beneficiaries of any loans from Credit Finance Company Limited, or in any other way receiving financial assistance from the Government or the Gibraltar Savings Bank.

1820 Mr Speaker, he will know that that question is answered in the spirit of what he has asked, and not in respect of, for example, whether they have arrears of water or electricity. I do not know what that updated position is, but it dawned on me when answering that if they were being particularly pedantic, they might suggest well if a hotel has not paid two months of water or electricity, is that financial assistance from the Government? He knows... what... I am answering, I think, the question he is asking me by giving this answer. It is in relation to loans, as I understand it.

1825 **Hon. D J Bossino:** Indeed, Mr Speaker, the question is in relation to whether any actual payment has been made, exactly. So he has understood the purport of the question.

Yes, I am grateful for that. There is a point of clarification which my Hon. and Learned Friend, Mr Figueras suggested I ask, and he is absolutely right. The Marriott is not yet a hotel in Gibraltar. Is there any intention on the part of the Government, Credit Finance Limited and all the rest of it, to provide any financial assistance to the owners of the Marriott which is intending to set up shop in Gibraltar?

1830 **Hon. Chief Minister:** Mr Speaker, the owners of the Marriott have not been in touch with the Government in this respect, but the Government would be open to considering any similar requests from hotel operators in Gibraltar.

1835 I think there was a scheme in the late 1990s called the Hotel Assistance Scheme which dealt with similar issues and the Government would be prepared to consider any requests for the Government to assist in any particular way.

1840 Of course, in relation to Credit Finance, it is different. They have got to go through certain procedures as to how they would persuade the people who are responsible for lending in that respect to decide whether there could be a lending. It is a different process. But if the Government were to be engaged, the Government might be very willing to consider some incentives for any of the new proposed hotel developments.

1845 **Hon. D A Feetham:** Yes, and can he confirm there has been no request from the owners of the Marriott for any kind of financial assistance similar to the ones provided to the owners of the Sunborn by Credit Finance?

Hon. Chief Minister: Mr Speaker, I do not know what the updated position is in that respect. As far as I know, the owners of the Marriott have not been in touch with the Government at all – with the Government.

1850 Have the developers been in touch with the Government about similar issues? I think there may have been a request, Mr Speaker, I do not know where that lies, I do not know what amounts we are talking about, and I do not know whether it will progress or not. I know that they have other sources of funding; I assume he is asking me because he knows, as he represents some of them.

1855 **Hon. D A Feetham:** Mr Speaker, earlier on, the Hon. Speaker said that the Opposition ought to make itself responsible for the accuracy of the questions. I think that the Hon. the Chief Minister ought to make himself responsible for the accuracy of any point that he makes.

1860 I represent nobody in relation to this particular project. He knows that I am a litigator. I am not a commercial lawyer, and therefore he could not possibly make a statement that I represent these individuals, because there is no evidence to suggest that that is so.

1865 **Hon. Chief Minister:** Well, Mr Speaker, I will tell you why he is completely wrong. His firm represents a number of them, and as the present backbencher Chief Minister used to say, if your firm is involved, then I impute knowledge to you and of course, Mr Speaker, he is right. Under the solicitors' rules, if your firm is handling something, then as a partner of that firm – and he likes to describe himself as a senior partner of Hassans – he must be imputed with that knowledge.

1870 **Hon. D A Feetham:** I do not know where he gets that, I describe myself as a senior partner or whatever. I am not going to go into this. But, Mr Speaker, I have absolutely no knowledge of this or anything else relating to this particular project.

And look, the Hon. the Chief Minister, every single time I ask a question either about this or about something else, he seems to hide behind or attempt to make political points at my expense, that I am a partner of Hassans.

1875 Well, he used to be a partner of Hassans, I do not know whether he continues to be a partner of Hassans, but I do not think that it is legitimate for the Hon. the Chief Minister to make assertions as if I am the guy that is representing these people and I have knowledge in relation to this particular project. I do not think it is a fair point for him to make.

1880 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has never made a point politically in his life that I have had to hide away from, let alone any that he has made in this House.

Look, Mr Speaker, I will take his point. I think he is entirely wrong and I will simply rely on the statements made by his erstwhile leader, Sir Peter Caruana, who is not here now, when I was in his position and I was a partner of Hassans, and was imputed with all sorts of knowledge of that firm, when I was the Leader of the Opposition and a Member of the Opposition. He can look at the *Hansards* if he likes.

1885 And as to when he used to describe himself as a senior partner of Hassans, if he likes later, I will show him copies of the press releases.

1890 **Hon. D A Feetham:** But is he suggesting – because it is an important point – is he suggesting that because I am a partner of Hassans, that every single time that I ask a question about financial assistance that may have been provided to parties involved in some commercial transaction that I know absolutely nothing about, that simply because I am a partner of Hassans, that I am not entitled to ask that question and he will refuse to provide me with the answer; simply provide me with the retort of, 'Well, you should know because you are a partner of Hassans'?

1895 Because if that is the position, then I am afraid that the depths to which this Government is plummeting and has plummeted in terms of transparency and accountability is really getting to new depths and new ways in this House.

1900 **Hon. Chief Minister:** Mr Speaker, I do fear that the hon. Gentleman has taken leave of his senses. He used to sit here, when the Hon. the then Chief Minister used to make these statements. I have actually provided an answer to the questions, so he must actually – I will take it from his answer or from his question – be applauding the fact that we are answering these questions, when the previous administration would simply say – as Sir Peter used to say to me – 'You go and ask your partners: you should know, you are a partner of Hassans'.

1905 Well look, Mr Speaker, I am grateful that he acknowledges that that is a 'depth to which one plummets', and I will take it that he therefore considers that Sir Peter plunged to depths, and that he welcomes the fact that we have answered the question, despite the fact that he is a partner of Hassans. How senior though, is a matter of opinion, depending on who drafts the press release.

1910 **Hon. D J Bossino:** Well, Mr Speaker, Hassans seems to be getting a lot of free advertising. I am a partner of Triay Stagnetto Neish (*Laughter and banging on desks*) [*inaudible*] and also with shadow ministerial responsibility for Tourism. (*Laughter*)

Now, Mr Speaker, the Hon. the Chief Minister knows that I asked him about whether the owners of the intended hotel, the Marriott, has received any financial assistance from the Government, and the question in fact is phrased in terms of the Government, Credit Finance, as he knows.

1915 Now he then says that it could be that the developers may have sought financial assistance. Can he expand upon that at all? Is he able to? Because I would be very interested to learn if he can provide any further information to this House in relation to that. I asked specifically in relation to the owners, but I now ask in relation to the developers or any other party connected with the Marriott project.

1920 **Hon. Chief Minister:** Mr Speaker, I cannot give him more information at this stage, but I just think there might be something, so if he wants to ask the question next time round with that different permutation, I will be able to bring any information which is available.

1925 And of course, I do recognise that he is a partner of TSN and that we have partners here or ex-partners of ISOLAS as well. It would be unfair not to mention. All the law firms in Gibraltar do an excellent job. (*Laughter and interjection*)

Hon. D J Bossino: Yes, Mr Speaker, I will take him up on that offer and I will be asking a question at the next sitting, or maybe even write to him.

1930

**Gold and silver bullion
Buying and selling**

1935 **Clerk:** Question 845, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state whether the Government, the Gibraltar Savings Bank or Credit Finance Company Limited are involved or propose to be involved, directly or indirectly, in the business of buying and selling gold or silver bullion?

1940 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir.

1945

**Foreign investors
Update on Government's position**

1950 **Clerk:** Question 846, the Hon. D A Feetham.

1955 **Hon. D A Feetham:** Mr Speaker, bearing in mind that we are now two years into the New Dawn Government, will be Chief Minister please state whether he is now in a position to identify those foreign investors which he said in an interview with Gerard Teuma in May of 2011 that he had up his sleeve if his party was elected into office?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes sir. (**Hon. D A Feetham:** Ah!)

1960 The first of these – only the first, Mr Speaker – will be announced shortly, early next year, towards the end of January, when a new economic activity will be made public, which is anticipated to give rise potentially to be a market that could bring major benefit to Gibraltar.

1965 The announcement involves the creation of an entity which will be a joint venture with a client of his firm who was previously someone I had the pleasure of representing personally. Others may soon also materialise. Announcements will be made in due course, as and when they crystallise.

He did, Mr Speaker, I hesitate to remind him, undertake to congratulate me when I made the announcement.

Hon. D A Feetham: Well, Mr Speaker, (*Laughing*) he has not made an announcement; it is an intention!

1970 But let me say that any investment that the Government brings to Gibraltar, if it is worthwhile and for the benefit of the community, I will be the first one to congratulate the Government. (*Interjection*)

But I have to say that on this particular occasion, I am rather sceptical that these particular investors are the same ones that he said he had up his sleeve in May of 2011, and perhaps the Chief Minister will forgive me for taking the rather sceptical view that he had nothing up his sleeve in May of 2011.

1975 Why has it take so long, assuming that he did have it up his sleeve in May of 2011, why has it taken so long for the Chief Minister to now come to this House and to say, 'Well, we might be making an announcement shortly', or 'we will be making an announcement shortly'? Why has it taken so long?

1980 **Hon. Chief Minister:** Mr Speaker, he can be as cynical and as sceptical as he likes, but when he sees what it is that happens, he will understand that these are exactly the people I was talking about. It is not that it has taken so long, Mr Speaker. January 2014 will be barely 24 full months since the election of the New Dawn Government that was elected, Mr Speaker, because of course the Government before had gone to the end of its term, just before Christmas. And therefore, there was very little that could be done in the first month.

1985 So 24 full months after that, we are already producing not just the inward investment that we have shown already, Mr Speaker, but new inward investment that is related to these particular individuals. He will know, Mr Speaker, that Government works in ways which require things to be checked and tested, etc, and that therefore it is simply not possible, at least these days. In 1988, I am told by the Hon. Mr Bossano, things could happen a little bit more quickly, because there were no European tendering procedures that had to be gone through etc. There are new European rules that hinder things, so it has taken some time for these things to actually be matured to the stage of launch.

1990 But as he will see, Mr Speaker, when he realises who it is that is doing this work, and some of the others who are likely to be announced to be doing this work with us in the future, that they are the people I was in touch with at the time I was a partner of Hassans and therefore *even his* cynicism will, I am sure, be brushed away.

1995 **Hon. D A Feetham:** Yes, Mr Speaker, and even he, I would have thought, would be able to attract some inward investment in four years of being Chief Minister. It is already two years into his so-called New Dawn Government and over two years since May 2011.

2000 But can he give some more information as to, for example, the nationality of these investors, or the sectors in which this new investment is going to be relating to. I mean can he do that, so that we get a flavour of what it is that the Government is proposing.

If he cannot, because of some commercial sensitivity, then I am not going to press him, but can he provide some further information?

2005 **Hon. Chief Minister:** Mr Speaker, I would have thought that even he would be more generous than to describe me as he has in the first part of his sentence, at least on 23rd December, but never mind.

2010 Mr Speaker, I will not announce what the thing that will happen in January will be, beyond what I have said, because that will be commercially sensitive and we want that to have an impact internationally and he will see that when it happens, but he can then ask me about it in February, because we hold monthly meetings of the Parliament, as I hesitate in reminding him.

But I will tell him that the *other* area, the other area involving *other* clients, is real estate.

2015

Tobacco smuggling from Western and Eastern beaches Government measures

2020 **Clerk:** Question 847, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state what steps his Government is taking to stop the smuggling of tobacco from Western and Eastern beaches?

2025 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as has already been announced publicly, the Government is working on a number of measures that have been implemented or are actively being pursued to curtail smuggling from these areas as follows:

2030 First, the repair works along the frontier fence are ongoing and a mechanism is in place between Her Majesty's Customs and the Technical Services Department to expedite the repair of any future breaches. This part of the frontier fence had been in a state of complete disrepair when we were elected.

Works are ongoing to finalise the setting up of CCTV installations along the frontier perimeter.

2035 As at June 2012, Government introduced Special Zones under the Tobacco Act. These included Eastern Beach, the frontier fence from Eastern Beach shoreline up to and including the loop area and Western Beach. Over the last month, these areas have been extended to include the main roundabout from the frontier, across the runway and up to the sundial roundabout. Persons within Special Zones are subject to restrictions in relation to cigarettes and are not allowed to be in possession of 600 cigarettes in a red zone, or 2,000 cigarettes in a blue zone. It is also an offence to request or procure any person to export or assist with the exportation of cigarettes by land. Law enforcement officers may direct persons to leave a Special Zone, if it is believed that...

2040 Are they interested, Mr Speaker, in what I am saying? I am quite happy to wait.

2045 **Hon. D A Feetham:** Mr Speaker, I know that he likes me to look at him, but I do not have to look at him to listen to him. I am listening.

Hon. Chief Minister: Mr Speaker, nothing could give me greater pleasure than if from now on he looks away whilst I read.

2050 **Mr Speaker:** I think that the two hon. Members, the Chief Minister and the Leader of the Opposition are... Let me put it mildly, they are getting a bit carried away this morning. Perhaps they might come down to earth.

Hon. Chief Minister: Thank you very much, Mr Speaker, your advice is always sound.

2055 Mr Speaker, I will carry on reading.

Law enforcement officers may direct persons to leave a Special Zone if it is believed that their presence is primarily related to the exportation of cigarettes by land.

2060 A specific tobacco operation, called Operation Venetian, was set up by HM Customs, together with the Royal Gibraltar Police and the Gibraltar Defence Police, that has been widely reported in the press. The aim is to create a high visibility presence at the hot spot entry/exit points, in order to deter and disrupt elicit contraband activity.

As part of planned infrastructural works in the frontier area, a number of control measures will be introduced. These will deter persons from accessing the frontier fence from the Commercial Gate up to the eastern coastline.

2065 The Government has already announced that retail outlets selling tobacco at two residential estates near to the land frontier and beaches will have their tobacco licence conditions amended, in that they will only be allowed to sell cigarettes by way of vending machines.

2070 In respect of the area of Western Beach, an unclimbable fence has been constructed and handed over to the MOD as part of the ongoing Houston project. How appropriate, Mr Speaker, that it should be called that, now that we have both come down to earth! The fence runs parallel three metres behind the current frontier fence from Western Beach to the customs pedestrian entrance to Gibraltar.

2075 **Gibraltar, UK and Spain *ad hoc* talks
Update**

Clerk: Question 848, the Hon. D A Feetham.

2080 **Hon. D A Feetham:** Can the Chief Minister please provide the House with an update on the likelihood of *ad hoc* talks taking place between Gibraltar, the United Kingdom and the Kingdom of Spain?

Clerk: Answer, the Hon. the Chief Minister.

2085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, all information in this respect is already in the public domain.

2090 **Gibraltar sovereignty, jurisdiction and control of waters
Chief Minister's firm stance**

Clerk: Question 849, the Hon. D A Feetham.

2095 **Hon. D A Feetham:** Mr Speaker, does the Chief Minister accept that he can stand firm on issues that are vital and fundamental to the sovereignty, jurisdiction and control of our waters, air space and land, without comparing Spain to North Korea or accusing it of state-sponsored vandalism towards the citizens of Gibraltar at the United Nations?

2100 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I can certainly stand firm against Spain on issues that are vital and fundamental to sovereignty, jurisdiction and control of our waters. The vocabulary I use in doing so is not a matter I am prepared to take advice on from the Hon. the Leader of the Opposition.

2105 **Hon. D A Feetham:** Mr Speaker, but does he regret using the intemperate language that he used and the comparisons that he has, bearing in mind that it really has added a new dimension, in my view – he can disagree of course, but a new dimension in my view – in relation to relations between Spain and Gibraltar, which is that it is becoming personalised with the Chief Minister of Gibraltar?

2110 **Hon. Chief Minister:** Well, Mr Speaker, I must say the hon. Gentleman's question says that I accused Spain of state-sponsored vandalism towards citizens in Gibraltar at the United Nations. I do not think I ever used the words 'state-sponsored vandalism'. I do not know why it is that he wants to use that vocabulary. Perhaps he wants to pour oil on the flames.

2115 Mr Speaker, I do not recognise the description that the Hon. the Leader of the Opposition has used of what I have said. I do not think I have used intemperate language. The comparisons I have made I think were absolutely appropriate when I made them, and I of course stand by them, but I do recognise that his position is exactly the same as that of Mr Landaluce.

2120 **Hon. D A Feetham:** Well, Mr Speaker, just taking him up on the final part of that answer, does he not accept that in order to defend Gibraltar's vital interests, one does not need to get personal, one does not need to use ill-judged statements that will cause offence, not only to a political party...? And I do not care one hoot whether the *PP Government* is offended or is not offended. My concern here is that the Chief Minister of Gibraltar, in defending Gibraltar as he is entitled to do and one would expect – I mean there is no difference between he and I in relation to defence of Gibraltar's vital interests –

2125 **Hon. Chief Minister:** Oh yes, there is.

Hon. D A Feetham: No, there is not. No, there is not.

2130 **Hon. Chief Minister:** Yes there is!

Hon. D A Feetham: No, there is not.

2135 **Mr Speaker:** Order!

2140 **Hon. D A Feetham:** But what he does is, by using this type of ill-advised, ill-judged language, what he does is he risks not only alienating the *PP Government*, but also alienating political classes in Spain, the media in Spain and also Spanish citizenry. And at the end of the day, what we ought to be doing is standing firm, but also explaining Gibraltar's position in a cool, calm, intelligent way so that the adverse propaganda that emanates from the *PP Government* is rebutted in an intelligent, calm way, using reason, rather than just simply gratuitous, effectively, insults, which is what it is when one compares Spain to North Korea.

2145 **Hon. Chief Minister:** Mr Speaker, I take it that he did not like that analogy. (*Interjections*) But I was interviewed last week, Mr Speaker, by *PRWeek* in London, who wanted to interview me because of my use of language and how it had changed the way that Gibraltar's message went around the world, and how in fact, Gibraltar's message went around the world that week, in showing up the attitude of the Spanish Government and he might want to reflect on what he has said, because I do not think that anything that I have said was ill-judged. Neither Mr Speaker, has anybody ever come to this House to tell a Chief Minister that their language was ill-judged when he has been critical of Spain.

2150 Mr Speaker, the hon. the now backbencher, the Hon. Sir Peter Caruana, in 1998 or 1999, he will recall from my speech on the arrival of His Excellency, the Governor, where I actually took the House through some of the things that had happened in the past. The Hon. Sir Peter Caruana said, that something said by Señor Matutes at the time – and he can look at *Hansard* and see what it is that I was referring to – were mendacious lies. (**Hon. D A Feetham:** Yes.)

2155

In other words, the Right hon. the previous Chief Minister of Gibraltar called the Foreign Minister of Spain a mendacious liar.

2160 **Hon. D A Feetham:** He was calling a spade a spade.

Hon. Chief Minister: Apparently Mr Speaker, that is calling a spade a spade. Right, I think if the hon. Member looks back at everything I have said, he will not find me actually insulting directly the Foreign Minister of Spain. Whatever it is that I and every other Gibraltarian may think about his policies, he will not have seen me saying that the man has uttered mendacious lies.

2165 Now, if he looks at what I said, and it is quite remarkable that the Chief Minister is called upon by the Leader of the Opposition to justify his statements in relation to this matter, when I talked about North Korea, what I said was, that Spain was exaggerating in its reaction like North Korea exaggerates in its reactions (**A Member:** Ah!) and he will recall, Mr Speaker, that I was asked why I used that terminology and the exact reasoning was because in August, I think it was August 4th, Señor Margallo had given an interview to *ABC*, where he detailed all the things that were going to be done by Spain, as a result of Gibraltar having *inter alia* torn up the fishing agreement and created the artificial reef, etc, etc.

2170 And what I said at the time – and it was widely reported, I am surprised he now pretends he did not read it – was that this was an over-reaction *à la* North Korea. When there is a small commercial difference between them and South Korea, about how businesses operate in the de-militarised zone, etc, etc or with the United States, the reaction from North Korea is, ‘I am going to bring nuclear damnation to the Korean peninsula’ – not ‘we need to re-negotiate these terms.’ And that was the analogy I made and I think it is an absolutely appropriate analogy, and it is right that, as a result of that, Mr Speaker, the message of the people of Gibraltar went around the world. The things that were happening and are happening in some instances at the Gibraltar frontier were found out by people much further than usually find out about what is happening, and editorially, I think he will find that we had 90% to 95% editorial support in all newspapers in the world that covered this issue.

2175 I am quite happy, Mr Speaker, as I have said before, that the Government’s archive of newspaper information, etc should be made public and I am going to ensure that it happens and it is put on our website, so that the hon. Gentleman can see how many people around the world have read about the Gibraltar issue, the problems at the frontier and how editorial support came down on Gibraltar’s behalf, without having to spend a huge amount of money on advertising the world over.

2180 So Mr Speaker, I am not going to take advice from him on what vocabulary I should use. I would say this to him, Mr Speaker: look he likes to go around Spain making speeches that try to ingratiate him to some, whilst trying to do the balancing act of not falling entirely out of favour with people in Gibraltar. He knows, Mr Speaker, that one of the things he was saying, which was that the Government of Gibraltar had now not even been able to maintain a relationship with our socialist kindred on the other side of the frontier, was actually not true, that we have actually very strong relationships with the PSOE party.

2185 And he needs to reflect, Mr Speaker, on the fact that between 1996 and 2003, the Chief Minister of Gibraltar then, Sir Peter Caruana, the Leader of his Party who he has said is... I do not know whether he said is *the* or *among the* greatest Gibraltarians of all time, had absolutely no political interlocution with any Spanish political party at a national federal level.

2190 In other words, he was accusing the Spanish Foreign Minister of mendacious lies, he was having rows with the British Government, and from that, we move to a situation where joint sovereignty was almost visited upon our community.

2195 Today, Mr Speaker, this Government has an excellent relationship with the Socialist party in Spain, at the level of its national federal executive committee, as well as at the level of its municipalities, although of course we do not have to agree on everything. And second, we have a very strong relationship indeed with the British Government, which is today made up of Conservatives and Liberals, and with our sister party in the United Kingdom, the Liberal Party.

2200 So Mr Speaker, the position really is that my administration, although we still wish to establish a dialogue with the Spanish Government, is not talking to the *Partido Popular* in Spain, but we are talking to every political party in the United Kingdom and to the principal party of opposition in Spain and to *Esquerra Republicana*, which is another party in Spain that has wished to establish relations with us.

2205 Now, in those circumstances, Mr Speaker, I think actually if the hon. Member compares the actions of he who he calls the greatest, or one of the greatest Gibraltarians of all time, between 1996 when Gibraltar was last faced with a *Partido Popular* Government in 2003, with the excellent New Dawn Government of the Gibraltar Socialist Labour Party and the Liberals, I mean, he will find that perhaps we should not be taking his advice on how we conduct our foreign affairs, certainly not in relation to vocabulary.

2210 **Hon. D A Feetham:** Mr Speaker, I certainly do not accept that one can compare calling a spade a spade, which is ‘you have lied in relation to this position, in your criticisms or your statements in relation to Gibraltar’ – which is calling a spade a spade – to making a gratuitous ill-advised, *ill-advised*

comparison of Spain to North Korea, or accusing Spain of state-sponsored vandalism. I just simply do not accept that that is... I simply –

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Hon. Chief Minister: Point of order, Mr Speaker –

Mr Speaker: I am going to bring up a Point of Order, and that is that the hon. Members are now debating.

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Hon. Chief Minister: Mr Speaker, may I deal with the short Point of Order? You are absolutely right and I of course accept your ruling in that. But the short Point of Order is: I have said to him, I do not recognise that second part of his question. Can he please clarify when I have accused Spain of state-sponsored vandalism?

2230

Hon. D A Feetham: At the United Nations, Mr Speaker – that is *my* interpretation of what he said, it is the interpretation of many people that read his speech, including I may add, because I have been in Spain over the last two weeks delivering speeches, including many people in Spain – many people who actually are favourable and sympathise with Gibraltar's position. Because of the statements that he has made, he has alienated those people – he has become the problem, Mr Speaker!

2235

Hon. Chief Minister: No, Mr Speaker no.

Mr Speaker, I am not the problem any more than Peter Caruana was the problem between 1996 and 2003. The problem, Mr Speaker, as every Gibraltarian knows – and I know he knows it Mr Speaker, but he wants to win an election so desperately that he will say anything he has to say – the problem is the *Partido Popular*.

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Now, Mr Speaker, in my UN speech, I did not accuse anyone of state-sponsored vandalism. Now the whole of these sets of questions was premised on the hon. Member's view that no doubt the Government had paid for the SDGG to visit the United Nations, no doubt the Chief Minister had approved the speech of the Chairman of the United Nations, and therefore the Chief Minister of Gibraltar was to be imputed with his statements as to 'terrorism', state-sponsored terrorism, which is the word that would have fitted in there if that had worked.

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Mr Speaker, look the fact is that I had absolutely no knowledge that that was going to be said by Mr Matthews, in exactly the same way as Mr Caruana had absolutely no knowledge at the time that he went to the United Nations, that Mr Zammit, who sat next to Mr Caruana, and also did not have his ticket paid for by Mr Caruana, was going to say that the Spanish Government was trying to annihilate the Gibraltarians, right? He was trying to commit... and the Hon. the Deputy Chief Minister, as the brilliant historian that he is, remembers the word – that Spain was trying to commit *genocide* of the Gibraltarians. That was not my word. 'Terrorism' was not my word; it was the word of the Chairman of the SDGG. Genocide was not the word of Sir Peter Caruana, it was the word of Bryan Zammit as the Chairman of the UNA.

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But look, let us be very clear. What is it that I said at the United Nations that incensed people in Spain? It was not the North Korean thing; I did not say the North Korean thing in Spain...sorry, in the United Nations. I said in the United Nations, that Spain or one of the law enforcement agencies of Spain, the *Guardia Civil*, had shot at an innocent Gibraltarian in British Gibraltar Territorial Waters. That is the issue that people did not like in Spain about my UN speech, Mr Speaker. That was absolutely true, I trust that he accepts that it was true. It led to the Prime Minister of the United Kingdom – not the Chief Minister of Gibraltar, but the Prime Minister of the United Kingdom – to raise the issue with the Prime Minister of Spain, to the Minister for Europe to take the issue up with his counterpart, and to *notes verbales* and to a request for an investigation. But they did not like it when I said it in front of an international audience, and that is not to accuse them of state-sponsored vandalism, Mr Speaker.

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But I will say this, Mr Speaker, and I just put it on the record so that he knows, in case Mr Speaker, he ever, heaven forbid, were to become Chief Minister of Gibraltar, or were to be in a position to advise the Chief Minister of Gibraltar. I certainly hope that it is always, if anything, the latter and not the former! I said in my first speech at the United Nations in June 2012 as Chief Minister of Gibraltar, to the Spanish Government, 'Wake up and smell the coffee, Gibraltar will never be Spanish.' I do not know whether he agrees with that or not, Mr Speaker, but I can tell him, that the intense diplomatic activity that occurred after that was huge, because Spain just did not want to hear that expressed in quite those terms. He might not like that either. I love it, Mr Speaker.

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Mr Speaker: I am going to allow one further intervention from the Leader of the Opposition, and from the Chief Minister, and then that is the end of Question Time.

2280 **Hon. D A Feetham:** Mr Speaker, yes, we were on a Point of Order and he has just finished his Point of Order. I am not going to be responding to his Point of Order, Mr Speaker.

2285 Mr Speaker, I have to say that given his track record before he became Chief Minister for lack of judgement, and the lack of judgement that he has exhibited as Chief Minister, if *he* has become Chief Minister, I would suspect that many, many other people also have the necessary capability to become Chief Minister. Ultimately, if the people of Gibraltar – (*Interjections*) Ultimately if the people of Gibraltar want to entrust us with their trust at the next election, it is for them. It is not for me, and it is not for him.

2290 But I do sense, Mr Speaker, that hell is beginning to freeze over slightly and there is a change of tone from the Chief Minister in terms of the language that he has used, which I welcome and I congratulate the Chief Minister for back-tracking on the language that he has used in the past. Can he just put it beyond doubt, so that the message has absolute clarity emanating from this Parliament, that the Chief Minister in no way believes that the comparison between Spain and North Korea is a valid one, giving him the opportunity and that in no way does he believe that Spain is in any way responsible for state-sponsored vandalism towards the citizens of Gibraltar?

2295 **Hon. Chief Minister:** Mr Speaker, I really do not know which Chamber he is in. He does not seem to like to hear the answers that I give.

Look, Mr Speaker, as to who will or will not win an election in the future, I am not a crystal ball gazer and this is not an issue to be dealt with in Question Time -

2300 **Hon. D A Feetham:** I have not raised it.

2305 **Hon. Chief Minister:** Yes, you *have* raised it. But Mr Speaker, I will just say to him that he had the lack of political understanding to give an interview to *GBC* during the course of the last by-election at 12 o'clock in the evening, which was going to be aired at 11 o'clock in the evening after polls had closed, where he said, 'We are going to win this by-election' – and this was something that was going to come out after the polls closed – 'We are going to win this by-election by a very large margin'. 'By a very large margin'.

2310 **Hon. D A Feetham:** Mr Speaker, in the same way that he can raise points of order about accuracy, I will raise it. I did not say we are going to win it –

Mr Speaker: May I inform – ?

2315 **Hon. D A Feetham:** And it has absolutely nothing to do with this particular question that I have asked.

2320 **Mr Speaker:** May I inform both the Chief Minister and the Leader of the Opposition, that points of order have to do with the Rules of this House and not with questions of fact or opinion – nothing to do with questions of fact or opinion. That is not a Point of Order.

Hon. D A Feetham: But Mr Speaker, all I ask is that the Rules of this House are applied evenly as between the Opposition and the Chief Minister.

2325 **Mr Speaker:** Have I not applied them evenly? Have I not given – ?

Hon. D A Feetham: No, you have not!

Mr Speaker: Have I not given the hon. Member all the opportunity –

2330 **Hon. D A Feetham:** No, you have not!

Mr Speaker: – he wants this morning?

2335 **Hon. D A Feetham:** Mr Speaker, no, you have not on this particular occasion –

Mr Speaker: I have –

Hon. D A Feetham: No, no, let me explain, Mr Speaker. Let me explain, and I am not suggesting, Mr Speaker, that you have done it out of some intention on your part. But of course, he has just taken up a

2340 Point of Order, a few moments ago, basically saying that what I attributed to him was not true. That was the Point of Order. He raised that particular Point of Order.

I am doing likewise! Now, Mr Speaker did not say to the Chief Minister, 'That is not a proper Point of Order.' That is why I am saying that Mr Speaker should perhaps treat my Point of Order in the same way that he has treated his.

2345

Mr Speaker: Is he making the Point of Order? Are you making the point under a so-called Point of Order? I will let you do that and then having pointed out –

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Hon. D A Feetham: I made a Point of Order which is of exactly the same nature as he made –

Mr Speaker: I am sorry, I have got the floor.

And then, having pointed out that those are not points of order, I will not entertain them from any Member, and it is as simple as that.

2355

Now, he has an opportunity, I am giving him an opportunity, under a so-called Point of Order, to answer the Chief Minister. Then I will give him an opportunity to make one final supplementary and then that is the end of Question Time.

2360

Hon. Chief Minister: So, Mr Speaker, and then he went on to say that there was going to be a very large number of people coming out to vote – a huge number of people coming out to vote. Well, Mr Speaker, he got it completely wrong, so I think his predictions as to results of elections are very suspect.

In fact, I will take it, Mr Speaker, that when he says that my track record before I became Chief Minister is one to consider also suspiciously, I assume that he means the track record of the most successful Leader of the Opposition in our Parliament's history (**A Member:** Ah!) who took over, had the presence of mind to take over in April 2011 and become Chief Minister barely nine months later.

2365

Mr Speaker, I would recommend that he follows how I did it, but I would rather he did not, because I do not want him to win.

2370

Anyway, Mr Speaker, the Hon. the Leader of the Opposition also has a problem with his thermometer, because it appears that he thinks that hell is getting warmer and warmer and that therefore... or colder and colder and there is a chance that it is going to freeze over sometime soon. Well look, Mr Speaker, he is completely wrong about that too. I have not detected any change in the way that I deal with issues with Spain. I think I am still as robust and as clear in the way that I deal with these issues. He may not like it, because he obviously is recognising that in doing so, I am doing something right.

2375

But, Mr Speaker, he gets up here and says, 'Look, for you to compare Spain to North Korea was not a good thing and you should not have done it and it was bad for Gibraltar that you did.' And then, Mr Speaker, he gets up and he says, 'Now you have the chance either to say it again, or to say that you were wrong.'

2380

Well look, Mr Speaker, if he were right about the fact that it was a bad thing for Gibraltar to compare Spain to North Korea, which I do not accept, what is he doing, if he has got Gibraltar's interests at heart, inviting me either to do it again or to take a step back? What is he doing, Mr Speaker? He needs to reflect very carefully on that, because that is what he is doing.

And Mr Speaker, he does really come across as if he is defending the wrong litigant in this matter. He said he is a litigator, so let us look at it in those terms. He does come across as if he is not defending Gibraltar's best interests here. He seems to be holding brief for somebody else.

2385

Hon. D A Feetham: Well, Mr Speaker, it is the difference of approach. Of course we both have Gibraltar at heart, of course we both have. We both want to defend Gibraltar's vital interests. The difference between the hon. Member and myself is that I do not need to grandstand, I do not need to be the showman, I do not need to make-over-the-top, outrageous statements in order to defend Gibraltar.

2390

I have given him an opportunity for him to set the record straight. He has not taken it. I am just going to give him one final opportunity. Will he set the record straight, in the manner that I asked him a few moments ago, in relation to the statements that he has made in the past?

2395

Hon. Chief Minister: Mr Speaker, it is not about a difference of approach; it is about a difference of policy and he needs to understand it, because I do fear that he does not realise which party group he sits with, even though he purports to lead it. Although we know that he has got two Deputy Leaders on either side and there is one with whom I have great affinity, Mr Bossino as he knows, who I know feels perhaps exactly the same as we do on this side of the House. I just do not know about him any more, Mr Speaker. This is not about a difference of approach.

2400

Mr Speaker, they are looking at a Chief Minister who will *never* say that he will even *think about* recommending an Andorra-style solution to our people. That is not a difference of approach, Mr Speaker;

that is a difference of policy. And it is such a huge difference of policy, Mr Speaker, that we really come to this nub of the issue.

2405 The nub of the issue, Mr Speaker, is that diplomacy is not duplicity, (*Interjection by Hon D A Feetham*) and it is not one thing – and it is not the done thing to come and say one thing in Gibraltar in this Parliament and then go to Spain and do another.

2410 And the hon. Gentleman says – I assume trying to be funny – from a sedentary position that diplomacy is not my forte. Well look, Mr Speaker, he might think that. I assume he also thinks it of the current incumbent as Foreign Secretary of Spain, because if he thinks that the head of Spanish diplomacy (*Interjection by Hon D A Feetham*) is a good diplomat when he says ‘Gibraltar Español’, ‘The party is over’, and there will be no advances on regional or neighbourly co-operation, unless there are advances on sovereignty, then look, he and I have different definitions on what is or is not a good diplomat.

2415 He has not reflected, however, Mr Speaker, as I asked him to, on whether, having postulated that comparing Spain to North Korea was a bad thing, he wanted to invite me to do it again or to withdraw. He has not reflected on that, Mr Speaker. He has not reflected on the consequences of that. I think those sitting around him have, because it appears to have dawned on them what he was doing.

I will put it this way, Mr Speaker, and I will quote a politician that all of us have great affinity for, Mr Speaker, ‘They can turn if they want to. This Government is not for turning.’

2420

Questions for Written Answer

Clerk: Answers to Written Questions, the Hon. the Chief Minister.

2425

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions numbered W160 to W179 of 2013 inclusive.

2430

Order of the Day

SUSPENSION OF STANDING ORDERS

2435

Standing Order 7(1) suspended to lay Import Duty Regulations on the Table

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

2440

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 the laying of Import Duty Regulations on the Table.

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

2445

DOCUMENTS LAID

2450

Import Duty (Franchise Regulations) (Amendment No. 4) Regulations 2013 Import Duty (Integrated Tariff) (Amendment No. 7) Regulations 2013

Clerk: Papers to be laid. The Hon. the Chief Minister.

2455

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the Table: the Import Duty (Franchise Regulations) (Amendment No. 4) Regulations 2013; the Import Duty (Integrated Tariff) (Amendment No. 7) Regulations 2013.

Mr Speaker: Ordered to lie.

2460

GOVERNMENT MOTIONS

Motion notified on 19th December 2013

At least five days' notice required

Motion carried

2465

Clerk: Government Motions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2470

'That this House approve, pursuant to Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of the motion by the Hon. Chief Minister on 19th December 2013, and circulated by the Clerk on 19th December 2013.'

2475

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried .

2480

Ombudsman for Public Services

Re-appointment of Mario Hook

Motion carried

2485

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2490

'That this House approve by Resolution, pursuant to section 3(2) of the Public Services Ombudsman Act 1998, the re-appointment of Mario Hook as the Ombudsman for Public Services for all the purposes of that Act with effect from Wednesday 1st January 2014 for the term of one year.'

2495

Mr Speaker, the motion, to a very great extent, speaks for itself and I intend to say nothing more, other than to congratulate Mr Hook for the excellent work that he has done to date and give him the thanks of the community for that work already, and to look forward to another year of his continued hard work as Ombudsman.

2500

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister. Does any hon. Member wish to contribute?

Hon. D A Feetham: Mr Speaker, just to add my own voice on behalf of the Opposition, congratulating Mr Hook, and certainly the Opposition will be voting in favour of the motion.

2505

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye). Those against? Carried.

2510

BILLS

FIRST AND SECOND READING

Income Tax (Amendment) Bill 2013

First Reading approved

2515

Clerk: Bills, First and Second Reading.

A Bill for an Act to amend the Income Tax Act 2010. The Hon. the Chief Minister.

2520

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye). Those against? Carried.

2525 **Clerk:** The Income Tax (Amendment) Act 2013.

Income Tax (Amendment) Bill 2013
Second Reading approved

2530 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

2535 Mr Speaker, in respect of this Bill, hon. Members will be aware that I have written to you certifying that this Bill is too urgent for the period of six weeks to elapse between its publication and the ability of the House to be able to consider it.

This is an issue which I know the Leader of the Opposition is aware of, he has discussed it with those who are responsible for the drafting of it whilst I was away from Gibraltar, and we expect that the matter would be dealt with on Thursday.

2540 Mr Speaker, Members will be aware that on 16th October 2013, the European Commission took a decision to open the formal state aid investigation procedure into two aspects of the Income Tax Act 2010. It published this decision in the official journal of the European Communities on 28th November 2013, inviting comments from third parties. The two aspects singled out by the Commission concerned the exemptions from taxation for (a) inter-company loan interest and (b) royalties income.

2545 Earlier this year, Mr Speaker, the EU Code of Conduct Group had found that the exemption for inter-company loan interest was a harmful tax measure under the criteria set out in the Code of Conduct on Business Taxation. The European Commission was also already indicating that this exemption was likely to constitute a state aid.

2550 Members will recall that without prejudice to our position that the section in question was not a harmful tax measure, we accordingly abolished this exemption by an amendment we made to the Act this summer, and which entered into force on 1st July 2013.

2555 The Bill, Mr Speaker, does exactly the same thing in relation to royalties. Specifically, it will abolish the exemption from taxation that currently exists for royalties income. The Bill follows the same format as that we used for the amendment this summer. It amends Table C of Schedule 1 of the Act so that it includes a new heading on royalties. Table C of Schedule 1 sets out the incomes which are subject to tax under the Act.

I had this amendment put to the European Commission by Government's team at a meeting in Brussels on Thursday, 5th December 2013. Commission case handlers reverted to us early last week, stating that the Commission's fiscal team were content with the amendment, although that cannot, for technical reasons, be the formal position of the Commission at this stage.

2560 That is the most we could have expected from them at this stage, but that is in itself important. By acting in this manner and amending the Act as we propose and the Bill, Government is delivering much needed certainty to the industry. It has also already effectively addressed the two concerns expressed by the Commission in its decision, opening the formal investigation procedure.

2565 Of course Mr Speaker, we make these amendments without prejudice to our arguments, that neither exemption constitutes state aid. We maintain that position in the formal investigation procedure as part of our defence.

2570 **Mr Speaker:** Before I put the question, does any other hon. Member wish to speak on the general principles and merits of this Bill?

2575 **Hon. D A Feetham:** Mr Speaker, I have been in contact with those who have drafted this particular Bill. It has been explained, the policy has been explained, the rationale has been explained and the Opposition will be supporting the Bill, and I have nothing further to add than what the Chief Minister has already said.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2580 **Clerk:** The Income Tax (Amendment) Act 2013.

Income Tax (Amendment) Bill 2013
Committee Stage and Third Reading to be taken at this sitting

2585

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2590

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

2595

Income Tax (Amendment) Bill 2013

2600

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

2605

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 Bill clause by clause, namely the Income Tax Amendment Bill 2013.

Mr Speaker, can I before we move to the Committee Stage, I note that absent from my crib is a Bill that the Hon. the Minister for Financial Services was taking.

Clerk: It is at the very end.

2610

Hon. Chief Minister: Ah! It comes after. I see. Grateful.

Clerk: Yes.

In Committee of the whole Parliament

2615

Income Tax (Amendment) Bill 2013
Clauses considered and approved

2620

Clerk: A Bill for an Act to amend the Income Tax Act 2010.
Clauses 1 and 2.

Mr Chairman: Clauses 1 and 2 stand part of the Bill.

2625

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

2630

Income Tax (Amendment) Bill 2013
Third Reading approved: Bill passed

2635

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Income Tax (Amendment) Bill 2013 has been considered in Committee and agreed to without amendments, and I now move that it be read a third time and passed.

2640

Mr Speaker: I now put the question, which is that the Income Tax (Amendment) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

PRIVATE MEMBERS' MOTION

2645

**Yorkshire Building Society Bill 2013
Leave to introduce granted**

2650

Clerk: Private Members' Motion. The Hon. A J Isola.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2655

'That this House do give leave for the introduction by me of a Private Members' Bill, namely the Yorkshire Building Society Bill 2013.'

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Albert Isola.

2660

Hon. A J Isola: I am grateful Mr Speaker.

Mr Speaker, as hon. Members know, the merger of Yorkshire Building Society with the Norwich and Peterborough Society took effect under the laws of England and Wales in November of 2011, pursuant to a transfer of engagements. These two societies continue as the Yorkshire Building Society. However, the transfer of engagements under the laws of England and Wales did not change the legal position in Gibraltar. This has therefore resulted in an anomaly which Gibraltar needs to be rectified.

2665

Hon. Members will be aware that in the past when lending institutions want to undertake this sort of legal entity, reconfiguration or restructure, that we facilitate that task by allowing them to do it through a Private Members' Bill. That is the nature of the Bill and it is similar to others passed in this House in recent years, to facilitate the corporate restructuring of lending institutions.

2670

Mr Speaker, the Yorkshire Building Society remains an important part of our sector. They remain committed to Gibraltar and the Government believes that it is appropriate for this House to assist them in this way by the passage of the Bill.

I commend the motion to the House, Mr Speaker.

2675

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Albert Isola. I now put the question in the terms of the motion proposed by the Hon. Albert Isola. Those in favour? **(Members: Aye.)** Those against? Carried.

2680

**PRIVATE MEMBERS' BILL
FIRST AND SECOND READING**

**Yorkshire Building Society Bill 2013
First Reading approved**

2685

Clerk: Private Members' Bill, First and Second Reading. A Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society. The Hon. A J Isola.

2690

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society and the Yorkshire Building Society be read a first time.

2695

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society, be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

2700

2705 **Clerk:** The Yorkshire Building Society Act 2013.

2710 **Yorkshire Building Society Bill 2013**
Second Reading approved

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that the Bill now be read a second time.

2715 Mr Speaker, as a result of the transfer engagements taking effect in November 2011 under the Law of England and Wales, Norwich and Peterborough merged with Yorkshire Building Society and the merged society continued as the Yorkshire Building Society.

2720 That transfer of engagements did not, and could not, operate to change the legal position in Gibraltar and accordingly, although Norwich and Peterborough no longer existed after 1st November 2011, those of its assets and liabilities which before 1st November were subject to the law of Gibraltar, continued to be so subject after that date.

The primary purpose of this Bill is to rectify this position with effect from the date referred to in the Bill as the appointed day – that is to say, a date to be appointed by myself as the Minister with responsibility for Financial Services.

2725 There is just one section of the Bill, Mr Speaker, which has retrospective effect, and that is section 9 to which I will refer specifically later. None of the other provisions in this Bill have any retrospective effect.

Section 1 is formal and in common form, Mr Speaker.

In section 2, subsection (1) defines the two societies. Sub-section (2) defines a number of the terms used in the Bill.

2730 Section 3, Mr Speaker, is a fundamental provision under which, on the appointed day, every Norwich and Peterborough asset will become an asset of the YBS, the Yorkshire Building Society, in respect of its Gibraltar branch. This provision is similar to that in previous banking transfer Bills.

2735 Section 4, Mr Speaker, again is similar to provisions in previous banking transfer Bills and excludes certain assets from the effect of section 3. Specifically paragraph (a) deals with interests in land other than those which are held by way of security, in effect, on the mortgages.

Section 5, Mr Speaker, deals with a variety of documents which on their face relate to the Norwich and Peterborough. With effect from the appointed day, these are made to relate to the Yorkshire Building Society. This section and section 6 are similar to provisions in previous banking transfer Bills.

2740 Section 6 deals with customer accounts which up to the appointed day were accounts of the Norwich and Peterborough. Under subsection (1) these accounts become accounts of the Yorkshire Building Society, subject to the same conditions that applied before the appointed day.

Section 7 again is well precedented in early banking transfer Bills and deals with disparate matters all designed to give a smooth transition from Norwich and Peterborough to the Yorkshire Building Society.

2745 Section 8 deals with proceedings which have been begun in error by Yorkshire Building Society before the appointed day and which, in the opinion of the court concerned, relate wholly or principally to the establishment or enforcement of a Norwich and Peterborough asset.

2750 Mr Speaker, section 9 is the one provision in the Bill which has a retrospective effect. This is because it works in favour of people who are mortgagors of Norwich and Peterborough and as they thought, took steps to repay their mortgages. In such a case, the Yorkshire Building Society will have purported to release a mortgage, which was originally a mortgage from the Norwich and Peterborough. The former mortgagor will have relied on this release, although Yorkshire Building Society did not in law have the power at that time to release the mortgage.

2755 If there were no retrospection in these limited cases, the whole matter of the release and consequential dealings, for example by a purchaser from the former mortgagor would be void, and would have to be reopened with the consequential costs and no doubt, distress. It is a condition of the operation of the section that the mortgagor consented in writing to the release.

2760 Section 10 is common form in banking transfer Bills, Mr Speaker, and in the case of this Bill, it provides the Yorkshire Building Society will meet the Government's expenditure in connection with the introduction and enactment of the Bill, the amount of the expenditure to be set by myself, as the Minister with responsibility for Financial Services.

I commend the Bill to the House, Mr Speaker.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2765 In that case, I now put the question, which is that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society, be read a second time. Those in favour: (**Members:** Aye.) Those against? Carried.

2770 **Clerk:** The Yorkshire Building Society Act 2013.

Yorkshire Building Society Bill 2013
Committee Stage and Third Reading to be taken at this sitting

2775 **Hon. A J Isola:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2780 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

2785 **Yorkshire Building Society Bill 2013**

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

2790 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: the Yorkshire Building Society Bill 2013.

2795 *In Committee of the whole Parliament*

2800 **Yorkshire Building Society Bill 2013**
Clauses considered and approved

Clerk: A Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society.
Clauses 1 to 10.

2805 **Mr Chairman:** Stand part of the Bill.

Clerk: The long title.

2810 **Mr Chairman:** Stand part of the Bill.

BILLS FOR THIRD READING

2815 **Yorkshire Building Society Bill 2013**
Third Reading approved: Bill passed

2820 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Yorkshire Building Society Bill 2013 has been considered in Committee and agreed to without amendment, and I now move that it be read a third time and passed.

2825 **Mr Chairman:** I now put the question, which is that the Yorkshire Building Society Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

2830 **ADJOURNMENT**

Good wishes to all for Christmas and the New Year 2014

2835 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

2840 And in doing so, of course Mr Speaker, although we are conscious as in all Parliaments that perhaps sometimes the workings of this Parliament descend into almost a festive farce, with people saying on either side, 'Oh yes he does, oh no he doesn't!' to each other, there is of course a great deal of personal affection, I hope between us all, and I would like to thank all Members of the House for the work they have done this year in their respective roles, and in particular yourself and your staff for having the patience to put up with all of us, and wish every Member of this House and our wider community a very merry Christmas and a very happy, healthy and prosperous 2014. (*Banging on desks*)

2845 **Hon. D A Feetham:** Well, Mr Speaker, it is a judicious statement that I can associate myself with, on behalf of the Opposition. (*Banging on desks*)

2850 **Mr Speaker:** May I wish all hon. Members a very joyful Christmas and a Happy New Year, and also extend those wishes to members of the staff, and indeed the Royal Gibraltar Police who are always in attendance when we are in session, and of course the members of the press.

I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.

2855 The House will now adjourn *sine die*.

The House adjourned at 1.17 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 10.00 a.m. – 1.17 p.m.

Gibraltar, Monday, 23rd December 2013

The Gibraltar Parliament

The Parliament met at 10.00 a.m.

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

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

Clerk: Sitting of Parliament, Monday, 23rd December 2013.
Answers to Oral Questions continued.

5

Questions for Oral Answer

10

HEALTH AND THE ENVIRONMENT

GHA complaints process Update on Ombudsman

15

Clerk: We are now going to proceed to the questions which are being posed to the Minister for Health and the Environment.

Question 811/2013, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to Question 598, can the Minister for Health say when the GHA complaints process will be taken over by the Ombudsman, and at what stage they are in the process?

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

25 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, there is no definite date yet. Advanced drafts of the procedure are currently under discussion.

30 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say if there will be a U-turn on the Government's manifesto commitment that complaints will be dealt with directly by the Office of the Ombudsman?

35 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a logical implication of what I have just said. The question was when the complaints process will be taken over by the Ombudsman, and I have said there is no definite date and advanced drafts of the procedure are currently under discussion. That does not contradict the Government's manifesto commitment that the process will be taken over by the Ombudsman; it is a question of how and how it is going to be implemented, but there is no change in that policy.

40

**Staff recruitment and retention
GHA policy**

45 **Clerk:** Question 812, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain what the GHA policy for the recruitment and retention of staff is, and what the terms for contract workers are, wishing to apply for permanent and pensionable status?

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

55 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, staff are initially appointed on contract terms, and these may be of variable lengths depending on the specialism or post, and they may have their contracts renewed or extended, depending on the circumstances prevailing at the time.

On the completion of four years' good performance, where there is no locally qualified or eligible person studying, training or available for the post or where no succession plan candidate has been identified, staff on contract terms may be offered indefinite employment.

60 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if rolling over 10-month contracts is legal, as per EU employment law? Would he know that?

65 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that is a logical supplementary to the question that I have just answered and therefore I do not think I need to reply.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say who decides on the terms and conditions and the length of the contracts of new GHA staff?

70 **Hon. Dr J E Cortes:** Mr Speaker, terms and conditions will be standard and the length of contract will depend, as I said in the answer, depending on the specialism or post and what the succession plan may or may not be. There are no two cases which are the same and there will be different line managers who are responsible for taking those decisions.

75 **Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, can the Minister confirm that it is the line managers who make those decisions, not the Human Resources Department, or is it in conjunction with the Human Resources Department?

80 **Hon. Dr J E Cortes:** Mr Speaker, I am very proud to say that the Gibraltar Health Authority certainly now works as a team and when decisions have to be taken, which have a bearing on performance and employment, they will involve the managers in question and the Human Resources Department. On some occasions I may be involved, but usually I will not be.

**GHA contract workers
Changes to gratuity offer**

85

Clerk: Question 813, the Hon. Mrs I M Ellul-Hammond.

90

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say when the 25% gratuity offer in lieu of permanent and pensionable status was removed from the contract of GHA contract workers?

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

95

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the 25% gratuity offer in lieu of permanent and pensionable status was removed on 1st January 2012, following the ending of the old pension scheme by the last administration.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say what has replaced it?

100

Hon. Dr J E Cortes: The Provident Pension Scheme, which was the one that replaced the old pension scheme. The Superannuation, the Provident 2, I think it is. I do not have that information. I have answered the –

105

Hon. Miss S J Sacramento and Hon. N F Costa: It is the Provident 2 and the Superannuation.

Hon. Dr J E Cortes: The Provident 2 and the Superannuation –

Hon. Miss S J Sacramento: Fund.

110

Hon. Dr J E Cortes: – Fund, I am informed by my colleagues.

Hon. D A Feetham: Yes, but the Superannuation Fund is a policy of your Government; it is not a policy of our Government.

115

Did I understand the Hon. Minister correctly? Did he say that the policy had changed as a consequence of changes that we had introduced to the pension system? Because the Superannuation Fund was something that was introduced by... sorry, I may have misunderstood you.

120

Hon. Dr J E Cortes: What I said was that gratuities were removed when the *old* pension scheme was removed. Gratuities were given because the old pension scheme was not available to short-term contract officers and when that scheme was done away with, gratuities were done away with, because they are now able to join the pension scheme.

125

Hon. D A Feetham: Can the Minister tell me whether people's contracts have been affected retrospectively? In other words, whether this has been something that has been introduced for future employees, respecting contracts, for example, of consultants that have been on this 25% of gratuity?

Hon. Dr J E Cortes: This is for new entrants; people who have a contract are bound to the contract.

130

**GHA contract workers
Reduction in housing allowance**

135

Clerk: Question 814, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say why there has been a reduction in the housing allowance for GHA contract workers, and whether this financial incentive will be removed entirely from the contract of GHA contract workers; and if so, when?

140

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, there has been no reduction in the housing allowance given to GHA contract workers and there are no current plans to remove this.

145 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say what is the GHA policy on housing allowance for contract workers, if he knows?

Hon. Dr J E Cortes: Mr Speaker, at the moment, there is a housing allowance given to contract workers. That is the current situation and that is what I have just said.
150

**GHA Human Resources Director/Strategic Development Executive Director
Termination of contracts; payments received**

155 **Clerk:** Question 815, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say why the Director for the GHA Human Resources and the Executive Director for Strategic Development are no longer in employment at the GHA, and how much they were each given for terminating their employment contracts?
160

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

165 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, these officers' departures from the GHA was by mutual agreement. The terminating payments were in accordance with the contracts that they had been given by the former administration and amounted to approximately £107,000 and £109,000 for Human Resources and Strategic Development posts respectively.

170

**District Nursing Charge Nurse
Applications received; details of appointee**

175 **Clerk:** Question 816, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say how many applicants there were for the vacant post of District Nursing Charge Nurse and who was successful in getting the job?
180

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, there were three applicants. It would not be correct to publicly state the names and my Hon. and Learned Friend, the Minister for Equality, Social Services and the Elderly, pointed out on Thursday that this is in keeping with the Speaker's ruling.
185

Hon. Mrs I M Ellul-Hammond: Mr Speaker, have all three applicants been successful or just one chosen from the three?
190

Hon. Dr J E Cortes: Mr Speaker, the three applicants were successful.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, why were there the extra two charge nurse vacancies? Why were they not advertised separately at a later date, when the original vacancy advert was for only one charge nurse?
195

Hon. Dr J E Cortes: Mr Speaker, this came at a time when management decided that it was appropriate for these specific posts to be at that level. It followed procedure established in 2006 by the former administration, when a vacancy for one post had been advertised, but management decided that two should be taken and in order not to delay things further and to require the whole process to start anew, the selection procedure was extended to include those. So there is no change in established practice.
200

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say why a change in decision was made to move the employment from just the one charge nurse to now three charge nurses?
205

210 **Hon. Dr J E Cortes:** As I explained, Mr Speaker, this was as a result of the management of the section feeling that that was the more appropriate way in which to run this highly specialised section in which people are working largely independently, but carry a large amount of responsibility on their shoulders.

215 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Government now going to increase or double the number of community nurses too, commensurate with the doubling of these charge nurses in the community; and, if so, by when?

Hon. Dr J E Cortes: Mr Speaker, there is no current plan. As with all other matters in the GHA, we are constantly reviewing how we carry out our operations, but there is no current plan at the moment.

220 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does not the Minister agree that by having changed this decision at the last minute by management, by increasing... by offering employment to these *three* charge nurses after the issue of a vacancy notice for just *one* post, that other GHA staff may have been disadvantaged by not providing them with the opportunity to apply?

225 **Hon. Dr J E Cortes:** No sir. The Minister does not agree and, as I say, this is a practice which was following an established practice dating back to 2006. Maybe it happened then, but certainly I do not agree that it happened now.

230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that one of the successful applicants had, prior to the announcement of the vacancy, gone to the UK to undertake a course as a charge nurse manager for the community nursing and decided not to complete the course, and then later was taken on as a successful applicant?

Hon. Dr J E Cortes: Mr Speaker, I am not aware of those circumstances.

235 **Hon. J J Netto:** Mr Speaker, could I ask the Minister whether the decision to appoint the three applicants was that decision taken by the board which interviewed the three applicants, or was it taken by different sets of people above the individuals in that particular board?

240 **Hon. Dr J E Cortes:** Mr Speaker, the board is a board which selects its applicants and will have, I have to assume, found all three suitable. That is the only assumption I can make, otherwise they clearly would not have been appointed.

245 **Hon. J J Netto:** Well, Mr Speaker, he makes the assumption that that would have been the decision of the board, but yet he does not know. But he does not know either the fact that one of the applicants went to the UK to undertake that course prior to the application and he does not know that he decided not to complete the course either. It seems to me like the Minister for Health very conveniently chooses to ignore and assume things he does not... that may put him in a bad light and then take decisions in not answering questions here in Parliament.

250 Is it not the fact that the person that *he* knows, because he does know, who went to the UK to undertake such a course, decided not to do it, got the job now in the interview board because he happens to be an active GSLP member?

Hon. Dr J E Cortes: Mr Speaker, I think that –

255 **Mr Speaker:** Will the hon. Members of the Opposition make themselves responsible for the information that they are imparting?

Hon. D A Feetham: I think that that is a surprising question from the Speaker –

260 **Mr Speaker:** It is not.

265 **Hon. D A Feetham:** With respect, it is a surprising question (**Mr Speaker:** No.) because the Opposition *always* takes responsibility for the accuracy of the points that they make. This line of questioning is obviously a line of questioning with a purpose, and I think that unless Mr Speaker has *prima facie* evidence that we do not know what we are talking about, I do not believe that Mr Speaker ought to be making that point.

Mr Speaker: It so happens that Mr Speaker is the Chairman of the Public Service Commission.

270 **Hon. D A Feetham:** Mr Speaker, I do not understand –

Mr Speaker: No, No. I will say nothing further on the matter. I am just saying that it is a principle enshrined in the Rules and which I am glad to hear, from what the Leader of the Opposition says, that hon. Members of the Opposition make themselves responsible when they give information along the lines of the information that we have heard today. I am glad to hear that they make themselves responsible and that therefore, in their view, that information is accurate. That is all I want to say.

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280 **Hon. D A Feetham:** Absolutely. We hold ourselves responsible for the accuracy. This is the first time... I have been a Member of this House since 2007 and I am not the oldest Member of this House, but it is the first time that I have ever heard a Speaker make a point like that about accuracy when my hon. colleagues are pursuing a line of questioning on the basis of information that they have.

We would never... nobody in the Opposition would be asking any questions if we do not make ourselves responsible for the accuracy and Mr Speaker, if Mr Speaker has information that casts doubt on the accuracy of our line of questioning, and Mr Speaker, well look, he can tell us that our line of questioning is inaccurate because he sits in the Public Service Commission and he knows it is inaccurate, but I doubt very much that Mr Speaker can actually go that far.

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290 **Mr Speaker:** I am making the point because the information that has been imparted to Members of the Opposition is apparently not available to the Minister.

Hon. Dr J E Cortes: Mr Speaker, if I may just comment?

The implication from the hon. Member is that I misled Parliament. I have no knowledge of any course taken or not taken by the applicants. I believe that what I do know is that the three successful applicants are extremely good professionals – every single one of them. Whether or not they are activists of any particular political party is not relevant to whether they are good nurses or not.

295 I can assure you, Mr Speaker, that if that board selected them, they are excellent nurses, and I can confirm it was a board which was referred to the Public Service Commission and therefore is completely out of any influence from me as a Minister. (*Banging on desks*)

300 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister perhaps inform this House as to whether the decision to go from one to three charge nurses was a decision that was taken before the recommendation of the board and after the advert, or was it after the recommendation of the board?

305 **Hon. Dr J E Cortes:** Mr Speaker, I have not got the time line in front of me. I have answered the question I was asked: how many applicants and who was successful? I have answered part one because I can. I cannot answer part two. I do not have a timeline in front of me and so I cannot answer that question.

310 **Hon. D A Feetham:** Mr Speaker, but, of course as the Minister responsible, does he not agree with me that it is rather odd that here we have a highly... he described it as a 'highly specialised' service, and those are the words that he used in answer to my Hon. Friend, Mrs Ellul-Hammond...? Now, bearing in mind that this is a highly specialised service and he being a thorough Minister as I know that he is – I mean I have every respect for him – that in a planning situation in a highly specialised service, does he not agree with me that it is odd that we have a situation whereby there is an advert for one charge nurse, and lo and behold, at some stage we do not know when, whether it is before the recommendation of the board or after the recommendation of the board, it then goes from one to three people being taken on? Does he not agree that at the very least what it illustrates is a lack of planning in relation to a highly specialised service, as he has described it?

320 **Hon. Dr J E Cortes:** On the contrary, Mr Speaker, I think it shows that one is able to take advantage of situations. If a selection process was ongoing, then that is an opportunity to be taken so as not to delay things and it is absolutely identical, I repeat, Mr Speaker, except that instead of an addition from one to three, it was one to two – an identical situation which arose back in 2006, which nobody batted an eyelid about. So there is no precedent. This is something which has happened before. (Interjection) Sorry – there was a precedent there.

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330 **Hon. D A Feetham:** Well, Mr Speaker, yes, I do not dispute that in the past there may have been a situation where there has been... After the recommendation of the board, the report, for example, has recommended that there are two people that are highly, that are very, very good for this particular post and there is a policy decision taken at that stage to take two people. But you see that is very unusual and what we have here is an advert that has gone out for one and then ultimately three are taken on.

One always gets very good high quality applicants because the nature of our Civil Service is the fact that there are very good people, but one would have thought that in a highly specialised service, such as this one, that it would have been effectively demand led from the very beginning. One looks at what do

335 Here the decision has been taken that we need one and then ultimately – we do not know when the decision was taken, whether before the recommendation of the board or afterwards – it is then three. Does not the Hon. Minister think that is unusual?

340 **Hon. Dr J E Cortes:** It is unusual in the sense that it has happened twice, but it is not the first time it has happened. But nevertheless it was an opportunity clearly that the management took in order to be able to improve the service and take advantage of the fact that the procedure was already in motion.

345 **Consultants' contract
Details of negotiations**

Clerk: Question 817, the Hon. Mrs I M Ellul-Hammond.

350 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say who is dealing with negotiating the Consultants' contract and at what stage of progress are we in the process?

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

355 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the GHA is negotiating with UNITE the Union as they represent the majority of consultants. The negotiations are going well.

360 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm that John Langan and Ernest Lima are still dealing with the negotiation of the consultants' contract?

365 **Hon. Dr J E Cortes:** Mr Speaker, Mr Langan and Mr Lima are dealing on behalf of the GHA with the negotiations of the consultants' contract. Let me just add that they both finish their term... well, Mr Langan, who is the interim Chief Executive, Mr Lima was an advisor, and Mr Langan has continued leading because he committed himself when he took on the job to complete these negotiations, but since he finished at the end of August he has been doing this on a *pro bono* basis.

370 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, seeing that the negotiations for this contract has been for over a year and a half, when will it be completed?

Hon. Dr J E Cortes: When an agreement is reached, Mr Speaker.

375 **Promotion of sexual health
Department's policy**

Clerk: Question 818, the Hon. Mrs I M Ellul-Hammond.

380 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, with reference to the Government press release number 861/2013, can the Minister for Health say how sexual health will be promoted, in addition to the Minister's plans to publish HIV and AIDS statistics?

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

390 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Public Health Department has developed a Health Improvement Strategy for Gibraltar, which includes sexual health as one of its key priorities for the next two years. The following are some of the initiatives that will be progressed within this programme area: (1) supporting education about sex and relationships in schools and youth settings; (2) providing access to good quality advice for all persons on sexuality, family planning and sexually transmitted diseases; (3) campaigning to reduce the prevalence of teenage pregnancies in our community; (4) supporting the establishment of a nurse-led sexual health clinic; (5)

encouraging access to HIV and STD testing for people who may be at risk; (6) improving the collection of anonymised local data to inform sexual health strategies; (7) producing relevant printed material.

395

In this, the GHA will continue to work with community groups, such as the Equality Rights Group, with which regular meetings have been held during the past two years.

400

**New Mental Health Unit
Opening date**

Clerk: Question 819, the Hon. Mrs I M Ellul-Hammond.

405

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Hon. Minister for Health said in his Budget Statement of 2013 that the new Mental Health Unit would be ready in October or November. Can the Minister advise when the facility will now be opening?

410

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the unit has been subject to the delays typical of the construction industry; it is now due to open in spring 2014.

415

**Hospital referrals
Patient costs**

420

Clerk: Question 820, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to Written Question 135/2013, can the Minister for Health say (a) why there are no figures for April 2012 and June 2013 and (b) why the cost for sending patients to Xanit have more than doubled per month since September 2013?

425

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

430

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, there are no figures for April 2012 and June 2013 because the bills for the months in question were paid on the following month. The costs for sending patients to Xanit have increased because a number of procedures that used to be referred exclusively to the UK are now performed in Xanit. This reduces the inconvenience of families travelling to UK and makes visiting of relatives easier.

435

The increase in referrals to Xanit has also coincided with a decrease in referrals to Spanish State Hospitals, due to long waiting times currently existing in the Spanish *Servicio Andaluz de Salud* system, which have worsened recently. In addition to this, there have sadly been a number of exceptional cases this year, which have involved long stays and expensive care.

440

Hon. Mrs I M Ellul-Hammond: Thank you for that, Mr Speaker.

Can the Hon. Minister say then if the service that was offered in the UK has now been... is being offered at Xanit, has there been also a reduction in the payment to the Department of Health for this sponsored patients' service as a consequence of the increase in payments to Xanit?

445

Hon. Dr J E Cortes: Clearly, Mr Speaker, if we are spending the money in Xanit, that money will not be spent in the UK; however, because of the fact that this is totally unpredictable, there could be other cases going to the UK and therefore you will not necessarily see a corresponding decrease. What there has been is a considerable decrease in referrals to other Spanish hospitals, particularly, as I said before, Spanish state hospitals, because of increasing waiting times in particular, which have got worse in recent months and over the past year.

450

I can say, however, that whereas there is an increase in referrals to Xanit, the total number of referrals to Spain was slightly down in 2013 or the first 11 months of 2013 in relation to 2012; but this is something that is not totally predictable. This is demand led and we are not going to refuse treatment to a deserving patient for reasons of this nature.

But globally I think I do have to point out one thing I said earlier, that it only takes one or two particularly difficult cases which have expensive care to make these figures rise considerably. It may be just one or two and so you cannot really relate it to the *number* of patients.

455

**Transportation of patients to hospital
Use of new ambulances**

Clerk: Question 821, the Hon. Mrs I M Ellul-Hammond.

460

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say if there is any truth in the rumour that a motorbike and its owner were transported in one of the new ambulances; and, if so, can the Minister provide details to Parliament?

465

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 sir. For the avoidance of doubt what I mean is that there is no truth in the rumour, not that I cannot say. There is no truth in that rumour.

470

**Gibraltar Medical Registration Board
Transfer of UK powers**

475

Clerk: Question 822, the Hon. Mrs I M Ellul-Hammond.

480

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in relation to the amendment to the Medical Health Act 1997 to provide for the compulsory registration of allied health professionals, can the Minister for Health say how will the powers of UK Governing Bodies be transferred to the Gibraltar Registration Board for the overseeing and policing of the ongoing requirements health professionals need to meet?

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

485

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the amendment of the Medical and Health Act 1997 at long last establishes the Gibraltar Medical Registration Board as a regulatory authority for allied health professionals in Gibraltar.

490

The law requires that the assessment of the qualifications and competence of the professionals is carried out by the respective UK regulator and not by the Gibraltar Board. Furthermore, any requirements laid by the UK regulator on maintenance of professional standards, continuous professional development or revalidation will be directly monitored by the UK regulator and impact upon Gibraltar *only* if registration is affected in consequence.

The UK regulatory bodies, in addition, have powers to oversee and police their registrants wherever they may practice. The Gibraltar Medical Registration Board will play a supportive role in this function.

495

Complaints or allegations of poor practice made to the Gibraltar Board regarding allied health practitioners practising within Gibraltar will be investigated locally; and, except where the complaints are wholly frivolous, the Board will notify the respective UK regulator, who may choose to invoke its 'Fitness to Practice' procedure. Decisions arising from the procedure will be binding on the practitioner in the UK and inasmuch as they impact on the petitioner's registration, by consequence, also in Gibraltar.

500

In addition, the Act also provides the Gibraltar Board with a range of powers to take independent action, which would be binding on registered practitioners within the territory of Gibraltar.

505

**Culling of seagulls
Duties of FERA and GOHNS**

Clerk: Question 823, the Hon. J J Netto.

510

Hon. J J Netto: Mr Speaker, can the Minister for the Environment state if the discussion alluded to by the Minister at the Committee Stage of the Appropriation Bill 2013, regarding extending the duties carried out by FERA to GOHNS in relation to the culling of seagulls have now concluded, and if so, provide Parliament with details of the agreement?

515

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, sir. They have not been completed.

520 **Hon. J J Netto:** Could the Minister perhaps elucidate as to why they have not concluded. Is there any sticking point, in terms of coming to a final agreement? I do recall that his comments at the Appropriation Committee Stage of the Bill, the Minister was saying that his intentions were to absolve the work being carried out in the past by referring to GOHNS. So perhaps if he could elucidate as to what the sticking points are in that discussion.

525 **Hon. Dr J E Cortes:** Mr Speaker, there are no sticking points. The discussions are still ongoing. It is a... I was going to say complex, but it is not a simple matter and the Department is dealing with it, with a view to implementing by the time the spring comes, which is when these measures need to be more effective.

530 **Hon. J J Netto:** So is the Minister envisaging a situation whereby after spring FERA will not carry out any further duties?

535 **Hon. Dr J E Cortes:** That is what I said at the time and that continues to be the situation at the present.

Hon. J J Netto: So in order to be able to carry out such duties in the future, will there be an extra amount of cost, or will the size of the budget for GOHNS increase accordingly?

540 **Hon. Dr J E Cortes:** Mr Speaker, the budget for the visits from FERA, I think was in the region in one year of close to £200,000 and another year £200,000 for people to come from abroad for six weeks, to carry out work, which local people were doing for much less over a period of a whole year. So therefore there is no intention to follow that practice. The intention is to use the expertise that is available in a more economically efficient way. I do not believe that the costs will be equivalent and certainly they will not be for a six-week period, they will be for a 52-week period.

545 **Hon. J J Netto:** Which will mean, therefore, an increase in the number of people dedicated within GOHNS for the culling of seagulls.

550 **Hon. Dr J E Cortes:** Mr Speaker, I am not going to publicly conduct the negotiations with any organisation here. We are looking at the way in which the work that was being done by FERA is going to be done in the future. Some of the work being done by FERA at the time probably did not need to be done, as I expressed at the time to the then Government of the time. But I am not going to go into details of discussions which are ongoing because it could compromise their outcome.

555

**West Place of Arms
Criteria for selection as dog park**

560 **Clerk:** Question 824, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the written answer to Question W136/2013, can the Minister for the Environment state what has been the criteria for selecting the West Place of Arms as a dog park?

565 **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, the area was selected on the advice of the Gibraltar Responsible Pet Owners Group. Consultation with the Gibraltar Heritage Trust and the Heritage Division confirmed that the proposed use was consistent with heritage. This was later unanimously approved by the Development and Planning Commission.

575 **Gibraltar Cat Welfare Society
Neutering of cats**

Clerk: Question 825, the Hon. J J Netto.

580 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 690/2013, is the Minister for the Environment aware that the Gibraltar Cat Welfare Society have been neutering cats for some years now; and if so, does the Minister know how many cats have been spayed on an annual basis?

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

585 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, I am aware. I am informed that 59 cats have been neutered this year, but I have not got any more information.

590 **Hon. J J Netto:** Does the Minister perhaps know whether this particular programme by the Cat Welfare Society will continue, because when I looked at their own website, it did not look to me like it was a function that was carried out every year. And as we have discussed in the past, here in Parliament, there is a need for a programme of this nature to be carried out, particularly in certain areas of Gibraltar, least to say the Upper Rock Nature Reserve.

So can the Minister perhaps inform the House whether this programme will continue into the future, either by them, or perhaps if they are not doing it, on a year-by-year basis by some other entity?

595 **Hon. Dr J E Cortes:** Mr Speaker, I am currently in discussion with the Cat Welfare Society to see how this programme can be continued.

Clerk: Question 829...

600 **Hon. D A Feetham:** Does the Hon. Minister have an idea of numbers of cats? Is there an effort to monitor the number of cats – the rise in population or decrease in population of cats? He knows that I live in the Upper Rock and my children have already adopted three kittens, I can tell him, that have been abandoned and there appears to me to be an increase in the number of cats. I mean, I do not know. I am just talking from my own experience of seeing them in the Upper Rock myself.

605 But is there a conscious effort on the part of the Government to basically monitor the numbers so that this particular problem can be kept on top of, because of course, as we all know, they are really wreaking havoc with wildlife in the Upper Rock in particular?

610 **Hon. Dr J E Cortes:** Yes, Mr Speaker, we are attempting to monitor certain key areas to see whether we can have an idea of the cat population, but there is no data. So at the moment we can only guesstimate, but we are trying to monitor in the Upper Rock.

615 **Hon. D A Feetham:** And, Mr Speaker, is he satisfied that the neutering of the number of cats that they have neutered – I think he indicated 59 – that that is going to deal with the problem? How long does he think that it will take before it will deal with and keep the population of cats within manageable proportions and certainly within numbers that will not cause significant damage to wildlife in the Upper Rock?

620 **Hon. Dr J E Cortes:** Mr Speaker, the figure I gave is a figure provided by the Cat Welfare Society and so it is not that the Government has been... as far as I know it never has been, although it does and has supported the Cat Welfare Society in carrying out this work, it has not done it directly and 59 neutered cats will not solve the problem in the Upper Rock... so, no.

625 **Hon. J J Netto:** Mr Speaker, just by way of providing information, I have just seen on the Cat Welfare Society's website, from a report published in 2007, that they say, and I quote:

'Over three years the Society has captured, sterilised and released 1,190 cats on the Rock.'

630 So perhaps that is some of the work they have done in the past. Obviously my concern is if that kind of progress can be maintained and some of the answers have already been provided by the Minister.

635 **Culling of cats
Monthly numbers**

Clerk: Question 826, the Hon. J J Netto.

640 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 691/2013, can the Minister for the Environment provide the monthly numbers of cats culled since 11th December 2011, as asked for, but not given.

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

645 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the number was given as an average, which mathematically is the number of cats culled per month and therefore the question was correctly answered. I now have to assume that rather than the monthly number, the hon. Member wishes to know the number per month. This information is provided in the schedule I now hand over.

650

Answer to Question 826/2013

Cats Culled

Month	2012	2013
January	0	0
February	3	0
March	0	0
April	0	0
May	14	2
June	0	0
July	0	23
August	0	6
September	1	15
October	7	3
November	4	0
December	0	0

Average = $78 \div 23 = 3.4$

655 **Hon. J J Netto:** Well, Mr Speaker, as the information may come now, but just to point out that if he goes to my Question 691, it asks the number of cats culled on a monthly basis. So I was right and he was wrong interpreting my question, but I will see the figures now.

Hon. Dr J E Cortes: Mr Speaker, I do not think I need to comment on that.

660 **Hon. D A Feetham:** He has very kindly provided a schedule and the culling appears to be really focused on three months in 2013: 23 in July; 6 in August; 15 in September. Then there are two other figures of 2 for May and 3 for October, but the rest is zero. There is a similar pattern also in 2012.

665 Can he explain this particular pattern of why there does not appear to be an even spread over months? It does appear to indicate that really there is no systematic programme spread over a year to deal with the question of feral cats by way of culling, which is one of the ways that obviously the Government, rightly in our view, is dealing with this particular issue.

670 **Hon. Dr J E Cortes:** Mr Speaker, we are talking about the cats here in urban areas and the way that this has been done in the past, and this was I think explained in my answer last time around, which although was converted to a written answer, because it was converted to a written answer there will not be a recollection of a discussion.

675 These cats have been culled as a result of a contract dating back to 2005, but the way that it has been operating for a number of years is that the cull has been activated by requests from the public, complaining about fleas or some other problems and it has been a result of that. Therefore when there has been a complaint, then the cull has been activated and therefore you will see this pattern, that suddenly there is culling and then it stops again.

680 The practice has been that it has been on the request of members of the community. Needless to say, there are those in the community who are not in favour of culls and I obviously recognise that as well. But the explanation of these stop and start figures is that they are following requests from members of the public.

Hon. D A Feetham: Mr Speaker, there are two points that arise from the answer that the hon. Gentleman has given and I am very grateful for it. One of them is that these are culls that have taken place in urban areas; the second is that it is a response to a request from members of the public.

685 Does he not agree with me that it does appear from that particular answer that really there is no systematic plan in terms of... that culling does not form part of the Government's plan to deal with the issue of feral cats in the Upper Rock, which he and I both recognise is wreaking havoc with wildlife, and in particular with an iconic species of Gibraltar, which is the Barbary partridge?

690 Can he explain why the issue of culling or culling as a legitimate form of control of feral cats has not been taken to the Upper Rock so that we can control the cat population there?

Hon. Dr J E Cortes: Mr Speaker, I think we have to distinguish the situation on the Upper Rock with that in urban areas. We must remember that there are those in urban areas who actually feed cats, and you may agree or disagree with them, but they are there, the people who do that, and who are very sensitive towards that; something that, as I say, whether you agree with it or not, you have to recognise... they are also members of our community.

695 The Upper Rock is a different issue. The way that the Upper Rock is being tackled is initially, as I said earlier, by monitoring and trying to determine what the scale of the problem is, particularly in areas which are more likely to have Barbary partridges, which are areas of more open ground rather than the dense vegetation. We are trying to build up a picture using a number of systems, which I can discuss later with the hon. Member opposite, to monitor, and then we hope to be developing a strategy to see how we tackle that so that the Barbary partridge can be protected.

Hon. D A Feetham: Can he give me a timeframe in relation to this, because we all recognise here that if we had a choice, you would not cull cats? That is the reality that one would not cull cats if one had the choice, but in a situation where they are impacting heavily on wildlife in the Upper Rock in particular, something as important to Gibraltar as the Barbary partridge, one would have thought that the Government would have perhaps been slightly more energetic in its attempt to get on top of the problem. Yes, because there is a sizeable population of feral cats in the Upper Rock.

705 So can he give me a timetable of when he thinks that perhaps the Government is going to be moving towards the Upper Rock in trying to cut down the population of feral cats in the Upper Rock that is causing such a problem with wildlife there?

Hon. Dr J E Cortes: Mr Speaker, we are in danger of having a really long discussion on Barbary partridge management, and I am happy to have that, but I do not know whether the rest of the Members particularly want to hear it.

715 There are a number of things here. Firstly, there is no way that no matter how much you do you are going to remove the full population of feral cats on the Upper Rock; therefore you have to concentrate on those areas where you want the partridges to do well, which means you concentrate on the areas which are better habitats for the partridges.

720 So what we are doing is we are in fact creating a new Barbary partridge habitat. We are monitoring those areas. We are in the final stages of acquiring Barbary partridges from Morocco and we want to time it in such a way that when we release these partridges, we are actually not releasing breakfast for cats. So we are timing it quite tightly and a lot of things have to slot in before we are ready to go.

725 **Hon. D A Feetham:** So just following on from that – this is my last supplementary question on this – so effectively the Minister envisages, in that very tight timetable for the acquisition and release of Barbary partridges, that when he releases those Barbary partridges, that he will have substantially dealt with the problem of feral cats in the areas where you are going to be releasing the partridges. Bearing in mind as well, of course, that that begs the question... I mean you are not going to be releasing them in fenced out areas.

730 So if you have a very large population of feral cats in the Upper Rock, they are bound to be moving, for example, to the area of Windmill Hill, where I presume that is one of the areas where he is going to be releasing some of these partridges, but can he perhaps shed some light in relation to that or give that guarantee to the House?

735 **Hon. Dr J E Cortes:** Mr Speaker, I sense the enthusiasm of the hon. Member opposite, and I am sure that behind it all he is extremely pleased that I happen to be Minister for the Environment. (**A Member:** Absolutely.) (*Interjections*) Mr Speaker, I did not hear that, but I am sure it was quite funny.

740 Mr Speaker, the idea is that this will work and that we will be able to ensure the ongoing success of the Barbary partridge or the *renewed* success of the Barbary partridge. But I really think, Mr Speaker, that from a question on monthly numbers of cats culled in urban areas, if I may add, to a discussion on the management of Barbary partridges, is probably – with respect to the hon. Member opposite, and I am

745 very glad to know that he shares my keenness for the species – I think that is probably as far as we need to take it at this point in time.

**Air pollution
ESG concerns**

750 **Clerk:** Question 827, the Hon. J J Netto.

755 **Hon. J J Netto:** Mr Speaker, further to the answer to Question 700/2013, is the Minister for the Environment not aware of the ESG communiqué of 16th October 2013, in relation to the concerns of air pollution?

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

760 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, yes, he is. Question 700/2013 asks whether the Department for the Environment had received reports of, and I quote:

‘persistent heavy air pollution associated with rotten eggs or sulphur smells’.

765 Mr Speaker, it had not. It had received four isolated complaints, which is precisely what I answered.

Hon. J J Netto: Mr Speaker, in the ESG communiqué of 16th October, they talked about persistent heavy air pollution in the area of Waterport Terraces, the South District and the Port. They also talked about talking to the Government, meaning probably the Minister for the Environment, and talking to the Department of the Environment in relation to raising their concerns on this persisting air pollution.

770 Has he now had that discussion with the Minister and the Department of the Environment in relation to their concerns?

Hon. Dr J E Cortes: Yes, Mr Speaker, I have very regular contacts with the ESG.

775 In relation to roundabout the time when the ESG issued their statement, which was on 16th October, there had been an approach, which I have recorded here on that day, from the ESG to the Agency. The matter was relating to smells that had occurred on the previous day and so it was difficult to investigate that particular instance.

780 There was subsequently a report the following day, not from the ESG, which was investigated. It appeared that there was an issue with a ship that had come into port with ammonia; but ammonia does not smell like rotten eggs and so it was probably unrelated to the previous one.

Certainly, I am glad to say that the large spate of smells related to bunkering, which happened a few years ago, has not happened, and these continue largely to be isolated incidents.

785 **Upper Rock Nature Reserve
Temporary closures of pathways**

790 **Clerk:** Question 828, the Hon. J J Netto.

795 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which pathways, green areas and walking routes in the Upper Rock Nature Reserve have been temporarily closed as a result of the comments made by the Minister of Heritage at the Heritage Trust AGM, in which he stated that what he saw were ‘death traps’?

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

800 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, as a result of continuing works to improve public access to the Upper Rock, works are ongoing in the Douglas Path/Mount Misery area, and access to a section south of the cable car top station has been closed off pending works.

This information is about a week old, Mr Speaker, and those works may have progressed since then. But, if you remember, we adjourned from last Thursday and I have not had the opportunity to check this morning.

805 **Hon. J J Netto:** Mr Speaker, just for the sake of clarification, is the Minister saying that this particular pathway that he is referring to was closed about a week ago? Is that what he is saying?

Hon. Dr J E Cortes: No, Mr Speaker.

810 There has been ongoing works in Douglas Path and what is known as 'Mount Misery'. Another section, which is south of the cable car top station, which is the other peak, so to speak, north of Mount Misery, has been closed off pending works. It is those works that I am not sure whether they have been carried out or not. The ones to Douglas Path and Mount Misery were ongoing when this answer was drafted and so they may well have been completed or will be nearing completion.

815 **Hon. J J Netto:** But in any case, what the Minister for the Environment is referring to is one particular pathway which has been temporarily closed. The impression that the Minister for Heritage gave, at the Heritage Trust AGM, was that there were many green areas and pathways in the Upper Rock Nature Reserve which were death traps. That is the impression, at least as quoted in the press.

820 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, if I may, since he is alluding to me, the fact is that what I said in the Heritage Trust AGM was that there was *one* place and that is Mount Misery, which is what my colleague is just stating. I can tell him for his peace of mind that I went there the next day, with a Health and Safety officer, and that is the place which is now blocked off for safety reasons. There is no pathway. There is no other place. It was just one specific place and that
825 was blocked off. It is still blocked off until works are now done.

Waste disposal/management Government plans

830

Clerk: Question 829, the Hon. J J Netto.

835 **Hon. J J Netto:** Mr Speaker, further to Question 694/2013, can the Minister for the Environment state what will be the waste disposal options that the Government will embark upon, following the completion of the specialist report by Ramboll in January 2013, providing a timeline for the implementation of such policies?

840 Can I just add Mr Speaker, my understanding is that I gave notice of the question... I mean the deadline for the notice of the question was on Thursday, 12th December, and I believe the Government issued a press release on 16th December to the press, which is this one which I have got here, in a way that puts the position quite difficult because I am trying to ask a question for which already some of the answer may have been put on the public notice by the press.

845 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, if I may answer that point first. We are talking about two separate documents. The question which I have, and I am about to answer, Question 829 refers to a report by Ramboll which was a report on waste management options for Gibraltar.

850 The Waste Management Plan, which is the one that the hon. Member referred to in his last comment, is the Waste Management Plan for Gibraltar, which is independent – totally independent. It is a completely different document and it is an EU requirement that had to be published by a certain date and we did meet the timeframe. So it is a completely different document, and one is only to do with the other in that they are both talking about waste, and that clearly, if we commissioned a report in January to talk to us about waste options, clearly some of that will be reflected in the Waste Management Plan, but it was certainly a completely different document and in no way will one have affected the answer that I am
855 going to give you, which if I may, I will now proceed to give the formal answer.

860 Following completion of the Waste Treatment Options Assessment Report, undertaken by Ramboll in January 2013, Government resolved to invite tenders in the Official Journal of the European Union and local press for the design, build, finance and operation of a waste treatment facility. Government wishes to provide waste treatment facilities locally, with the aim of achieving the highest environmental standards in the treatment of its municipal solid waste and urban waste water treatment by-products, tyres and other bulky items.

865 Government's principal requirements for the waste treatment facility are the following: (1) a waste reception, sorting and storing facility for specific and separate waste streams; (2) a material recovery facility which will recover recyclable materials from the municipal waste stream; (3) a waste treatment plant of which technologies of advanced thermal treatment would be considered; (4) a facility capable of (i) generating electricity; (ii) and/or producing potable water; (iii) and/or producing biodiesel; (iv) and/or

producing syngas; (v) handling and treatment of ad-hoc waste; (vi) handling and treatment of saline sewage sludge.

870 The tender was advertised on 14th February. The tender stage has now closed. Government is currently reviewing the tender submissions and will be in a position to make a decision in the first part of next year.

875 **Hon. J J Netto:** Mr Speaker, does the Minister for the Environment have a timeline in relation to when they would like to see, at least tentatively in operation, the new waste treatment plant?

880 **Hon. Dr J E Cortes:** Mr Speaker, as soon as possible. This is something that is well overdue and something that this Government has taken on with great fervour. Clearly, we needed to have the consultant's assessment, which is the report that I referred to in January 2013, and then that was used to inform the tender process. The tender process is currently reaching its final stages and I would like to think, clearly it depends on what the different options are and what tenders are finally provided, but I would have thought that certainly, within this term of Government, we should see the waste plant operational.

885 **Hon. J J Netto:** I think Mr Speaker, with respect; I might have lost the last part of the words of the Hon. the Minister of the Environment. Did he give an indication as to by when the new waste treatment plant will be operative?

Several Members: As soon as possible.

890 **Hon. Dr J E Cortes:** Mr Speaker, as soon as possible, and my wish would be that it would be within this term of Government; but certainly it depends on the details of the selected tender.

895 **Hon. J J Netto:** So basically he is not in a position right now at least, whether it is in 12 months' time or 24 months' time.

Can I also ask the Minister what is the location as to where the waste treatment plant might be located?

Hon. Dr J E Cortes: Yes, Mr Speaker, the intention is still to have it on the Governor's Cottage site.

900 **Hon. J J Netto:** Is the Minister perhaps in a position to tell the House what percentage of electricity may be able to be produced by this waste treatment plant at this moment or will he have to wait for the completion?

905 **Mr Speaker:** That cannot possibly arise from the original question.

Upper Rock Nature Reserve: A Management and Action Plan Implementation of recommendations

910

Clerk: Question 830, the Hon. J J Netto.

915 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state which recommendations of the 'Upper Rock Nature Reserve, A Management and Action Plan' have been implemented since 9th December 2011, which ones the Minister intends to implement in the next 24 months, and which ones the Minister feels that he will not be able to implement and why?

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

920 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the recommendations that will be implemented for the Upper Rock Nature Reserve and the wider Gibraltar Nature Reserve will all be fully laid out in the upcoming management plan that is being drafted by the Department of the Environment in consultation with the relevant stakeholders.

925 In any case, there are some notable recommendations that have been put into effect since 9th December 2011, which include: (1) extending the boundary of the Nature Reserve to include other important habitats, such as the Great Sand Slopes, Windmill Hill, Jacob's Ladder and Europa Point foreshore; (2) clearing areas of dense vegetation within the reserve; (3) appointing wildlife wardens; (4) reviewing traffic flows in the Upper Rock as part of the Traffic Management Plan; (5) establishing a

930 Caves Working Group, along with monitoring cave biodiversity and protecting specific caves and tunnels in the Upper Rock, by means of grilles and fences; (6) facilitating and supporting the monitoring of bat populations in Gibraltar as part of the Gib-Bats Project –this has already resulted in a new species of bat being recorded in Gibraltar, namely the Isabelline Serotine bat; (7) improving paths in the Upper Rock; (8) continued removal of invasive species.

935

**Control of Barbary Macaques
Access to Mount Alvernia**

940 **Clerk:** Question 831, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister of the Environment say if there are any permanent plans to avoid having Barbary Macaques entering into Mount Alvernia in the near future?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, management and staff at Mount Alvernia have been inducted in what measures they should take to discourage the monkeys. This includes ensuring staff and visitors do not provide food, making bins monkey proof and dealing with the scaffolding that has been in place for years.

Hon. J J Netto: Mr Speaker, can I just say that while the scaffolding has been there for many years, it is the case that the macaques are venturing into the homes more often, into the actual bedrooms of the residents there in Mount Alvernia, in frequent numbers, particularly lately. Whilst all the measures that the Minister has announced just now are positive steps in the right direction, it may not preclude the fact that macaques will continue to get inside the bedrooms of the residents.

955 For that particular aspect of the question, does the Minister not see that perhaps the staff in Mount Alvernia might need some extra help or resources, in conjunction with either the Department of the Environment or perhaps some other entity?

960 **Hon. Dr J E Cortes:** Mr Speaker, they are getting that. They are getting regular visits from the macaque team and being encouraged and advised on how to deal with this; so that is happening. There is constant contact.

965 The monkeys were attracted initially to fruiting trees in the gardens of the Mount and then discovered the bins and apparently people started to put food out for them, which is clearly something that we must all discourage. So the situation is being handled with the support of the team.

970 **Varyl Begg Estate
Pigeons culled in last six months**

Clerk: Question 832, the Hon. J J Netto.

975 **Hon. J J Netto:** Mr Speaker, further to the answer given to Question 696/2013, can the Minister for the Environment say how many pigeons have been culled in the last six months in Varyl Begg Estate?

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

980 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, four pigeons have been culled in Varyl Begg Estate in the last six months.

985 **Hon. J J Netto:** Mr Speaker, the reason why I am raising this particular question is because I have had representations being made to me by tenants of Varyl Begg Estate. In fact, I have taken the trouble myself of taking some pictures of the amount of pigeons, and I would say not just in the Varyl Begg Estate, because the whole area that is being affected by all this is, is practically the whole of the west side of Gibraltar. There are literally hundreds and hundreds of pigeons just flying around that particular area of Gibraltar.

990 Could I ask the Minister, on behalf of the tenants in Varyl Begg Estate, whether a particular effort could be made to tackle this over population of feral pigeons in that part of Gibraltar?

995 **Hon. Dr J E Cortes:** Mr Speaker, I am glad that the hon. Member has said that pigeons fly, because I thought that he had forgotten that fact, and the fact that four have been captured in Varyl Begg Estate does not mean that those that have been caught elsewhere are not ones that also frequent Varyl Begg Estate. They do fly between areas and therefore you cannot say that only four of the ones that use Varyl Begg Estate have been culled.

This is a concern. There is a large number of feral pigeons, as there have been for many years, and this is something that my Department is addressing with a view to introducing a programme which will be able to tackle this.

1000 **Hon. J J Netto:** Mr Speaker, can I invite the Minister, perhaps, to give some details of the particular programme he envisages will be implemented?

1005 **Hon. Dr J E Cortes:** Yes, before I do that, Mr Speaker, I will refer to my answer last time, which was that there have been 1,347 pigeons culled overall, so it is not that nothing is happening. Increased deployments to a number of areas in order to be able to attempt to bring the population down and also we are considering whether the feeding of pigeons is something that should be tackled as to whether or not that should be illegal.

1010 At the moment it is, in the sense that if you put out food, you are putting out litter, but there is not any specific targeting of the feeding of pigeons. Particularly in certain areas, like, for example, happened in Trafalgar Square, where it was made contrary to regulations, local regulations, to feed them in Trafalgar Square, it may be that we need to look at that, and that is something that is being looked at.

1015 **Importation of trees and turf from Italy and UK
Carbon footprint cost**

Clerk: Question 833, the Hon. J J Netto.

1020 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what is the carbon footprint cost of importing 140 trees from Italy for the Commonwealth Park, compared to a closer jurisdiction, such as Portugal or Spain?

1025 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 834.

1030 **Clerk:** Question 834.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment say what is the carbon footprint cost of importing turf from the UK for the Commonwealth Park, as compared to a closer jurisdiction, say Portugal or Spain?

1035 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the trees for the Commonwealth Park were purchased from Italy because Italy is the main producer of quality trees in the Mediterranean.

1040 It was absolutely essential for the establishment and success of the park that trees were purchased from the most reputable and reliable source possible. Trees are distributed throughout Europe from Italy, so that, for example, many of the trees that are used for landscaping in the UK arrive from Italy, either directly or indirectly, via Germany and the Netherlands. In fact, some of the best trees that are sold in Iberia are purchased in Italy and grown on in Iberia. So that purchasing closer to Gibraltar does not necessarily reduce the total distance of journeys for the trees.

1045 The trees for the park arrived from Pistoia, Italy, in five articulated lorries. The carbon footprint for the journey will have been about an estimated 29 tonnes. This is offset by the estimated amount of carbon sequestered by the trees so far, which given their sizes is about 103 tonnes. This offset would also cater for the higher quality turf being imported from the UK, about 28 tonnes, rather than a closer jurisdiction.

1050 The expertise that Italian growers have in packing these trees into lorries – 140 trees in just five lorries – means that although the distance covered is of course significantly greater, a larger number of lorries are likely to have been used had the trees been purchased in Portugal or Spain.

1055 It is doubtful, furthermore, that trees purchased in Iberia would have approached these Italian trees in quality, size and health. These factors would of course affect future growth and longevity positively, both of which will of course enhance future carbon sequestration.

1060 When all of these factors are taken into account, it is highly unlikely that there would have been any reduction at all in carbon footprint had these trees been purchased in Iberia. Quite apart from this, there is of course a net gain in carbon sequestering as a result of the new park, regardless of the trees provenance, so the park reduces Gibraltar's carbon footprints.

Hon. D A Feetham: Mr Speaker, what about financial cost? Before the Hon. Minister or Members of his staff went out and ordered these trees, was there an investigation of prices elsewhere in Spain, Portugal, or closer to home, where it might have been cheaper to purchase these trees?

1065 At the end of the day, I understand that it is always desirable to obtain the best possible quality, but when you are in Government, one balances the cost of best quality with obtaining reasonable quality at a lower cost that turns out to be better value for the taxpayer.

1070 **Hon. Dr J E Cortes:** Mr Speaker, I am sure I cannot detect anything behind the words of the Hon. Leader of the Opposition which may suggest that he would rather the trees died, and therefore that we got less quality trees. (*Laughter*) I say this, apart from the intention of perhaps making it a more jovial tone today, it is after all two days before Christmas, because clearly we need to have quality if this is going to be a park that will stand the test of time.

1075 It was not asked and so I do not have a cost for the trees, in particular, with me, but clearly they are the best trees available in the Mediterranean and the long-term cost benefit of acquiring these trees is something that is absolutely clear.

1080 ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Job vacancies offered to employed persons Government's policy

1085 **Clerk:** Question 806, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Minister for Employment state whether it is the Government's policy not to offer vacancies to those in employment?

1090 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, as this House has been told previously, the majority of the vacancies open since 2011 have been filled by persons who were not registered as unemployed.

1095 **Hon. D J Bossino:** And presumably the answer is that it is in the Government policy, given that on the ground, according to what the Minister is saying, it is not happening.

1100 **Hon. J J Bossano:** Well, Mr Speaker, it follows, as night follows day, that if the vacancies had not been opened to everybody, then it would not have been possible for the vast majority of them to have been filled by people who were not registered as unemployed.

Clearly, every time that somebody who is employed already gives up a job in the private sector and takes up a job in the Government, the unemployment figures do not go down, but there is nothing I can do about it.

1105

Definition of 'disabled' Government review

1110 **Clerk:** Question 807, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Government say when the definition of 'disabled' will change to ensure that all those who suffer disability, at whatever stage in their lives, will

1115 be entitled to disability benefits, what criteria will be used to define disability and at what stage is Government in the review of disability in our laws?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1120 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the Government is in the process of establishing clear and objective criteria to address the problems faced by those who become disabled, but were not born with a disability. This will be completed within the lifetime of the Parliament.

1125

**Leisure Construction and Maintenance Company Limited
Number of employees**

1130 **Clerk:** Question 808, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government provide details in respect of the number of employees who may have been employed since the answer provided to Question 650/2013 by Leisure Construction and Maintenance Company Limited, broken down by grade, age, gender and nationality?

1135 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, none have been employed since the answer to Question 650/2013.

1140

**Health and Safety
Provision of November 2013 statistics**

1145 **Clerk:** Question 809, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health and Safety provide the November 2013 statistics to Parliament of Health and Safety, as these were unavailable on the Government website when the deadline to hand in the Opposition's Questions to Parliament expired?

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Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, I now hand over to the Member the information required.

GIBRALTAR PARLIAMENT, MONDAY, 23rd DECEMBER 2013

Table HS.1

Monitoring Activities, 2013

Industry Sector	November							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	3	9	2	12	4	-	4	34
Education	-	-	-	-	-	-	-	0
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	1	-	-	-	-	-	1
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	0
Medical & Health Services	-	-	-	-	-	-	-	0
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	3	-	-	-	-	-	-	3
Repairs Consumer Goods	-	-	-	-	-	-	-	0
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	1	1	-	-	2
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	2	-	-	-	1	-	-	3
Shipbuilding/Marine Repairs	-	-	-	1	-	-	-	1
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
Total	8	10	2	14	6	-	4	44

Updated 1 December 2013

Occupational Reportable Accidents, 2013

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

Updated 1 December 2013

Table HS.3

Enforcement Activities, 2013

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

Updated 1 December 2013

Table HS.4

Number of times legal advice has been sought during the month in relation to the number of inspections conducted, 2013

As at	Advice
November 2013	-
Total	-

Updated 1 December 2013

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

Table HS.5

Reasons for Factories Inspectors issuing Improvement and Prohibition notices, 2013

As at	Industry Sector	Improvement Notices	Prohibition Notices	Reason
30 November 2013	Construction	1	-	1. Failure to have a supply of clean hot and or warm, water; 2. Failure to have adequate and sufficient lockers and changing rooms.

Updated 1 December 2013

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

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Mr Speaker: The supplement is rather lengthy. Could I suggest that we go on to the next question and the hon. Member can come back and ask supplementaries when he has studied the information? Okay.

Hon. J J Netto: It will not be necessary, Mr Speaker, because subsequent to the closing date, it is on the website. So I have got it here with me, so I can ask the supplementary question straight away.

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Mr Speaker, could I ask the Minister for Health and Safety, because I have been looking at one of the tables in particular... I am referring to the table for monitoring activities and I do not know whether he has got it in front of him – monitoring activities for the month of November we are talking about – and I can see that there was a total of 44 activities, which are later broken down by each particular component. But of the total of 44, 34 correspond to the construction industry. Now the construction industry is just one industry group of 21 within the labour market, and that represents 77% of the total amount of monitoring activities for the month in November of the total. Could the Minister perhaps give an explanation why this unusually high figure of 77% is dedicated just on the construction industry?

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Hon. J J Bossano: Yes, Mr Speaker, I can give him the same explanation that I gave him the last time he asked an identical question, which is that construction activities take place in sites that stop being work places when the work is completed and open up new sites. Whereas if he looks at the rest, it is all inspections of permanent places of shops, retail trade and road transport. In all those cases the place to be inspected is inspected and if the inspectors do not find anything wrong, they do not have to keep on coming back.

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But in the construction sector, you can have one construction company and they are opening new sites every month and completing work on other sites. The pattern is the pattern that is normal, has always been there, and it is explained by the fact that construction companies are mobile from site to site, but shops are not, they are always in the same place.

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Hon. J J Netto: Yes, Mr Speaker, I do accept part of the answer given by the Minister, in the sense that construction sites are mobile and therefore the Health and Safety Inspector will want to inspect every, perhaps, new particular site that emerges in a particular construction; but the fact is that the figures are simply disproportionate. *(Interjection)*

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When you look at it in the month you have a total of 77% of the time dedicated to monitoring to that particular industry group. There is – and I have done an exercise myself and I do not want to go into a lengthy explanation here because it is Question Time – a particular industry group in the whole of this year which has not had one single inspection at all within the labour market. It just shows that there is a disproportionate amount of time dedicated only exclusively... well, I would not say exclusively, but *mainly* on the construction industry, to the neglect, perhaps, of other industry groups.

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Can I ask the Minister, because it is Question Time, whether he can discuss this with his own officials in order to see that other industry groups have some attention as well, because at the moment they are not having any attention at all?

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Hon. J J Bossano: No, Mr Speaker. I will not do that because I do not think it is my job to tell the Health and Safety Inspectors how best to conduct the activities that they are required to conduct under the law. I do not think that I am qualified to tell them that the amount of time that they spend going to a construction site is disproportionate. I do not know if that was the practice before 2011 and I will find out if it was, but it is certainly not the practice now and I do not intend to introduce it.

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Hon. D A Feetham: Well, Mr Speaker, and I see the Hon. the Minister for Financial Services laughing. It is not a laughing matter –

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Minister for Financial Services and Gaming (Hon. A J Isola): I was laughing at you!

Hon. D A Feetham: The reality is that the Hon. Mr Netto has pointed out that there are industry groups that have not received any visits from inspectors at all. He may not give instructions to inspectors as to who to visit or who not to visit, but ultimately he is politically responsible if inspections are not being conducted with the efficiency that they ought to be conducted, and that there are industry groups that are being, effectively, neglected or not being inspected.

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Does he not believe that that is a matter of concern? At least will he not undertake to go back and to actually look at the split, in terms of industry groups of inspections, and if there is a particular problem by way of neglect of a particular sector, that perhaps he ought to have a word with his inspectors and at least ask why it is that these industry groups have been neglected or there were no inspections in relation to them?

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Hon. J J Bossano: No, Mr Speaker. I will not do any of that because I do not think that just because the hon. Member opposite gets it into his head that there is a huge neglect of people who are at serious risk or small risk or any risk at all, when there is overwhelming evidence that the vast majority of accidents at work happen in areas, like the construction industry, where people are at risk and it is quite

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1220 obvious that the level of risk that takes place in... simply because anybody that has been at work knows
that in an office with lawyers, is not the same as when you are going up scaffolding on a building site. So
clearly, the inspectors, who know their job and are professionals, are doing the work in the way they think
is more efficient.

1225 Let me say that this new interest in Health and Safety is surprising, when in fact I made public
recently the fact that there is a requirement in the 1996 Regulations that every single entity in Gibraltar
should produce a risk assessment and keep a record of places where there are more than five, and the
Department had no evidence that that had been complied with. In fact, I am now in the process of
ensuring that in areas where it has not been complied with, after somebody approaches the employer to
find out if it is there, if there is a record, it will be done. I have given a public commitment that every
1230 single employer will have a risk assessment required of them, as the law states, within a year.

I do not think that there is more that can be done to do what is the basic thing, which is to do a risk
assessment. When that has not been done, surely the risk assessment that is going to be done over the next
10 months will show us whether there are other areas that potentially we should be devoting more
attention to.

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**Factory Inspectors
Reason for seeking legal advice**

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Clerk: Question 810, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer given to Question 704/2013, can the Minister for
Health and Safety say for what reason or reasons did the Factory Inspector seek legal advice in the month
1245 of October?

Clerk: Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr
1250 Speaker, the legal advice pursued by the Inspectorate was on how to proceed after an improvement notice
issued to GFI was appealed.

Hon. J J Netto: Was this improvement notice issued in September?

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Hon. J J Bossano: I believe it was.

Hon. J J Netto: And was the reason for the legal advice because the employer, in this particular case,
was not putting right, basically, what the Factory Inspector had placed in the improvement order?

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Hon. J J Bossano: Well, as the original answer states, Mr Speaker, if the employer in question gave
notice of appeal, it follows logically that he did not agree with the assessment of the Inspectorate and that
is why he was going to appeal.

In actual fact, when the matter was referred to the Attorney General for advice, the Inspector went
back to GFI and they agreed to comply with the Inspectorate and it did not go any further. But if it had
gone to appeal, the Inspectorate needed the assistance of the Legal Department on how to deal with the
1265 appeal.

Hon. J J Netto: I am not sure whether I have understood the Minister correctly. Is he therefore saying
that while they have been seeking legal advice, the actual works have not progressed on site, or they have
1270 progressed on site? I was not clear there.

Hon. J J Bossano: If somebody gets told to do something in his workplace to change something and
he decides to appeal, then it means that he does not accept that what he is being asked to do has to be
done. I am telling him that that is why the Inspectorate appeals are very, very rare. The Inspectorate then
went to the AG's Chamber to say, 'Well, look, these guys are resisting, what needs to be done. They are
going to go to appeal, so how do we deal with it?'

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I am also telling him, although he has not asked me, that in practice, after that step was taken, and
they went back, the company concerned changed its mind and decided not to proceed with the appeal, and
complied with the order.

1280

HEALTH AND THE ENVIRONMENT

Artificial reef

Reasons for location and timing

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Clerk: Question 835, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister please explain why the Government laid the artificial reef in the area that it did, at the time that it did?

Clerk: Answer, 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, I am answering on the creation of the artificial reef as this was an environmental measure, co-ordinated and managed by my Ministry.

The location of the artificial reef is paramount, as this will largely determine the success of the prospect – (**A Member:** Project.) sorry, of the project... I apologise Mr Speaker – as this will largely determine the success of the project so that it will enhance the area's marine environment.

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More specifically, the north-west artificial reef was laid in this area for the following reasons: (1) sea grasses were prevalent in the area as documented by experts in scientific journals, but these had been destroyed by fishing activities, particularly raking. The design and layout of the reef has been done to facilitate the planting of sea grasses; (2) the seabed is of a sandy composition. The Department of the Environment had been continuously monitoring the water sediment and biological conditions of the site, which proved to be suitable for the creation of an artificial reef; (3) the area is not a shipping lane or military exclusion zone; (4) it is an area within British Gibraltar Territorial Waters, which provides no negative environmental impact, but maximum environmental gain.

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The reef, being in sheltered waters is the ideal location to: provide a spawning area for fish and marine life; provide an area for the re-colonisation and/or relocation of sea grasses; provide natural protection for the recolonisation of Habitats Directive Annex IV species, as listed under the Habitats Directive – for example *Pinna nobilis*; improve shellfish populations; provide a habitat for benthic communities to develop; and provide a new site for diving and snorkelling activities.

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In terms of timing, calm conditions with minimal wave, wind and tidal influences favour the deployment of artificial reef modules. The north-west artificial reef was deployed during the summer on 24th July and 25th July 2013, since the forecast for meteorological and sea state conditions were deemed suitable for said deployment.

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Hon. D A Feetham: Was there any discussion at all or was it factored into the decision to lay the reef in August? I recognise that the Government has every right to lay this reef where it laid it.

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A Member: In July.

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Hon. D A Feetham: Sorry, in July. But was there any discussion or was it factored into the decision, the possible repercussions that might have flowed from the laying of the reef and the impact that that would have had in terms of local traders because of ...and indeed there has been an impact on local traders – the consequence of the problems that we have had on the frontier? I mean, was that factored into the decision-making process by the Government, or the Minister, or the Chief Minister, when the decision was taken to lay this particular reef in July?

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Chief Minister (Hon. F R Picardo): Needless to say, Mr Speaker, I am not going to be engaging the Leader of the Opposition on what the Chief Minister and the Minister for the Environment discuss.

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Hon. D A Feetham: Yes, but Mr Speaker, that is a wholly inadequate answer, with respect.

We have a reef that has been laid in July. It has provoked, unjustifiably so, we recognise that – unjustifiably so, but in our view *predictably* so – a reaction from Spain which has involved restrictions at the border, which has then caused huge problems, particularly for mainstream traders at the height of the tourist season in August and September, which has led many of these traders to see a downturn in their turnover for those two months.

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I would have thought, and does he not agree with me, that any prudent and reasonable Government would have factored into their decision-making process that kind of consequence, despite having the legal right and the moral right, whatever you like, in terms of laying that reef, but factoring into the decision making process those consequences for mainstream traders and other businesses in Gibraltar?

Mr Speaker: Before the Chief Minister answers that supplementary question, let me make it clear that I am not going to allow a debate this morning, arising from this question, about the frontier restrictions or the measures being adopted by the Spanish Government, for whatever reason they may be.

1345 If the hon. Members of the Opposition wish to, they can raise the matter later, on the adjournment. It is a proper matter to raise on the adjournment, when a 40-minute debate can take place without a vote being taken and without a formal motion, or they can raise, they are free, under the Rules of this House, they are free to bring a motion on the question of the frontier restrictions whenever they so wish and then different Rules will apply because it will be a debate.

1350 But this morning, arising from this question, we are not going to have such a debate.

Hon. Chief Minister: Mr Speaker, I am very grateful for that, because I think that is exactly what the Hon. the Leader of the Opposition wants.

1355 May I just comment in respect of what you have said, that of course a motion on the adjournment falls in respect of matters which are urgent, and something which has been going on apparently since August is not going to, in my view, attract the epitaph of ‘urgent’.

Mr Speaker: If I may correct the Chief Minister: not just urgent, but on any other matter, and it is any other matter that could have arisen during Question Time, and then it is for the Speaker to decide whether that is an appropriate matter to have debated on the adjournment.

Hon. Chief Minister: I am grateful, Mr Speaker, but let us be clear that the motion on the adjournment is not the sort of procedure that should be used by Oppositions that are fearful of losing votes on motions.

1365 The Opposition, if they want to debate this issue with the Government are free of course to do so and the Government would very much welcome the opportunity of debating this with the Opposition; but let us do it on a motion, Mr Speaker, that is clear, and let us do it on a motion where we take a vote.

1370 Mr Speaker, the position is very clear. I am not going to engage the Leader of the Opposition on what it is that the Government considers when it makes a decision. If I start the process of answering in respect of that question, then we are going to be here simply analysing who said what to who in Cabinet before a particular decision that hon. Members like or dislike was taken.

1375 But I do have to take issue with much of what the Hon. the Leader of the Opposition has said. He appears to not be living in the Gibraltar that most of the rest of us are living in. He appears not to have lived the history of Gibraltar that the rest of Gibraltarians have lived it, and I say that, Mr Speaker, not in respect of the restrictions of 1969 to 1982 and then 1985, when the frontier finally opened, but of course, Mr Speaker, in respect of the period of restrictions and of frontier queues and of rhetoric that the hon. Member did not live with us, because he was happily ensconced up in the north of England being a barrister there.

1380 He might not recall, and I hope that this is of assistance to him, Mr Speaker, that at the time that the GSD were in administration, when they laid no reefs, Mr Speaker, and they tore up no fishing agreements – in fact they did them – we had... Apparently I am *pesao* Mr Speaker, I hear the hon. Lady opposite saying, because I am reminding them of this.

1385 We had extremely long frontier queues. We had extremely negative rhetoric, all from the same place that we have them today, the Palacio de Santa Cruz and the *Partido Popular* Foreign Ministers of the time.

There was a very informative article today that I recommend to Members opposite, Mr Speaker, in a publication in Spanish called *Público – Público.es* – which analyses what is Plan A and what is Plan B for the Spanish Foreign Ministry.

1390 Plan A, Mr Speaker, is being nice to the Gibraltarians and see if they will agree to transfer the sovereignty of Gibraltar. Plan B says, Mr Speaker, if having been nice to the Gibraltarians they do not agree to any progress on issues of sovereignty, then start getting tough. And if the hon. Gentleman says, ‘Well, Mr Speaker, did you not consider Plan B when you were considering with the Hon. Minister for the Environment whether such a reef should be created in British Gibraltar Territorial Waters or not?’, let me put it to him, Mr Speaker, that he should go back and do a bit of research. Not so much on the numbers of inspections that Health and Safety officers rightly do in respect of the construction industry, rather than analysing Health and Safety in hairdressing salons or spas, but to read the words of Señor Margallo, when he was first appointed Minister for Foreign Affairs of Spain – not when he said, ‘*Gibraltar Español*’ or ‘*Esta broma se ha acabado*’ – this joke is over – but when he said in a lengthy interview on 21st January 2012, Mr Speaker, and for the purposes of assisting him that is 19 months before the reef was laid – 19 months before the reef was laid – ‘We are not going to progress with the trilateral process that is at an end and from now on we will have regional co-operation so long as there are advances on sovereignty –

1405 **Mr Speaker:** Can I – ?

Hon. Chief Minister: – not otherwise’.

1410 **Mr Speaker:** Can I bring the Chief Minister (*Interjection*) back to the question and answer? The question was as to the reasons why the Government laid the artificial reef in that area and the time that it did so.

The Hon. the Minister for Health and the Environment has given detailed answers, based on environmental and biological conditions, as to why that was proceeded with. I am only going to allow any further supplementaries to deal with those aspects of the question and the answer.

1415 Anything else to do with the wider political issues, hon. Members can debate whenever they so wish. I make myself available for that purpose and I will then apply the liberal rules of debating which follow. But, we are not going to do that this morning and I am bringing this matter to a conclusion, unless supplementary questions are within the parameters that I have decided.

1420 **Hon. Chief Minister:** Mr Speaker, I am very happy to accept your ruling. I will allow the Minister for the Environment to deal with the biological and environmental aspects of this matter as he is much better qualified than I am. I think I have dealt with the political aspects that were raised by the Leader of the Opposition.

1425 **Hon. D A Feetham:** Mr Speaker, I am interested in the political questions and the political answers. If I cannot ask political questions and receive political answers, then I am not going to pursue the matter any further.

1430 **Hon. Chief Minister:** Mr Speaker, can I put it to the hon. Gentleman that environmental issues and biological issues are highly important political issues too.

Hon. D A Feetham: Yes, Mr Speaker, but I am interested in the reasons why the Government took a decision which in my view has turned out to be one of the most monumental errors of judgement in the political history of Gibraltar. (*Banging on desks*)

1435 **Mr Speaker:** May I make it clear that, as Speaker, I am also interested in those decisions. I do not want anybody to go away from this House under the impression that I am curtailing discussion on these matters. I am just saying that Question Time is not the appropriate time to do so and I invite hon. Members of the Opposition, if they so wish, to table a motion at the earliest convenience, in order to debate this important issue. So I do not want anyone, members of the public in particular, who may not understand what the Rules of Procedure are, to think that the Speaker is curtailing debate. The Speaker is not curtailing debate, provided it is at a time when debate is called for.

1440 We are dealing with questions and answers, the purpose of which is to ask for information, to enjoin the Government to adopt a particular course of action or to adopt a certain line of policy, and that is what Question Time is about.

1445 **Hon. Chief Minister:** I am very grateful, Mr Speaker. I think it is important the public should know that we are prepared to debate these issues.

1450 Mr Speaker, I think it is entirely politically appropriate though that I do deal with the hon. Gentleman’s last point, because I think the public will realise, Mr Speaker, that the biggest monumental error of judgement made in the modern history of Gibraltar was actually to leave the GSLP as it was in the ascendancy and to join the GSD. In any event, Mr Speaker, history will judge this Government for everything it has done, not just but including the reef, much more fairly than the Opposition would like us to be judged for their own narrow political purposes. And when we do, Mr Speaker, the advances made in respect of those waters off the isthmus may not look like such a monumental error of judgement.

1455 **Hon. D A Feetham:** And I will enjoy bringing a final curtain to your Government in two years’ time. (*Interjections*)

1460 **Mr Speaker:** Is there any supplementary on this particular question? If not, we will proceed to the next one. No. I see that the matter has been satisfactorily dealt with therefore. (*Laughter*)

Hon. Chief Minister: Well Mr Speaker, the hon. Gentleman has made a point and I think it is right that I should be able to answer it, because... if only with this observation, Mr Speaker.

1465 I think what you have done this morning, Mr Speaker, is to rightly draw out the Leader of the Opposition so that we have now been able to see, and so has all this community, that all of these issues

that he wants to debate, he is not interested, Mr Speaker, in any details as to the biological and environmental reasons for the creation of the reef. He just wants to use this opportunity, Mr Speaker, to hurt the Government politically so that he can bring a final curtain on our Government in two years' time.

1470 Mr Speaker, for the purposes of the record, let me just remind him that the person who will decide when to bring the final curtain down on the lifetime of this Parliament will be me when I go and see the Governor to ask him to convene a General Election. We do not know yet, Mr Speaker, who will lead the parties into that General Election, what the parties will be, which party he will be in at the time, Mr Speaker (*Laughter*) and the general public will decide who it is that governs Gibraltar afterwards. He should not assume that he is going to win any elections in the future.

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Mr Speaker: And I am bringing now a final curtain on this question and we go on to the next one. (*Banging on desks and applause*)

1480

CHIEF MINISTER

Costs to taxpayer

Members' expenditure; protocol, travel and entertainment

1485

Clerk: Question 836, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Chief Minister state the breakdown of expenditure so far since the commencement of this financial year in relation to (1) protocol; (2) travel; and (3) entertainment by all Members of the Government, broken down by each separate category and stating the purpose, place and date in which such event took place?

Clerk: Answer, the Hon. Chief Minister.

1495

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question together with Questions 837 and 838.

Clerk: Question 837, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide a breakdown of all costs to the taxpayer of the recent visit to the Fourth Committee of the United Nations, identifying everyone who was paid for by the taxpayer, together with items of expenditure associated with that individual?

Clerk: Question 838, the Hon. D A Feetham.

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Hon. D A Feetham: Can the Chief Minister please provide details of the cost of the Mega Pop Concert, the Jazz Festival, the Literary Festival and the Gibraltar Day in London?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, ministerial travel costs are put on the Government website, as invoices are received and paid, including those of the Deputy Chief Minister, Minister Licudi and my own, in respect of our travel to the United Nations this year. Should any further Ministerial costs be received, they will be reflected on the website.

1515

Details of protocol and entertainment have never been provided before the financial year end, by any administration, as that amounts to, in effect, providing a management account of ongoing expenditure.

In respect of Questions 837 and 838, however, I now hand over a schedule with the information requested, except in respect of protocol.

Answer to Question 837

Breakdown of costs to date to the taxpayer of the recent visit to the Fourth Committee of the United Nations

GM DELEGATION	Air Fares	Accommodation	Meals, Transport and Other Expenses
Mr E Gomez	£5,472.00	£2,190.00	£1,628.50
Mr Javier Redondo	£5,583.00	£2,190.00	£1,679.30
Mr Jaime Trinidad	£5,072.00	£1,333.00	£412.35

PRESS PARTY	Air Fares	Accommodation	Meals, Transport and Other Expenses
Mr Stuart Green	£1,478.00	£798.00	£0.00
Mr James Murphy	£1,738.00	£798.00	£0.00
Ms Christine Vazquez	£1,696.00	£798.00	£0.00
Mr J.C. Teunis	£1,324.00	£1,650.00	£0.00

1520

STUDENTS	Air Fares	Accommodation	Meals, Transport and Other Expenses
Dr J J Brito	£1,425.92	£1,898.86	£788.79
Mr Thomas Blegden	£1,425.92	£870.86	£483.30
Ms Cristina Gonzalez	£1,425.92	£870.86	£483.30
Mr Roger Rodriguez Gabriel	£1,425.92	£870.86	£483.30
Ms Aysna Panfer	£1,425.92	£870.86	£483.30
Mr Thomas Romagosa	£1,425.92	£870.86	£513.01
Mr Ryan Robba	£1,425.92	£870.86	£483.30

Answer to Question 838

Gibraltar Day 2013

Guildhall Event	Church Service	Trinity House Breakfast	City Gaming Breakfast	VIP Lunch - The Gherkin
£88,384.97	£2,145.32	£7,474.47	£3,772.00	£1,962.38

Mega Pop Concert	Jazz Festival	Literary Festival
£566,860.17	£91,988.16	£152,921.00*

* Some further revenue may yet have to be off-set against this figure

Mr Speaker: My attention has been drawn to the fact that the Chief Minister... has he missed out the last line of the question?

1525

Hon. Chief Minister: Oh, yes, you are absolutely right, Mr Speaker. I am very grateful.

In relation to Question 837 and Question 838, there is another sentence I should have read out. Her Majesty's Government delegation on this occasion, the occasion of our visit to the United Nations, also included the Director of Education and six students.

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Hon. D A Feetham: Mr Speaker, I have the schedule here in front of me and it does not include – and can I take it from the non-inclusion – anybody from the Self Determination Group, it does not include Mr Matthews, unless I have made a mistake. Does that mean that Mr Matthews paid for his own travel and expenses to the United Nations and that is why it does not appear in this particular schedule?

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Hon. Chief Minister: Well, he should ask Mr Matthews that, Mr Speaker. The only thing I can say is that the Government did not pay for it.

Hon. D A Feetham: Yes, and for the avoidance of doubt, can he confirm that it was not paid for through any Government-owned company, either directly or indirectly?

1540 **Hon. Chief Minister:** Mr Speaker, as far as I know we have not paid for the SDGG to come with us to the United Nations through the Government, the Savings Bank, Credit Finance Company, all the ones that they say are secret, Mr Speaker, but they know everything about it and so does everyone else in our community.

1545

**Former Speaker of the House
Investigation into leak of personal tax affairs**

1550 **Clerk:** Question 839 the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state whether the investigation into the leak of personal tax affairs of the former Speaker of this House has now concluded?

1555 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, this investigation has now concluded and no evidence as to the source of the leak has been established by the Chief Secretary. A report of the investigation is presently being prepared.

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Hon. D A Feetham: Well, Mr Speaker, in relation to the report that he says is being prepared, is that a report that is a report to Government that will not be made public, or does he intend to make it public? Would he lay it before this House? What are his intentions in terms of the report into this particular issue, which is a serious issue, not only generally, but also for Members of this House? At the end of the day, this was a Speaker of the House and his personal tax affairs were leaked to members of the press.

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Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman understates the seriousness of what happened here and that to have the tax affairs of any individual leaked to the press is, to say the least, criminal. To have them leaked of a Member of this House is criminal and raises political issues too; and therefore I will not commit myself to publish the report for exactly the reasons that I said to him in answer to Question 497 this year, which I am sure he will recall, namely that it may be that that report leads to my making – my or whatever the appropriate mechanism is – to a criminal report being made for further criminal investigation.

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Hon. D A Feetham: I understand that if the report focuses on evidence that may form the basis of a criminal investigation, that it may not be appropriate to disclose the report – I understand that. But as I understood the answer, really the Government or the Chief Secretary has not been able to get to the bottom of how or where and when, the ins and outs of the leaking of this particular information.

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If there is nothing there in this report that can form the basis of a criminal prosecution, because at the end of the day it really is inconclusive, is there any reason why the Government will not disclose the report so that at least Members of the Opposition can look at it and also can look at the thoroughness of the investigation and the way that the investigation has been conducted? We are perfectly entitled to do so, you know.

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman can do what he likes. He can look at whatever he likes, but what he is not going to become is the policeman of the Chief Secretary. Is he saying, Mr Speaker, that he has some doubt as to the thoroughness of the investigation undertaken by the Chief Secretary?

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I must say, Mr Speaker, that I watched in awe – watched, because now we are able to, after the reforms that this Government has made – the allegations being made in respect of employment issues, when the Hon. the Minister for Health was answering questions, and all of those implications which you were good enough to point out about the Public Services Commission and its working. Are we now to have suggestions in this House, that in respect of something as important and as sensitive and as, frankly, unacceptable as a leak of a taxpayer's information, the hon. Gentleman thinks that it is up to him to determine whether or not the Government or the Chief Secretary have been thorough in an investigation?

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Well, look, Mr Speaker, that is never going to be a reason for us to publish a report. What I am saying to him, in trying to agree... in fact, in going further than his own view as to the seriousness of this leak, Mr Speaker, is that the report *may* take matters further, and it may take them outside the ambit of simply a

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1600 Civil Service investigation into what has happened. But certainly, Mr Speaker, if the report is published, it will not be in order to enable the hon. Gentleman to make himself the policeman of the policeman.

Hon. D A Feetham: Mr Speaker, he really is very long winded in his answers today, and he really is waffling and waffling and waffling... more so today than on other occasions.

1605 Look, it is not up to me. It is not up to me, but I am perfectly entitled to examine that report and make my own mind up as to the quality of the investigation. That is part of the role of the Opposition. Or is he really suggesting that the Opposition is not entitled to look at this report and make up its own mind as to the thoroughness of an investigation into a very serious issue?

1610 Of course there are criminal implications, but it is also a matter of extreme importance to Members of this House that in relation to a Member of this House that there has been a leak of personal tax affairs that ultimately led to the Speaker's resignation last year. Mr Speaker, does he not recognise that the Opposition is entitled to that information?

1615 **Hon. Chief Minister:** Mr Speaker, the previous Speaker of this House, who gave eight years of service to this community and to this Parliament, explained why he resigned – in fact, not why he resigned, why he retired. He never suggested it was anything to do with the malicious leaking of information dealing with his tax affairs. The Hon. the Leader of the Opposition has just said the opposite.

1620 Look, Mr Speaker, there has only been one Speaker who has resigned as a result of something related to the work he has done in this House and that was Mr Alcantara, who had to face a motion of no confidence in the Speaker where the Government voted against him because he had ruled in a way that the Government did not like. The Government that he supported. The Government that he then became a Member of, when he made the monumental error of judgment of leaving the GSLP in its ascendancy and going to the GSD in its descendency.

1625 But, Mr Speaker, how can he say that he is entitled to a Government report? Well, Mr Speaker, if he has any legitimate expectation that he might see the report, which he does not, it might be because we publish reports. Or, Mr Speaker, is it that I had an entitlement – to use his words – to see the Customs Report prepared by the previous administration, which they refused to publish, or to see the Alan King report into the future of GBC, which they had prepared at a *huge* cost to the taxpayer and refused to publish? Well, Mr Speaker, where was the entitlement then when he used to sit here and snigger, as a Government Minister, when those reports were not published.

1630 This report is into a very sensitive matter, and I am telling the House it may lead to more, and all I am saying is I cannot commit myself to publish the report as a result of that. But, Mr Speaker, he says that we are waffling. Look, Mr Speaker, I think anybody who has been watching today will know that they are the ones gobbling like turkeys voting for Christmas, and we are the ones talking turkey.

1635 **Hon. D A Feetham:** He really has a propensity – he does it better than anybody else – to grandstand, the showmanship, the Hollywood; that is his thing. I have to say that that is his thing and I congratulate him for it.

1640 But, Mr Speaker, does he not recognise that he got elected on a ticket of doing things differently, even if it were right what he says. He was elected on doing things differently and he complained on many occasions that we had not published the King Report. Does he not recognise therefore that he ought to take a leaf out of his own political discourse and do things the way that he used to preach that he was going to do things, before he became Chief Minister of Gibraltar?

1645 **Hon. Chief Minister:** Mr Speaker, look I think the hon. Gentleman has not wanted to hear what I say. He accuses me of grandstanding, but he is asking questions, despite my answer being the report may be published unless there are reasons why it should not, because it may lead to a prosecution.

1650 Now Mr Speaker, of course we are doing things differently. There was a new dawn, thank goodness, on 9th December 2011. Things have changed, this Parliament is unrecognisable. People can watch us at home, and so much more has happened, Mr Speaker. But everybody knows that there has been real change in our community.

1655 But what I cannot do, Mr Speaker, is when we are dealing with a report that *may* lead to a prosecution, or an investigation or may be tangentially related to a prosecution or an investigation, commit myself today – and that is what we are arguing about – to publish the report. Mr Speaker, it maybe that those things do not come to pass and the report can be published, because my inclination, as hon. Members know, and they take me at my best in this respect, is always to publish unless there is a good reason not to.

But that does not mean, Mr Speaker, because there has been a new dawn, because at last there is transparency, because we are a more open Government, that the hon. Members can have a webcam set up in each of our offices to hear what we talk about when we are going to decide whether or not to lay a reef,

1660 to look at what it is that we are doing in respect of reports, and to have access to any information that may be of an important prosecutorial nature.

But, Mr Speaker, let that not stop him from sitting down, almost as if he were Scrooge, to say, 'Bah, humbug' to everything.

1665 **Hon. D A Feetham:** Mr Speaker, nobody is asking for disclosure of this report, if at the end of the day it is going to lead to a criminal prosecution or a criminal investigation. I have not suggested that. On the contrary, I have said if it does not do that, there is no reason why you ought not to disclose it, and certainly, not disclose it to the Opposition.

1670 Now, my final supplementary, will he at least, if there is no criminal investigation or criminal prosecution – criminal investigation, really... does he undertake to at the very least allow me sight, as Leader of the Opposition, of this report, bearing in mind that it does go to the privileges to disclosure of personal tax information of a Member of this House, and it relates to this House? And as Leader of the Opposition, will he at least undertake to let me see a copy of that report, even if on a confidential basis?

1675 **Hon. Chief Minister:** Mr Speaker, I said at the beginning of my answer to supplementaries that my answer remained as in respect of Question 497, which was in June of this year. The hon. Member's supplementary is identical to the one he asked me in supplementaries then.

1680 So I will just remit myself to saying this, Mr Speaker – it is at line 270 of the excellent *Hansard* that is now produced so much more quickly for these monthly meetings that we now have, instead of the one or two that they used to have when they were in Government, and called themselves democratic. And I said this, Mr Speaker:

1685 'Mr Speaker, I cannot commit myself to that, [the undertaking which he asked for] for a reason that I hope he will understand. It could be that this leads to criminal proceedings and therefore that the matter might be overtaken by the issues becoming the subject of a complaint or a charge. Therefore, Mr Speaker, I do not think it is appropriate for me to give the House an undertaking that this will result in a statement by me in this House, or the tabling of an investigation report, because it could become much more serious than that, and I hope he understands that reasoning.'

1690 Mr Speaker, I have said throughout the course of questions and answers this morning, the very same thing. If it leads to an investigation or at a criminal level, I cannot publish it; therefore Mr Speaker, the opposite must also be true. If it does not lead to an investigation for criminal proceedings, then I will be free to publish it.

1695 **Mr Speaker:** Next question.

Hon. D A Feetham: Mr Speaker, does that mean, because he has not given me a straight answer to this question. Does it mean that if it does not lead to a criminal investigation that the Hon. the Chief Minister will make that report public – (1); and (2), that at the very least, he will allow me to see it, even on a confidential basis?

1700 I am not asking about criminal investigations. This has never for me been about a report which leads to a criminal investigation. If it leads to a criminal investigation, I understand. If it does not – that is the question.

1705 **Hon. Chief Minister:** I have already answered those questions, Mr Speaker.

**Self Determination Gibraltar Group
Chairman's speech to UN**

1710 **Clerk:** Question 840, the Hon. D A Feetham.

1715 **Hon. D A Feetham:** Mr Speaker, did the Chief Minister read the speech of the Self Determination Gibraltar Group Chairman, Dennis Matthews, before it was delivered to the United Nations?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): No, sir.

1720 **Hon. D A Feetham:** Mr Speaker, did he agree with the sentiments expressed by Mr Matthews at the United Nations, comparing the actions of Spain to Gibraltar to that of terrorists?

Hon. Chief Minister: No, sir.

1725

**Establishment of Anti-Corruption Authority
Continuing plans**

1730 **Clerk:** Question 841, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state whether the Government has abandoned its plans to set up an Anti-Corruption Authority?

1735 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, we have not abandoned our plans in this respect, and expect to make an announcement in due course.

1740 **Hon. D A Feetham:** Mr Speaker, is this something that the Government intends to do during the course of 2014, just to put a tighter timetable on the answer the hon. Gentleman has given me?

1745 **Hon. Chief Minister:** Mr Speaker, the Government does not accept tighter timetables from the Opposition. Our manifesto is to be performed in the lifetime of this Parliament. Some things may be now performed in 2014, some in 2015 and in fact, Mr Speaker, if he understands the Rules of Procedure, we may be able even to go into 2016.

1750 **Hon. D A Feetham:** Yes, indeed. Will this involve the introduction of legislation in order to create this particular authority? And how does the Hon. the Chief Minister envisage that this will plug in to existing legislation, or will it require wholesale legislation, hermetically sealed from existing legislation, in particular for example, the Crimes Act and the Criminal Procedure and Evidence Act?

1755 **Hon. Chief Minister:** I do not recognise that as an analogy that you can use in relation to legislation, Mr Speaker.
It is very likely that this will require new legislation. I am not going to debate with him at this stage how it is going to be done. He will see when an announcement is made how we expect it to interface with existing legislation.

1760

**Credit Finance Company Limited; Consolidated Fund
Commutated pensions of civil servants**

1765 **Clerk:** Question 842, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state, what is the total amount paid by Credit Finance Company Limited in commuted pensions of civil servants?

1770 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer together with Question 843.

Clerk: Question 843.

1775 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state how many civil servants have had their commuted pensions paid (a) by Credit Finance Company Limited and (b) from the Consolidated Fund since Credit Finance Company Limited was incorporated?

1780 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as at 31st October 2013, the total amount paid by Credit Finance Company Limited in commuted pensions of civil servants is £18,123,986.28. Figures as at 30th November have not yet been finalised by the Treasury. Therefore answers reflect tentative figures as at 31st October 2013.

1785 One hundred and twenty-four civil servants have had their commuted pensions paid by Credit Finance Company Limited.

1790 Sixty-one civil servants have had their commuted pensions paid from the Consolidated Fund, once the incorporation of Credit Finance Company Limited as follows: nine gratuity payments on retirement; 39 revised gratuity payments to civil servants who retired and had their gratuities paid prior to the incorporation of the company; and seven gratuity payments on death; and six gratuity payments on resignation.

1795 **Hon. D A Feetham:** Mr Speaker, just by way of clarification. Did he say £18 million – one eight – or did he say £80 million? It is just that we did not quite hear it.

Hon. Chief Minister: One eight, one two three, nine eight six, dot twenty-eight.

1800 **Hotels**
Financial assistance or loans

Clerk: Question 844, the Hon. D J Bossino.

1805 **Hon. D J Bossino:** When originally drafted, it was directed at the Minister for Tourism. I assume it is the Chief Minister who is going to be answering, so I will phrase it in those terms.

1810 Can the Chief Minister advise whether any hotels, other than the Sunborn but including the Marriott, are the beneficiaries of any loans from Credit Finance Company Limited, or are in any other way receiving financial assistance from the Government or the Gibraltar Savings Bank?

Clerk: Answer, the Hon. the Chief Minister.

1815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am informed that no hotels, other than the Sunborn, are beneficiaries of any loans from Credit Finance Company Limited, or in any other way receiving financial assistance from the Government or the Gibraltar Savings Bank.

1820 Mr Speaker, he will know that that question is answered in the spirit of what he has asked, and not in respect of, for example, whether they have arrears of water or electricity. I do not know what that updated position is, but it dawned on me when answering that if they were being particularly pedantic, they might suggest well if a hotel has not paid two months of water or electricity, is that financial assistance from the Government? He knows... what... I am answering, I think, the question he is asking me by giving this answer. It is in relation to loans, as I understand it.

1825 **Hon. D J Bossino:** Indeed, Mr Speaker, the question is in relation to whether any actual payment has been made, exactly. So he has understood the purport of the question.

Yes, I am grateful for that. There is a point of clarification which my Hon. and Learned Friend, Mr Figueras suggested I ask, and he is absolutely right. The Marriott is not yet a hotel in Gibraltar. Is there any intention on the part of the Government, Credit Finance Limited and all the rest of it, to provide any financial assistance to the owners of the Marriott which is intending to set up shop in Gibraltar?

1830 **Hon. Chief Minister:** Mr Speaker, the owners of the Marriott have not been in touch with the Government in this respect, but the Government would be open to considering any similar requests from hotel operators in Gibraltar.

1835 I think there was a scheme in the late 1990s called the Hotel Assistance Scheme which dealt with similar issues and the Government would be prepared to consider any requests for the Government to assist in any particular way.

1840 Of course, in relation to Credit Finance, it is different. They have got to go through certain procedures as to how they would persuade the people who are responsible for lending in that respect to decide whether there could be a lending. It is a different process. But if the Government were to be engaged, the Government might be very willing to consider some incentives for any of the new proposed hotel developments.

1845 **Hon. D A Feetham:** Yes, and can he confirm there has been no request from the owners of the Marriott for any kind of financial assistance similar to the ones provided to the owners of the Sunborn by Credit Finance?

Hon. Chief Minister: Mr Speaker, I do not know what the updated position is in that respect. As far as I know, the owners of the Marriott have not been in touch with the Government at all – with the Government.

1850 Have the developers been in touch with the Government about similar issues? I think there may have been a request, Mr Speaker, I do not know where that lies, I do not know what amounts we are talking about, and I do not know whether it will progress or not. I know that they have other sources of funding; I assume he is asking me because he knows, as he represents some of them.

1855 **Hon. D A Feetham:** Mr Speaker, earlier on, the Hon. Speaker said that the Opposition ought to make itself responsible for the accuracy of the questions. I think that the Hon. the Chief Minister ought to make himself responsible for the accuracy of any point that he makes.

1860 I represent nobody in relation to this particular project. He knows that I am a litigator. I am not a commercial lawyer, and therefore he could not possibly make a statement that I represent these individuals, because there is no evidence to suggest that that is so.

1865 **Hon. Chief Minister:** Well, Mr Speaker, I will tell you why he is completely wrong. His firm represents a number of them, and as the present backbencher Chief Minister used to say, if your firm is involved, then I impute knowledge to you and of course, Mr Speaker, he is right. Under the solicitors' rules, if your firm is handling something, then as a partner of that firm – and he likes to describe himself as a senior partner of Hassans – he must be imputed with that knowledge.

1870 **Hon. D A Feetham:** I do not know where he gets that, I describe myself as a senior partner or whatever. I am not going to go into this. But, Mr Speaker, I have absolutely no knowledge of this or anything else relating to this particular project.

And look, the Hon. the Chief Minister, every single time I ask a question either about this or about something else, he seems to hide behind or attempt to make political points at my expense, that I am a partner of Hassans.

1875 Well, he used to be a partner of Hassans, I do not know whether he continues to be a partner of Hassans, but I do not think that it is legitimate for the Hon. the Chief Minister to make assertions as if I am the guy that is representing these people and I have knowledge in relation to this particular project. I do not think it is a fair point for him to make.

1880 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has never made a point politically in his life that I have had to hide away from, let alone any that he has made in this House.

Look, Mr Speaker, I will take his point. I think he is entirely wrong and I will simply rely on the statements made by his erstwhile leader, Sir Peter Caruana, who is not here now, when I was in his position and I was a partner of Hassans, and was imputed with all sorts of knowledge of that firm, when I was the Leader of the Opposition and a Member of the Opposition. He can look at the *Hansards* if he likes.

1885 And as to when he used to describe himself as a senior partner of Hassans, if he likes later, I will show him copies of the press releases.

1890 **Hon. D A Feetham:** But is he suggesting – because it is an important point – is he suggesting that because I am a partner of Hassans, that every single time that I ask a question about financial assistance that may have been provided to parties involved in some commercial transaction that I know absolutely nothing about, that simply because I am a partner of Hassans, that I am not entitled to ask that question and he will refuse to provide me with the answer; simply provide me with the retort of, 'Well, you should know because you are a partner of Hassans'?

1895 Because if that is the position, then I am afraid that the depths to which this Government is plummeting and has plummeted in terms of transparency and accountability is really getting to new depths and new ways in this House.

1900 **Hon. Chief Minister:** Mr Speaker, I do fear that the hon. Gentleman has taken leave of his senses. He used to sit here, when the Hon. the then Chief Minister used to make these statements. I have actually provided an answer to the questions, so he must actually – I will take it from his answer or from his question – be applauding the fact that we are answering these questions, when the previous administration would simply say – as Sir Peter used to say to me – 'You go and ask your partners: you should know, you are a partner of Hassans'.

1905 Well look, Mr Speaker, I am grateful that he acknowledges that that is a 'depth to which one plummets', and I will take it that he therefore considers that Sir Peter plunged to depths, and that he welcomes the fact that we have answered the question, despite the fact that he is a partner of Hassans. How senior though, is a matter of opinion, depending on who drafts the press release.

1910 **Hon. D J Bossino:** Well, Mr Speaker, Hassans seems to be getting a lot of free advertising. I am a partner of Triay Stagnetto Neish (*Laughter and banging on desks*) [*inaudible*] and also with shadow ministerial responsibility for Tourism. (*Laughter*)

Now, Mr Speaker, the Hon. the Chief Minister knows that I asked him about whether the owners of the intended hotel, the Marriott, has received any financial assistance from the Government, and the question in fact is phrased in terms of the Government, Credit Finance, as he knows.

1915 Now he then says that it could be that the developers may have sought financial assistance. Can he expand upon that at all? Is he able to? Because I would be very interested to learn if he can provide any further information to this House in relation to that. I asked specifically in relation to the owners, but I now ask in relation to the developers or any other party connected with the Marriott project.

1920 **Hon. Chief Minister:** Mr Speaker, I cannot give him more information at this stage, but I just think there might be something, so if he wants to ask the question next time round with that different permutation, I will be able to bring any information which is available.

1925 And of course, I do recognise that he is a partner of TSN and that we have partners here or ex-partners of ISOLAS as well. It would be unfair not to mention. All the law firms in Gibraltar do an excellent job. (*Laughter and interjection*)

Hon. D J Bossino: Yes, Mr Speaker, I will take him up on that offer and I will be asking a question at the next sitting, or maybe even write to him.

1930

**Gold and silver bullion
Buying and selling**

1935 **Clerk:** Question 845, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state whether the Government, the Gibraltar Savings Bank or Credit Finance Company Limited are involved or propose to be involved, directly or indirectly, in the business of buying and selling gold or silver bullion?

1940 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir.

1945

**Foreign investors
Update on Government's position**

1950 **Clerk:** Question 846, the Hon. D A Feetham.

1955 **Hon. D A Feetham:** Mr Speaker, bearing in mind that we are now two years into the New Dawn Government, will be Chief Minister please state whether he is now in a position to identify those foreign investors which he said in an interview with Gerard Teuma in May of 2011 that he had up his sleeve if his party was elected into office?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes sir. (**Hon. D A Feetham:** Ah!)

1960 The first of these – only the first, Mr Speaker – will be announced shortly, early next year, towards the end of January, when a new economic activity will be made public, which is anticipated to give rise potentially to be a market that could bring major benefit to Gibraltar.

1965 The announcement involves the creation of an entity which will be a joint venture with a client of his firm who was previously someone I had the pleasure of representing personally. Others may soon also materialise. Announcements will be made in due course, as and when they crystallise.

He did, Mr Speaker, I hesitate to remind him, undertake to congratulate me when I made the announcement.

Hon. D A Feetham: Well, Mr Speaker, (*Laughing*) he has not made an announcement; it is an intention!

1970 But let me say that any investment that the Government brings to Gibraltar, if it is worthwhile and for the benefit of the community, I will be the first one to congratulate the Government. (*Interjection*)

But I have to say that on this particular occasion, I am rather sceptical that these particular investors are the same ones that he said he had up his sleeve in May of 2011, and perhaps the Chief Minister will forgive me for taking the rather sceptical view that he had nothing up his sleeve in May of 2011.

1975 Why has it take so long, assuming that he did have it up his sleeve in May of 2011, why has it taken so long for the Chief Minister to now come to this House and to say, 'Well, we might be making an announcement shortly', or 'we will be making an announcement shortly'? Why has it taken so long?

1980 **Hon. Chief Minister:** Mr Speaker, he can be as cynical and as sceptical as he likes, but when he sees what it is that happens, he will understand that these are exactly the people I was talking about. It is not that it has taken so long, Mr Speaker. January 2014 will be barely 24 full months since the election of the New Dawn Government that was elected, Mr Speaker, because of course the Government before had gone to the end of its term, just before Christmas. And therefore, there was very little that could be done in the first month.

1985 So 24 full months after that, we are already producing not just the inward investment that we have shown already, Mr Speaker, but new inward investment that is related to these particular individuals. He will know, Mr Speaker, that Government works in ways which require things to be checked and tested, etc, and that therefore it is simply not possible, at least these days. In 1988, I am told by the Hon. Mr Bossano, things could happen a little bit more quickly, because there were no European tendering procedures that had to be gone through etc. There are new European rules that hinder things, so it has taken some time for these things to actually be matured to the stage of launch.

1990 But as he will see, Mr Speaker, when he realises who it is that is doing this work, and some of the others who are likely to be announced to be doing this work with us in the future, that they are the people I was in touch with at the time I was a partner of Hassans and therefore *even his* cynicism will, I am sure, be brushed away.

1995 **Hon. D A Feetham:** Yes, Mr Speaker, and even he, I would have thought, would be able to attract some inward investment in four years of being Chief Minister. It is already two years into his so-called New Dawn Government and over two years since May 2011.

2000 But can he give some more information as to, for example, the nationality of these investors, or the sectors in which this new investment is going to be relating to. I mean can he do that, so that we get a flavour of what it is that the Government is proposing.

If he cannot, because of some commercial sensitivity, then I am not going to press him, but can he provide some further information?

2005 **Hon. Chief Minister:** Mr Speaker, I would have thought that even he would be more generous than to describe me as he has in the first part of his sentence, at least on 23rd December, but never mind.

2010 Mr Speaker, I will not announce what the thing that will happen in January will be, beyond what I have said, because that will be commercially sensitive and we want that to have an impact internationally and he will see that when it happens, but he can then ask me about it in February, because we hold monthly meetings of the Parliament, as I hesitate in reminding him.

But I will tell him that the *other* area, the other area involving *other* clients, is real estate.

2015

Tobacco smuggling from Western and Eastern beaches Government measures

2020 **Clerk:** Question 847, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state what steps his Government is taking to stop the smuggling of tobacco from Western and Eastern beaches?

2025 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as has already been announced publicly, the Government is working on a number of measures that have been implemented or are actively being pursued to curtail smuggling from these areas as follows:

2030 First, the repair works along the frontier fence are ongoing and a mechanism is in place between Her Majesty's Customs and the Technical Services Department to expedite the repair of any future breaches. This part of the frontier fence had been in a state of complete disrepair when we were elected.

Works are ongoing to finalise the setting up of CCTV installations along the frontier perimeter.

2035 As at June 2012, Government introduced Special Zones under the Tobacco Act. These included Eastern Beach, the frontier fence from Eastern Beach shoreline up to and including the loop area and Western Beach. Over the last month, these areas have been extended to include the main roundabout from the frontier, across the runway and up to the sundial roundabout. Persons within Special Zones are subject to restrictions in relation to cigarettes and are not allowed to be in possession of 600 cigarettes in a red zone, or 2,000 cigarettes in a blue zone. It is also an offence to request or procure any person to export or assist with the exportation of cigarettes by land. Law enforcement officers may direct persons to leave a Special Zone, if it is believed that...

2040 Are they interested, Mr Speaker, in what I am saying? I am quite happy to wait.

2045 **Hon. D A Feetham:** Mr Speaker, I know that he likes me to look at him, but I do not have to look at him to listen to him. I am listening.

Hon. Chief Minister: Mr Speaker, nothing could give me greater pleasure than if from now on he looks away whilst I read.

2050 **Mr Speaker:** I think that the two hon. Members, the Chief Minister and the Leader of the Opposition are... Let me put it mildly, they are getting a bit carried away this morning. Perhaps they might come down to earth.

Hon. Chief Minister: Thank you very much, Mr Speaker, your advice is always sound.

2055 Mr Speaker, I will carry on reading.

Law enforcement officers may direct persons to leave a Special Zone if it is believed that their presence is primarily related to the exportation of cigarettes by land.

2060 A specific tobacco operation, called Operation Venetian, was set up by HM Customs, together with the Royal Gibraltar Police and the Gibraltar Defence Police, that has been widely reported in the press. The aim is to create a high visibility presence at the hot spot entry/exit points, in order to deter and disrupt elicit contraband activity.

As part of planned infrastructural works in the frontier area, a number of control measures will be introduced. These will deter persons from accessing the frontier fence from the Commercial Gate up to the eastern coastline.

2065 The Government has already announced that retail outlets selling tobacco at two residential estates near to the land frontier and beaches will have their tobacco licence conditions amended, in that they will only be allowed to sell cigarettes by way of vending machines.

2070 In respect of the area of Western Beach, an unclimbable fence has been constructed and handed over to the MOD as part of the ongoing Houston project. How appropriate, Mr Speaker, that it should be called that, now that we have both come down to earth! The fence runs parallel three metres behind the current frontier fence from Western Beach to the customs pedestrian entrance to Gibraltar.

2075 **Gibraltar, UK and Spain *ad hoc* talks
Update**

Clerk: Question 848, the Hon. D A Feetham.

2080 **Hon. D A Feetham:** Can the Chief Minister please provide the House with an update on the likelihood of *ad hoc* talks taking place between Gibraltar, the United Kingdom and the Kingdom of Spain?

Clerk: Answer, the Hon. the Chief Minister.

2085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, all information in this respect is already in the public domain.

2090 **Gibraltar sovereignty, jurisdiction and control of waters
Chief Minister's firm stance**

Clerk: Question 849, the Hon. D A Feetham.

2095 **Hon. D A Feetham:** Mr Speaker, does the Chief Minister accept that he can stand firm on issues that are vital and fundamental to the sovereignty, jurisdiction and control of our waters, air space and land, without comparing Spain to North Korea or accusing it of state-sponsored vandalism towards the citizens of Gibraltar at the United Nations?

2100 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I can certainly stand firm against Spain on issues that are vital and fundamental to sovereignty, jurisdiction and control of our waters. The vocabulary I use in doing so is not a matter I am prepared to take advice on from the Hon. the Leader of the Opposition.

2105 **Hon. D A Feetham:** Mr Speaker, but does he regret using the intemperate language that he used and the comparisons that he has, bearing in mind that it really has added a new dimension, in my view – he can disagree of course, but a new dimension in my view – in relation to relations between Spain and Gibraltar, which is that it is becoming personalised with the Chief Minister of Gibraltar?

2110 **Hon. Chief Minister:** Well, Mr Speaker, I must say the hon. Gentleman's question says that I accused Spain of state-sponsored vandalism towards citizens in Gibraltar at the United Nations. I do not think I ever used the words 'state-sponsored vandalism'. I do not know why it is that he wants to use that vocabulary. Perhaps he wants to pour oil on the flames.

2115 Mr Speaker, I do not recognise the description that the Hon. the Leader of the Opposition has used of what I have said. I do not think I have used intemperate language. The comparisons I have made I think were absolutely appropriate when I made them, and I of course stand by them, but I do recognise that his position is exactly the same as that of Mr Landaluce.

2120 **Hon. D A Feetham:** Well, Mr Speaker, just taking him up on the final part of that answer, does he not accept that in order to defend Gibraltar's vital interests, one does not need to get personal, one does not need to use ill-judged statements that will cause offence, not only to a political party...? And I do not care one hoot whether the *PP Government* is offended or is not offended. My concern here is that the Chief Minister of Gibraltar, in defending Gibraltar as he is entitled to do and one would expect – I mean there is no difference between he and I in relation to defence of Gibraltar's vital interests –

2125 **Hon. Chief Minister:** Oh yes, there is.

Hon. D A Feetham: No, there is not. No, there is not.

2130 **Hon. Chief Minister:** Yes there is!

Hon. D A Feetham: No, there is not.

2135 **Mr Speaker:** Order!

2140 **Hon. D A Feetham:** But what he does is, by using this type of ill-advised, ill-judged language, what he does is he risks not only alienating the *PP Government*, but also alienating political classes in Spain, the media in Spain and also Spanish citizenry. And at the end of the day, what we ought to be doing is standing firm, but also explaining Gibraltar's position in a cool, calm, intelligent way so that the adverse propaganda that emanates from the *PP Government* is rebutted in an intelligent, calm way, using reason, rather than just simply gratuitous, effectively, insults, which is what it is when one compares Spain to North Korea.

2145 **Hon. Chief Minister:** Mr Speaker, I take it that he did not like that analogy. (*Interjections*) But I was interviewed last week, Mr Speaker, by *PRWeek* in London, who wanted to interview me because of my use of language and how it had changed the way that Gibraltar's message went around the world, and how in fact, Gibraltar's message went around the world that week, in showing up the attitude of the Spanish Government and he might want to reflect on what he has said, because I do not think that anything that I have said was ill-judged. Neither Mr Speaker, has anybody ever come to this House to tell a Chief Minister that their language was ill-judged when he has been critical of Spain.

2150 Mr Speaker, the hon. the now backbencher, the Hon. Sir Peter Caruana, in 1998 or 1999, he will recall from my speech on the arrival of His Excellency, the Governor, where I actually took the House through some of the things that had happened in the past. The Hon. Sir Peter Caruana said, that something said by Señor Matutes at the time – and he can look at *Hansard* and see what it is that I was referring to – were mendacious lies. (**Hon. D A Feetham:** Yes.)

2155

In other words, the Right hon. the previous Chief Minister of Gibraltar called the Foreign Minister of Spain a mendacious liar.

2160 **Hon. D A Feetham:** He was calling a spade a spade.

Hon. Chief Minister: Apparently Mr Speaker, that is calling a spade a spade. Right, I think if the hon. Member looks back at everything I have said, he will not find me actually insulting directly the Foreign Minister of Spain. Whatever it is that I and every other Gibraltarian may think about his policies, he will not have seen me saying that the man has uttered mendacious lies.

2165 Now, if he looks at what I said, and it is quite remarkable that the Chief Minister is called upon by the Leader of the Opposition to justify his statements in relation to this matter, when I talked about North Korea, what I said was, that Spain was exaggerating in its reaction like North Korea exaggerates in its reactions (**A Member:** Ah!) and he will recall, Mr Speaker, that I was asked why I used that terminology and the exact reasoning was because in August, I think it was August 4th, Señor Margallo had given an interview to *ABC*, where he detailed all the things that were going to be done by Spain, as a result of Gibraltar having *inter alia* torn up the fishing agreement and created the artificial reef, etc, etc.

2170 And what I said at the time – and it was widely reported, I am surprised he now pretends he did not read it – was that this was an over-reaction *à la* North Korea. When there is a small commercial difference between them and South Korea, about how businesses operate in the de-militarised zone, etc, etc or with the United States, the reaction from North Korea is, ‘I am going to bring nuclear damnation to the Korean peninsula’ – not ‘we need to re-negotiate these terms.’ And that was the analogy I made and I think it is an absolutely appropriate analogy, and it is right that, as a result of that, Mr Speaker, the message of the people of Gibraltar went around the world. The things that were happening and are happening in some instances at the Gibraltar frontier were found out by people much further than usually find out about what is happening, and editorially, I think he will find that we had 90% to 95% editorial support in all newspapers in the world that covered this issue.

2175 I am quite happy, Mr Speaker, as I have said before, that the Government’s archive of newspaper information, etc should be made public and I am going to ensure that it happens and it is put on our website, so that the hon. Gentleman can see how many people around the world have read about the Gibraltar issue, the problems at the frontier and how editorial support came down on Gibraltar’s behalf, without having to spend a huge amount of money on advertising the world over.

2180 So Mr Speaker, I am not going to take advice from him on what vocabulary I should use. I would say this to him, Mr Speaker: look he likes to go around Spain making speeches that try to ingratiate him to some, whilst trying to do the balancing act of not falling entirely out of favour with people in Gibraltar. He knows, Mr Speaker, that one of the things he was saying, which was that the Government of Gibraltar had now not even been able to maintain a relationship with our socialist kindred on the other side of the frontier, was actually not true, that we have actually very strong relationships with the PSOE party.

2185 And he needs to reflect, Mr Speaker, on the fact that between 1996 and 2003, the Chief Minister of Gibraltar then, Sir Peter Caruana, the Leader of his Party who he has said is... I do not know whether he said is *the* or *among the* greatest Gibraltarians of all time, had absolutely no political interlocution with any Spanish political party at a national federal level.

2190 In other words, he was accusing the Spanish Foreign Minister of mendacious lies, he was having rows with the British Government, and from that, we move to a situation where joint sovereignty was almost visited upon our community.

2195 Today, Mr Speaker, this Government has an excellent relationship with the Socialist party in Spain, at the level of its national federal executive committee, as well as at the level of its municipalities, although of course we do not have to agree on everything. And second, we have a very strong relationship indeed with the British Government, which is today made up of Conservatives and Liberals, and with our sister party in the United Kingdom, the Liberal Party.

2200 So Mr Speaker, the position really is that my administration, although we still wish to establish a dialogue with the Spanish Government, is not talking to the *Partido Popular* in Spain, but we are talking to every political party in the United Kingdom and to the principal party of opposition in Spain and to *Esquerra Republicana*, which is another party in Spain that has wished to establish relations with us.

2205 Now, in those circumstances, Mr Speaker, I think actually if the hon. Member compares the actions of he who he calls the greatest, or one of the greatest Gibraltarians of all time, between 1996 when Gibraltar was last faced with a *Partido Popular* Government in 2003, with the excellent New Dawn Government of the Gibraltar Socialist Labour Party and the Liberals, I mean, he will find that perhaps we should not be taking his advice on how we conduct our foreign affairs, certainly not in relation to vocabulary.

2210 **Hon. D A Feetham:** Mr Speaker, I certainly do not accept that one can compare calling a spade a spade, which is ‘you have lied in relation to this position, in your criticisms or your statements in relation to Gibraltar’ – which is calling a spade a spade – to making a gratuitous ill-advised, *ill-advised*

comparison of Spain to North Korea, or accusing Spain of state-sponsored vandalism. I just simply do not accept that that is... I simply –

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Hon. Chief Minister: Point of order, Mr Speaker –

Mr Speaker: I am going to bring up a Point of Order, and that is that the hon. Members are now debating.

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Hon. Chief Minister: Mr Speaker, may I deal with the short Point of Order? You are absolutely right and I of course accept your ruling in that. But the short Point of Order is: I have said to him, I do not recognise that second part of his question. Can he please clarify when I have accused Spain of state-sponsored vandalism?

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Hon. D A Feetham: At the United Nations, Mr Speaker – that is *my* interpretation of what he said, it is the interpretation of many people that read his speech, including I may add, because I have been in Spain over the last two weeks delivering speeches, including many people in Spain – many people who actually are favourable and sympathise with Gibraltar's position. Because of the statements that he has made, he has alienated those people – he has become the problem, Mr Speaker!

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Hon. Chief Minister: No, Mr Speaker no.

Mr Speaker, I am not the problem any more than Peter Caruana was the problem between 1996 and 2003. The problem, Mr Speaker, as every Gibraltarian knows – and I know he knows it Mr Speaker, but he wants to win an election so desperately that he will say anything he has to say – the problem is the *Partido Popular*.

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Now, Mr Speaker, in my UN speech, I did not accuse anyone of state-sponsored vandalism. Now the whole of these sets of questions was premised on the hon. Member's view that no doubt the Government had paid for the SDGG to visit the United Nations, no doubt the Chief Minister had approved the speech of the Chairman of the United Nations, and therefore the Chief Minister of Gibraltar was to be imputed with his statements as to 'terrorism', state-sponsored terrorism, which is the word that would have fitted in there if that had worked.

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Mr Speaker, look the fact is that I had absolutely no knowledge that that was going to be said by Mr Matthews, in exactly the same way as Mr Caruana had absolutely no knowledge at the time that he went to the United Nations, that Mr Zammit, who sat next to Mr Caruana, and also did not have his ticket paid for by Mr Caruana, was going to say that the Spanish Government was trying to annihilate the Gibraltarians, right? He was trying to commit... and the Hon. the Deputy Chief Minister, as the brilliant historian that he is, remembers the word – that Spain was trying to commit *genocide* of the Gibraltarians. That was not my word. 'Terrorism' was not my word; it was the word of the Chairman of the SDGG. Genocide was not the word of Sir Peter Caruana, it was the word of Bryan Zammit as the Chairman of the UNA.

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But look, let us be very clear. What is it that I said at the United Nations that incensed people in Spain? It was not the North Korean thing; I did not say the North Korean thing in Spain...sorry, in the United Nations. I said in the United Nations, that Spain or one of the law enforcement agencies of Spain, the *Guardia Civil*, had shot at an innocent Gibraltarian in British Gibraltar Territorial Waters. That is the issue that people did not like in Spain about my UN speech, Mr Speaker. That was absolutely true, I trust that he accepts that it was true. It led to the Prime Minister of the United Kingdom – not the Chief Minister of Gibraltar, but the Prime Minister of the United Kingdom – to raise the issue with the Prime Minister of Spain, to the Minister for Europe to take the issue up with his counterpart, and to *notes verbales* and to a request for an investigation. But they did not like it when I said it in front of an international audience, and that is not to accuse them of state-sponsored vandalism, Mr Speaker.

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But I will say this, Mr Speaker, and I just put it on the record so that he knows, in case Mr Speaker, he ever, heaven forbid, were to become Chief Minister of Gibraltar, or were to be in a position to advise the Chief Minister of Gibraltar. I certainly hope that it is always, if anything, the latter and not the former! I said in my first speech at the United Nations in June 2012 as Chief Minister of Gibraltar, to the Spanish Government, 'Wake up and smell the coffee, Gibraltar will never be Spanish.' I do not know whether he agrees with that or not, Mr Speaker, but I can tell him, that the intense diplomatic activity that occurred after that was huge, because Spain just did not want to hear that expressed in quite those terms. He might not like that either. I love it, Mr Speaker.

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Mr Speaker: I am going to allow one further intervention from the Leader of the Opposition, and from the Chief Minister, and then that is the end of Question Time.

2280 **Hon. D A Feetham:** Mr Speaker, yes, we were on a Point of Order and he has just finished his Point of Order. I am not going to be responding to his Point of Order, Mr Speaker.

2285 Mr Speaker, I have to say that given his track record before he became Chief Minister for lack of judgement, and the lack of judgement that he has exhibited as Chief Minister, if *he* has become Chief Minister, I would suspect that many, many other people also have the necessary capability to become Chief Minister. Ultimately, if the people of Gibraltar – (*Interjections*) Ultimately if the people of Gibraltar want to entrust us with their trust at the next election, it is for them. It is not for me, and it is not for him.

2290 But I do sense, Mr Speaker, that hell is beginning to freeze over slightly and there is a change of tone from the Chief Minister in terms of the language that he has used, which I welcome and I congratulate the Chief Minister for back-tracking on the language that he has used in the past. Can he just put it beyond doubt, so that the message has absolute clarity emanating from this Parliament, that the Chief Minister in no way believes that the comparison between Spain and North Korea is a valid one, giving him the opportunity and that in no way does he believe that Spain is in any way responsible for state-sponsored vandalism towards the citizens of Gibraltar?

2295 **Hon. Chief Minister:** Mr Speaker, I really do not know which Chamber he is in. He does not seem to like to hear the answers that I give.

Look, Mr Speaker, as to who will or will not win an election in the future, I am not a crystal ball gazer and this is not an issue to be dealt with in Question Time -

2300 **Hon. D A Feetham:** I have not raised it.

2305 **Hon. Chief Minister:** Yes, you *have* raised it. But Mr Speaker, I will just say to him that he had the lack of political understanding to give an interview to *GBC* during the course of the last by-election at 12 o'clock in the evening, which was going to be aired at 11 o'clock in the evening after polls had closed, where he said, 'We are going to win this by-election' – and this was something that was going to come out after the polls closed – 'We are going to win this by-election by a very large margin'. 'By a very large margin'.

2310 **Hon. D A Feetham:** Mr Speaker, in the same way that he can raise points of order about accuracy, I will raise it. I did not say we are going to win it –

Mr Speaker: May I inform – ?

2315 **Hon. D A Feetham:** And it has absolutely nothing to do with this particular question that I have asked.

2320 **Mr Speaker:** May I inform both the Chief Minister and the Leader of the Opposition, that points of order have to do with the Rules of this House and not with questions of fact or opinion – nothing to do with questions of fact or opinion. That is not a Point of Order.

Hon. D A Feetham: But Mr Speaker, all I ask is that the Rules of this House are applied evenly as between the Opposition and the Chief Minister.

2325 **Mr Speaker:** Have I not applied them evenly? Have I not given – ?

Hon. D A Feetham: No, you have not!

Mr Speaker: Have I not given the hon. Member all the opportunity –

2330 **Hon. D A Feetham:** No, you have not!

Mr Speaker: – he wants this morning?

2335 **Hon. D A Feetham:** Mr Speaker, no, you have not on this particular occasion –

Mr Speaker: I have –

Hon. D A Feetham: No, no, let me explain, Mr Speaker. Let me explain, and I am not suggesting, Mr Speaker, that you have done it out of some intention on your part. But of course, he has just taken up a

2340 Point of Order, a few moments ago, basically saying that what I attributed to him was not true. That was the Point of Order. He raised that particular Point of Order.

I am doing likewise! Now, Mr Speaker did not say to the Chief Minister, 'That is not a proper Point of Order.' That is why I am saying that Mr Speaker should perhaps treat my Point of Order in the same way that he has treated his.

2345

Mr Speaker: Is he making the Point of Order? Are you making the point under a so-called Point of Order? I will let you do that and then having pointed out –

2350

Hon. D A Feetham: I made a Point of Order which is of exactly the same nature as he made –

Mr Speaker: I am sorry, I have got the floor.

And then, having pointed out that those are not points of order, I will not entertain them from any Member, and it is as simple as that.

2355

Now, he has an opportunity, I am giving him an opportunity, under a so-called Point of Order, to answer the Chief Minister. Then I will give him an opportunity to make one final supplementary and then that is the end of Question Time.

2360

Hon. Chief Minister: So, Mr Speaker, and then he went on to say that there was going to be a very large number of people coming out to vote – a huge number of people coming out to vote. Well, Mr Speaker, he got it completely wrong, so I think his predictions as to results of elections are very suspect.

In fact, I will take it, Mr Speaker, that when he says that my track record before I became Chief Minister is one to consider also suspiciously, I assume that he means the track record of the most successful Leader of the Opposition in our Parliament's history (**A Member:** Ah!) who took over, had the presence of mind to take over in April 2011 and become Chief Minister barely nine months later.

2365

Mr Speaker, I would recommend that he follows how I did it, but I would rather he did not, because I do not want him to win.

2370

Anyway, Mr Speaker, the Hon. the Leader of the Opposition also has a problem with his thermometer, because it appears that he thinks that hell is getting warmer and warmer and that therefore... or colder and colder and there is a chance that it is going to freeze over sometime soon. Well look, Mr Speaker, he is completely wrong about that too. I have not detected any change in the way that I deal with issues with Spain. I think I am still as robust and as clear in the way that I deal with these issues. He may not like it, because he obviously is recognising that in doing so, I am doing something right.

2375

But, Mr Speaker, he gets up here and says, 'Look, for you to compare Spain to North Korea was not a good thing and you should not have done it and it was bad for Gibraltar that you did.' And then, Mr Speaker, he gets up and he says, 'Now you have the chance either to say it again, or to say that you were wrong.'

2380

Well look, Mr Speaker, if he were right about the fact that it was a bad thing for Gibraltar to compare Spain to North Korea, which I do not accept, what is he doing, if he has got Gibraltar's interests at heart, inviting me either to do it again or to take a step back? What is he doing, Mr Speaker? He needs to reflect very carefully on that, because that is what he is doing.

And Mr Speaker, he does really come across as if he is defending the wrong litigant in this matter. He said he is a litigator, so let us look at it in those terms. He does come across as if he is not defending Gibraltar's best interests here. He seems to be holding brief for somebody else.

2385

Hon. D A Feetham: Well, Mr Speaker, it is the difference of approach. Of course we both have Gibraltar at heart, of course we both have. We both want to defend Gibraltar's vital interests. The difference between the hon. Member and myself is that I do not need to grandstand, I do not need to be the showman, I do not need to make-over-the-top, outrageous statements in order to defend Gibraltar.

2390

I have given him an opportunity for him to set the record straight. He has not taken it. I am just going to give him one final opportunity. Will he set the record straight, in the manner that I asked him a few moments ago, in relation to the statements that he has made in the past?

2395

Hon. Chief Minister: Mr Speaker, it is not about a difference of approach; it is about a difference of policy and he needs to understand it, because I do fear that he does not realise which party group he sits with, even though he purports to lead it. Although we know that he has got two Deputy Leaders on either side and there is one with whom I have great affinity, Mr Bossino as he knows, who I know feels perhaps exactly the same as we do on this side of the House. I just do not know about him any more, Mr Speaker. This is not about a difference of approach.

2400

Mr Speaker, they are looking at a Chief Minister who will *never* say that he will even *think about* recommending an Andorra-style solution to our people. That is not a difference of approach, Mr Speaker;

that is a difference of policy. And it is such a huge difference of policy, Mr Speaker, that we really come to this nub of the issue.

2405 The nub of the issue, Mr Speaker, is that diplomacy is not duplicity, (*Interjection by Hon D A Feetham*) and it is not one thing – and it is not the done thing to come and say one thing in Gibraltar in this Parliament and then go to Spain and do another.

2410 And the hon. Gentleman says – I assume trying to be funny – from a sedentary position that diplomacy is not my forte. Well look, Mr Speaker, he might think that. I assume he also thinks it of the current incumbent as Foreign Secretary of Spain, because if he thinks that the head of Spanish diplomacy (*Interjection by Hon D A Feetham*) is a good diplomat when he says ‘Gibraltar Español’, ‘The party is over’, and there will be no advances on regional or neighbourly co-operation, unless there are advances on sovereignty, then look, he and I have different definitions on what is or is not a good diplomat.

2415 He has not reflected, however, Mr Speaker, as I asked him to, on whether, having postulated that comparing Spain to North Korea was a bad thing, he wanted to invite me to do it again or to withdraw. He has not reflected on that, Mr Speaker. He has not reflected on the consequences of that. I think those sitting around him have, because it appears to have dawned on them what he was doing.

I will put it this way, Mr Speaker, and I will quote a politician that all of us have great affinity for, Mr Speaker, ‘They can turn if they want to. This Government is not for turning.’

2420

Questions for Written Answer

Clerk: Answers to Written Questions, the Hon. the Chief Minister.

2425

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions numbered W160 to W179 of 2013 inclusive.

2430

Order of the Day

SUSPENSION OF STANDING ORDERS

2435

Standing Order 7(1) suspended to lay Import Duty Regulations on the Table

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

2440

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 the laying of Import Duty Regulations on the Table.

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

2445

DOCUMENTS LAID

2450

Import Duty (Franchise Regulations) (Amendment No. 4) Regulations 2013 Import Duty (Integrated Tariff) (Amendment No. 7) Regulations 2013

Clerk: Papers to be laid. The Hon. the Chief Minister.

2455

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the Table: the Import Duty (Franchise Regulations) (Amendment No. 4) Regulations 2013; the Import Duty (Integrated Tariff) (Amendment No. 7) Regulations 2013.

Mr Speaker: Ordered to lie.

2460

GOVERNMENT MOTIONS

Motion notified on 19th December 2013

At least five days' notice required

Motion carried

2465

Clerk: Government Motions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2470

'That this House approve, pursuant to Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of the motion by the Hon. Chief Minister on 19th December 2013, and circulated by the Clerk on 19th December 2013.'

2475

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried .

2480

Ombudsman for Public Services

Re-appointment of Mario Hook

Motion carried

2485

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2490

'That this House approve by Resolution, pursuant to section 3(2) of the Public Services Ombudsman Act 1998, the re-appointment of Mario Hook as the Ombudsman for Public Services for all the purposes of that Act with effect from Wednesday 1st January 2014 for the term of one year.'

2495

Mr Speaker, the motion, to a very great extent, speaks for itself and I intend to say nothing more, other than to congratulate Mr Hook for the excellent work that he has done to date and give him the thanks of the community for that work already, and to look forward to another year of his continued hard work as Ombudsman.

2500

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. the Chief Minister. Does any hon. Member wish to contribute?

Hon. D A Feetham: Mr Speaker, just to add my own voice on behalf of the Opposition, congratulating Mr Hook, and certainly the Opposition will be voting in favour of the motion.

2505

Mr Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye). Those against? Carried.

2510

BILLS

FIRST AND SECOND READING

Income Tax (Amendment) Bill 2013

First Reading approved

2515

Clerk: Bills, First and Second Reading.

A Bill for an Act to amend the Income Tax Act 2010. The Hon. the Chief Minister.

2520

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye). Those against? Carried.

2525 **Clerk:** The Income Tax (Amendment) Act 2013.

Income Tax (Amendment) Bill 2013
Second Reading approved

2530 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

2535 Mr Speaker, in respect of this Bill, hon. Members will be aware that I have written to you certifying that this Bill is too urgent for the period of six weeks to elapse between its publication and the ability of the House to be able to consider it.

This is an issue which I know the Leader of the Opposition is aware of, he has discussed it with those who are responsible for the drafting of it whilst I was away from Gibraltar, and we expect that the matter would be dealt with on Thursday.

2540 Mr Speaker, Members will be aware that on 16th October 2013, the European Commission took a decision to open the formal state aid investigation procedure into two aspects of the Income Tax Act 2010. It published this decision in the official journal of the European Communities on 28th November 2013, inviting comments from third parties. The two aspects singled out by the Commission concerned the exemptions from taxation for (a) inter-company loan interest and (b) royalties income.

2545 Earlier this year, Mr Speaker, the EU Code of Conduct Group had found that the exemption for inter-company loan interest was a harmful tax measure under the criteria set out in the Code of Conduct on Business Taxation. The European Commission was also already indicating that this exemption was likely to constitute a state aid.

2550 Members will recall that without prejudice to our position that the section in question was not a harmful tax measure, we accordingly abolished this exemption by an amendment we made to the Act this summer, and which entered into force on 1st July 2013.

2555 The Bill, Mr Speaker, does exactly the same thing in relation to royalties. Specifically, it will abolish the exemption from taxation that currently exists for royalties income. The Bill follows the same format as that we used for the amendment this summer. It amends Table C of Schedule 1 of the Act so that it includes a new heading on royalties. Table C of Schedule 1 sets out the incomes which are subject to tax under the Act.

I had this amendment put to the European Commission by Government's team at a meeting in Brussels on Thursday, 5th December 2013. Commission case handlers reverted to us early last week, stating that the Commission's fiscal team were content with the amendment, although that cannot, for technical reasons, be the formal position of the Commission at this stage.

2560 That is the most we could have expected from them at this stage, but that is in itself important. By acting in this manner and amending the Act as we propose and the Bill, Government is delivering much needed certainty to the industry. It has also already effectively addressed the two concerns expressed by the Commission in its decision, opening the formal investigation procedure.

2565 Of course Mr Speaker, we make these amendments without prejudice to our arguments, that neither exemption constitutes state aid. We maintain that position in the formal investigation procedure as part of our defence.

2570 **Mr Speaker:** Before I put the question, does any other hon. Member wish to speak on the general principles and merits of this Bill?

2575 **Hon. D A Feetham:** Mr Speaker, I have been in contact with those who have drafted this particular Bill. It has been explained, the policy has been explained, the rationale has been explained and the Opposition will be supporting the Bill, and I have nothing further to add than what the Chief Minister has already said.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2580 **Clerk:** The Income Tax (Amendment) Act 2013.

Income Tax (Amendment) Bill 2013
Committee Stage and Third Reading to be taken at this sitting

2585

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2590

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

2595

Income Tax (Amendment) Bill 2013

2600

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

2605

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 Bill clause by clause, namely the Income Tax Amendment Bill 2013.

Mr Speaker, can I before we move to the Committee Stage, I note that absent from my crib is a Bill that the Hon. the Minister for Financial Services was taking.

Clerk: It is at the very end.

2610

Hon. Chief Minister: Ah! It comes after. I see. Grateful.

Clerk: Yes.

In Committee of the whole Parliament

2615

Income Tax (Amendment) Bill 2013
Clauses considered and approved

2620

Clerk: A Bill for an Act to amend the Income Tax Act 2010.
Clauses 1 and 2.

Mr Chairman: Clauses 1 and 2 stand part of the Bill.

2625

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

2630

Income Tax (Amendment) Bill 2013
Third Reading approved: Bill passed

2635

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Income Tax (Amendment) Bill 2013 has been considered in Committee and agreed to without amendments, and I now move that it be read a third time and passed.

2640

Mr Speaker: I now put the question, which is that the Income Tax (Amendment) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

PRIVATE MEMBERS' MOTION

2645

**Yorkshire Building Society Bill 2013
Leave to introduce granted**

2650

Clerk: Private Members' Motion. The Hon. A J Isola.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

2655

'That this House do give leave for the introduction by me of a Private Members' Bill, namely the Yorkshire Building Society Bill 2013.'

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Albert Isola.

2660

Hon. A J Isola: I am grateful Mr Speaker.

Mr Speaker, as hon. Members know, the merger of Yorkshire Building Society with the Norwich and Peterborough Society took effect under the laws of England and Wales in November of 2011, pursuant to a transfer of engagements. These two societies continue as the Yorkshire Building Society. However, the transfer of engagements under the laws of England and Wales did not change the legal position in Gibraltar. This has therefore resulted in an anomaly which Gibraltar needs to be rectified.

2665

Hon. Members will be aware that in the past when lending institutions want to undertake this sort of legal entity, reconfiguration or restructure, that we facilitate that task by allowing them to do it through a Private Members' Bill. That is the nature of the Bill and it is similar to others passed in this House in recent years, to facilitate the corporate restructuring of lending institutions.

2670

Mr Speaker, the Yorkshire Building Society remains an important part of our sector. They remain committed to Gibraltar and the Government believes that it is appropriate for this House to assist them in this way by the passage of the Bill.

I commend the motion to the House, Mr Speaker.

2675

Mr Speaker: I now propose the question in the terms of the motion moved by the Hon. Albert Isola. I now put the question in the terms of the motion proposed by the Hon. Albert Isola. Those in favour? **(Members: Aye.)** Those against? Carried.

2680

**PRIVATE MEMBERS' BILL
FIRST AND SECOND READING**

**Yorkshire Building Society Bill 2013
First Reading approved**

2685

Clerk: Private Members' Bill, First and Second Reading. A Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society. The Hon. A J Isola.

2690

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society and the Yorkshire Building Society be read a first time.

2695

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society, be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

2700

2705 **Clerk:** The Yorkshire Building Society Act 2013.

2710 **Yorkshire Building Society Bill 2013**
Second Reading approved

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that the Bill now be read a second time.

2715 Mr Speaker, as a result of the transfer engagements taking effect in November 2011 under the Law of England and Wales, Norwich and Peterborough merged with Yorkshire Building Society and the merged society continued as the Yorkshire Building Society.

2720 That transfer of engagements did not, and could not, operate to change the legal position in Gibraltar and accordingly, although Norwich and Peterborough no longer existed after 1st November 2011, those of its assets and liabilities which before 1st November were subject to the law of Gibraltar, continued to be so subject after that date.

The primary purpose of this Bill is to rectify this position with effect from the date referred to in the Bill as the appointed day – that is to say, a date to be appointed by myself as the Minister with responsibility for Financial Services.

2725 There is just one section of the Bill, Mr Speaker, which has retrospective effect, and that is section 9 to which I will refer specifically later. None of the other provisions in this Bill have any retrospective effect.

Section 1 is formal and in common form, Mr Speaker.

In section 2, subsection (1) defines the two societies. Sub-section (2) defines a number of the terms used in the Bill.

2730 Section 3, Mr Speaker, is a fundamental provision under which, on the appointed day, every Norwich and Peterborough asset will become an asset of the YBS, the Yorkshire Building Society, in respect of its Gibraltar branch. This provision is similar to that in previous banking transfer Bills.

2735 Section 4, Mr Speaker, again is similar to provisions in previous banking transfer Bills and excludes certain assets from the effect of section 3. Specifically paragraph (a) deals with interests in land other than those which are held by way of security, in effect, on the mortgages.

Section 5, Mr Speaker, deals with a variety of documents which on their face relate to the Norwich and Peterborough. With effect from the appointed day, these are made to relate to the Yorkshire Building Society. This section and section 6 are similar to provisions in previous banking transfer Bills.

2740 Section 6 deals with customer accounts which up to the appointed day were accounts of the Norwich and Peterborough. Under subsection (1) these accounts become accounts of the Yorkshire Building Society, subject to the same conditions that applied before the appointed day.

Section 7 again is well precedented in early banking transfer Bills and deals with disparate matters all designed to give a smooth transition from Norwich and Peterborough to the Yorkshire Building Society.

2745 Section 8 deals with proceedings which have been begun in error by Yorkshire Building Society before the appointed day and which, in the opinion of the court concerned, relate wholly or principally to the establishment or enforcement of a Norwich and Peterborough asset.

2750 Mr Speaker, section 9 is the one provision in the Bill which has a retrospective effect. This is because it works in favour of people who are mortgagors of Norwich and Peterborough and as they thought, took steps to repay their mortgages. In such a case, the Yorkshire Building Society will have purported to release a mortgage, which was originally a mortgage from the Norwich and Peterborough. The former mortgagor will have relied on this release, although Yorkshire Building Society did not in law have the power at that time to release the mortgage.

2755 If there were no retrospection in these limited cases, the whole matter of the release and consequential dealings, for example by a purchaser from the former mortgagor would be void, and would have to be reopened with the consequential costs and no doubt, distress. It is a condition of the operation of the section that the mortgagor consented in writing to the release.

2760 Section 10 is common form in banking transfer Bills, Mr Speaker, and in the case of this Bill, it provides the Yorkshire Building Society will meet the Government's expenditure in connection with the introduction and enactment of the Bill, the amount of the expenditure to be set by myself, as the Minister with responsibility for Financial Services.

I commend the Bill to the House, Mr Speaker.

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2765 In that case, I now put the question, which is that a Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society, be read a second time. Those in favour: (**Members:** Aye.) Those against? Carried.

2770 **Clerk:** The Yorkshire Building Society Act 2013.

Yorkshire Building Society Bill 2013
Committee Stage and Third Reading to be taken at this sitting

2775 **Hon. A J Isola:** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2780 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

2785 **Yorkshire Building Society Bill 2013**

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

2790 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: the Yorkshire Building Society Bill 2013.

2795 *In Committee of the whole Parliament*

2800 **Yorkshire Building Society Bill 2013**
Clauses considered and approved

Clerk: A Bill for an Act to make provision in connection with the merger of the Norwich and Peterborough Building Society with the Yorkshire Building Society.
Clauses 1 to 10.

2805 **Mr Chairman:** Stand part of the Bill.

Clerk: The long title.

2810 **Mr Chairman:** Stand part of the Bill.

BILLS FOR THIRD READING

2815 **Yorkshire Building Society Bill 2013**
Third Reading approved: Bill passed

2820 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Yorkshire Building Society Bill 2013 has been considered in Committee and agreed to without amendment, and I now move that it be read a third time and passed.

2825 **Mr Chairman:** I now put the question, which is that the Yorkshire Building Society Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

2830 **ADJOURNMENT**

Good wishes to all for Christmas and the New Year 2014

2835 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that this House do now adjourn *sine die*.

2840 And in doing so, of course Mr Speaker, although we are conscious as in all Parliaments that perhaps sometimes the workings of this Parliament descend into almost a festive farce, with people saying on either side, 'Oh yes he does, oh no he doesn't!' to each other, there is of course a great deal of personal affection, I hope between us all, and I would like to thank all Members of the House for the work they have done this year in their respective roles, and in particular yourself and your staff for having the patience to put up with all of us, and wish every Member of this House and our wider community a very merry Christmas and a very happy, healthy and prosperous 2014. (*Banging on desks*)

2845 **Hon. D A Feetham:** Well, Mr Speaker, it is a judicious statement that I can associate myself with, on behalf of the Opposition. (*Banging on desks*)

2850 **Mr Speaker:** May I wish all hon. Members a very joyful Christmas and a Happy New Year, and also extend those wishes to members of the staff, and indeed the Royal Gibraltar Police who are always in attendance when we are in session, and of course the members of the press.

I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Carried.

2855 The House will now adjourn *sine die*.

The House adjourned at 1.17 p.m.