



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.40 p.m.

Gibraltar, Friday, 15th February 2013

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

5

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

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

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PRAYER

Mr Speaker

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Procedural

Mr Speaker: As hon. Members are aware, we have convened this quorum in order to recess the House to 4.00 p.m. this afternoon, as we are allowing the other Members of Parliament who are not present here today to attend the funeral of Police Constable Jenzen Santos and Police Constable Josephine Guiling Savignon.

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So the House is recessed until 4.00 p.m. this afternoon.

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The House recessed at 3.05 p.m. and resumed its sitting at 4.00 p.m.

OBSERVANCE OF ONE MINUTE'S SILENCE

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Chief Minister (Hon. F R Picardo): Mr Speaker, I rise with a heavy heart to ask the House to keep a minute's silence in honour of the two police officers who passed away off duty in Spain two days ago and have been buried today, both of whom were well known to the House, sometimes keeping security here and below.

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Members stood in silence.

Hon. Chief Minister: Mr Speaker, may I thank hon. Members and you for your co-operation in the adjournment at 3.00 p.m. to enable Members to attend the funeral.

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Order of the Day

CONFIRMATION OF MINUTES

45 **Acting Clerk:** Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 14th and 15th January 2013.

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

50 *Mr Speaker signed the Minutes.*

COMMUNICATIONS FROM THE CHAIR

55 **Congratulations to Hon. D A Feetham
on election to Leader of the Opposition**

Acting Clerk: Communications from the Chair.

60 **Mr Speaker:** I should like to congratulate the Hon. Mr Daniel Feetham on his election as Leader of the GSD and consequently as Leader of the Opposition in this House.

I can assure him that the Clerk, the staff and I myself will always be at his disposal in order to help him in exercising his functions as Leader of the Opposition.

65 **Hon. D A Feetham:** Mr Speaker, thank you very much for those kind words indeed, and thank you as well to everybody out there in this community that have, over the last few days, the last couple of weeks, wished me well in my endeavour, both supporters of the GSD and also supporters of the Party opposite, because at the end of the day, it is an essential part of the democratic process that, as well as a strong Government, there will also be a strong Opposition.

70 Mr Speaker, thank you for the opportunity provided to me to make a short personal statement to the House, pursuant to Standing Order 49, on the occasion of our first meeting since I became Leader of the Opposition.

75 It is of course an honour and privilege for me to lead my party in Her Majesty's Opposition in this Parliament. I am conscious and indeed humbled, that I follow some very distinguished Gibraltarians, not least you, Mr Speaker, my very good friends, the Hon. Maurice Xiberras and the late the Hon. Peter Isola, the Father of the House, the Hon. Joe Bossano, the Hon. Sir Joshua Hassan and my great friend the Hon. Peter Caruana. To that list, I of course add the Hon. the Leader of the House, the Chief Minister.

80 I have this week met with my Shadow Cabinet colleagues in order to agree with them the distribution of Shadow Ministerial responsibilities amongst us. The aim has been to reshuffle some of the responsibilities, whilst at the same time provide for some continuity. I believe it is right for me to make that announcement here in this House first.

85 Mr Speaker, I will of course take primary responsibility for shadowing the Chief Minister and I will therefore be relinquishing some of my former responsibilities. I will therefore be dealing with the economy and public finance including taxation and Customs; enterprise and business; constitutional and external affairs; elections; broadcasting and information; public service and administration, including the Gibraltar Development Corporation, e-government, parliamentary, political and democratic reform.

90 Given the delicate situation the gaming sector finds itself in, with the UK decision to tax bets at source, I will retain responsibility for the time being for gaming. It is my intention to work closely with my hon. and learned friend, Mr Figueras and eventually to transfer this responsibility to him.

95 Mr Speaker, the Gibraltar Savings Bank and the way it operates in future is critical to the public debt debate and the position taken by the GSLP Liberals at the last election in that debate, and also any reputational or liability exposure of the Government and the Taxpayer and this community. I have therefore retained responsibility for the Gibraltar Savings Bank, but I will be assisted and work very closely with my hon. and learned friend, Mr Bossino.

I have asked the Hon. Jaime Netto to take on responsibility for the environment, utilities including electricity, water, postal services, refuse collection disposal and telecommunications and he will continue with his shadow responsibilities in respect of Health and Safety.

100 Mr Netto was extremely passionate for the environment when he was Minister with
responsibility for the environment in the 2003-07 GSD Government. That was reflected, Mr
Speaker, in the 2007 election result, where he placed third. I have asked him to be positive in his
approach to this Shadow Portfolio. It will be his task not only to scrutinise and ask searching
105 questions of the Government on its policies, such as the current Ape Management Policy, but to
also project a strong sense of our own suggested policies, which he will no doubt put to the Hon.
Minister Cortes in this House, during the course of the next three years. It is for the Government to
then decide whether to adopt or decline any suggestions put to them.

Mr Speaker, given that the Hon. Mr Netto has taken on these important responsibilities, I have
asked the Hon. Isobel Ellul-Hammond to take over responsibility for the care services; the elderly;
110 family and children; and equality and civil rights. She will continue to have responsibility for civil
contingencies including fire and emergency services and also health. On this side of the House, we
certainly feel there are common synergies between health and care services.

The Hon. Damon Bossino will continue with tourism; airport and aviation; port and shipping.
In addition, he will be shadowing the Hon. Minister Bossano in all of his portfolio, except for the
115 Gibraltar Savings Bank. That includes inward investment; employment and training; social
security and social assistance. The Government's record on employment will feature highly, in my
view, at the next General Election, and this is a significant responsibility which I could not have
hoped to bestow on a more able individual.

The Hon. Selwyn Figueras will have responsibility for transport, planning and the city,
120 including roads, parking, traffic, licensing of vehicles and public transport. He also takes over my
responsibilities for justice and home affairs, including the Police, prison, tribunals, legal aid and
assistance, consumer protection, personal status and immigration. He also takes over financial
services and e-commerce, where he will be working very closely with me, in order to develop our
policies over the next three years.

125 Finally, the Hon. Edwin Reyes takes over Education from the Hon. Isobel Ellul-Hammond,
and will continue with housing, culture, heritage, youth, sports and leisure.

Mr Speaker, much has been made in recent times about style of politics and exchanges across
the floor of this House. Whilst at times those exchanges may be on the wrong side of a very fine
balancing exercise we perform every time we meet in an essentially adversarial system, we do so
130 less often, in my view, than in other places outside this House.

The Government will find us a tough and searching Opposition over the next three years, but
we will also be constructive on any issue of vital importance to this community. It will be our
intention during the course of the next three years to make more use of parliamentary motions, as a
device to debate areas of Government policy, but also as a device to project our views on how
135 issues of vital importance to this community should be tackled.

I have already given notice to this House of a motion I intend to move at the next sitting, notice
permitting, in respect of our suggested approach to the new challenge facing Gibraltar, in relation
to statements made by the Prime Minister of the United Kingdom that he intends to renegotiate the
UK's membership with the European Union. It is a neutral motion, suggesting the creation of a
140 cross-party committee to look at the possible scenarios and implications for Gibraltar and how we
react to them: essentially, a pro-active cross-party approach in relation to all those scenarios.

Finally, Mr Speaker, I would like to thank, yet again, Mr Caruana for the many years he has
served this community in front-line politics, as Chief Minister and as Leader of the Opposition.
We all owe him, in my view, a huge debt of gratitude.

145 Thank you very much, Mr Speaker. (*Applause*)

Chief Minister (Hon. F R Picardo): Mr Speaker, may I take this opportunity to recognise the
hon. Gentleman's role as Leader of the Opposition is an important one. I became Leader of the
Opposition some months before I became Chief Minister with, I believe, the distinction of having
150 been the person who has served in that post for the shortest period.

May I just say as a matter of record, I believe that the hon. Member has become Leader of the
Opposition today in this House and not before, because it is this House that gives him the post of
Leader of the Opposition, in the recognition of his parliamentary colleagues that he leads their
parliamentary group. That he has become Leader of his Party is something that happens outside
155 the Parliament, but I think as a matter of parliamentary procedure, it is at the first meeting of the
House that the hon. Member has become, in effect, Leader of the Opposition.

Mr Speaker, I am pleased that the hon. Gentleman has taken the opportunity to make a
statement in this House in respect of the Shadow Portfolios that Members of his benches will
fulfil. I think it is an opportunity that is bestowed upon him by the fact that this Government now
160 calls monthly meetings of the House and it is therefore possible, on occasions but not always, to
make important statements in this House, rather than outside it.

165 Mr Speaker, the hon. Gentleman will find that the Office of Speaker and of the Clerk and Ushers will be an extremely useful resource to him as they are, as they were to me when I was Leader of the Opposition and as they were to all of us on this side of the House who were Members of the Opposition, because they are always generous to a fault in the way that they assist Members. I am sure that they will extend to him that level of generosity which they extended to us and no doubt have been extending to Members opposite since their election.

170 But importantly, Mr Speaker, I want him to know that he will also find the Government generous in the way in which it desires to work with parliamentary colleagues across the floor of the House in the best interests of Gibraltar. That is the way that it should be.

175 There may be times, Mr Speaker, when we have to disagree and it is appropriate in an adversarial parliamentary system such as ours that we do, but that adversarial system should not lead us into conflict where it need not and it should certainly not lead us into conflict for the purposes of partisan political gain. For that reason, Mr Speaker, although we will be generous in seeking to work together constructively, we will also be unforgiving when that generosity is abused for party political gain.

180 So, Mr Speaker, I sincerely hope that the hon. Gentleman will accept the opportunity to work together with the Government when it is possible that we should do so. I regret, Mr Speaker, that the statement made today by the hon. Gentleman under the auspices of recognition from the Chair, should have in part alluded to some of the partisan issues which appear to divide us in respect of the Savings Bank, for example, an issue which I think it is important for the community to feel absolute confidence is being handled in the absolutely most appropriate way by the Ministry for Finance and for the Minister with responsibility for the development of the Savings Bank. There should be not one nuance allowed to suggest the opposite.

185 I note, Mr Speaker, also that the hon. Gentleman has only referred to Mr Netto as having been requested by him to act positively in the exercise of his Shadow Ministerial responsibilities and I will assume that was just his pen driven to remark upon that in respect of Mr Netto, and that he actually meant, as I am sure he did, that all Members should engage positively in their Opposition role with their Government colleagues.

190 So, Mr Speaker, I shall certainly look forward to the debate in the next three years in this House. In the course of his intervention, the hon. Gentleman has said that he has asked individuals to shadow other particular individuals. He is not able to make such determinations. He decides which portfolios they shadow; it is for me as Chief Minister to decide who it is that carries those portfolios on the part of the Government. So it may be, Mr Speaker, that Mr Netto is not shadowing Mr Cortes for three years or that Mr Bossino is not shadowing Mr Bossano for three years. Whatever it is, Mr Speaker, let those shadows be positive shadows, designed to deliver always the best politics for our nation and in that light, Mr Speaker, I welcome the opportunity that we should have more debates in this House by way of motion, as you have been entreating Members opposite to do and that we might move away from a Question Time that is designed to become a debate and is actually an opportunity for information to be given and, with that information, that we might have properly informed debates.

200 As for the motion that the hon. Gentleman has alluded to, which he has put on the Order Paper, I shall deal with that motion at the appropriate time and not now, but I do give notice to the hon. Gentleman, if he has not had it yet, that there is also another motion from the Government in respect of the procedures of this House, on which I trust I will be able to count with his support and the support of those sitting with him in his parliamentary party. *(Applause)*

210 **Acting Clerk:** Petitions; Announcements; Papers to be laid.

DOCUMENTS LAID

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to lay on the Table a Report to Parliament on Democratic and Parliamentary Reform.

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

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

225 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I have the honour to lay on the Table the Report and Audited Accounts of the Gibraltar Electricity Authority for the year ending 31st March 2012.

Mr Speaker: Ordered to lie.

230 **Acting Clerk:** Reports of Committees. Answers to Oral Questions.

Questions for Oral Answer

235

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

240 **Tourist sites' refurbishment works**
Cost

Acting Clerk: Question No. 84/2013, the Hon. D J Bossino.

245 **Hon. D J Bossino:** Can the Minister for Tourism advise what the cost of the recent refurbishment works being carried out at various tourist sites amounts to, broken down in respect of each site?

Acting 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, I hand to the hon. Gentleman a schedule with the information he requests.

SCHEDULE TO QUESTION NUMBER 84/2013

LOCATION	COST	LESS EU FUNDING	TOTAL COST
JEWS GATE	96,543	28,963	67,580
ST. MICHAEL'S CAVE	571,950	141,183	430,767
APES DEN	42,053	12,616	29,437
GREAT SIEGE TUNNELS	206,375	44,420	161,955
MOORISH CASTLE	34,798	-	34,798
100 TON GUN	27,324	-	27,324
LORD AIREYS BATTERY	3,673	-	3,673
UR SIGNS	3,959	-	3,959
TOTAL	986,675	227,183	759,492

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Hon. D J Bossino: Mr Speaker, from a brief reading of the schedule, the total cost – in effect the net cost – amounts to £759,000-odd. That is actually very close to the £1 million which I think had been budgeted for this particular purpose. Is the Minister able to advise this House what further works he had planned to fill in that gap of about £200,000-odd?

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Hon. N F Costa: Mr Speaker, if the hon. Gentleman recalls, when I answered the question the first time in this House, I set out what the works were and how much they would cost and they added up to £1 million. The reason for the decrease in the cost is thanks to the measure taken of applying for EU funding, which will therefore mean that we will be able to do all the projects we have promised to do at less price and therefore have a saving to the Taxpayer.

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He will see in fact from the second column, which is called 'Less EU Funding', that we are saving £227,183.

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Hon. D J Bossino: Mr Speaker, the Minister may require notice of this question. There is an item in the schedule which refers to the cost expenditure in relation to the Moorish Castle which

amounts to £34,798. Now, in the information which is set out in the Government website, there is a table which I must say caused me some confusion. I was reviewing it in preparation for this meeting because it has been the subject of some change, but certainly one version that I have –
275 and I think it survived the second version, which I also saw recently – where it talks about direct allocations over £2,000 since the General Election, there is an Item 74 which is described as remedial and refurbishment works carried out at Tower of Homage at Moorish Castle. The recipient, if I follow this correctly, is in fact not a company – but I stand to be corrected; it is a Mr Louis Edwards and the amount is for £8,820. My first question is whether that figure forms part of the greater figure set out in this schedule?
280

Hon. N F Costa: Mr Speaker, I am afraid I will not be able to assist the hon. Gentleman. I will require notice of the question. I do not have the information to hand.

Hon. D J Bossino: Mr Speaker, I have asked a specific question as to whether it is included as part of the £34,000; but does he know, and again he may require notice of the question, what Mr Louis Edwards did? I just find it strange that an individual should have been the recipient of money, as opposed to a company.
285

Hon. N F Costa: Well, Mr Speaker, without getting into the intricacies of the legal system, of course you can trade as a sole trader without having to establish yourself as a legal entity like a company or something else.
290

But in respect of the substance of the question, as I said, I will need notice of it, to be able to answer the query, because I do not have that information with me.

Hon. D J Bossino: Irrespective of the legal position, presumably the Minister does not know now what Mr Edwards is said to have done for the £8,000-odd. Is that correct? Does he also need notice of that.
295

Hon. N F Costa: Yes, that is correct, Mr Speaker.
300

Mr Speaker: Any other supplementary?
Next question.

305

DEPUTY CHIEF MINISTER

Government housing stock Summary of building projects

310

Acting Clerk: Question 193, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, good afternoon.
Can the Deputy Chief Minister provide, in the planning context, a summary of the position in
315 relation to the building of Government housing and low-cost residential accommodation including, but not limited to the Aerial Farm project, the Europa Point project and the Coach Park project, including confirmation of whether it will be going ahead with each of these projects and, if so, whether they will be used for Government housing stock or for low-cost ownership?

Acting Clerk: Answer, the Hon. the Deputy Chief Minister.
320

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the Government has presented five residential projects to the DPC to date.

The projects at Europort Avenue, the Aerial Farm and the Coach Park have gone out to tender.
325 The projects at North Gauge and Europa Point have not gone out to tender as yet. The Government has to date taken the decision to proceed with all the projects except the one at Europa Point, which remains pending.

The expectation is that these projects will provide about 950 flats, of which about 140 will be for rental. The final number depends on the exact room specifications which will be known once a
330 tender has been awarded.

Hon. S M Figueras: I am grateful for the answer, Mr Speaker, perhaps... I did not quite catch the three projects that have gone out to tender, which are Europort Avenue, Coach Park and...?

335 **Hon. Deputy Chief Minister:** The other one is the Aerial Farm.

Hon. D A Feetham: Mr Speaker, can he also, because I did not hear... the number of rentals in that. He said 950 – (*Interjections*)

340 **Hon. D J Bossino:** One hundred and ninety and then 140.

Hon. D A Feetham: There seems to be some confusion on our side.

345 **Hon. Deputy Chief Minister:** Nine hundred and fifty flats, of which 140 are for rental.

Hon. S M Figueras: Indeed, but would the Deputy Chief Minister be able to provide or rather confirm, of those 140 rental properties, which developments will include those?

350 **Hon. Deputy Chief Minister:** Yes, Mr Speaker, those are divided between the Aerial Farm project and the Europort Avenue project... Sorry, Mr Speaker, the *Coach Park* project and the Europort Avenue project.

355 **Hon. S M Figueras:** Mr Speaker, in respect of the Coach Park, we have had representations from concerned residents in the area with certain concerns about the impact this project may have on the area. I am also mindful of the fact that it is at the Development and Planning Commission for consultation.

Unfortunately, the minutes of the DPC are suffering somewhat of a delay between the conclusion of the meeting and the publication on the website, and this is causing a certain element of difficulty, in terms of preparing the Questions for these sessions on a monthly basis.

360 I was wondering whether perhaps the Deputy Chief Minister would be able, or inclined even, to share the minutes with me any earlier than publication on the website, if that is at all possible? And particularly in respect of the Coach Park, is the Deputy Chief Minister able to confirm whether the Government has had any objections filed on it or through the Development and Planning Commission?

365

Hon. Deputy Chief Minister: Mr Speaker, the Hon. Member should bear in mind that the meetings of the DPC are now public, so obviously it is for you to attend and to listen to what goes on. Also, the minutes are now published; before, they were not published at all.

370 But the reason for the delay is simply that the minutes of one meeting are approved in the next meeting, so it is not really a delay; it is simply just waiting for the meeting to take place in order for the minutes to be approved. After that, they go on-line.

In relation to his question, I can tell him there were some views expressed which were mainly of an environmental nature; also some of a traffic management nature and those issues were discussed by the Commission and put forward [*inaudible*] to the Government.

375 But he should also bear in mind, Mr Speaker, that in their own manifesto they also had a promise to use the Coach Park for housing. So they had it as well.

A Member: Two references.

380 **Hon. S M Figueras:** Grateful. (*Laughter and interjections*)

Hon. E J Reyes: Mr Speaker, may I ask the Deputy Chief Minister for a little bit of clarification. On the figure of 140 homes for rental, have I understood correctly in saying that those were to be in respect of the Coach Park and the Aerial Farm projects?

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Hon. Deputy Chief Minister: In respect of the Coach Park and the Europort Avenue project.

Hon. E J Reyes: Coach Park and the Europort Avenue; not the Aerial Farm then.

390 **Hon. Deputy Chief Minister:** No.

Hon. J J Netto: Can I ask the Deputy Chief Minister in relation to the 140-plus for rental, whether at this stage they know what is the breakdown for those flats in relation to how many rooms those flats have?

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Hon. Deputy Chief Minister: Mr Speaker, I am told the final composition of the flats will depend on the tender because tenderers, apart from what the Government has suggested, are free to make suggestions of their own to improve the... increase the number of rooms or whatever

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So once we have the final tender awarded, we will know what the exact composition is going to be.

Hon. J J Netto: To some extent, will the tender be determined by the kind of pressures that the Department of Housing may have in relation to some of the list which has more demand than others? Would that be factored into the decision-making process?

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Hon. Deputy Chief Minister: Mr Speaker, the hon. Member is right in what he has said. It will be factored into the process. That is right. The actual number of people on the waiting list and the room composition requirements are what is driving the composition of the flats.

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Hon. J J Netto: Is it therefore that they are targeting, in the main, single persons on the one hand, which seems to be a big demand for that, and also perhaps the very large families – which are a minority nowadays, but nevertheless because there are large families with lots of children, we find themselves with not sufficient stock in the Government houses, which needs to be cared for as well?

415

Hon. Deputy Chief Minister: Mr Speaker, these are primarily housing issues of a housing nature, if he sees what I mean – a housing rental nature – which I do not deal with directly.

My understanding is that the requirements that were there on the housing waiting list on 8th/9th December, when we got into Government, are the ones that are driving the housing projects that we are building.

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So if there was a considerable demand for one or two, one-bedroom flats, then that will be reflected in the composition of the flats.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I can be of assistance.

425

Those one-bedroom flats, as the hon. Gentleman knows, are 2RKBs. There are a lot of young people who are on the list for 2RKBs who have been on the list for very long, so demographically I think it is likely that those people who are seeking 2RKBs, many of them will actually soon become couples and we actually see that a lot of the people who are both down as individuals are now still single but couples and are looking, potentially, to buy a 3RKB, which is two bedrooms. There is that opportunity that people may want to buy something, if they are now on the cusp of marriage or civil partnership or whatever it is – if that is possible after the House considers the Bill in the future – and they want to buy something, then they may want to buy something slightly bigger than what they have been on the housing waiting list for, and that is being factored into the equation.

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Hon. D A Feetham: Mr Speaker, the Government proposes to have 140 rental flats from a number of 950. Can the Government at this stage, either the Chief Minister or the Deputy Chief Minister, provide us with some information in relation to how many rental flats does the Government actually envisage at the end of the day, the three-year period that it is actually going to be building, in order to cater for people who do not want to buy, but people who want to rent from the Government?

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Hon. Chief Minister: Not at this stage, Mr Speaker, but I can tell him that most people are very interested in buying.

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Mr Speaker: Any other question?

Next question.

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455

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

UKGTA

Number of meetings and attendees

460

Acting Clerk: Question No. 85, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism state how many meetings of the UKGTA have been held since he took office, together with the dates and locations of such meetings; who the attendees were, to include details of who ordinarily attend such meetings but failed to do so?

465

Acting 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, there have been three meetings of the UKGTA since I took office.

The first meeting was held on 24th April last year in Gibraltar at the Mons Calpe Suite. The second meeting was held on 26th June last year at Gibraltar House in London. The third meeting was held on 9th October last year in Gibraltar at the Finance Centre Boardroom.

475

I now hand over to the hon. Gentleman a schedule with the detail of those who were invited to attend the meeting and those who sent apologies.

The meetings are ordinarily attended by members of the UKGTA, members of the Gibraltar Tourist Board, members of the team from Gibraltar House in London and myself. The next meeting of the UKGTA is scheduled for 20th February of this year at the Millennium Copthorne Hotel in Birmingham, UK to coincide with a tourism road show being held by the Gibraltar Tourist Board. The event is aimed at promoting the start of flights secured by Her Majesty's Government of Gibraltar from Birmingham to Gibraltar operated by Monarch Airlines.

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The event will allow industry partners to showcase their products and services to travel agents from the Birmingham area and will serve as a marketing event for the Rock, highlighting this to be the perfect short-break destination.

SCHEDULE TO QUESTION NUMBER 85/2013

UKGTA Meeting - Tuesday 24th April 2012

Attending:	Apologies:
Minister Neil Costa MP MTTP	Albert Poggio OBE – UK Representative
Nicky Guerrero – GTB	Vanda Bauer – Classic Collection Holidays
Paul Martinez, Principal Secretary MTTP	Daniel Lerner - GTB
Peter Canessa - GOG	
Audrey Vella – GTB	
Juliet Perrett – Monarch Airlines (Chair)	
Catherine Read - easyJet	
Raj Kumar – My Gibraltar	
Chris Hagan - Superbreak	
Sixto Parody - Parodytur	
Bob Pugh - Southern Garages Management/Parodytur	
Tim Mitchell – Gibraltar Gala Casino	
Franco Ostuni – The Caleta Hotel	
Mary Kinch – O'Callaghan Elliott Hotel	
Stephen Davenport – The Rock Hotel	
Ronald Ignacio- Gibraltar Taxi Association	
Henry Catania – Calypso Tours	
Mandy Gaggero – MH Bland	
Henry Catania – MH Bland	
Nuria Saccone Wright – Bland Group	
Ian Leyde - GTB	
Tracey Poggio – GTB	

UKGTA Meeting - Tuesday 26th June

Attending:	Apologies:
Minister Neil Costa MP	Ali Gayward - easyJet
Nicky Guerrero – GTB	Chris Hagan - Superbreak
Peter Canessa - GOG	Tim Mitchell – Gibraltar Casino
Albert Poggio OBE GOG	Vanda Bauer – Classic Collection
Audrey Vella GTB	Bob Kumar – My Vacations
Paul Martinez GOG	
Lt.Col John Perez Bland Group	
Nuria Saccone Bland Group	
Sixto Parody - Parodytur	
Ronald Ignacio- Gibraltar Taxi Association	
Mandy Gaggero –MH Bland	
Franco Ostuni – The Caleta Hotel	
Mary Kinch The O'Callaghan Elliott Hotel	
Ian Leyde - GTB	
Tracey Poggio – GTB	

UKGTA Meeting - Tuesday 9th October 2012

Attending:	Apologies:
Minister Neil Costa MP	Vanda Bauer Classic Collection
Nicky Guerrero - GTB	Albert Poggio OBE GOG
Peter Canessa - GOG	Keith Chuter BA
Marcello Sanguinetti - GTB	
Audrey Vella - GTB	
Stuart Finlayson - GTB	
Chris Hagan - Superbreak	
Bob Kumar - My Gibraltar	
Liz Mason - Thomas Cook/Cresta	
Ali Gayward - easyJet	
James Massey - Monarch Airlines	
Nuria Saccone - Bland Group	
Sixto Parody - Parodytur	
Bob Pugh - Parodytur	
Albert Parody - Parodytur	
Ronald Ignacio - Gibraltar Taxi Association	
Mandy Gaggero - MH Bland	
Henry Catania - Calypso Tours	
Mary Kinch - O'Callaghan Elliott Hotel	
Franco Ostuni - Caleta Hotel	
Stephen Davenport - Rock Hotel	
Tim Mitchell - Gala Casino	
Ian Leyde - GTB	
Tracey Poggio - GTB	

**Airport
Commitment to new terminal**

485

Mr Speaker: Next question.

Acting Clerk: Question No. 86, the Hon. D J Bossino.

490 **Hon. D J Bossino:** Can the Minister for Tourism confirm that he is fully committed to the promotion of the new airport terminal?

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

495 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Her Majesty's Government of Gibraltar has already stated publicly and on various occasions that the new terminal has to be used fully in order to try and recover the exorbitant amount of public money that was spent on the new Air Terminal. In order for the hon. Gentleman to fully appreciate the efforts required to try to recover even some of these costs, I need to provide some important and necessary context.

500 The project has been completed over a number of years and the total cost has been £82.97 million.

505 The expenditure charged to the I&D Fund over the years is made up as follows: 2008-09, £2,710,845.08; 2009-10, £14,833,979.28; 2010-11, £23,138,104.17; 2011-12, £37,960,050.45 – noticeably an election year; 2012-13, £4,333,569.07. That brings the total, Mr Speaker, to, as I say, £82,976,548.05.

510 Mr Speaker, it has to be borne in mind that these costs include an inadequately long baggage carousel and no weather-proof equipment to cover passengers when traversing from the terminal to the airplane. You would have thought, Mr Speaker, that at almost £83 million we would have had a plethora of suitable weatherproof equipment and adequately sized carrousel.

515 With this in mind, Mr Speaker, not only am I fully committed to promoting the terminal by being actively involved in seeking new air links for the good of Gibraltar as a whole, but also to generate as much revenue as possible. This includes resourcing the Government agencies that operate there, maximising the business potential of the concessions within the terminal and ensuring that high standards of service are maintained.

520 **Hon. D J Bossino:** Mr Speaker, it was really the last bits of his answer that I wanted to hear, given that... Well no, it is actually not even being political about it; (*Interjections*) no, Mr Speaker it is obvious I wanted to hear just the last bit of his answer because that was my question. I just wanted to know whether he is fully committed to the promotion of the new airport terminal.

525 Mr Speaker, the reason why I asked that question is because I have here in my hands the Gibraltar Port Authority Handbook, which quite frankly gives... it is a very poor show, if it is a Government truly committed behind the marketing of the airport. The only thing it is able to say is that Gibraltar has flight connections to several cities in the UK and almost 400,000 people enjoy flying to and from the Rock every year.

I also have in my possession... (*Laughter*) Look, the Members opposite can snigger and they may find this uncomfortable hearing, but the fact is – (*Interjections*) No, Mr Speaker –

530 **Mr Speaker:** Order! Order!

Hon. D J Bossino: Mr Speaker, they really ought to calm down! (*Interjections*)

Mr Speaker: Order!

535 **Hon. D J Bossino:** Mr Speaker, I also have... So much for a change in the attitude in this House! (*Interjection*) He is the one that started, Mr Speaker!

Mr Speaker: Order!

540 **Hon. D J Bossino:** I asked for a specific answer and he has gone into a tirade *à la* election mode, *à la* Opposition mode, because he just cannot help himself, Mr Speaker. (*Interjections*)

545 Mr Speaker, there is a draft which has come to my attention, right, and I will ask him whether he has had any participation, any involvement in changing that draft because the draft of this handbook, the Port Authority Handbook, which deals at page 51 with the airport, the original draft stated things like, reasonable things like:

'Gibraltar's new air terminal, a striking architectural design against the iconic backdrop of the Rock is now open for business...'

550

I am not going to read the whole thing, but it also says things like:

555 'the impressive steel and glass building boasts a modern spacious interior equipped with top end facilities for passengers'

and things like:

560 'The air terminal also includes a dedicated wing built to premium specification for handling private and corporate jets with seamless service, privacy and security.'

And yet, Mr Speaker, all that this Government was able to bring themselves to say about this airport is that Gibraltar has flight connections to several cities in the UK and almost 400,000 people enjoying flying to and from the Rock every year. What hand has the Minister had to play in the drafting of this book, Mr Speaker?

565

Hon. N F Costa: Mr Speaker, in the first place, he does realise that he prefaced his question to say that it was a 'Port Handbook'. I shall leave that there.

570 Mr Speaker, I have, during the course of interviews, I have in fact just recently approved an article that will appear in a specialised air terminal magazine, which I did not know existed, but there are enthusiasts of air terminals and we are promoting the air terminal through business-to-business magazines and we spent an entire article describing the magnificence, the architectural beauty, the intricate designs of the air terminal otherwise known as the crystal palace, white elephant and pharaonic project.

575 But given that he takes grave issue about the fact that I had to provide the necessary costs, Mr Speaker, because if he asks me whether I am committed to promoting the air terminal, given that it has cost £83 million, Mr Speaker, the answer in short is yes. I am very committed to promoting the air terminal because, good grief, we ought to, we must, because it's Taxpayers' money! And given that he took such exception to what I said, let me repeat what I have said already: €6 million, almost, as a result of the personal contributions of the previous Leader of the Opposition was added to the £82-million bill. Peter Caruana had, in his own hand, decided to interfere in changes that added to almost €6 million. That is political and that certainly will have been *à la* Opposition mode.

580

585 But it is not Mr Speaker because we are the Government, we are responsible for the public purse, the public is certainly entitled to know that they decided to, in their infinite wisdom, £33 million during the course of an election year, spend as much money as they did.

585

Short tirade aside, Mr Speaker, let me tell him that, through the good offices of the Chief Executive Officer, Mr Nicky Guerrero of the Gibraltar Tourist Board, myself, as I have said now on various occasions during GBC interviews and at UKGTA meetings – and I appreciate that I do not have the article that I approved recently, but I wish that I had – I spent an entire page describing the beauty of the air terminal.

590

595 And Mr Speaker, as to the hon. Gentleman suggesting that I have had some underhand motive or reason to changing the Port Handbook and whether I had a hand in it, well of course I had a hand in it, Mr Speaker. I am the Minister for the Port, the draft was sent to me, I made a whole raft of changes and there is nothing untoward about that. If he were Minister for the Port, which he is not, he may have decided to add a few more lines, rather than deleting them.

Chief Minister (Hon. F R Picardo): Mr Speaker, may I assist the House. The hon. Gentleman might also like to quote from the report prepared by the report company, which was sponsored, as he knows, by the Government of Gibraltar, which sets out in detail the changes in the airport terminal from the old terminal to the new terminal and sets out in quite splendid fashion exactly what it is that the new airport terminal is capable of and how much it costs, thereby demonstrating the Government promoting the air terminal as he suggests.

600

605 I am surprised that he has picked on a Port Handbook to talk about 'air ports' and how the Government promote the new terminal; but I just wish him to know that in another publication which involved the Government there was a completely different approach to the 'air port'.

605

610 **Hon. D J Bossino:** Mr Speaker, I will not be asking a question, but I would like to have the opportunity to clarify this issue about picking from a page from the Port Handbook, because the fact is, Mr Speaker, that although it is a Port Handbook and it really was a predictable defence the the Hon. the Minister for the Port and now I am surprised that the Chief Minister himself alights on the same defence to... which quite frankly, Mr Speaker, is weak on the basis that this same Port Handbook also extolls (*Interjections*) no, also extolls the virtues of Gibraltar's resilient economy.

615 A Port Handbook, nothing to do with the Port but it also extolls the resilience of Gibraltar's
resilient economy. In fact, it is entitled 'Gibraltar's Resilient Economy' and it says things like...
two pages that are dedicated to Gibraltar's resilient economy and saying things like the British
Territory's Gross Domestic Products in the year to March 2011 reached £1.05 billion; officials
620 estimate 5.1% growth, not 10% in the year to March 2012, and it goes on to talk about 'the Rock,
a spectacular tourist destination'. Two pages again: it talks about heritage, nature, a variety of
tourist attractions, and all those things that Mr Costa, the Hon. the Minister for the Port has said he
needs to fix because it was in such dire straits. And yet, Mr Speaker, simply repeating the point
that in relation to the airport, this magnificent airport which the GSD Government left to the
population of Gibraltar is only dedicated three short lines.

625 **Hon. N F Costa:** Mr Speaker, in the first place, is there a question from the hon. Gentleman?

Mr Speaker: I think that hon. Members are now in danger of debating what I will not call 'an
old chestnut', because it is a new air terminal!
So next question.

630 **Acting Clerk:** Question No. 87, the Hon. D J Bossino.

635 **Procedural
Statement by the Chief Minister**

Hon. Chief Minister: Can I just make this point, before you move on?
I am quite concerned at the idea that hon. Members can stand up and say, 'I am not going to
ask a question, but...' at Question Time. I just want to record that, although I know the hon.
640 Gentleman wanted, because obviously he feels 'thin on the ground' on this issue of the amount
spent on the air terminal, that he wanted to lay out a defence because having been entirely and
properly rebuffed by the Hon. the Minister for Tourism and by my reference to the report
company, he wanted to set up some defence but as it is Question Time, I think it is really quite
645 astonishing that Members can get up and say, 'I am not going to ask a question but...'

650 **Open-air swimming pool, East Side
Construction project**

Mr Speaker: Let us go on to Question 87.

655 **Hon. D J Bossino:** Can the Minister for Tourism advise what stage the project to construct an
open-air swimming pool on the East Side has reached?

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

660 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F
Costa):** Mr Speaker, the commitment to construct an open-air swimming pool on the East Side is
at the design stage.

665 **Hon. D J Bossino:** Can I ask this question and depending on how it is answered, it may not
meet further supplementaries. There are a series of some seven items listed in the same section of
the website I referred to earlier, Gibraltar Government website, which is Table GC1 and it refers to
matters such as 'structural design and project management for new public pool, first payment'.
Then it goes on, Mr Speaker, but it does not specifically state the geographical location of the pool
or the nature of the pool and really, what I wanted to know is whether those items – and I can read
670 them to the Minister if it assists him, relate to the open-air swimming pool which they are
electorally committed to provide, which is to provide on the East Side, by Eastern Beach, whether
those items relate to that pool.

Hon. N F Costa: Yes, Mr Speaker, as with the first question the hon. Gentleman asked me,
given the specificity of it he will need to give me notice of the question.

675 **Hon. D J Bossino:** If I can assist, if I can assist, Mr Speaker, the total amount, if one adds up all the items relating to the new public pool, is £167,600.94. Does that figure ring any bells in the Minister's mind, as to the costs which the new pool has already incurred?

680 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the question of the new pool is one which is still in the process of development, so I cannot tell him whether that is the amount incurred to date, whether that amount was incurred at a particular time or not, without having specific notice of that question. He has asked a question in this House that asks us at what stage the project stands. He has not asked us and given us notice of a specific figure on a specific page of something, so if he wants to have that information, I am quite happy either to reply to him if he cares to write to me or
685 to answer his question if he cares to put it to me. It is a project that I am dealing with, I am running with from Convent Place.

Hon. D J Bossino: I am grateful for that.

690 Mr Speaker, is the Chief Minister at least able to tell me... It was a commitment in the Election manifesto of the Alliance, and he did say I think, in fairness, during the course of the Election campaign that all the commitments had been costed. Can he at least tell me how much he envisages the cost of the new pool will be?

695 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I have given on a number of occasions in respect of such questions.

Hon. D J Bossino: I know I am letting myself in for a bit of a ding-dong here, Mr Speaker, or a wild goose chase, but what was the answer, can I ask the Chief Minister?

700 **Hon. Chief Minister:** It is simple, Mr Speaker: that the costings that we attributed to things when we were Members of... well, in fact, not even Members of Opposition, when we were *candidates* for the Election, are not matters for which we are answerable in this House. I have had that 'ding-dong' as the hon. Gentleman describes on a number of occasions with the hon. and learned Mr Figueras. We will answer for the estimates that we have to provide for these projects in
705 Government, but we will not answer for the calculations that we had in respect of those costs as Opposition, in the same way – well, not even as Opposition; as candidates – in the same way that the hon. Gentlemen would not be answerable for what calculations they may have done as a Political Party or as candidates in the General Election campaign, so we will not disclose those figures. I have said that *ad nauseum* to the hon. Gentleman, but we are obliged to disclose figures
710 in respect of costs which are on-going or estimates which we may have, in the context of the Appropriation debate.

Hon. D J Bossino: Mr Speaker, I made a reference to the Election manifesto and I am just going to put that point that the hon. Member has just made to one side.

715 Really, what I want to get at is the Hon. Chief Minister now sits in No. 6 Convent Place; he is also the Minister for Finance. Does he therefore have an idea or a notion at least – I will put it in the tamest terms possible – as to what he thinks the cost of the pool is going to be?

720 **Hon. Chief Minister:** Yes, Mr Speaker.

Hon. D J Bossino: Is he able to impart that information to the House this afternoon?

725 **Hon. Chief Minister:** Not at this stage, Mr Speaker, because there are very many different permutations and very many different potential costs that the Government, because it is at the design stage, is still looking at what those permutations could mean. So when the Government is ready and has chosen exactly what permutation the design is going to take, the Government will make the announcement and will deliver an estimate of the costs.

730 He will recall, for example, Mr Speaker, that the Hon. the previous Chief Minister, previously Leader of the Opposition, issued a statement once which was featured in the *Chronicle* that I was accused of taking everywhere with me during the course of the General Election campaign, that predicted the cost of the air terminal would be £24 million ; we have just heard today that it was £83 million. So in order to give the public information which is more accurate, we will make a statement about that and other costs that have been incurred in respect of Government projects, when we have accurate Government estimates of those amounts.
735

740 **Hon. D J Bossino:** Mr Speaker, I have no idea what a pool will cost. Certainly, I suppose a lot depends on the location, the size of it and issues of that nature, but is he satisfied that given that this project seems to be at its very early stages, that an expenditure already, subject to what the Minister would say, but it seems there has already been an expenditure of £167,000 in relation to this pool. Would he be concerned if indeed that expenditure related to the new pool on the East Side – unless... he may not admit that it does relate to the new pool on the East Side.

745 **Hon. Chief Minister:** Well, Mr Speaker, that is a hypothetical question because I said to the hon. Gentleman that I require notice of a question as specific as that and therefore I am not going to commit myself, but a large pool for a community is going to cost a lot more than a small pool for a family, so I would not be surprised to see that the cost will far exceed that sort of sum.

750 **Hon. S M Figueras:** Mr Speaker, is the Hon. Chief Minister able to without notice say whether the Government has a time frame in mind or an estimated date of completion for the pool?

Hon. Chief Minister: Yes, Mr Speaker, I expect people to have happily bathed there before I call the next General Election.

755 **Hon. D J Bossino:** Mr Speaker, does the Hon. Chief Minister at least have an idea of what the expenditure is to date in relation to the new pool? Does he not have that information given that he is the one that is personally dealing with it at No. 6?

760 **Hon. Chief Minister:** Mr Speaker, I have an idea what the expenditure has been but I do not talk about ideas. In this House, I would rather be specific and if the hon. Gentleman wants to know what the figure is, he can either write to me, as I have said, or he can ask me the question and I will come armed with every pound, shilling and pence that has been spent.

765 **Mr Speaker:** Next question.

FITUR exhibition Costs of Gibraltar's participation

770 **Acting Clerk:** Question No. 88, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide a full breakdown of the costs relating to Gibraltar's participation in the FITUR exhibition?

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

780 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the full breakdown of the costs are as follows: cost of meeting for space reservation, £981; space and stand, £16,690; subsistence, £3,788; miscellaneous expenses, £3,558; stand expenses, £370; hospitality, £1,611; hotel accommodation, £2,192; travel expenses, £1,098; less participation fees of £6,600. The total comes to £23,688.

785 **Hon. D J Bossino:** Mr Speaker, the Hon. the Minister normally gives me the courtesy of providing me with a schedule of...

790 **Hon. N F Costa:** If you would give way for a second, Mr Speaker, yes, I ordinarily do provide a schedule. For some reason, they have written it out without having provided a schedule. I am perfectly happy for the kind lady, if she were to photocopy and pass it on to the hon. Gentleman.

795 **Hon. D J Bossino:** Mr Speaker, I have nevertheless taken a full note and the point that really I was getting at is what the expenditure was in relation to – and I quote him from a report in the *Gibraltar Chronicle*... Yes, it is from him which refers to his new policy of live entertainment at the stand. Now, from the information which he has just given me and I have taken a quick note of, I do not see a specific reference to the live entertainment. I would be very interested to know why that is, or what it is indeed.

800 **Hon. N F Costa:** Mr Speaker, I am not sure, now that I do not have the paper in front of me, but I suspect there must have been a space there for miscellaneous expenses. Is there? (*Interjection*) miscellaneous... (*Interjections*)

805 Alright, in respect of the miscellaneous expenses, I can tell him that the re-enactment service fee was £160 and the expenses for the re-enactment services were £258. We also had refreshments of £19 and the public relation services of Miss Silvia Martinez, who is a lady that works in Madrid and has been used by the previous administration at every FITUR. She is a Spanish national and is very useful at the event, because of course she knows the ropes in and out and she was £923.

Hon. D J Bossino: So the live entertainment was exclusively provided, do I take it, by the History Alive re-enactment group – is that correct, Mr Speaker?

810 **Hon. N F Costa:** Yes, sir.

Hon. D J Bossino: Now, it is also quoted in the press as referring to... Well, I will just read the quote, Mr Speaker. It says:

815 ‘Our new policy of live entertainment at the stand, in addition to adding interactivity, is intended to showcase the many magnificent tourist offerings that Gibraltar has to offer.’

820 Now, presumably, the History Alive re-enactment group does not add interactivity. There must be other resources which were put at play here. Can I ask the Minister what he was referring to by ‘adding interactivity’?

825 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman should try not to presume anything. The re-enactment society provided *excellent* interactivity. The very fact of them being there was so that they could, in their full regalia, interact with the public. When people walked past the stand, they asked questions not just of the tour operators and our tourism partners; they were very much drawn by these gentlemen in their full regalia and they were answering questions on history and culture and heritage and I am told, that their very presence there was one of the features that drove more people than normal to attend the stand, and there were a higher number of enquiries in respect of Gibraltar, by virtue only of having these two men fully dressed in the uniform of the day and answering questions.

830 I do have plans for more interactivity in the future, but I shall keep him in suspense until I announce it by way of a press release.

835 **Hon. D J Bossino:** Mr Speaker can he advise this House whether there have been any new business opportunities as a result of his new found initiative in terms of providing...? But no, the serious point is, it is an expensive venture. I know we did it when we were in Government. He has made a lot of emphasis on the fact that he now has live entertainment, but I think that seems to be the only, if I may say so, the only feature which is slightly different.

840 But the serious point is, can the Minister advise this House whether any new business opportunities have materialised since the FITUR fair?

Hon. N F Costa: Mr Speaker, prefacing questions with a lot of narrative prompts me to have to answer the prefaced elements.

845 In the first place, I have said on many occasions that the costs of doing business abroad, by way of trade shows, etc have to be kept down and we need to work harder and we need to make sure that we can measure results.

850 The cost of this year, when we planned it, was £23,687. When they planned it in 2009, it was £53,770 without the re-enactment society. So I think we are getting value for our money in respect of the entertainment that we provided and as I told him, I think, Mr Speaker, that having the services of the re-enactment society, which is a group that provides an excellent entertainment value every morning on Saturday mornings, when we are sat down at the Piazza and enjoying a coffee and having them there to illustrate the different cultures between Spain – we are in Madrid – and Gibraltar. The fact that we can boast of a proud military heritage which sells in tourism circles is a fantastic thing and for the price that I have quoted is extremely negligible – which was 855 £160 and £258 – and considering that we were able to achieve that at £23,000, rather than £53,000, I think he should be applauding the re-enactment society rather than trying to nit-pick on the cost. (*Applause*)

860 **Hon. D J Bossino:** I am not sure that I have had an answer to my question. Once again, I will ask the question: have any business opportunities materialised? That was my question. If they have not, then that is the answer; maybe it is unreasonable to expect them to materialise in a relatively short space of time, but I am not sure I have had an answer to my supplementary question.

865 **Hon. N F Costa:** Mr Speaker, as the hon. Gentleman also knows, because he has quoted part of my press release, I believe I have several... eight or nine meetings which are with prospective business opportunities. The hon. Gentleman will know, because we also recently announced it from the Mons Calpe Suite that Pullmantur will be returning to Gibraltar this year with an additional nine calls next year. That was as a result of FITUR last year.

870 The meetings with these potential investors and potential business partners with Gibraltar were only held in January, at the end of January, of this year. It is only mid-February: it is *far too soon* to be able to say whether any one particular meeting would produce a result, but I shall be calling him to tell him, the moment that one does materialise.

875 **Mr Speaker:** Any other questions?

Hon. D J Bossino: No, Mr Speaker. I am grateful.

Mr Speaker: Next question.

880

Gibibikes Details of rentals

885 **Acting Clerk:** Question No. 89, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Transport provide details of rentals of Gibibikes further to his answer to Question 351/2012?

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

895 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question 91.

Gibibikes Update re provision

900

Acting Clerk: Question 91, the Hon. D J Bossino.

905 **Hon. D J Bossino:** Can the Minister for Transport provide this House with an update in relation to the ongoing provision of the Gibibikes service?

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

910 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the information presented to me shows that since my reply to the hon. Gentleman in May of last year, Gibibikes has 446 members in the scheme.

Therefore, Mr Speaker, since May 2012, a total of 27 new members enrolled in the scheme.

915 Further to my answer to Question 927 of last year, My Bike Station advised the Gibraltar Bus Company Limited that as a result of various issues, in particular an issue with My Bike Station's suppliers, they have, at present, been unable to roll out the second phase of the Gibibikes scheme as agreed with the previous administration.

As a result, Mr Speaker, we are currently engaged intensely with My Bike Station to try and resolve the issue and will make an announcement in due course.

920 **Hon. D J Bossino:** Just a point of clarification. Did the Minister, Mr Speaker, refer to ‘my’
bike station? Presumably that is the company that provides the stations?

Hon. N F Costa: Yes, Mr Speaker, My Bike Station Ltd is the company that supplied the
925 Gibibikes scheme to Gibraltar.

Hon. D J Bossino: And is he able to tell this House, Mr Speaker, what the issues are. I can
well understand that it could be subject to confidentiality.

Hon. N F Costa: Mr Speaker, at this stage, all I am prepared to say is precisely what I have,
930 which is, that when I came to the House on the last occasion, the question was asked, I was able to
happily say that we were at the point where issues had been resolved and agreed, and that the
Gibibikes scheme would be rolled... the second phase of the scheme would be rolled out.

Unfortunately, subsequently, we were advised by My Bike Station that they were having
935 various issues, the most important one was in respect of their supplies and that is the reason for the
delay.

Hon. S M Figueras: Mr Speaker, can the Hon. Minister say whether there is... and again, I
ask the question subject to the understanding that there may be certain sensitivities involved in this
940 matter, but is he able to say whether there is any prospect whatsoever that the issues are incapable
of being resolved?

I ask the question only if it is appropriate, to allow the Hon. Minister to allay any concerns that
the public may have of losing the service.

Hon. N F Costa: Mr Speaker, as I referred to the hon. Gentleman, my office, the Gibraltar Bus
945 Company and I have been working quite intensely on being able to resolve the issues. I am
hopeful that they may be resolvable. I am not entirely certain today whether they are, but I am
hopeful given that the previous administration spent around £320,000 and paid for the full roll-out
of the scheme, not just the first phase. In other words, Taxpayers’ money has already been spent
950 on something that has not been completed. I am hopeful that we will be able to resolve the
situation.

But as I say also in the answer, I will make a statement in due course, if the situation changes.

Hon. S M Figueras: Mr Speaker, yes, I am grateful for the answer.

In relation to an earlier answer he gave, the question asks for details of rentals of Gibibikes
955 further to your answer in Question 351 and I noted the number of new members since then. I am
sorry, did the Hon. Minister – apologies – provide any information in respect of the rentals
themselves, as asked for in the question? I may well have missed it.

Hon. D J Bossino: Mr Speaker, if it assists, the question which I posed was further to my
960 Question 352, which I posed on 17th May, and the information provided in the scheduled answer
took us to March 2012.

Hon. N F Costa: Oh, I see.

Hon. D J Bossino: But we have not had, I do not think, the information from March to date.
965

Hon. N F Costa: No, that is correct, Mr Speaker. The drafter to the answer mistook ‘new
970 members enrolled’, rather than ‘rentals’. Given that he did ask the question and I have not
provided it, I shall make sure that he receives it very early on next week. I apologise for that, Mr
Speaker.

Hon. S M Figueras: I am grateful, Mr Speaker, and grateful certainly for the clarification.

Given that he has in fact provided information in relation to new members, which was
975 incidentally an issue that my hon. and learned friend, Mr Bossino, and myself had been discussing,
is the Minister able to confirm that Gibibikes is closed and has been so to new members for some
time and if so, for how long?

Hon. N F Costa: Mr Speaker, I have not. I would not be able to tell him the exact time that it
980 has been closed; it has been closed for new members for quite some time for this very reason –
the reason being, of course, that because we have not been able to roll out the second phase, we have
not been able to obtain a higher number of bikes. As he also knows, unfortunately, the My Bike

985 Station, the stations did suffer initially, during the time that they were in office, from quite severe vandalism and it did damage quite a few bikes and we have been able to repair some, but not all of them. The solution here is to bring the second phase over, but until this issue is resolved, I am afraid that it would not make any sense to allow any further members, because all it will do is to make an already over-stretched system even worse.

Hon. S M Figueras: Indeed, Mr Speaker, I certainly concur with the observation.

990 In the context of the fact that Gibibikes is closed to new applications, is the Minister able to say whether applications are received, despite the fact that they cannot be processed and become memberships. Is the Minister able to say whether those applications are being taken and held, in order that... right... and in that case would the... and I am happy to give notice of the question for the next session, but I am mindful that there are two months that we are going to miss – is the Hon. Minister able to provide the information in respect of the number of applications received, along with the information he will providing next week in relation to the rentals?

1000 **Hon. N F Costa:** Mr Speaker, I know that the Bus Company keeps the application, for the very simple reason that many times, of course, as is natural in Gibraltar, not only do they write to the Bus Company but they also write to me, or I am informed down Main Street that they have written in and that they have not been able to become members of the scheme.

1005 I would not know the number of applications received that have not been able to have been processed; I do know that the Bus Company always does reply to say that unfortunately, until the second scheme is rolled out, they will not be able to process their application, but there is of course a record of who has applied to become a member of the scheme.

Hon. S M Figueras: Mr Speaker, if I were to give notice to the Member, would the Bus Company be able to sift through those applications? It is just in order to provide an indication of the continued interest by the public in the service.

1010 **Hon. N F Costa:** Yes, Mr Speaker, it would take some time no doubt, but like with every other question posed by the hon. Gentleman opposite, we will endeavour to make sure that we have the answer.

1015

Gibraltar Bus Company Limited Changes to employee complements

1020 **Mr Speaker:** Question 90.

Acting Clerk: Question No. 90, the Hon. D J Bossino.

1025 **Hon. D J Bossino:** Since his reply to Question No. 928/2012, can the Minister for Transport advise whether there have been any changes in the employee complements at the Gibraltar Bus Company Limited and, if so, can he provide details of what these changes have been, including promotions, demotions, appointments and terminations of employment, with details of the reasons given for such terminations, if any?

1030 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1035 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, since my reply to Question No. 928/2012 and by referring the hon. Gentleman to the schedule that I handed over to him at the time, I wish to inform him that: there have been no demotions within the Company; there have been no terminations within the Company; there have been no appointments within the Company; there was one resignation within the Company; there was one promotion within the Company.

Firstly, I will take the last point, which is the promotion.

1040 Mr John Chacon was promoted from driver to bus inspector following an internal vacancy which arose following the retirement of one of the inspectors in September of last year.

A total of six drivers applied for the vacancy and an independent selection board, not comprised of any employee of the Gibraltar Bus Company Limited, was appointed.

A Mr Tarraf resigned.

1045 Mr Speaker, I also wish to inform the hon. Gentleman that he will notice that Mr Moreno, a supply driver, and Mr Francis Chipolina, who was the gentleman that retired in September did not appear in the schedule I handed over to him in November in my reply to Question 928, as a result of an oversight by the Gibraltar Bus Company, for which I apologise on their behalf.

1050 **Mr Speaker:** Is there any supplementary?
Next question.

Acting Clerk: Question No. 92.

1055 **Hon. D J Bossino:** There is a supplementary.
Mr Speaker, if the Minister has the schedule which he provided to me in answer to Question 928/2012 – (*Interjection*) Sorry, if the Minister for Transport has the schedule in front of him which he gave me in answer to Question 928/2012. (**Hon. N F Costa:** Yes.) I did a comparison between that schedule and the schedule he provided me later where I was able to see the movements between when he was elected into office and the position as at November 2012, and I
1060 I notice that there were six new employees. Two of them are Future Job Strategy – I imagine FJS stands for Future Job Strategy trainees – and I just wanted to know whether all these positions have been the subject of vacancies at the Employment and Training Board and whether they were also the subject of the same procedure that other people who have been promoted within the company had been subject to – in other words, they went to a board, they were interviewed and
1065 then recommendations were made to the Minister – whether the same procedure was followed. I do appreciate it is a double pronged question and I would be grateful for an answer.

Hon. N F Costa: Well, Mr Speaker, in the first place, I do have the schedule in relation to Question 928/2012, but he is referring me to two schedules, the one that I gave him in Question
1070 928 and a previous answer. I do not have both schedules, so I am not able to cross-reference one from the other.

What I will be able to tell him, however, is that clearly if there is any vacancy within the Bus Company or indeed any other of my responsibilities, any such vacancy will have to be notified and registered with the ETB in the usual way. In fact, in respect of the question that I answered to him
1075 right now there is the one promotion which was one from driver to bus inspector and that was conducted in exactly the way that the hon. Gentleman suggested which was of course a vacancy, internally, then a selection board independently, not from anyone from the Gibraltar Bus Company Limited and their recommendation to the Minister.

1080 **Hon. D J Bossino:** Presumably, Mr Speaker, the vacancy is also published at the Employment and Training Board not only internally.

Hon. N F Costa: Well, Mr Speaker, by what I mean internally is internal to the company and not to the world at large, because of course, if we were opening a vacancy internally and
1085 externally, we would have to advertise it internally and also in the *Panorama* or the *Gibraltar Chronicle*.

I think what the hon. Gentleman is referring to is the fact that there has to be a notification of vacancy at the ETB. That is under the Employment Regulations and that must be adhered to, of course as he knows as an Employment lawyer but advertising it is a choice for us whether we
1090 advertise it just internally, or internally and externally, and the policy is always that we advertise internally first and in this case, an internal applicant was successful.

Hon. D A Feetham: Mr Speaker, he may need notice of the question and if he does, of course I will give it, but I notice here the two individuals, which are presumably FJS – Future Job
1095 Strategy Scheme – and they are both drivers. Does he know, given that it is his Department... He may not know because of course Future Job Strategy is the responsibility of Minister Bossano, but does he know what kind of training these two individuals are receiving? Is this the case, for example, of the two individuals actually being allowed to drive a bus on routes or are they, for example, following an experienced driver on the bus and being shown the ropes?
1100

Can he just perhaps throw some light on that?

Hon. N F Costa: Mr Speaker, I do not know the answer to that particular question. I do know that, for example – because we have had reason to discuss the Future Job Strategy cadets, as to how they are doing, for various reasons, when I meet approximately weekly with the management

1105 of the Bus Company – I know that, for example, the FJS painter and the FJS bike mechanic essentially shadow an ordinary employee.

But the question of the FJS driver has in fact never arisen during the course of my meetings with the Bus Company. Now that he has asked me, of course, I shall investigate. He can either give me notice of the question or he can write to me and I will write back to him.

1110 **Hon. D J Bossino:** Mr Speaker, again, he may require notice of this particular question, but five of the individuals that are identified in the schedule he provided to me in November –

1115 **Hon. N F Costa:** Was that Question 928?

Hon. D J Bossino: Correct, Mr Speaker, the schedule which he has in front of him. None of these appeared in the schedule which he gave me, in fact after, because he did not give me a complete reply in November. So the information which he gave me in January represented the situation before the information which he gave me in November and none of these employees formed part of the employee complement when the Minister assumed office, so I can only assume, Mr Speaker, that these gentlemen... I think it is a fair assumption to make that these gentlemen were employed from outside the Gibraltar Bus Company complement.

1120 But if he needs notice of this question... It is just that I am following on from what he has ably described as the normal procedure, which is vacancy internally and usually the complement... rather the vacancies are filled by the employees currently employed within the Bus Company, but I have identified these five individuals who were not there in December and they were there in November, suggesting to me that they came from outside of the Company.

1125 **Hon. N F Costa:** Yes, Mr Speaker. I do not have even a recollection on that. I am sure that it must have been discussed with me at some point in the course of our meetings, but I am afraid I cannot assist without notice of the question. If he does give me notice, of course I will make sure I have the answer or he can write to me and I will write back to him.

1130 **Hon. D J Bossino:** Mr Speaker, I will do so, because there is one issue which concerns me which is that given the concern which the Hon. Minister has expressed in the past as to the cost of the Bus Company, I do see that now the Bus Company has two... it says 'G/Operatives'. I presume it is garage operatives, which I assume enjoy a higher salary than a driver. In fact, one new garage operative was employed. I can provide the name: the name is Antonio Rocca and I just wanted to know whether he recalls anything in relation to that particular appointment.

1135 **Hon. N F Costa:** Mr Speaker, I wish the hon. Gentleman would stop assuming, because I am not entirely certain whether it would be the case that a general operative earns more than a driver.

Also, Mr Speaker, as the hon. Gentleman I am sure will appreciate, there are quite a few, many people employed in the Bus Company so that if he has specific questions on any particular position, given that he has had the answer to the questions previously, by way of two schedules, and he has been able to cross-reference both and there are some things that do not quite appear intelligible to him, if he asks those questions, fair enough, he can ask me, but without having both schedules before me – only having one in front of me – and given the number of people employed by the Bus Company – I do not want to assume anything, so he would have to give me notice of the question.

1140 **Mr Speaker:** Next question.

1155

Small boat owners Provision of facilities

1160 **Acting Clerk:** Question No. 92, the Hon. D J Bossino.

Hon. D J Bossino: Further to Question No. 689/2012, can the Minister for the Port state what stage the projects for the provision of facilities for small boat owners has reached?

1165 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, I will answer this question together with Questions 93 and 94.

1170

**Small boat owners project
Inter-ministerial committee**

1175 **Acting Clerk:** Question No. 93, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for the Port provide details of the membership of the inter-ministerial committee which is driving the small boat owners project forward and how many times it has met?

1180

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

1185 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will answer this question together with Questions 92 and 94.

1190

**Small boat owners project
Project Manager**

Mr Speaker: Question 94.

1195 **Acting Clerk:** Question 94, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for the Port advise who is managing the project for the provision of facilities for small boat owners?

1200 **Acting Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, the inter-ministerial committee is comprised by the Hon. Gilbert Licudi QC; the Hon. Dr John Cortes; the Hon. Joe Bossano; and myself.

1205 The inter-ministerial committee met once and appointed Mr Chris Riddell, Director of Strategic Planning, Projects and Business Development at the Ministry of Education, Financial Services, Gaming, Telecommunications and Justice, as Project Manager. Mr Riddell enjoys the direct support of the Chief Technical Officer, Technical Services, the Captain of the Port and the Ministry for the Environment.

1210 Mr Riddell has reported directly to the Hon. Gilbert Licudi QC and to me, on the project. We in turn have communicated regularly with other members of the inter-ministerial committee, which tends to be during the course of Cabinet sessions on Mondays and have reported to the entire Cabinet on several occasions.

1215 Plans have been drawn up for the small boats marina. The project is at the: technical assessment phase in terms of analysing a wave study and commissioning geotechnical, bathymetrical and topographical surveys; environmental stage of commissioning the appropriate EIA; maritime navigation assessment phase.

1220 Consultation has been carried out with the respective representatives of Europlaza, Europort, the Mediterranean Rowing Club, the Calpe Rowing Club, the Royal Gibraltar Yacht Club and Kings Wharf Limited.

1225 **Hon. D J Bossino:** Mr Speaker, in respect of one of the answers given in relation to one of the questions, he has advised this House that Mr Riddell is the Project Manager. Mr Riddell, as I understand it, is also the – and I may be describing his position incorrectly or inaccurately – the CEO of the Postal Service. Is this in addition to that?

Hon. N F Costa: Mr Speaker, as far as I understand the position, no. As I said in the course of my answer, he is now the Director of Strategic Planning, Projects and Business Development at

1230 the Ministry of my hon. and learned colleague, Mr Gilbert Licudi, so he was... he did fulfil the
position that the hon. Gentleman described, but that was at least six or seven months ago, and no
longer.

1235 **Hon. D J Bossino:** So presumably, Mr Speaker, Mr Riddell now conducts these duties
exclusively and my question, Mr Speaker, is what are the terms under which he is employed for
this purpose? What does he receive in terms of remuneration? How long is he employed for? That
is the type of information which I would like to hear from the hon. Gentleman, because in fact it
is, I think, that type of information which... some of that information not only in relation to Mr
Riddell, but I think in relation to others, and I stand to be corrected, is in fact already publicised in
1240 the Government website for consultancy services. This may not fit the bill as far as that is
concerned, but I would be interested to know whether the Minister is able to provide this
information to this House.

**Minister for Education, Financial Services, Gaming, Telecommunications and Justice
(Hon. G H Licudi):** Mr Speaker, perhaps I can assist.

1245 Mr Riddell works directly for my Ministry and is based at my Ministry at Europort. His terms
continue to be exactly the same as they were when he was CEO at the Post Office, so he works to
exactly the same terms and conditions of employment, except he fulfils now a different role for
Government, within my Ministry.

1250 **Hon. D J Bossino:** Mr Speaker, can the Hon. the Minister for Education – and other
Departments, *(Laughter and interjections)* I am not going to go through them now – for the
Government! – can he confirm that he is receiving exactly the same remuneration as he was
receiving as CEO of the Post Office? *(Interjection)* Yes, that is why I am asking for specific
1255 confirmation in respect of what I think is an important point, and also can he tell me what that is?

Hon. G H Licudi: Well, Mr Speaker, I can tell him that he is receiving exactly the same as he
used to get when he was engaged by the previous administration as CEO for the Post Office. I do
not have the information off-hand as to what those terms exactly are. We will be happy to provide
the answer if the hon. Member were to ask, but I certainly do not have the information off the top
1260 of my head.

Hon. D J Bossino: Mr Speaker, this is clearly a highly technical project and given that Mr
Riddell is the Project Manager is the... I am now directing the question presumably to Mr Licudi.
Is the Minister satisfied that Mr Riddell – who I know certainly formed part of our profession as a
1265 barrister at one point in time and I have dealt with him professionally – has the required technical
knowledge, experience and qualifications to run a project of this nature?

Hon. G H Licudi: Mr Speaker, to answer the question directly, I and the Government are
entirely satisfied and have full confidence in Mr Riddell being able to fulfil this position.

1270 I can also by the way of background say that Mr Riddell is an engineer, with wave and coastal
engineering studies, has been a successful project manager in both naval and building construction
projects, a lawyer practised in the building and construction industry, has both Government
finance and project finance experience, has unquestionable local boating experience and is a keen
underwater environmentalist, hence could not be more befitting for this project.

1275 **Several Members:** Hear, hear. *(Applause) (Laughter and interjections)*

Hon. D J Bossino: Mr Speaker, does the Minister know... Oh, he is also from Catalan Bay –
that probably qualifies him for the position. *(Laughter and interjections)*

1280 **A Member:** Immediately qualified!

Hon. D J Bossino: Mr Speaker, does the Minister know and is he able to advise this House
when was the last time that... only because I know this particular gentleman and it surprises me
1285 that he should be in charge of such a technical project. I was not aware, Mr Speaker, of the detail
of his qualifications, but one may have a qualification which one has not practised for many years.

So can I ask the Minister whether he knows the last time that Mr Riddell was involved in a
project of this nature?

1290 **Hon. G H Licudi:** Mr Speaker, if the question is when was Mr Riddell involved in a small
boats marina in Gibraltar, the answer is I just do not know, but I think he was not, as far as I am
aware. (*Interjections*) But let us remember that Mr Riddell has not been engaged as the engineer
for this project or as the architect for this project, or to carry out the mathematics study or the
1295 waste study or anything. He has been engaged to manage the project and he has got eminent
qualifications to do precisely that. It is the Government's choice and the Government is entirely
satisfied that Mr Riddell is the right man to manage this particular project and to bring together the
expertise that will be required in terms of the engineering, the maritime issues that will arise, so
whenever professional requirements arise, those professionals are being brought in and will
1300 continue to be brought in to this project. Mr Riddell is managing the project.

Hon. D A Feetham: Mr Speaker, the hon. Gentleman has listed an impressive array of
qualifications on the part of Mr Riddell: engineering; a lawyer; experienced with construction
contracts. But can he perhaps tell this House when was the last time... We do not know, perhaps
1305 he does have a lot of experience in project management, but when was the last time that he
actually managed a project of any technical nature? Also, does he know how many projects Mr
Riddell has actually managed of a technical nature in his career?

Chief Minister (Hon. F R Picardo): Mr Speaker on a Point of Order, if I may just be allowed,
1310 before the hon. Gentleman replies, I think it is fair, given that we are debating an individual who is
not in this House and who cannot defend himself, that I should also point out that Mr Riddell has
also been a teacher at the Gibraltar Technical College, so that all of those who are listening can
also have that important aspect of his CV in mind.

Hon. D A Feetham: Yes, Mr Speaker, I can assure and indeed I would not want anybody
1315 listening to this to get the impression that we are actually focusing on Mr Riddell, the person; we
are talking, we are really focusing on the qualifications of the individual for the job. He happens to
be Mr Riddell; it could have been somebody else. We are not attacking the individual; we are just
really exploring with the Gentlemen opposite the qualifications and in fact what experience he has
1320 in the past in relation to project management.

Perhaps at this stage now he can answer the question that I have asked.

Hon. G H Licudi: The question, as I seem to recall, when has Mr Riddell managed or recently
1325 managed a project of a technical nature? Although I do not know exactly what the involvement
was, my understanding is that Mr Riddell was the project manager for St Peter's building which
was done during the time that the hon. Members were in office. That was a building project which
was certainly of a technical nature, but it involved a building.

Hon. D A Feetham: Yes and my second supplementary – I asked two – was does he know
1330 how many projects Mr Riddell has in fact managed during his career?

Hon. G H Licudi: No, Mr Speaker, I do not know that.

Mr Speaker: I do not think the Hon. the Leader of the Opposition can really expect an answer
1335 to that question to arise from the three questions that we have been dealing with, but if he were to
give separate notice, I am sure that the information can be provided.

Hon. D A Feetham: No. Absolutely, well, Mr Speaker, I am not insisting on the answer and
1340 indeed, if we were particularly keen on obtaining that information, we will ask a question, but it is
not unusual, Mr Speaker, for questions to be asked. We were talking about this gentleman's
qualifications, the Government was extolling this gentleman's qualifications for this particular
project and I focused not on the academic qualifications, but of course on his experience to do the
job. If they cannot provide the answer, they cannot provide the answer. We will provide notice, if
we require it.

Hon. G H Licudi: Mr Speaker, what I can say is that Mr Riddell was chosen by the party
1345 opposite to manage, to be the Chief Executive of the Post Office and I am sure that there were
projects in relation to the Post Office which Mr Riddell managed. So I do not know what type of
projects... But he says 'what projects has he managed ever in his lifetime?' (*Interjections*) I am
sure there were a number of them. As I understand it, he seems to have managed the Post Office
1350 very well and certainly to the liking of the Hon. the Chief Minister and the Minister who was
responsible for the Post Office previously.

1355 **Hon. D A Feetham:** Yes, but Mr Speaker – I do not really want to take it much further than this – but does the hon. Gentleman not accept that there is a world of difference in managing a Post Office to project managing a project as technical as this and of this nature? Does he not accept that?

Hon. G H Licudi: Yes of course there is a world of difference, Mr Speaker, but the Government is entirely satisfied.

1360 What I can say, in relation to projects which Mr Riddell has managed recently and particularly since the time that he has moved to my Ministry, is that one of the first projects that he managed was the extension to Notre Dame School. That was a project which was managed excellently, which has resulted in a magnificent extension to that school, a much needed extension to that school. It was done in record time over the summer months, it has been done to a very high specification and all that was managed by Mr Riddell.

1365 Mr Riddell is also managing, by the way, the extension that we are carrying out to St Martin's School and I hope the hon. Members will welcome that. Building is to start imminently in respect of that extension. Preliminary works have been done in terms of clearing the site. We have in fact moved a couple of trees from the site – one of them has been replanted at Alameda Estate. That was an exercise that was carried out over a weekend, so the site has been prepared and that is another project that Mr Riddell is managing for the Government. *(Applause)*

Mr Speaker: Any other question?

1375 **Hon. D J Bossino:** Yes, Mr Speaker, I have a supplementary to the first of the trilogy of questions which I was asked to pose and it relates to what stage the project for the provision of facilities for small boat owners has reached. Now, is the Minister able at this stage to advise this House as to when he expects the project to complete?

1380 **Hon. N F Costa:** To complete?

Hon. D J Bossino: Yes, complete.

Hon. N F Costa: Two thousand...

1385 **Hon. D J Bossino:** On the last occasion that I asked this question which was in September of 2012, which is now five months ago, he did tell me then that it was at the EIA stage and I just wondered... I think he has answered in his first answer what progress there has been since then, but I just wondered, Mr Speaker, whether he has a date when he envisages the project will actually finish.

1390

Hon. N F Costa: No, Mr Speaker, as I told him on the last occasion, we do not have an exact date, but it will certainly be before the next General Election – as we also said on the last occasion.

1395 **Mr Speaker:** Any other question?

ADJOURNMENT

1400 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before I move the adjournment, I recognise the Hon. Mr Caruana back in the Chamber. I do not think I have missed him quite so much as I have this afternoon! *(Laughter)*

May I now please move that the House do adjourn to Thursday, 21st February at 3.00 p.m.

1405 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Thursday, 21st February at 3.00 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 21st February at 3.00 p.m. Those in favour? **(Members: Aye.)** Those against? Passed.

1410 The House will now adjourn to Thursday, 21st February at 3.00 p.m.

The House adjourned at 5.40 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 3.30 p.m.

Gibraltar, Thursday, 21st February 2013

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

Order of the Day

Questions for Oral Answer

Clerk: Sitting of Parliament, Thursday 21st February 2013.

CHIEF MINISTER

Chief Minister's official car Hybrid replacement

Clerk: Answers to Oral Questions continue.

Question 194/2013, the Hon. D A Feetham on behalf of the Hon. S M Figueras.

5

Hon. D A Feetham: Mr Speaker, can the Chief Minister state whether a hybrid replacement for the Chief Minister's official car (G1) has now been identified and/or ordered?

10

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the answer remains as set out in October in answer to Question 918/2012.

15 **Hon. D A Feetham:** Mr Speaker, in the light of the fact that the Chief Minister described the G1, when he was Leader of the Opposition and indeed spokesman for the environment, as, and I quote, ‘the gas-guzzling Jaguar’, has the G1 become less gas-guzzling now that he is extensively using it as Chief Minister?

20 **Hon. Chief Minister:** Mr Speaker, may I first of all refer to the fact that Mr Figueras is not here for reasons which are outside of his control. He enjoys of course the sympathy of the Government for the reasons why he is not here and I very much look forward to seeing him back in the House very soon.

Mr Speaker, that question has an answer which is self-evident but I refer the hon. Gentleman to my answer to Question 918/2012, which explains why we have not yet been able to replace the gas-guzzling Jaguar.

25

**British Gibraltar Territorial Waters
Incursions by Spanish State vessels**

30

Clerk: Question 195, the Hon. D A Feetham.

35 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please state how many incursions, excluding innocent passage, into British Gibraltar Territorial Waters by Spanish State vessels there were: (a) last year; and (b) this year, providing a breakdown by month?

Clerk: Answer, the Hon. the Chief Minister.

40 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 196 to 198.

45

**British Gibraltar Territorial Waters
Spanish fishermen entering to fish with nets**

Clerk: Question 196.

50 **Hon. D A Feetham:** Can the Chief Minister please state how many times, (a) last year and (b) this year, have Spanish fishermen sailed into British Gibraltar Territorial Waters unaccompanied by Spanish State vessels to fish with nets, providing a breakdown by month?

55

**British Gibraltar Territorial Waters
Spanish fishermen entering to fish with nets**

Clerk: Question 197.

60 **Hon. D A Feetham:** Can the Chief Minister please state how many times, (a) last year and (b) this year, did Spanish fishermen sail into British Gibraltar Territorial Waters accompanied by Spanish State vessels in order to fish with nets, providing a breakdown by month?

65

**British Gibraltar Territorial Waters
Spanish fishermen arrested for unlawful activity**

70 **Clerk:** Question 198.

Hon. D A Feetham: Can the Chief Minister please state how many Spanish fishermen have been arrested for any unlawful activity in British Gibraltar Territorial Waters since 1st January 2012?

Clerk: Answer, the Hon. the Chief Minister.

75

Chief Minister (Hon. F R Picardo): Mr Speaker, in answer to Questions 195, 196 and 197, I now hand the hon. Member a handout with the information requested.

80

In answer to Question 198, Mr Speaker, no Spanish fishermen have been arrested for unlawful activity in British Gibraltar Territorial Waters since 1st January 2012, although as hon. Members will be aware, one such person has been summoned for related offences and is presently the subject of ongoing proceedings in the Magistrates' Court.

ANSWER TO QUESTION 198
ANSWER TO QUESTION 195

2012												
	January	February	April	May	June	July	August	September	October	November	December	
Major Incident (Class A)				1		2	1		1	1		
Minor Illegal Incursion (Class B) i			4	31	13	24	25	10	9	8	13	
Minor Illegal Incursion (Class B) ii		1		7	3	1	1			1		
Minor Illegal Incursion (Class B) iii		1	2	4		2	1	1				
Minor Illegal Incursion (Class B) iv		1				2		1		1	1	

2013		
	January	February
Major Incident (Class A)		
Minor Illegal Incursion (Class B) i	14	
Minor Illegal Incursion (Class B) ii		
Minor Illegal Incursion (Class B) iii	3	
Minor Illegal Incursion (Class B) iv		

Definition of types of Incursions

- a) Major Incident (Class A). A major breach of UNCLOS Article 19 regarding actions in another nation's territorial sea e.g. the boarding or attempted boarding of another vessel by a SGV. For a Spanish Naval Vessel this will usually have resulted in interaction with the Gibraltar Squadron (RNGS) with the RGP as lead for all other SGV.
- b) Minor Illegal Incursion s(Class B). A minor breach of UNCLOS Article 19 governing innocent passage through another nations territorial sea. In particular the requirement for a 'continuous & expeditious passage'[1], that may result in the reading of warnings, but does not constitute a Major Incident. Examples include:
 - i. Loitering or stopping
 - ii. Unjustified &/or repeated alterations of course.
 - iii. Investigating civilian vessels short of attempting to board.
 - iv. Any other action which could be construed as being 'on patrol'.
- c) Passage Incursions (Class C). Entry into BGTW by a SGV apparently for the purpose of a continuous and expeditious passage through the territorial sea. For the purpose of this analysis the fact that UNCLOS Article 19 states that passage is not innocent if it is 'prejudicial to the peace, good order or security of the coastal State'[2] is ignored.
- d) Aircraft Incursions (Class D). Entry into the airspace above BGTW by any Spanish Government Aircraft. Note that unlike SGV such aircraft have no right of innocent passage whatsoever.

[1] UNCLOS Article 18 Paragraph 2
[2] UNCLOS Article 19 Paragraph 1

ANSWER TO QUESTION 198
Answer to Question 196

2012													
	January	February	March	April	May	June	July	August	September	October	November	December	
Fishing Incursions Net Fishing (Not accompanied)	4	1	6	3	3			2	13	11	9	3	

2013		
	January	February
Fishing Incursions Net Fishing (Not accompanied)	7	5

Answer to Question 197

2012													
	January	February	March	April	May	June	July	August	September	October	November	December	
Fishing Incursion Net Fishing (Accompanied)					12	1	12	9		4	4	3	

2013		
	January	February
Fishing Incursion Net Fishing (Accompanied)	3	

85

Hon. D A Feetham: Mr Speaker, does the Hon. the Chief Minister accept that the enforcement of the rule of law is an integral part of the integrity of the rule of law and that without proper enforcement there is in fact no rule of law?

Hon. Chief Minister: Mr Speaker, absolutely.

90 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister inform this House as to whether he is satisfied about the rule of law being upheld in British Gibraltar Territorial Waters?

95 **Hon. Chief Minister:** Mr Speaker, I am satisfied that the Government's responsibility not to do agreements contrary to the law of Gibraltar, that the rule of law should be explicitly agreed to be broken by nationals of Gibraltar or any other state is a situation that has been rectified since our election on 8th December 2012.

100 **Hon. D A Feetham:** Mr Speaker, does the Chief Minister regret setting himself up as the champion of the rule of law and indeed doing away with the 1999 agreement on precisely that basis, when the rule of law no longer appears to rule in British Gibraltar Territorial Waters and that rule is more violated today than at any time in our political history?

105 **Hon. Chief Minister:** Mr Speaker, this Chief Minister and this Government remain champions of the rule of law, as any Government should be, and neither should any Government believe that it is proper to enter into agreements that the laws of Gibraltar should be broken, as the Government of which he was a Member was able to determine was appropriate in 1999. I recognise that he became a Member of that Government in 2007.

110 **Hon. D A Feetham:** Mr Speaker, what does the Chief Minister intend to do in order to deal with these systemic and very serious breaches and violations of the rule of law in British Gibraltar Territorial Waters?

115 **Hon. Chief Minister:** As the Hon. the Leader of the Opposition knows, or should know, many of the incursions to which he is referring have nothing to do with fishing; they relate to incursions by Spanish State vessels unrelated to the fishing issue that has arisen.

He will know that the Leader of the Party that he has replaced said in 2010, in a Ministerial Statement, that many of the responsibilities relating to incursions by Spanish State vessels were matters relating to the protection of Gibraltar's sovereignty that fell within the province of the Royal Navy and Her Majesty's Government in the United Kingdom.

120 He will also know, Mr Speaker, that the role of Government in Gibraltar in respect of the law is to ensure that those who are charged with enforcement have the resources available to them to discharge their obligations. The Government is ensuring that they have the resources available to discharge their obligations.

125 **Hon. D A Feetham:** Mr Speaker, finally, on this set of questions, may I remind the Chief Minister that, in December of last year, whilst he gave an interview with GBC and he specifically stated that the Government had acquired larger assets for the purposes, the specific purpose – and I can quote it, I have the quotation here – but paraphrasing, for the specific purpose of allowing the RGP to deal with Spanish fishermen incursion into British Gibraltar Territorial Waters.

130 Now, I could not help but notice that when he gave the speech in relation to the naming of the Sir William Jackson vessel, he omitted to mention that. Can he confirm that that vessel will now allow the Police to effectively better enforce our laws in British Gibraltar Territorial Waters and that that was one of the intentions on the part of the Government in respect of the acquisition of those vessels, of that vessel?

135 **Hon. Chief Minister:** Mr Speaker, I am surprised that he recalls what I said in my speech last week or earlier this week on the launching of the Sir William Jackson launch, because I did not see him there but I assume that he is referring to those parts of my speech which have been reported in the press.

140 Mr Speaker, I am not going to comment on what he says is the paraphrasing effect of what I said on a particular occasion in respect of a particular interview, but I will tell him this: the enforcement of Gibraltar's laws is a matter for those who are charged with that enforcement. We are charged with ensuring that they have the resources to do that job. I now believe that we have made more senior the assets of the RGP, in the manner that was necessary and we will continue to do so, in the manner that we have already announced, so that they can discharge their obligations to enforce Gibraltar's laws in British Gibraltar Territorial Waters, which define the jurisdictional ambit of the power of this Parliament.

145 Mr Speaker, how they do that and when they do that is not a matter for the Government; it is a matter for those who have the responsibility, knowledge, wisdom and understanding of how it should be done.

Hon. D A Feetham: Well, Mr Speaker, just one more question, in fact. Is he satisfied that now the RGP have the necessary assets in order to properly enforce the laws of Gibraltar in British Gibraltar Territorial Waters?

150 **Hon. Chief Minister:** Mr Speaker, I am satisfied that they are much better equipped to do so than they were before 8th December 2011.

155 **UK terms of membership in EU**
Impact on Gibraltar

Clerk: Question 199, the Hon. D A Feetham.

160 **Hon. D A Feetham:** Can the Chief Minister please state whether he has been briefed by Her Majesty's Government in the United Kingdom on the intentions of that Government in respect of any attempt to re-negotiate the terms of membership of the United Kingdom in the EU and how this might impact on Gibraltar?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, at an inter-governmental level, Her Majesty's Government has been raising with the UK Government the issue of re-negotiation of the UK's form of membership of the EU and a potential EU exit since we were first elected.

170 I can inform the House that I raised the matter with the Rt Hon. David Lidington MP formerly, as early as my meeting with him in December 2012, long before the Prime Minister's speech on the subject in late January.

175 The Government has also previously and since, continued to discuss the matter with UK Government officials. Gibraltar has been involved in detail and, from the time that we were elected, in the UK's 'Balance of Competences' review that is on-going.

180 It was, in my view, essential, from the moment that we were elected, that Gibraltar should be involved in this review which the Foreign Secretary established to audit what the EU does and how it affects the UK, as it is essential that Gibraltar's interest must also be reflected in any such consideration. Similar engagement is also now occurring at an inter-governmental level with the FCO's 'Future of Europe' Department.

185 As all hon. Members will know, the Government has been in discussions also about the right of Gibraltarians to vote in any such in or out referendum. The Foreign Secretary has himself already agreed, at a recent Foreign Affairs Committee hearing, to start consideration of Gibraltar's inclusion in any such referendum.

Hon. D A Feetham: Mr Speaker, other than to ask him the question that I have asked him, I do not intend to pursue this across the floor of this House. There is a motion that I am moving in relation to precisely this issue.

190 But may I ask the Chief Minister – and I do not know what the position is that he is going to be taking in relation to that motion – but at the very least whether he undertakes to brief me privately in relation to all the issues arising out of those discussions and, of course, in particular, how far he believes that Gibraltar is going to be able to influence any re-negotiations, in a way that obviously protects Gibraltar's status and indeed Gibraltar's interests, whatever those interests may be, because there is a wide range of issues that impact on this particular problem.

195 **Hon. Chief Minister:** Mr Speaker, it is unusual to have a question and a motion which are so intrinsically linked, because one seeks information and the other one seeks to debate that information. I recognise that the hon. Gentleman will want to take matters further in the context of the motion.

200 Look, he is going to find me, as I told him when I replied to his Statement last week, always generous in wanting to share information in the interests of Gibraltar. So although he will not have my undertaking to do that, because that word has a legal meaning and I do not want to fall foul of a legal obligation, what I will tell him is that I will be happy to keep him informed of progress in respect of such matters as relate to the issue that this question raises.

205 I think it is important for him to look carefully at what I have said has already been established but also, Mr Speaker, I should say that we should not, when we are talking about issues related to the protection of Gibraltar's interests, fall into the trap of believing that if we debate them in here, we do not actually lay a trail for those who might want Gibraltar's interests not to be protected to understand exactly where it is that they have to go to lobby against us.

210 **Hon. D A Feetham:** Mr Speaker, may I say that I agree entirely with the Chief Minister and when he hears what I have to say in relation to my motion, he will see that I have approached it precisely on that

basis. It is a very neutral motion and when he hears my arguments, he will see they are couched in terms where I will not be asking the Chief Minister to effectively brief me or say anything that might alert others about potential arguments that could be used against Gibraltar in the future.

215

Hon. Chief Minister: Well, Mr Speaker, I will wait to hear what it is that he has to say in support of the motion, but I hope that, having heard what I have said, he may if not curtail, because he might never have wanted to go down a particular route, at least take note of what it is that I have said and the information that I have given him and my confirmation that I shall seek to keep him informed of these issues.

220

I would like to say that I will keep the public informed of these issues, but unfortunately there are also issues of diplomatic confidentiality between Gibraltar and the United Kingdom, of course, which may require that the public is not as aware of discussions as one might like them to be.

225

**Chief Minister's trip to USA
Costs**

230

Clerk: Question 200, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide the details of the entire costs of the recent trip to the United States, where he had an opportunity to meet President Obama?

235

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the details of the costs invoiced and paid to date are as follows.

240

I am afraid, Mr Speaker, that I usually am given a table to hand out. I do not have it now and I could read it out, but perhaps it is better that I make a photocopy of this and let him have it. This will set out for him the details of flights, hotel accommodation, transport, meals and something which has been reflected in the table as 'other costs' both in respect of myself, my wife, Minister Cortes and his wife, who travelled with us, and my senior personal assistant, who was with us throughout the trip.

245

The 'other cost' he should note is equal in respect of each of us and that is something called the ESTA Meet and Greet Service, which is the service in Washington in order to go quickly through the airport which is much lower, he will see, than it is anywhere else in the world, £293 and given the particular circumstances of this trip, it was considered appropriate to use it on this particular occasion.

250

He will note that when I have complained about the previous Chief Minister using such services, I always complained about them being used regularly and not punctually and on that on those occasions, the cost was in the region of £1,700 per trip to London. In this instance, it is £293.

Both Minister Cortes' and my expenses have already been provided on the Government website in the parts that set out such costs for our respective Ministries. We do not believe that there are any other costs to be invoiced. Should any further costs be received, they will be reflected in the statistics website.

255

In the case of Mr Cortes, an additional cost is reflected of flights to Strasbourg and from then on to London. The hon. Member will know that Minister Cortes went to Strasbourg to meet the Commissioner responsible for Fisheries, I believe Commissioner Damanaki. The flights were sold as a package and therefore it is not possible to break down the costs of going to Strasbourg and then the costs of flying to London and Washington.

I am quite happy for him to have a photocopy of this page.

	CM	Spouse	Minister Cortes	Spouse	SPA/CM
Flights	£3,366.00	£3,366.00	£5,454.00*	£3,366.00	£3,366.00
Hotel Accommodation	£2,054.00	£2,054.00	£2,054.00	£2,054.00	£4,108.00
Transport	£211.61	£219.20	£226.83	£219.20	£211.59
Meals	£276.06	£276.05	£0.00	£0.00	£6.38
Other Cost	£293.00	£293.00	£293.00	£293.00	£293.00

260 **Hon. D A Feetham:** Mr Speaker, does this include any tickets for attending the Democratic Party function at which he met President Obama?

265 **Hon. Chief Minister:** There has been absolutely no charge to the Government of Gibraltar in respect of any tickets.

Hon. D A Feetham: So Mr Speaker, this is the entirety of the cost of the trip, including any access fees, if there were any, for effectively attending any conference and meeting President Obama. This is the entirety of the cost that you are providing me with today.

270 **Hon. Chief Minister:** This is the entirety of the cost that has been invoiced. As far as I understand it, there is absolutely no cost to be invoiced in respect of any such tickets.

275 **Hon. D A Feetham:** Mr Speaker, can he just explain to the House... and he will not receive any criticism from us, because we think that it is entirely appropriate for the Chief Minister of Gibraltar to use any fast track facilities at the airport and he will not receive any criticism from us for using the facility. He may receive criticism from us for taking a position that was different to the position that he took when he was Leader of the Opposition, but certainly we think it is entirely appropriate for the Chief Minister of Gibraltar to do so.

280 But can he explain, given that he prefaced his comments, saying 'There were particular circumstances on the trip that required us to go through or make use of this facility', can he just explain what those circumstances were?

285 **Hon. Chief Minister:** Yes, Mr Speaker, the fact that we needed to arrive in Washington on a particular date and time in order to be able to fulfil the obligations that we had and that, as he knows, Washington is not Heathrow and although one may be expected to wait at Heathrow for ten, perhaps fifteen minutes on a bad day and if you have travelled Club not even that because there is a fast track facility for Club Class travellers and the Chief Minister of Gibraltar travels Club, in Washington and New York, he may wait three or four hours in an immigration queue, an experience that I have often had in New York, when travelling to the United Nations, and which this cost gave us an opportunity to avoid.

290 **Hon. D A Feetham:** So effectively, and I am concerned just simply with policy, the policy of the Government is really to look at this on a case-by-case basis and if circumstances require, in terms of those types of circumstances, that the Government would, the Chief Minister would use this kind of facility, but it is not really cost related. Can he confirm that is the position?

295 **Hon. Chief Minister:** Well, Mr Speaker, it is cost related in respect of the facility in the United Kingdom; it is not cost related in other particular circumstances.

300 For example, what the hon. Gentleman needs to understand is that the cost of using the VIP lounge at Gatwick and Heathrow oscillates between £1,400 or £1,700, adding more than the cost of travel again to the cost of using that facility at any of those airports, when in fact one may be able to walk through the airport much more quickly than using the VIP facility.

305 If he looks at the criticism that I have made in the past of what use was made by the previous Chief Minister, on every occasion that he travelled, where he sometimes paid more for the VIP facility than he paid for his flight, he will understand why I am setting out the policy that I am setting out now.

310 If you can avoid a three or four hour queue at an entry point into the United States, paying £293 per passenger, I believe that is completely different to incurring a cost of between £1,400 or £1,700 when there is no queue to avoid, simply, as the hon. Gentleman will know, what his predecessor as Leader of the Opposition used to tell me was, avoiding the inconvenience of having to take one's shoes off when exiting the United Kingdom and having to go through security. A matter which I am happy to tell him I have done on many occasions, when I have been Chief Minister. I have had in fact for my sins of having criticised this, been searched up and down on a number of occasions, much to the hilarity of my senior personal assistant who has been travelling with me.

315 **Hon. D A Feetham:** Mr Speaker, I feel so sorry for the Chief Minister that he has been treated in that particular way at the airport! (*Interjections and laughter*) I have to say it has not happened to me, but Mr Speaker, what I am trying to get at is the nub of Government policy in relation to this, and if I may say so, I think that the Chief Minister, perhaps because he is sensitive to the criticism that he made of my predecessor as Leader of the Opposition, his predecessor as Chief Minister, is really being slightly too defensive on this particular issue.

320 Does he not agree that it is a very narrow focus and perhaps the wrong focus to just simply look at this in terms of the cost, £1,400 or £1,700, because you could have circumstances where a Chief Minister of

the day, overburdened by the amount of work that he has, actually it is money well spent to be able to spend time in that facility, actually doing work on behalf of the people of Gibraltar, it is perfectly justifiable, and the vast majority of people would understand it.

325 Does he not accept that when he is just looking at it from the point of view of cost, and nothing else, it is not the right way to look at it and can I urge upon him a rethink of this position. And look, I may be able to criticise him once in relation to it, but I am not going to be continuing to criticise any change of policy, but it is the right policy using the facility in ways that works for the Chief Minister, for the Government of Gibraltar and for the people of Gibraltar.

330 **Hon. Chief Minister:** Well, Mr Speaker, the answer to those questions, 'does he not agree', 'will he not consider', is obviously no, because I have set out our position. We do not believe it is narrow minded, we do not believe it is necessary for the Chief Minister to have this additional cost added to his cost of travel in order to be able to work. This particular Chief Minister has been working and travelling for many years and has not needed a VIP lounge in order to be able to do so. There are some occasions when it may be necessary to use the lounge. Of course, I accept that and I accepted that when the previous Chief Minister was here, in particular the hon. Gentleman will know that I talked about if there were particularly short connection times and the Chief Minister of Gibraltar was going somewhere particularly important. If he was going to the United Nations and he had an hour between flights and this facility enabled him to catch a flight, well I think that is entirely appropriate.

335 But he can take it from me that one gets through the airport more quickly on occasions, when a Gibraltar flight lands at five or six o'clock in the evening at Heathrow, than going through this facility. If I agreed with any of what the hon. Gentleman said, well then, look, I would be acting in that particular way. The fact is that he is urging upon us that we should spend money that we do not want to spend. I will consider that we have a credit with him, at least in the amount of the use of that facility.

350 **Government revenue and expenditure**
Total for first six months of year

Clerk: Question 201, the Hon. D A Feetham.

355 **Hon. D A Feetham:** Can the Chief Minister please provide the total amount of Government revenue and the total amount of Government expenditure for the first six months of this current financial year?

Clerk: Answer, the Hon. the Chief Minister.

360 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the tentative figures of Government revenue for the first six months of the current financial year, i.e. April to September 2012, totalled £234,555,285.06, whilst expenditure totalled £228,664,117.50.

The hon. Gentleman will note that I have prefaced this answer by using the words, 'the tentative figures'. He knows that when these figures are given, they are tentative.

365

ADJOURNMENT

370 **Chief Minister (Hon. F R Picardo):** I have the honour to move that the House do now adjourn until tomorrow, Friday at 9.15 a.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to tomorrow morning at 9.15 a.m.

375 I will now put the question, which is that this House do now adjourn to tomorrow morning at 9.15 a.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to tomorrow morning at 9.15 a.m.

The House adjourned at 3.30 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 1.00 p.m.

Gibraltar, Friday, 22nd February 2013

The Gibraltar Parliament

The Parliament met at 9.15 a.m.

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

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

5

Clerk: Sitting of Parliament, Friday, 22nd February 2013.

Questions for Oral Answer

10

SPORTS, CULTURE, HERITAGE AND YOUTH

City Fire Brigade

Audit results and publication of report

15

Clerk: Answers to Oral Questions continue.
Question 95/2013, the Hon. Mrs I M Ellul-Hammond.

20

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for the City Fire Brigade inform this House what the findings of the City Fire Brigade audit are and when the report will be published?

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

25 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, a full audit was conducted last November and the first draft of the report is expected shortly.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say when 'shortly' is? Is it next week, or in a month's time?

30 **Hon. S E Linares:** Mr Speaker, all I can say is that Sir Ken Knight, who was the person who was conducting the audit, has... not unfortunately, but has been asked by the UK to actually do a massive audit of the Fire Brigade in the UK. That has delayed matters just slightly.

I am supposed to be having a conference with him sometime next week, in order to see if we can get the report as soon as is possible. So I am talking about next week I will be contacting him, and after that... well, shortly.

35

Hon. Mrs I M Ellul-Hammond: Fine, Mr Speaker.

Can the Minister say what were Sir Kenneth Knight's terms of reference for the review?

40 **Hon. S E Linares:** Mr Speaker, Mr Ken Knight was asked to do a full audit of the Fire Brigade from all aspects. The Government did not actually give like a terms of reference in the sense that we were actually concentrating on any sector, we just left it very open for him to come and do a snapshot report of the whole force.

45

Civil Contingencies Committee Meetings held

50 **Clerk:** Question 96, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for Civil Contingencies say how often the Civil Contingencies Committee has met since 9th December 2011, giving the dates?

55

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Yes, Mr Speaker.

Since 9th December 2011, the C3 has met on the following occasions. The full meetings of the C3 were on Monday, 6th February 2012; Tuesday, 29th May 2012; Wednesday, 7th November 2012.

60

The sub-group meetings of the C3 were as follows: on Thursday, 12th April 2012; Thursday, 1st November 2012; and Wednesday, 14th November 2012.

65 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if these meetings were reactive ones; or were they proactive, routine ones?

70 **Hon. S E Linares:** Mr Speaker, the first meeting that I had with them was one that, because they had not had many before... and I can say that, in the four years before 9th December – four years – there had only been six meetings. I have already had six meetings in one year. The fact is that, obviously, the first meeting that you have is to acquaint yourself with the running of the C3 and the things that need to... I have to learn a lot about the C3.

Also, I must remind the hon. Lady that there was the air disaster that was exercised, and therefore there had to be certain C3 meetings in order to co-ordinate the whole exercise, before and after, because this Government believes in a lot of debriefing after exercises are done.

75

Sports grants and aid Details of awards

80 **Clerk:** Question 97, the Hon. E J Reyes.

85 **Hon. E J Reyes:** Mr Speaker, sir, can the Minister for Sports and Leisure provide details of payments made since the answer to Question 12/2013 in respect of sports grants and aid to the following: (a) grants to sporting societies; (b) international competitions; (c) sports development projects; and (d) hosting of special sports and leisure events?

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

90 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over the hon. Member opposite details of the sports grants awarded since the answer to Question 12/2013.

Schedule to question 97/2013

(a) Grants to Sporting Societies

T Garcia – Asian Tour	1,098.97
D Duo / J Broton – Greece Dart Competition.	1,712.50
Ten pin bowling Association – New Zealand Comp.	2,119.85

(b) International Competitions

Special Olympics	30,000
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(c) Sports Development

Shooting Federation – Official expenses	1,050.00
Badminton Association – School Teacher Development	400.00
Shooting Federation – Improvement to facilities	5,893.43
Gymnastics – School Teacher Development	4,000.00
Gecko Pro Tour Final payment	Euro 2750
Cheerleading Association -	1,061.00
Gibraltar Football Association Level 2	2,339.23
Ice Skating Association Examinations	180.00

(d) Hosting of Special Sports and Leisure Events

GJBS – Mega Concert Preparations	76,649.70
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95 **Hon. E J Reyes:** Mr Speaker, may I please ask a minor detail here? Under section (c) of Sports Development, where it says ‘Gecko Pro Tour Final payment’ – I think that is how the word is pronounced – can I please have some enlightenment what actual sport is the Gecko Pro Tour? It is the fifth heading down within subparagraph (c).

100 **Hon. S E Linares:** Mr Speaker, this has been one that has been there for the last two times – it is the payment for the golf.

105 **Hon. E J Reyes:** Mr Speaker, I do not know if the Minister has this at hand or not... Is that in connection with the same person, under sub-paragraph (a), where it says ‘T Garcia – Asian Tour’? I know, from previous answers, that that is in connection with golf. Is this in connection with the same individual, and it just happens, for accounting purposes, to come under two headings; or is one being paid to perhaps the association, rather than an individual?

Hon. S E Linares: It is not the same person; it is completely different.

110 **Hon. E J Reyes:** Yes, and finally, Mr Speaker, under ‘Gibraltar Football Association Level 2’, am I correct in assuming that, from what one gathers from the press and so on, that has to do with the level 2 coaching qualification, yes because if level 2... I do not know what sort of ability it was testing at what levels.

115 **Hon. S E Linares:** I think it is both. It is level 2 of the coaching and also refereeing.

Hon. E J Reyes: Yes, Mr Speaker, fine, that is fine. I will not be pedantic. Perhaps if the Minister does, upon returning to his office, find that he can enlighten me in anything, I would be grateful for any

120 updated details, just to help to complete the picture of... sort of we will call it subheadings within the contributions made to the sports. So thank you for that, Mr Speaker.

125 **Victoria Stadium**
UEFA approval of football pitch

Clerk: Question 98, the Hon. E J Reyes.

130 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question No. 13/2013, can the Minister for Sport now confirm that the football pitch at Victoria Stadium has achieved full approval and certification, meeting UEFA standards for the playing of international competitions?

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

135 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this Question together with Question 105.

140 **Victoria Stadium**
International Rugby Board approval

Clerk: Question 105, the Hon. E J Reyes.

145 **Hon. E J Reyes:** Further to the answer to Question No. 936/2012, can the Minister for Sports and Leisure now confirm that the playing surface recently installed at the Victoria Stadium enjoys full approval and certification by the International Rugby Board for the playing of official rugby games?

150 **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 situation remains the same as explained in answer to Question 936/2012.

155 **Hon. E J Reyes:** Yes, Mr Speaker. Therefore, I can deduce from there that there has been no change. The reason why I pose this question is because at last month's Parliament session, the Minister took it upon himself... He said, 'Look, this is not the first time you have raised the question,' and he gave me the impression he was going to take a personal interest to help to expedite the matter.

160 Can the Minister confirm that he has tried to give it a push because...? I tend to think that there should not be much of a problem, but when, three months on, certification does not come through, then certain individuals start to think 'Could there be alarm bells? Could there be some sort of shoddy workmanship in the installation?' and so on. Perhaps the Minister can help to allay fears amongst the sporting fraternity.

165 **Hon. S E Linares:** Mr Speaker, as everybody knows, I do take a personal interest in every aspect of the sports, and therefore I did take a personal... I did follow it up personally to expedite matters.

The fact is that until the company, or should I say the laboratory which has tested all the pitch does not give us the certification, the answer remains the same. It is still the same, but I am following it up. I can follow it up as much as I can, and until we get that certification I cannot do otherwise.

170 **Cultural grants**
Awards made

175 **Clerk:** Question 99, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Culture provide details of any further cultural grants awarded since the answer to Question No. 14/2013?

180 **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, since my answer to Question 14, a further £30,105 has been awarded. This information is already updated on the Government website.

185 **Hon. E J Reyes:** Mr Speaker, I am sorry to have to bring it up again: when the deadline came for posing this question, this information was not available on the website, and I think we already have a ruling from Mr Speaker – and the Chief Minister agreed – that the information should be provided across the floor of this House.

190 **Hon. S E Linares:** Mr Speaker, that is exactly what I have done, provide the information.

Clerk: Question 100.

195 **Hon. E J Reyes:** Sorry, Mr Speaker, but could I then... Given that I have been given a global figure of £30,105, can I have some indication if that has been awarded to just one body, or is there a particular breakdown, and can I have some relevant details please?

200 **Hon. S E Linares:** Mr Speaker, I think I did have the information here, but I cannot quite find it. I can tell the hon. Member that part of this is the payment to the Gibraltar Song Festival, a grant that was given to Gibraltar... The bigger figure, which I think is about £20,000, goes to the Song Festival. But Mr Speaker, since I cannot find it now, I am willing to pass over to the hon. Member a detailed analysis of the £30,105, if he so wishes.

205 **Hon. E J Reyes:** That is perfectly acceptable to me, Mr Speaker. However, I would like it to be done via the Speaker's Chair, so that the schedule, or whatever the Minister is going to pass on to me, actually becomes a record and therefore the Clerk is able to include it in *Hansard* and it makes life easier for us on this side to refer to it in future questions. So, I hope that is acceptable as well, Mr Speaker.

210 **Hon. S E Linares:** Mr Speaker, no problem.

Victoria Stadium Improvements required by UEFA

215 **Clerk:** Question 100, the Hon. E J Reyes.

220 **Hon. E J Reyes:** Further to the answer to Question 15/2013, is the Minister for Sports now in a position to provide this House with details of all improvements and/or modifications which will have to be carried out at the Victoria Stadium in order to meet UEFA's requirements for the hosting of official international football matches?

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

225 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the position currently remains the same as explained in my reply to Question No. 15/2013. We are still awaiting the final list from UEFA via GFA.

230 **Hon. E J Reyes:** Mr Speaker, may I ask, is there any indication from any of these bodies by when they hope to forward this list? One of the interesting things that will happen is, of course, that the Minister will be under pressure to sort of... We are now almost in the month of March and he will have to prepare estimates of expenditure for next year. I think it will be beneficial for him, and for the whole sporting fraternity in Gibraltar, to have at least a list, so one can plan ahead and budget in the forthcoming financial year for any modifications or improvements that may have to be carried out.

235 So, are we in any way knowledgeable whether this is imminent within the next month, or will it be something that may only come at Christmas time?

240 **Hon. S E Linares:** No, Mr Speaker, it comes via the GFA. As soon as the GFA is ready, we will do it. At present, there is nothing much that the GSLA or the Government can do until the GFA actually hands us the list.

**Gibraltar Sports and Leisure Authority
Centre Manager post**

245

Clerk: Question 101, the Hon. E J Reyes.

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Hon. E J Reyes: Can the Minister for Sports and Leisure confirm that the post of Centre Manager within the Gibraltar Sports and Leisure Authority, which first became vacant around June 2012, has now been filled on a permanent basis?

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

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this Question together with Question 102.

260

**Gibraltar Sports and Leisure Authority
Vacancies**

Clerk: Question 102.

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Hon. E J Reyes: Can the Minister for Sports and Leisure provide details of any vacancies which may currently exist within the Gibraltar Sports and Leisure Authority, indicating by when the Authority expects to have the said vacancies filled?

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

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, there is currently only one vacancy for Centre Manager, GSLA, grade 5. Interviews have been completed and it is proposed to fill the vacancy as from 1st March 2013.

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Hon. E J Reyes: Mr Speaker, seeing the imminent appointment, is the shortlist of applicants, or whatever, for the Centre Manager post... Are they internal applicants from within the GSLA, or are there also some external applicants being considered?

Hon. S E Linares: Mr Speaker, all applicants were internal.

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Hon. E J Reyes: And therefore, Mr Speaker, if this post is filled by 1st March 2013, like the Minister has indicated, how soon does he then expect to have a vacancy that will be forthcoming, given that someone will get a promotion up to grade 5, so that we ensure that staffing levels at the Sports and Leisure Authority are as complete as possible?

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Hon. S E Linares: Mr Speaker, the staff at the GSLA are as complete as can be, whether there is a vacancy or not, because that can be covered, as he well knows, by other members of staff. It does not have to be, just because there is a vacancy, that the GSLA is going to break down and shift work or whatever... It can just be covered by overtime, simple overtime.

290

But I can tell him that, as from 1st March, when this appointment is filled, or this vacancy is filled, there will be a vacancy from the 17, I believe, who applied. One will get it, then there will be 16, and there will be one vacancy. Then when we bring out the vacancy depends on then having a discussion with the GLSA as soon as they need it, or they require it, or they want to publish it.

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Hon. E J Reyes: Yes, Mr Speaker, that is what I was asking. As soon as the appointment is made, how soon thereafter will the vacancy for whatever grade remains vacant be published? I do not see why there is a need to have further discussions. A vacancy arises as a subsequent result of what one could classify as a promotion, and therefore I am asking the Minister is he of the mind that it should be advertised as soon as possible?

300

Hon. S E Linares: Yes, Mr Speaker, as soon as the GSLA sees fit.

Hon. E J Reyes: Mr Speaker, the Minister is the Chairman of the GSLA, so how soon will he see fit?

305 **Hon. S E Linares:** Mr Speaker, there is a CEO in the GSLA who manages the GSLA. I might be the Chairman of the board, but I do not micro-manage the GSLA. Therefore, because I do not micro-manage the GSLA, it is up to the CEO of the GSLA to decide when he is going to bring out that vacancy. When he brings it out, there will be whatever process he deems necessary.

310 **Hon. E J Reyes:** Mr Speaker, I think I understand what the Minister is saying, but I just disagree with him. It is not the CEO, but rather the board proper that is responsible for filling and so on. But anyway Mr Speaker, I will leave it at that, and hopefully the vacancy will be filled as soon as possible.

315 **Culture and Heritage Agency
Staff changes**

Clerk: Question 103, the Hon. E J Reyes.

320 **Hon. E J Reyes:** Can the Minister for Culture and Heritage provide details of any changes there may have been in respect of persons employed by the Culture and Heritage Agency since November 2012, which is the date corresponding to this information as last posted on the Government's website?

325 **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, there have been no changes.

330 **Sports and Leisure Authority
Changes re persons employed**

335 **Clerk:** Question 104, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Sports and Leisure provide details of any changes there may have been in respect of persons employed by the Sports and Leisure Authority since October 2012, which is the date corresponding to this information as last posted on the Government's website?

340 **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, there have been no changes in respect of persons employed by the Sports and Leisure Authority since October 2012. This information is updated on the Government website.

345 **Europa Sports Ground
Works to playing areas and facilities**

Clerk: Question 106, the Hon. E J Reyes.

350 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide updated information in respect of any works currently being carried out, or recently completed, to either the playing areas or facilities at the Europa Sports Ground?

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

360 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, works are being carried out on provision for a rugby training area at the Europa Sports Ground, using synthetic turf recycled from the Victoria Stadium's main football pitch. The works are expected to be completed shortly. I am saying shortly – *very very* shortly.

365 **Hon. E J Reyes:** Mr Speaker, just for the sake of clarity, obviously these works are being done and, once completed, the whole sports area will remain under the day-to-day administration of the Gibraltar

Sports and Leisure Authority – or will it be issued out, for example, to the Gibraltar Rugby Football Union? How will it operate henceforth?

370 **Hon. S E Linares:** Mr Speaker, I must emphasise that it is a very temporary solution. Because of all the moves and reallocation of the Bayside complex, due to the fact that we have had to resurface the main pitch, we have done pitch number two – we have resurfaced all of pitch number two. We have now converted another pitch, number three, which is now used for training purposes.

375 So, because of all this disruption, should I say, we have decided to recycle some of the turf that we have had left over from the main pitch to put it up in Europa Point, just in an area... It is about, I think, less than a quarter of the pitch, in the corner, so that that alleviates the backlog that there is, for example, in junior football.

380 Therefore, because the pitches are used by the junior football more – because they are now playing Saturdays, Sundays and Tuesdays, in order to try and catch up with the delay – we have decided that we will put this temporary surface up there for them. That would give them even more than what they had before, because before, what they used to have is on a Sunday, they used to have pitch number 2, I believe from 10 to 1.00, and they used to do their training.

385 Now, because there is also a national team of rugby and they need more allocations, and they were asking for more allocations down in Bayside, we saw it fit... We will put this turf here, and how it will be run is the GSLA will still be the body that will look after and maintain that but, basically, we have said to the rugby, ‘You have this, you use it as and when you need it. If you need... for example, if there are any issues with the turf or the fence or anything, just inform the GSLA. We will help you fix it, or whatever.’ Therefore, they will basically have control, in the sense that they can use it as and when they need it. So there will not be any other association using that; it will be purely for rugby.

390 **Hon. E J Reyes:** I am very grateful, Mr Speaker, for that, and I must say I support the Minister in this initiative.

395 He may recall, not that long ago, I actually had to pose a question in respect of training facilities for the rugby and so on, and he will find that I will always be extremely supportive when it comes to matters of improvement to sporting facilities, both formally across the floor of this House... and even when we meet outside, we quite often exchange ideas, because we are obviously both equally minded that although Government has to make financial provisions, sports and politics should be two separate issues.

400 May I just ask the Minister that, within all these improvements and so... may I just ask if he can confirm to me that he has not forgotten the needs for the forthcoming summer season, and so on, that the Gibraltar Cricket Association may have, who have in the past relied upon the Europa Sports Ground? Can he reassure the cricket fraternity that he will also hold them close to his heart?

405 **Hon. S E Linares:** Yes, Mr Speaker, like I do with all the other sports. Yes, in fact, the way the turf has been laid out in Europa Point, it will not affect the cricket at all. In fact, they could both use it at the same time, because in the parts that we have actually done the resurfacing, it does not impinge on the oval of the cricket at all.

410 **Youth clubs**
Recruitment of volunteer youth workers

Clerk: Question 107, the Hon. E J Reyes.

415 **Hon. E J Reyes:** Further to the answer to Question No. 711/2012, can the Minister for Youth confirm if the campaign to recruit volunteers to work in the youth clubs has now been completed and, therefore, as from what date does his Ministry expect to open youth clubs every weekend as per his Party’s manifesto commitment?

420 **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 Youth Service is currently working on projects which will include weekends. The campaign to recruit volunteers will be continuous.

425 **Hon. E J Reyes:** Yes, Mr Speaker, I am grateful to hear it will be continuous, but in reply to Question 711, the Minister did say that the recruitment campaign... he hoped to have it complete towards the end

of the month of September and that, shortly thereafter, when they would have more youth workers available and so on...

430 So, I was specifically asking can he confirm that that campaign – the one that he referred to that was supposed to end in September – has now been completed, and perhaps subsequently the Minister might even have figures available of how many extra volunteer youth workers he now has available for this sort of important and useful task.

435 **Hon. S E Linares:** No, Mr Speaker, what is actually happening is that the course is still running, and the course will be finished, I believe, by the end of March. Therefore, the course has taken from... I believe it started in November, until May.

There were certain applicants... I know that some have not completed or have not continued. I believe there are still about 13 or 14 who are currently on the course. They have to complete the course first, and then they will be able to do work within the Youth Service.

440 That does not mean that we are not pushing for the youth clubs to be opened during the weekend. The fact is that the volunteers will be helping in order to increase the availability of, should I say, volunteer youth workers in the youth clubs so that we can have a more continuous opening every weekend, hopefully.

445 At the moment, what is done is based on projects, so when there is a project, like the hon. Member knows we had about two weeks ago... We had a clean-up campaign at the back of Laguna Estate, which was organised by the Laguna Youth Club. That was carried out during a weekend; people were engaged during the weekend.

450 So, we are hoping that, by projects and things like that, we are able to open the youth clubs more frequently in order to entice young people. It has a value to leave the youth club just open and wait for the youth to come in, but if you have specific projects and things that the youth know about, then they will come and want to join in with these projects.

455 I say this because the project where the hon. Member, myself, and the Hon. Dr Cortes, were happily helping the youth clean up, was one of... I think it was a four-weekend type of thing. It just carried on, because then they were going to have the debriefing, a bit of education, then they were going to go and visit the northern defences with the heritage.

Through those programmes, we are hoping that they are open more frequently, but it is not dependent on volunteers only. We are hoping that the volunteers will then give it a boost in order to have more continuous opening of the youth clubs every weekend.

460

HEALTH AND ENVIRONMENT

Barbary Macaques Control measures

465

Clerk: Question 108, the Hon. S M Figueras.

470

Hon. S M Figueras: Good morning, Mr Speaker.

Can the Minister for the Environment provide details of the measures being undertaken to control the behaviour of the Barbary Macaques in the urban environment since this House considered this matter some months ago?

475

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 Questions 109 and 110.

480

Barbary Macaques Numbers

485

Clerk: Question 109.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment provide details to this House of the number of Barbary Macaques in Gibraltar, further to answers given by him in this respect previously in this House?

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**Barbary Macaques
Notre Dame School**

Clerk: Question 110.

495

Hon. S M Figueras: Can the Minister for the Environment say whether an incident involving Barbary Macaques gaining entry to the school building at Notre Dame School, on Friday, 8th February, whilst children were present, was reported to the authorities, and what action, if any, is being taken by Government to eliminate the risk of harm coming to children in the school by the presence of Barbary Macaques in the area?

500

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

505

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the initiative 'Get our monkeys back to nature' was launched by the Department of the Environment with the support of the Royal Gibraltar Police, the Gibraltar Veterinary Clinic and the Gibraltar Ornithological and Natural History Society.

The initiative aims to raise awareness of the dangers of feeding the monkeys and encourages the public to co-operate in a concerted drive to get our monkeys back to living naturally.

510

Awareness leaflets are being distributed in all the known monkey hotspots and this has been followed by new information signs that have been strategically placed in the more problematic areas.

Increased Police and macaque keeper patrols also form part of the new initiative centred on the wider Barbary Macaque Management plan.

The latest estimate of the macaque population is 206.

515

The incident in question was reported to the authorities. The Macaque Management Team, as well as the staff at the Department of the Environment, are in direct contact with the Headmaster of Notre Dame School and the Department of Education to ensure that any incident involving the macaques is swiftly dealt with by the team so as to ensure that there are no risks to pupils. To date, any incidents in the Notre Dame area that have been reported have all been responded to by the management team.

Measures that have been effectuated include increased patrols, provision of new macaque awareness signs, and educational leaflets.

520

Hon. S M Figueras: Mr Speaker, I am grateful for the answer.

Does the Minister, however, concede that what he has told the public this past week is effectively a regurgitation of the same, effectively non-event, press release talking about the campaign to return apes to nature which he also used in December in response to statements made by the Opposition?

525

Hon. Dr J E Cortes: No, sir, I do not.

530

Hon. S M Figueras: Mr Speaker, in relation to the announcement made this week – between the time when I filed these questions in this House and the time when we have come here to discuss the issue – I wonder whether the Minister will tell us whether he feels that it is appropriate that, as a Member of this House, he has once again chosen to flout the authority and importance of this place by issuing a public statement on a matter which has been raised in a question, after the question has been filed, and despite previous debates and discussions in this House as to the unparliamentary and politically distasteful nature of this behaviour?

535

Hon. Dr J E Cortes: Mr Speaker, I hear what the hon. Member has said. He has referred to... once again, without explaining what the previous occasion has been. I think the accusations are a little bit harsh, in the circumstances.

540

I must say, Mr Speaker, that I was not aware – perhaps due to the fact that I have not been in this House for very long – that it would have been considered poor form.

I must say, though, Mr Speaker, that the work of the Department, and the press releases that are prepared, has its own dynamic, independent of the issuing of questions. It must also be borne in mind that the questions, once sent, do not immediately make their way to the Minister. As I say, the Department will be issuing press releases with its own dynamic.

545

I must say, Mr Speaker, that, on the occasion in question, the press release was issued embargoed until the Monday, and in normal circumstances the House would have met on Thursday and Friday and the questions would have been dealt with by the time the press release was published. The fact that the House did not extend its session on Thursday and did not meet on Friday, and instead returned today, was obviously a coincidence and out of my own personal control.

550 I assure the House and I assure you, Mr Speaker, that certainly no disrespect was meant. I hold this House in the highest regard – I have always done, since before I was a Member – and I believe that the words of the Opposition Member are a little bit harsh and inconsiderate, and are assuming a malintent, when clearly, Mr Speaker, I assure you there was none.

555 If any offence has been caused to you or to the House, I do apologise, but certainly there was no intent. The press release was not meant to be issued until the Monday – in fact, was not – and I feel that the words are harsh and unjustified.

560 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, can I be permitted to add to what my hon. Colleague has said, just for clarification?

565 The work of Government is not paralysed simply by the fact that a question is lodged for answer the following week in this House. Government Ministers and Government Departments will continue with their work and will continue to issue press releases as and when they consider appropriate, notwithstanding that the subject matter of that press release may, coincidentally or otherwise, be the subject matter of a question in this House.

570 **Mr Speaker:** No, no, no. If the hon. Member... No, I think the Minister has got it wrong. Once notice of a question is given to the House, if the Government issues a press release on that subject matter, then in effect what you are doing is you are denying the right of Members of Parliament here to question, to hold the executive to scrutinise. That is wrong. It is a practice which, in the House of Commons, would be deprecated, and I deprecate it.

I thought that the explanation which the Hon. Mr Cortes has given would have sufficed, and I am surprised that the Hon. Mr Licudi has felt that he needed to intervene.

575 I can understand that the Government, when meetings of the House are being held infrequently, will need to issue a press release. For instance, we are not going to meet until May. I do not think the Opposition would expect the Government, or any sensible person would expect the Government, not to issue a press release until May, and then make statements here. That is ridiculous. But the fact of the matter is that the House met on the 14th, and that it was then adjourned to yesterday, and this press release appeared, inadvertently – and I have accepted the explanation which Mr Cortes has given... This press release appeared in between.

580 Now, the practice should be for the Government not to issue such press releases unless they are matters which are absolutely urgent. If it is a serious matter which is absolutely urgent, then obviously it is acceptable that the Government should not wait until the House meets again, but what the Hon. Minister is saying... I am sorry, I think that is completely and utterly out of order, and the trouble is, the problem is, that either in the House of Commons or here, the Speaker does not have more power to do anything about it.

585 **Hon. G H Licudi:** Mr Speaker, it may be that I have not explained the position properly, or it may have been misinterpreted.

590 I have not said, nor is it our intention, that where a question is posed, we pre-empt what is going to happen in this Parliament by answering that question in public, or by otherwise taking the thunder away from the scrutiny and the accountability. That is absolutely not the Government's position, but it may be that, in the normal course of things, things are planned and the Government's agenda is not paralysed simply by the fact that a question is posed on a particular subject. In fact, the press release might relate to that subject, but not specifically to the question itself.

595 That is all that I have said, and that is all that I wanted to say for clarification purposes. I accept what you say, Mr Speaker, that it would be wrong for the Government to try to pre-empt and try to deny the opportunity, as my hon. Colleague has said. That was not the purpose of my intervention and I trust that [inaudible].

600 **Mr Speaker:** The Chair... I accept that we live in a world in which the growth of press releases, press conferences and interviews with the press is a matter which is expected. It is done, you know. That happens, it is a fact of life, but I would enjoin upon the Government the approach which you have now – which the Minister for Education has now... and that is to exercise care.

605 Ministers know the date when the House is going to meet, and they know that questions come in a week before. They may not get the questions themselves on that day. I imagine... Certainly, in my time, they used to go, first of all, to a civil servant, the head of a Department, who would probably draft the answer for the Minister to see. The Minister may not be aware of the fact that there is a question until a day or two later.

610 I would enjoin upon the Government that they should be very, very conscious of that fact and try, if they can, not to issue press releases which are the subject of questions in the House, unless something extraordinary happens, when I think everyone would accept that it would become necessary.

615 **Hon. J J Netto:** Mr Speaker, can I just say that, obviously, the Opposition welcomes your ruling, because, from the Opposition, this is not the first time it has happened. We have had meetings ourselves when we have seen that, in the past, we have given notice of questions, and during the period of getting information, Government has been issuing press releases on those issues.

620 **Mr Speaker:** Since October, there has been just one other previous case, when the Government issued a press release on the question of the power station.

625 **Hon. J J Netto:** And we certainly felt, at the time, that the press release could have waited until Parliament had the session of discussion. So, certainly, we welcome your ruling and I hope the Government takes it in the light of the spirit that the Speaker has said.

Deputy Chief Minister (Hon. Dr J J Garcia): Can I urge the Opposition not to labour the point, because this is something which they, themselves, used to do very frequently (**Mr Speaker:** Yes.) when they were in Government, and it happened to me several times.

630 **Mr Speaker:** It is a practice which has grown over the years, and it is very difficult to put it into reverse, because the media are demanding and the public is demanding. I think we are all conscious of these realities. I think the matter has been sufficiently aired, I think we are all *ad idem* as to how the House should go ahead.

635 **Clerk:** Question...

Hon. S M Figueras: I have a further supplementary, Mr Speaker, on the matter of the apes generally.

640 **Mr Speaker:** Yes.

Hon. S M Figueras: I am grateful, in the first instance, to Mr Speaker for his ruling on the matter. Turning to the announcement that was made on Monday, 18th February, is it not the case that you have previously advocated the use of wardens for the implementation and enforcement of the feeding fines in the management plan proposed to the then GSD Government; and in this context, are you able to tell...? Is the Minister... Apologies, Mr Speaker, is the Minister able to provide this House with details of the powers those wardens who are part of this increased patrolling initiative possess, that enable them to do their work?

650 **Hon. Dr J E Cortes:** Mr Speaker, firstly, I am grateful for you accepting my description of events.

Mr Speaker, the increased patrolling at the moment, as it is being done, is, as I say, by the Royal Gibraltar Police and by the team, with no additional powers.

655 The question of wardening is being addressed in the Upper Rock Plan and the Barbary Macaque Management Plan, which are now reaching the finishing stages. So, at the moment, there are no additional wardening powers. Wardens are defined and their duties described in the Nature Protection Act, and in order to assist the Member opposite, they would be those powers broadly that are defined in that Act.

Hon. S M Figueras: I am grateful for the answer. I am grateful, too, to note, Mr Speaker, that the plan is now arriving at its finishing stages, which it has been doing now for a year and two months.

660 I would, however, ask the Minister, given that I am not aware of the powers at this time myself, whether perhaps the Hon. Minister will be able to tell this House whether, like the Barbary Macaques, the wardens, after the plan has been brought into effect, will have any teeth with which to impose the legislation in respect of feeding of the apes.

665 **Hon. Dr J E Cortes:** Mr Speaker, if the Management Plan is completed within a short period of time, it will have only been one-sixteenth of the time that it took the previous Government *not* to complete the Plan. (**A Member:** *Our Plan.*)

670 The question of teeth, Mr Speaker... I do not have in front of me the list of duties. I am familiar in the generality of it, but I do not know whether the hon. Member opposite is talking about powers of arrest... I do not believe that powers of arrest are included.

675 **Hon. S M Figueras:** Mr Speaker, can the Minister say whether he is of the view that, in order for the wardens to be able to assist in this initiative, into which the RGP has also been included... and, frankly, I simply do not how much more the RGP can be given to do, when they already have so much on their plate, but can the Minister tell us whether he is of the view that, in order for the wardens to be able to do their job appropriately, whether giving these wardens powers to impose on-the-spot fines would be appropriate?

680 **Hon. Dr J E Cortes:** Mr Speaker, this is all very hypothetical and only tangentially related to the substance of the actual question. Nevertheless, I will attempt to give some kind of response.

I think that the possibility of on-the-spot fines is a principle that *could* apply in these circumstances. On-the-spot fines are always difficult because, obviously, it is tantamount to conviction without prosecution, and therefore there has to be clear, in this case, for example, feeding of macaques, and unless you actually see the person putting the food out, they could argue that they just dropped it on the floor. 685 The hon. Member is a lawyer, I was a magistrate, so we understand what we are talking about.

So it is a possibility, but obviously not one that is easy to enforce, but it is certainly a possibility that is being considered in the context of the Nature Protection Act. There is a similar situation with dog fouling in which it is possible to issue on-the-spot fines, and very few, in fact, are issued because it is *very very* 690 difficult to prove.

Hon. S M Figueras: Mr Speaker, I turn now to the issue of the question I asked in relation to Notre Dame School and the incident on 8th February.

The Minister has spoken of contact by the macaque team with the school, and that any future incidents they will attend as a matter of priority, that there will be increased patrols, signs and leaflets.

695 **Mr Speaker,** is the Minister not concerned that responding to an incident may well, one day, be too late?

A Member: Yes.

700 **Hon. D A Feetham:** Hear, hear.

Hon. Dr J E Cortes: Mr Speaker, I am finding it very difficult not to be cynical and I am finding it very difficult not to laugh, because the hon. Member opposite is... (*Interjection*)

705 **Mr Speaker:** Order! Order! Order! No remarks across the floor of the House, please.

Hon. Dr J E Cortes: Because the hon. Member opposite is making, almost word for word, the same statements that I, in a previous capacity, used to make repeatedly to the Government of the time. And here I am – after a year of having to sort out a lot of things that I believe, Mr Speaker, were not being done properly – having to defend something which is not of my creation. 710

Mr Speaker, *of course* I am concerned about any possible incident that might affect any member of our community. What I can say, Mr Speaker, is that I am working very hard. Not everything is ready. These things take a long time: exportation of monkeys takes a long time; preparation of properly thought-out management plans take a long time.

715 So, Mr Speaker, of course I am concerned. Of course, we will do everything we can to resolve these problems. These problems have happened before. It is not the first time that a monkey has got into a building, be it a school building, a hotel room or somebody's personal home – I know that for a fact – but I think it is preposterous for me to have to stand up here and to defend the results of total lack of management for so many years.

720 I am going to steer away from that, Mr Speaker. I will just say that certainly I am concerned, and certainly we are in touch with the schools. We are working very closely with them and we are preparing certain measures, because they are not ready yet, I do not feel it would be appropriate for me to announce at this time. Otherwise, I would be accused, if it were not to happen exactly as I define now, of having misled the House.

725 So, Mr Speaker, a lot more will be said about the Barbary Macaques within the next six weeks, and I can *almost* commit myself, because it does depend on other people. I can assure the House that we are doing as much as we can, at this moment in time, to avoid this problem and to try and control the problem, which certainly, Mr Speaker, is not of this Government's making.

730 **Hon. S M Figueras:** Mr Speaker, what the community out there is asking, and asking with some alarm, is how long will it take, after the implementation of this Plan, after all the talking and all the planning and all the thinking to be done, how long it will take residents of Laguna Estate, residents of

Gardiniers Road, and residents elsewhere in the community, to experience normality in their day-to-day coming and going, without coming into contact with these wild animals? (*Banging on desks*)

735

Hon. Dr J E Cortes: Mr Speaker, it really is incredible to have to sit here and listen to this kind of comment from people – hon. people – whose party was in Government and who *have* to remember the number of incidents there were then, who *have* to remember that the problem is not new, who *have* to remember, although nobody is present in the House – well, one person perhaps – the kind of discussions that I had with *them* about this very issue. Having to listen to it now, and almost defend it, as if it were of my making, is absolutely incredible, but there we are – I suppose that is what some people think politics is.

740

Mr Speaker, at least now there is talking, at least now there is planning, and at least now there is thinking that at least goes somewhere deeper than just superficial talk, and we are definitely planning our actions.

745

Mr Speaker, natural systems are unpredictable. I cannot tell you where a particular Barbary Macaque or a particular blackbird will move to once it leaves the position of this bottle, but I can try and induce it to go in a particular direction by having knowledge of its behaviour and by perhaps putting something that will entice it in that particular direction. That response might not be exactly as I would predict.

750

Mr Speaker, I cannot tell anybody the exact time. What I can tell you, Mr Speaker, and I can tell this House, is that we are thinking, we are talking and we are planning much more significantly than anybody ever has done before, and that I am *fairly* confident – in fact, quite confident – that a lot of our measures will have good effect and that the people of all these estates will be able to continue their lives without having to worry about any possible aggression from the Barbary Macaques. (*Banging on desks*)

755

Mr Speaker: I will allow one final supplementary on this subject.

Hon. S M Figueras: Mr Speaker, I am now –

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Mr Speaker: One to each of the other Members.

Hon. S M Figueras: I am moving now to the crux of the matter, and it may well require more than one supplementary, but I am of the view that Mr Speaker will understand that –

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Mr Speaker: We are beginning to debate.

Hon. S M Figueras: Mr Speaker, I will move to the crux, and perhaps he will see where it is that I am going with this.

770

The Hon. Minister has said that there is talking, thinking, planning, all that going on, and that he cannot control if an ape moves from the position of this bottle to wherever it may choose to go; but is it not the case, Mr Speaker, that the Minister, once again, in the regurgitated statement on Monday, 18th February, said with much fanfare that the Government is not going to cull any apes under any circumstances?

775

Can the Minister confirm that under no circumstances will the policy of not culling an ape, as a measure of last resort in the management of not just the nature reserve but its interaction with the community, will ever change?

Hon. Dr J E Cortes: Mr Speaker, the Government has never said that no monkeys will be culled. The Government has said that there will be no large-scale culling. (**Hon. S M Figueras:** No, no, no.) The Government has always –

780

Mr Speaker: Order!

S M Figueras: Point of Order, Mr Speaker.

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Mr Speaker: Let the Hon. Minister finish.

Hon. Dr J E Cortes: The Government has always said there will be no culling as population control. There *will* be removal of certain individual animals, on occasions, where they may constitute a danger, or they may be injured, or as some other form of management.

790

I have to specify we are not going along the avenue of large-scale culling, but we have never said that individuals... and I am not saying on this occasion, but I have to rectify it. The answer is we are not going to do a large-scale cull, but I must reiterate, and I have always said that, that certain individuals, on

795 occasions, one has to put down, for a number of reasons. I am not going to list them here – I think that is not directly relevant to the question – but I have always made that point.

800 **Hon. S M Figueras:** Mr Speaker, I beg to differ with the Hon. Minister, because it was in *this* House... and I am afraid that I do not have the reference to *Hansard* directly at this moment in time, but in this House I asked him specifically – and I recall, because I was the one who asked the question – whether, when he discarded culling publicly, and I referred him to an article in the *Chronicle* that had been attributed to him... I asked him whether they were discounting the possibility of small-scale culling as well, and he agreed. He said that that was, in fact, the case; and therefore that is inconsistent with what he is saying now.

805 I would ask the Minister to clarify whether or not they will be culling any apes, because the removal, Mr Speaker, involves, does it not, culling of a particular individual macaque, doesn't it?

810 **Hon. Dr J E Cortes:** Yes, Mr Speaker, that is exactly what I have said. Culling on a large scale, to me, and I think to most people, would be removing a group of 40 animals, be they macaques, be they deer, or whatever. We do not have deer in Gibraltar – just general reference.

815 What I have said *consistently* is that, on occasion, for whatever reason – be it injury to the animal, be it a particularly disruptive individual, be it an animal that persistently has some form of behaviour which is considered that has to be controlled – that individual animals may have to be put down – I have *always* said that – but culling will not be used as a method of large-scale population control. That is exactly what I have said in the past.

820 If it is not what I have said in the past, it is certainly what I meant in the past, and that has always been our position. Our position has always been that individual animals, for management purposes, have sometimes got to be put down; and that, I am sure, if you search *Hansard*, must be there.

820 **Mr Speaker:** The Hon. Mrs Ellul-Hammond.

825 **Hon. Mrs I M Ellul Hammond:** Mr Speaker, one of the recommendations in the macaques back to nature awareness leaflet is for the monkeys not to associate humans with food. The following day, the Government announces the introduction of picnic areas on the Upper Rock, which is the natural environment of our tailless monkeys, and obviously humans will be there, eating food. So how will these two conflicting policies be reconciled?

830 **Hon. Dr J E Cortes:** Mr Speaker, I do not know whether the Opposition is now advocating the banning of picnicking on the Upper Rock... (*Interjection*)

835 The associating of humans with food is not that monkeys will not see a person eating a picnic... particularly in the area of Governor's Lookout, monkeys are rarely found, but anyway, it is that monkeys should not consider that humans actually *hand* them food and *provide* them with food.

840 They get used to having people putting their hands in their pockets, or getting items out of a plastic bag and handing it to them, and that is when they realise that that human can actually directly give them a source of food of high calorific value. Therefore, they are going to be associating humans with that sort of thing.

845 If humans stop doing that... and this has been seen... There was a group of macaques taken from Gibraltar to Germany – to a safari park there, in 1998 – which had been habitualised to being fed by humans. The moment that... well, several months after, people would walk through and not offer them food, they unlearned that process.

850 So one thing is not related to the other. What we must stop is actually handing out titbits to monkeys because that is when they make the link between the person, the hand in the pocket, the plastic bag. But one thing is not directly related to the other and, in any case, the picnic areas that are being created happen to be away from most of the areas that the monkeys frequent.

845 **Mr Speaker:** The Hon. Mr Netto.

Hon. J J Netto: Yes, Mr Speaker there are two perhaps small issues that I want to raise.

850 The one is perhaps to do with clarification. I think I understood the Minister when he said that the current population is 206. Is that correct? Can he confirm that, because...

Hon. Dr J E Cortes: Yes, Mr Speaker.

Hon. J J Netto: Right, does that include new-born macaques within the previous twelve months? Because I understand, from the past, that the life expectancy of a new-born is not so high, so the figure

855 may not be included in the overall figure. If that is the case, could he then say how many new born babies were within the last twelve months?

Can I just finish my second one?

860 **Hon. Dr J E Cortes:** Sorry, Mr Speaker, I thought he had finished.

Hon. J J Netto: The second point I want to raise: I was surprised, actually, that the Minister did say that he cannot be expected to know where the macaques are at any given moment in time, or words to that effect. It is not something I really want to argue much about and I say this against a background that my understanding is that, in different parts of the world, not just to do with macaques but, indeed, to do with
865 different animals, they have different – I do not know how to put it, within the new technologies available – different gadgets: which through GPS systems, they know exactly where every single animal happens to be.

I say this because, if that is the case, and whether the Department of the Environment is looking, the officials looking into this, actually, this may be part of the solution: I am not saying the whole solution
870 but at least in knowing where there is a particular group of macaques, or a particular individual macaque, who consistently, or persistently, actually go to Laguna Estate or Moorish Castle or La Caleta, or whatever it is. Then we can target particular hotspots with particular macaques. If that is the case, what is the cost involved? I have to confess that I really do not know what the cost would be – but perhaps he could enlighten us into those issues.

875 **Hon. Dr J E Cortes:** Yes, Mr Speaker, I apologise, I did not realise the hon. Member had not finished. That is why I intended to stand.

Yes, Mr Speaker, I remember briefing the Hon. Mr Netto when he was Minister on the fact that the numbers are tallied at the end of the year but because we are at the beginning of the year the 206 does
880 include the births of last year and does include the deaths of last year, which had been deducted. So, yes, that is a figure. It does not include any births this year because births do not start until around end of April/May, so there are 206 on the roll, so to speak.

Mr Speaker, I did not say that we do not know where all the monkeys are. I said that we could not
885 always predict the behaviour of animals and that is fact. But, in fact, we do not know where all the monkeys are and I think that the hon. Member will be very excited to hear the proposals and the plans that we have within, as I suspect, six weeks' time as to actions that we are planning, which are very much on the lines as he has described, regarding being able to locate monkeys.

This is something that is being finalised now and, unfortunately, I am not in a position to give full
890 details but certainly we will shortly be able to have much more information than we have at the moment and, therefore, will be able to manage our monkeys very much more. This is why I say, Mr Speaker, that I am being quizzed at the stage when there is a lot going on behind the scenes. I hope that I will be quizzed just as intensely once the plan is in action and in operation because then I will be able to, I am sure, satisfy the questioners much more effectively.

895 **Mr Speaker:** I will allow the Leader of the Opposition to make one final supplementary on the matter.

Hon. D A Feetham: Mr Speaker, I am very grateful.

Mr Speaker, I just want to go back to this statement that the Hon. Minister made about Government
900 policy not being large-scale culling but culling of individuals.

Now, of course, the concept of large-scale culling can be quite elastic. How large scale are we talking
905 about? Are we really talking about, and is Government policy this, that the only culling of apes that there is going to be are of a 'handful', and I am really talking about, when I say a handful, I mean a handful of perhaps troublesome individuals that are troublesome within the group, or that may, in fact, be individuals that may be leaders of a potential pack in future that could possibly branch out, but that we are really talking about a handful of individuals and that the Government is not committed to culling apes beyond that handful?

910 **Hon. Dr J E Cortes:** Mr Speaker, it is very hard to define a 'handful': certainly no more than a handful.

We are talking about certain individuals who, for reasons of their own health, injury, some kind of character personality trait or whatever, would have to be removed.

I must remind, Mr Speaker, the huge international campaign that there was against Gibraltar the last
915 time a large-scale culling was carried out. I believe it was in Catalan Bay, when about 30 animals were taken. There was a large campaign, not just in the academic world, but there were campaigns to try and get tourists to stop coming to Gibraltar. We had international bodies, such as the International Primate

Protection League, actively criticising Gibraltar and causing great embarrassment to Gibraltar – they are now working with us in trying to find a solution. So, I think we must remember that these actions, apart from not being humane, also have other consequences.

920

Mr Speaker: I think the macaques have had a sufficient airing this morning. Let us hope the wet weather keeps them away from the precincts of the House (*Laughter*) because I do not think I can apply Standing Orders to them.

925

Next question.

Clerk: Question 111, the Hon. S M Figueras.

930

Question 99
Additional information

935

Hon. S E Linares: Mr Speaker, with your indulgence, so that nobody suspects that there has been any ‘monkey business’ on Question 99, I have actually found the list that the hon. Member Mr Reyes wanted.

Mr Speaker: Yes, give him the information.

940

Hon. S E Linares: Therefore, just to say that, in the breakdown from the £30,105, it is the Music Festival of Gibraltar, i.e. the Song Festival, which was £15,000; the Fine Arts Association ‘Tears of Joy’ Hamish Dalmedo was £4,805 – I will give him the list later, Mr Speaker, I just wanted it on *Hansard* – Joe Gingell, part of the Cultural Grants, got £1,800; Gibraltar Philharmonic Society Concert in May got £7,000; and Jordan Lopez got £1,500.

Mr Speaker, I will give him the list later so that he can analyse it.

945

Report into fishing in Gibraltar waters
Publication and action by Government

950

Mr Speaker: Question 111.

Clerk: The Hon. S M Figueras.

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Hon. S M Figueras: We breathe a breath of fresh air, Mr Speaker, as I turn to ask a Question about the Commonwealth Park and that is whether the Minister for the Environment can provide this House with an ...

Clerk: Question 111!

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Hon. S M Figueras: Sorry, one hundred and –

Mr Speaker: One hundred and eleven.

965

Hon. S M Figueras: Eleven. Ah well, my apologies. No. Yes, Mr Speaker apologies for the confusion.

Can the Minister for the Environment say when the Government will be publishing the findings of the reports into fishing in our waters and what action, if any, is being taken in response to them?

970

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, Government has now received comments from the Nature Conservancy Council, while the Department of the Environment is finalising its analysis.

975

A report will be published once an action plan has been developed. This is expected to be shortly.

Hon. S M Figueras: Mr Speaker, would the Minister be able to give us any indication about how long this short timeframe may turn out to be?

980 **Hon. Dr J E Cortes:** I do not think so, Mr Speaker.

There are a number of inter-related issues that come into the development of this plan so I do not wish to tie myself down to a specific timeframe.

985 **Hon. J J Netto:** Could I ask the Hon. Minister why is it that giving the Members of the Opposition a copy of the report has to wait until such time as the Department has provided an action plan. Could not the two things be completely divorced? At the end of the day, one thing is the report with its recommendations which he has had on the table for who knows how long, and the Opposition has not... Surely, whilst we welcome that there is an action plan by the Department, that does not stop them from providing the Opposition with a copy of the report?

990 **Hon. Dr J E Cortes:** Mr Speaker, this is a report that has been provided to the Government and the Government is actively working on it. It is a working document and I do not think that the time is right for it now to be released. It *will* be released. There is a commitment for it but it is an extensive analysis.

995 There have been inter-relations with the Nature Conservancy Council, as I said earlier, and there are things that have to be incorporated in Government policy. Therefore, I think it would be premature to release it at this stage. That is my opinion and it is the opinion of the Government.

1000 **Hon. D A Feetham:** Yes, Mr Speaker, may I ask the Minister whether this particular report has gone through various drafts since it was received by the Government in response to feedback, or is this a final report that has been produced to the Government? If it was a final report, did it go through various drafts before the final copy was provided to Government and, if it did, did it involve Government providing input to the report?

1005 **Hon. Dr J E Cortes:** Mr Speaker, Government has not provided input to the report. The Nature Conservancy Council requested additional information directly from the authors of the report. There has been no Government involvement in editing the report in any way.

1010 **Hon. J J Netto:** Mr Speaker, the answer that the Hon. Minister gave me just a moment ago... one can deduce from that statement that he is just not willing to provide the information to the Opposition. In the light of that, what I would like to ask him is whether, by adopting that particular position, he falls foul of the European Directive on the Freedom of Information on providing environmental information to the public?

1015 **Hon. Dr J E Cortes:** Mr Speaker, I would have to seek legal advice on that but I daresay that the legal advice would be retrospective to a time when other reports were presented to the former Government, which were not presented to the Opposition or to other people, members of the Community.

1020 What I said, Mr Speaker, I was not trying to be difficult. I said it is a document which is active, that the Government is responding to and, therefore, until its policies are completed and so on, I think it would be inappropriate to share it. I think that is a legitimate position to hold. On the actual question, then I would need legal advice.

1025 **North Mole temporary power plant
Complaints over noise and pollution**

Clerk: Question 112, the Hon. S M Figueras.

1030 **Hon. S M Figueras:** Mr Speaker, can the Minister for the Environment say whether the Government has received any complaints in relation to the location and operation of the temporary power plant at the North Mole since it went online in late December, specifically in relation to noise and other sources of pollution?

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

1035 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, eight persons – this reply was prepared probably about a week and a half ago, so it was correct up to then, Mr Speaker – eight persons have complained of the temporary power plant since it went online in late December 2012. Five have complained of noise, two have complained of noise and fumes, one has complained of fumes.

1040 The Gibraltar Electricity Authority is working together with Energy International in the fabrication of silencers for all five turbines, which will result in a considerable noise reduction, particularly when

1045 prevailing winds are westerly and north westerly, which is when the plant can be heard at a distance. The turbines are also being fitted with noise attenuation blankets which will, once again, reduce noise on site. The temporary power plant is presently producing half of Gibraltar's power requirements. Work will soon commence on the installation of SCR – popularly known as 'scrubbers' – which will, in turn, reduce nitrogen oxide emissions levels a further 97%. The present technology already produces about 50% less nitrogen oxide than the other power plants operating in Gibraltar.

1050 **Hon. S M Figueras:** I am grateful to the Minister for the details in respect of what is being done in relation to the noise.

1055 In relation to the fumes – and the reason for asking the question, Mr Speaker, in the first place was reports that have been made to us in respect of, specifically, fumes, the noise I personally experience, certainly, and it is like aeroplanes just on taking off on the runway, it is no more harsh than that – but in respect of the fumes specifically, will the installation of the scrubbers and the reduction of nitrous – that substance – by 97%, provide a... will that translate into less perception of the fumes by those affected in the area?

Hon. Dr J E Cortes: Yes, Mr Speaker, absolutely.

1060 The elements of the emissions which cause most annoyance is, in fact, the nitrogen oxides – nitrogen dioxide and nitrous oxide – and the reduction of that by 97% will certainly reduce the perception and they will be the least polluting generators that Gibraltar has, in fact, has ever had.

1065 **Hon. J J Netto:** Mr Speaker can I just say that I also have a similar question, which is Question 161, to the Hon. Minister for Health and Safety so, in a way, I need to try and sort of divorce the kind of question I may ask now, as opposed to the kind of question I may have to ask later on.

1070 But can I ask the Minister for the Environment, in relation to those measures that are going to be introduced to mitigate the effect of noise pollution, has that been done in accordance with the control, no sorry – with the Environmental Assessment and Management of Noise Regulation 2006?

1075 **Hon. Dr J E Cortes:** Mr Speaker, my information is that it goes beyond any legal requirement and, therefore, it more than satisfies those requirements.

1080 **Hon. J J Netto:** So do I take it, then, that this particular set of regulations has been taken into account in order to establish the kind of level of noise that has been emanated, within Waterport Power Station, now that they have the new temporary generators additionally? So has any assessment been made to map out what the noise actually is and is there a report in relation to the mapping out of the noise, which may have a health impact not just on the workers of Waterport Power Station but, indeed, in any effects it may have on different workers that work in that vicinity? I am thinking about the workers from AquaGib there and the fact, of course, that there are two big housing estates. One is Harbour Views and the other is William Jackson Grove. So can the Minister confirm that assessments have been made in accordance with this set of regulations to determine the level of noise.

1085 **Hon. Dr J E Cortes:** Mr Speaker, in order to go into that detail I would need notice. I have not got in front of me the details of the exact regulations and so on that have been taken into account, so I would need notice of that question.

I think I have answered the question actually asked, accurately and to the best of my ability. Assessments have been made for the site but the exact details, I am afraid, I would need notice of.

Mr Speaker: Next Question - one other supplementary, yes?

1090 **Hon. J J Netto:** With your indulgence, can I ask the Minister whether he can ask his own officials whether such assessments have been made and, if they have been made, perhaps provide me with a copy of their report?

1095 **Hon. Dr J E Cortes:** Mr Speaker, I would ask the hon. Member to write to me, telling me exactly what information he requires and then, obviously, I will respond.

1100 Mr Speaker, I did fail to answer a related matter but I think that it is relevant to the general discussion, that I am happy to report that, as a result of this power generation, both the two south district power stations are now shutting down most nights between approximately 11.30 and midnight and 6.00 in the morning. So that is resulting in considerable less pollution in the silent hours in the south district.

Mr Speaker: Next question.

**Permanent power station
Government plans**

1105

Clerk: Question 113, the Hon. S M Figueras.

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Hon. S M Figueras: Can the Minister for the Environment say whether the Government is on track to make announcements in respect of the Government's plans for the permanent power station by the end of March, as set out by Government in answers to Questions in this House?

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 will answer this Question, together with Question 114/2013.

1120

**Permanent power station
Location, fuels and timeframe**

Clerk: Question 114.

1125

Hon. S M Figueras: Mr Speaker, in the light of the extended adjournment of this House until May of this year, can the Minister for the Environment provide this House with an indication of the issues being considered, as well as any information he may have available to him in respect of the location of the permanent power station including, but not limited to, the fuels being contemplated for use in it and the anticipated costs and timeframe for its construction?

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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, Government is currently finalising tender documents which will be published by the end of March. A decision will be taken on these elements in response to the tenders received.

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Hon. S M Figueras: Mr Speaker, in relation to the announcement of, or rather the provision of, the tender for the waste treatment facility, of which I have been made aware, I understand from a review of the papers that one of the requirements is that the waste treatment facility will generate some by-product, as an output from the facility. In that context, then, and the fact that the waste treatment facility is being tendered to be located at the site of the old incinerator plant, can the Minister tell this House to what extent the location of the waste treatment facility and the interplay between that facility, the permanent power station and, ultimately, a sewage treatment plant – something that we have discussed in the past, in terms of the interaction and the grid itself – whether that will have an impact or influence on the decision as to where the permanent power station is located?

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Hon. Dr J E Cortes: Mr Speaker, again, I think this is tangentially related – if my former geometry teacher will allow me to use such a term – to the substance of the question but all these different aspects are, as I see it, being treated independently of each other. There may be a synergy but, at this stage, they are being treated independently.

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Hon. S M Figueras: Sorry, for the avoidance of doubt, Mr Speaker, and in layman's terms, where is the permanent power plant going to go?

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Hon. Dr J E Cortes: Mr Speaker, as I said, tender documents are being prepared which will stipulate certain requirements and, in response to these tenders, then the different aspects will be taken in and the final decision taken on all the different elements.

I am not able to give any more information.

1160

Hon. S M Figueras: Mr Speaker, I concede that point and I understand entirely that tender documents are being prepared and that they will act and react based on the responses that they get but, as the Government is issuing the tender, is the Minister able to provide us with any indication as to location, or locations, where the permanent power plant will be built?

1165 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman knows that I am the Chairman of the inter-ministerial committee dealing with the power station. The Hon. the Minister for the Environment is an important and essential part of those determinations, as is the Minister for the Utilities, who is responsible for the provision of power under his ministerial responsibility.

1170 Mr Speaker, I think the Minister has given a very clear answer. The hon. Gentleman does not perhaps appreciate that some of the issues that will be subject to the tender will affect areas where particular parts of the fuel maintained for the generating capacity etc. may or may not be able to go. That is why the issues which the hon. Gentleman is pointing to do not determine one particular place where the new power station will, or will not, be located. That is something that needs to be a little bit more open, even at tender stage.

1175 **Hon. J J Netto:** Could I ask either the Minister for the Environment or the Chief Minister whether, regardless of the locations of different power station or the sullage plant or whatever, is it still the aim of the Government, nevertheless, that all of these facilities should be linked in co-generation and, as a result of the co-generation, they will be able to produce renewable energy as a result of integrating the different systems? If so, what would be the percentage of renewable energy that the co-generation between all
1180 these facilities would produce? What would be the aim?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows that we have a manifesto commitment as to the use of renewable energy in Gibraltar. It is not possible to give him an answer as to percentage at this stage but he is right to point out that it is one of the issues which is relevant to the Government.
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Hon. J J Netto: Well, Mr Speaker, I mean, I accept that he might not be able to say whether, as a result of interlinking all these facilities it will be able to give 25% of renewable energy, or 5%? But I am sure, pretty sure, that the Chief Minister will know what is the bracket or percentage of renewable energy that interlinking all of this would be. It may be, perhaps, between 15% to 20%. I accept that. I am not
1190 trying to pin him down now to one decimal point but at least to give an indication of what, on the basis of the advice given by consultants, by doing the co-generation, what renewable energy in terms of percentage will be. I think that is a fair question.

Hon. Chief Minister: Well, Mr Speaker he may think it is a fair question. I think it deviates quite considerably from what the original question is. I could tell him that I need notice of the question but I am not going to tell him that. I am going to tell him, Mr Speaker, that it is not possible to actually determine that until we have the final technical characteristics of the station that you are going to choose.
1195

If he wants a bracket, Mr Speaker, I will give him this bracket – I would be very disappointed, indeed, if we are not producing at least 10% of our energy from renewable sources by the time that I call the next General Election – or are on the way to do so, if those things are still to be installed or to start work.
1200

I would hope, Mr Speaker, that one day we have 100% of our energy potentially from renewable sources. I think he could have ascertained that from everything that we have said in our manifesto. I know they think we are not intending to comply with any of our obligations there, but there he has it in *Hansard*.
1205

Hon. J J Netto: The answer the Chief Minister has just given partly answers my question. I think he is probably thinking that this would produce something around 10% and I think that is probably not too far off from where the GSD Government thought that would have been the percentage, perhaps a bit more than that.
1210

I accept all the caveats that the Chief Minister is saying but, of course, we need to look at whatever percentage will be produced in terms of renewable energy against the background of what you feel legislation is at the same time. There may be a deficit between what is possible for us to do in the context of Gibraltar with these kind of initiatives and, if there is a deficit, whether the Government is thinking that there are other things they can do in order to try and reach the European target.
1215

Hon. Chief Minister: Mr Speaker, I know that the Hon. the Minister for the Environment is keen, is chomping at the bit, but he was not in Parliament when *he* was and the hon. Gentleman will recall that the hon. and gallant Colonel Britto, when I asked him whether it was possible for them – six months before the Parliamentary timetable would expire by effluxion of time, if an election was not called – to comply with their 2007 General Election manifesto to produce at least 10% of Gibraltar's electricity from renewable sources, he told me then that they would not be able to comply with that obligation: in fact, that the amount of electricity generated from renewable sources by the time the General Election would be called would be 0%. Now, by a recent setting out of what 'electoral fraud' means, it appears, on that basis, that the 2007 General Election was won by electoral fraud.
1220

1225 Let me put it this way, Mr Speaker, the explanation that Mr Britto gave then was that, actually, we were going to be much more ambitious than 10%. We were going to go to 20%, which is where the EU was going as a target, but that we were not going to produce any of that ourselves: we were going to rely on the fact that the member state for European purposes – the United Kingdom – the United Kingdom would be producing 20% and we would slip in under the radar.

1230 We are much more ambitious for Gibraltar, Mr Speaker. We believe that Gibraltar can produce its own renewable energy in excess of 10%. It can surpass its European obligations, whether or not shared with the United Kingdom, and on a sunny day in August, many years in the future, we expect it may even be possible for 100% of our energy to be produced from renewable sources. In those circumstances, if all of those things go well, then 10% will seem a distant memory.

1235 Will it ever be 100%? Well, Mr Speaker, a lot depends, as he knows, on how renewable energy develops and changes our capacity to harness the renewable sources that energy is produced from, whether it is sun, wind or tidal energy. But all of those things are being very actively looked at by the Government. They are as much our ambition for the way that we generate electricity as a traditional fossil fuel burning station would be, whether that is fuelled by gas or it is fuelled by diesel. The hon. Gentleman knows that it is a matter that is being looked at in quite some depth by the Government, but the renewable element of that is as important to this Government as the non-renewable element of that.

Mr Speaker: Does the Hon. Minister for the Environment have anything to add?

1245 **Hon. Dr J E Cortes:** No, Mr Speaker, I have nothing further to add at this stage.

Mr Speaker: Next Question.

1250

Commonwealth Park Project update

1255 **Clerk:** Question 115, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for the Environment provide this House with an update in relation to the construction of the Commonwealth Park?

1260 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, works on the Commonwealth Park project are progressing well, with the utility services diversions currently ongoing. The project is on programme for completion by spring 2014.

1265 **Hon. S M Figueras:** Mr Speaker, is the Minister able to confirm, in the context that the works are ongoing, that contracts have been awarded in respect of the construction of the park?

1270 **Hon. Dr J E Cortes:** Mr Speaker, as I said in a previous meeting, the works are being carried out by GJBS.

Hon. S M Figueras: Mr Speaker, I will quiz the Minister further by giving him notice of questions in that regard at a later meeting.

1275 However, returning to the construction of the park, much as the Minister has said that he is looking forward to sharing a walk with me when it is completed in the spring of 2014, I am looking forward to the fair this year, and I was wondering whether the Minister would be able to provide this House with details as to where the fair will be located this year, in the context of the construction.

1280 **Chief Minister (Hon. F R Picardo):** Mr Speaker, again, as the hon. Gentleman knows, this is a matter I have been dealing with, because of the macro-economic issues it raises about different plots.

I have already answered that question to the former Leader of the Opposition, I believe, and the position remains that an announcement will be made very shortly as to where the fair will be held this year.

1285 Consultation has already occurred with the stakeholders, namely the Ministry of Culture and the Self-Determination for Gibraltar Group. They are looking at some final details, and I believe it will be possible for the Government to make a full public announcement about the subject very shortly.

**Government-awarded contracts
Payment to 'Chrand' for Al Gore**

1290 **Clerk:** Question 116, the Hon. S M Figueras.

Hon. S M Figueras: Can the Minister for the Environment provide details in relation to the payment listed in Government Statistics table GC.6, Government Awarded Contracts by Ministerial Applications, as being paid to 'Chrand', agents for Al Gore, and described as being in respect of the Thinking Green Conference, including, but not limited to, the date when this payment was made and to what end?

1295 With Mr Speaker's indulgence, perhaps I could just explain that, at the time when I asked the question, GC.6 had this information, but following the asking of the question, there has been a change in the Government's statistics website. There has been an update and there have been a few changes, and I am just pre-empting a point that the Minister may well not raise.

1300 **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 give the prepared answer. I have not checked the website.

1305 Mr Speaker, the payment of €100,000 to 'Chrand' listed in the Government Statistics table GC.6 was made in two equal payments of €50,000, and it was for the organisation and management of the conference, including security services for the guest speakers and fees for both speakers.

1310 These payments were effected on 31st August 2012 – €50,000, equivalent to £41,675.69; and 28th September 2012 – an exact same amount as the previous one.

Hon. S M Figueras: Can the Minister say whether these payments were made in addition to the payments listed in the schedule, the global £197,000 there or thereabouts, that we have discussed previously?

1315 **Hon. Dr J E Cortes:** Mr Speaker, my information is that this is included. This is a subset of the overall cost that has already been discussed in this House.

1320 **Hon. S M Figueras:** And so the Minister can confirm that the total amount for the cost of the Thinking Green Conference would – and should, in the circumstances – remain what we had discussed at a previous meeting?

Hon. Dr J E Cortes: Mr Speaker, that is my information, certainly.

1325 **Mr Speaker:** Next Question.

**GHA Review
Report by Langan and Schroter**

1330 **Clerk:** Question 117, the Hon. Mrs I M Ellul-Hammond.

1335 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is the Minister for Health now in a position to provide this House with a copy of the GHA Review Report by Langan and Schroter?

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

1340 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I explained the process to be followed in the content of my reply to Question 1028/2012.
The process is proceeding, but not yet complete, so that some more weeks are required.

1345 **Hon. Mrs I M Ellul-Hammond:** Yes, Mr Speaker, I only ask this because the Hon. Minister stated in December's Parliament session that after the Christmas period the Report would be published, and obviously we are nearly three months on now.

You said in two or three weeks' time: can you confirm that it will be made available?

Hon. Dr J E Cortes: Mr Speaker, I said 'some more weeks'.

1350 What I said in the previous question was that the advice I was heeding of the Executive and of the Health Authority Board was that we had to identify certain structures addressing a lot of the problems of the Report, and that is when it will be published.

This process is ongoing. Clearly, when you are looking at structures in a complex organisation, they do take longer than you would wish, but we are getting there.

1355

**GHA website
Date for going live**

1360 **Clerk:** Question 118, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health state when the new GHA website will be up and running, as per his Budget 2012-13 Statement?

1365 **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 new GHA website is currently being developed and the target date for this to be operational is April 2013.

1370

**St Bernard's Hospital
Plated meals**

1375 **Clerk:** Question 119, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say if patients at St. Bernard's Hospital are still getting plated food?

1380 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, patients at St. Bernard's Hospital are still receiving plated meals.

1385 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say when the new system will be introduced, and how will it work?

Hon. Dr J E Cortes: Mr Speaker, the new system will be fully implemented when the new kitchen facility is completed, which is some time away, although plans are now being finalised.

1390 In the meantime, we are looking at a pilot implementation of bulk food distribution as a precursor to when the whole system will change. Having the kitchen on site will make that much more possible and much more easily achieved. Therefore, I cannot commit myself to that until the new kitchen facilities are ready, but we are piloting the system, hopefully starting quite shortly.

1395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister confirm if the site of the new kitchen is actually round the back of where the Accident and Emergency is?

Hon. Dr J E Cortes: Mr Speaker, the plans are currently being developed. It is not at the back. It is on site. It is an extension to the west, but certainly not in the Accident and Emergency area.

1400 **Mr Speaker:** Next Question.

1405 **Hospitals receiving GHA sponsored patients
Measurement of results**

Clerk: Question 120, the Hon. Mrs I M Ellul-Hammond.

1410 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain what is the process for measuring the results of hospitals used in the UK, Spain and other countries, to which we refer GHA patients as sponsored patients?

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

1415 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, most of the centres have their own internal mechanism for evaluating results on the outcomes of interventions carried out, and these are available to the GHA.

1420 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, what are the outcomes of success of these hospitals – in particular the ones in Spain, because my understanding is that there is a huge concern with the hospital in Cádiz?

1425 **Hon. Dr J E Cortes:** Mr Speaker, this is a slightly different question again. I do not have that information here available.

The concerns about the hospital in Cádiz, some have come to my notice, but at the same time there are also instances when one gets very positive feedback from the hospital in Cádiz. If there are any particular matters of concern, I would be very happy to discuss this with the hon. Member – clearly, not in the House, as this would refer to individual patients, but I would be very happy to do so.

1430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister then explain how does the system of checking results at different hospitals work? Is this done on a regular basis, or when a hospital is identified and where sponsored patients will be referred to? Is it done on a case-by-case basis? How does the system work?

1435 **Hon. Dr J E Cortes:** Mr Speaker, at the moment, it is exactly the same as the former Government used to have, so I am sure that the hon. Member would have some recollection of that, in view of her involvement on the Health Authority Board.

1440 There are... Clearly, individual cases will be studied by the relevant consultants. We have taken steps to create a database based on... or we are in the process of attempting to create a database based on UK hospital results which directly relate to the kind of procedures that we buy off them in the UK, but clearly when we send only small numbers of patients, then clearly the assessments should be on a case-by-case basis, rather than an overall.

1445 **Hon. Mrs I M Ellul-Hammond:** Finally, Mr Speaker, can the Minister confirm that, if the results are not deemed desirable by the clinicians in Gibraltar, sponsored patients will be sent to another hospital?

Hon. Dr J E Cortes: Absolutely, Mr Speaker. My prime responsibility is to ensure the best possible treatment to all members of our community.

1450

Nursing conference Arrangements for 2013

1455 **Clerk:** Question 121, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say if Gibraltar nurses will be holding a nursing conference this year; and if so, when is it set to take place?

1460 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1465 **Minister for Health and the Environment (Hon. Dr J E Cortes):** The Gibraltar nurses were invited to form part of the Small Islands Nursing Conference team. A team will be attending the Conference in Guernsey, scheduled to take place in September this year. Gibraltar attendees will be contributing to the Conference and sharing best practice with overseas colleagues.

It is Gibraltar's turn to host the event in 2015.

1470 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, my understanding is that there was an annual local nursing conference for local nurses. Has this practice now been stopped?

Hon. Dr J E Cortes: Mr Speaker, I have responded in relation to whether a nursing conference is to be held this year. If there is no intention of holding one this year... Nursing conferences will depend on the subject matter, whether there are current issues to be discussed.

1475

There is some thought being given to some conference next year, but this is a matter that is being discussed by nurse management, and certainly there will be a response if a proposal is made. At this point in time, it is not a question that we have ceased any practice; there has not been a request for a conference this year.

1480

Members of the nursing profession will be attending the Conference in Guernsey. We are committed to hosting the event in 2015. There *might* be a smaller-scale one next year, but this is something that the Health Authority will respond to as a result of requests generated from the nurses.

Mr Speaker: Next Question.

1485

**Repeat prescriptions
New process**

1490

Clerk: Question 122, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain how the new repeat prescription process, without the need to see a GP, will function?

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

1500

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, There will always be occasions when a doctor wants to see a patient before issuing a repeat prescription, or when a patient feels that such a consultation is necessary. This was the main challenge related to the provision of repeat prescriptions and is one that has been very significantly resolved with the new appointment system.

For cases when a consultation may not be necessary, steps are being considered and discussed as the policy is drafted.

I can confirm that – it was not clear in the prepared answer – there is a process by which a policy is being drafted at this point.

1505

Hon. Mrs I M Ellul-Hammond: But, Mr Speaker, is there not a system already in process whereby you can take your last prescription to Mr Guillem, and he will then give the patient again another six months of prescriptions, or just to tide the patient over until he or she sees the doctor?

1510

Hon. Dr J E Cortes: Mr Speaker, the system that we introduced was related to patients where the doctor wished to see him or her, and then, when they have the last prescription, they can come in and get an appointment, without having to queue up and so on, on the first working day of the month. If they have lost that prescription, then they can go to the Prescription Advisory Unit and get a prescription and an appointment.

1515

The question, I think, refers to when the doctor issues a prescription for six months, but does not feel there is a need, and then we have to introduce a different system, in which the prescription could be signed by a GP, referred to him either on a card or electronically and so on, and that is a system that we are now developing.

1520

**Colon cancer screening
Start date and process**

1525

Clerk: Question 123, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise when the colon cancer screening programme is due to start, and how it will work?

1530

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 programme is currently being prepared by the clinicians, and the staff that will run it are being identified. It is expected to start in the summer.

1535 An announcement and publicity campaign with details of how it will work will commence shortly before that.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say who will be running it?

1540 **Hon. Dr J E Cortes:** Mr Speaker, it will be a multi-disciplinary approach: there will be administrative identification of the patients who have to be contacted; there will be a certain amount of laboratory investigation, which will be carried out in the laboratory; and the clinical team would be led by one of the consultant general surgeons, who would carry out the actual physical investigations.

1545 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if the whole population will have access to the screening programme, or is it just particular target groups or particular age groups?

1550 **Hon. Dr J E Cortes:** Mr Speaker, this is one that is being developed. There will be a range of ages were it is considered, using UK information, that are the ages that have to be hit first. This is part of the programme that is being prepared and, as I explained, will be publicised before the exercise, so that people know that they may, in fact, be contacted for screening.

**New ambulances
Cost**

1555

Clerk: Question 124, the Hon. Mrs I M Ellul-Hammond.

1560 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say how much the five new bespoke patient transfer vehicles are going to cost?

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

1565 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Yes, Mr Speaker. The purchase of the five new ambulances has been awarded by tender, with a total cost of £621,597.

**Accident and Emergency
Number of patients seen**

1570

Clerk: Question 125, the Hon. Mrs I M Ellul-Hammond.

1575 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say how many patients were seen at A&E during the months of September to December 2012, inclusive?

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

1580 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the total attendees at A&E for the period September to December 2012 are as follows: September, 3,124; October, 3,098; November, 2,839; December, 3,071.

1585

**Registered General Nurses
Vacancy notices**

Clerk: Question 126, the Hon. Mrs I M Ellul-Hammond.

1590 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain why vacancy notices for Registered General Nurses for, I quote, 'short-term contracts of varying lengths' are being

advertised if the GHA is still recruiting full-time nurses to fill the increased complement of 33 nursing positions?

1595 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1600 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the increased complement of 33 nursing positions was mainly for Nursing Assistants; however the vacancy notices of 'short-term contracts of varying lengths' mentioned are for Registered General Nurse vacancies which exist within the overall nursing complement. The 'varying lengths' element allows flexibility – for example, to cover maternity leave.

1605 **Hon. Mrs I M Ellul-Hammond:** So, can the Minister confirm these are to cover maternity leave, sick leave, study leave, and so on?

Hon. Dr J E Cortes: Precisely, Mr Speaker.

1610 **NaPro technology treatment
Availability as alternative to IVF**

Clerk: Question 127, the Hon. Mrs I M Ellul-Hammond.

1615 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say whether he is considering offering NaPro technology – that is natural procreative technology – treatment in the GHA, as an alternative to IVF?

1620 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, yes, sir.

1625 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister say if this treatment is available on the NHS?

Hon. Dr J E Cortes: Mr Speaker, it is not one of the treatments that is generally provided under the NHS, as far as my information goes.

1630 **Hon. Mrs I M Ellul-Hammond:** So, Mr Speaker, can the Minister say if this treatment is evidence based and endorsed by the gynaecologists of the GHA?

1635 **Hon. Dr J E Cortes:** Mr Speaker, the literature does include some references where it is considered to give an increase in the success of conception, but as in many procedures related to health, and to science in general, there are other studies that suggest that this is not the case.

It is clearly a question that has arisen recently, and may in fact be related to people's own personal, religious or other beliefs, and therefore it is a system that we consider in the same way that there are certain persons who may not want to have blood transfusions, and we do allow certain other technologies in those circumstances. It is considered that, on certain occasions – obviously, always with the advice of medical practitioners – this technology might be suitable.

1640 The actual process by which this might be carried out is currently being discussed within the Health Authority. There have been no requests to date.

1645 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is this treatment being endorsed by the gynaecologists of the GHA.?

Hon. Dr J E Cortes: Mr Speaker, as I have just said, the offer of the treatment is being discussed within the Health Service, which includes clinicians, and including the Director of Public Health, and the policy will be formulated in consultation with them.

1650 There have been no requests so far. What I have said is that we would be willing to offer this in certain circumstances, but obviously it would have to be following medical advice.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, my understanding is that this treatment is not NICE approved, so if, following medical advice, you are told not to expect the taxpayer to fund this non-

1655 evidence-based health treatment, which is considered a complementary therapy, will the Minister be taking advice and not offering it on the GHA?

1660 **Hon. Dr J E Cortes:** Mr Speaker, the Minister might then have to take a view. But yes, indeed, it is a hypothetical question, because no such requests have come yet. We have not received the request, we have not received the advice, we have not considered or discussed the advice, and therefore I think it is premature to take this discussion further.

1665 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, will the GHA be taking on board the new NICE – as in National Institute of Clinical and Health Evidence – their guidelines to extend IVF treatment to women from the ages of 40 to 42, and offer treatment after two years of trying to get pregnant, as opposed to after three years?

1670 **Hon. Dr J E Cortes:** Mr Speaker, the NICE guidelines, which were amended just a few days ago, include a number of changes to those – and I have them in front of me – that were considered when the policy was discussed. So, very quickly, we have taken advice of the Director of Public Health. We are holding discussions with the gynaecologists. In fact, they will be reporting back to me during the course of next week, I believe, and it is likely then that, in order to be consistent, we will be amending our policy or putting to the Board of the Health Authority that the policy be amended in keeping with the new guidelines.

1675

Occupational Therapy report Outstanding works

1680 **Clerk:** Question 128, the Hon. J J Netto.

1685 **Hon. J J Netto:** Mr Speaker, can the Minister for Health say if there are any outstanding works pending in the community arising from a report by the OT Department of the GHA; and, if so, provide a short description, the date of the request, the cost involved per report and how many of these emanate from (a) Government flats; (b) co-ownership flats; and (c) private sector properties?

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

1690 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I would like to point out, if I may, that Question 155 is very similar, and in fact the answers are very similar indeed, but I am happy to take them separately.

1695 In answer to this Question, Mr Speaker, 128 – 122 requests for works were submitted since 1st May 2012: 22 alterations at Albert Risso House, of which 20 were bath-to-shower conversions; other Government estates, 61, showers; other Government estates, six, external works; other Government estates, 33, other works.

As the record stood on 9th February, there were 52 cases pending from 1st May 2012. These are purely on Government housing, as it does not cover co-ownership properties, private properties or former Government housing stock.

1700 The works pending can be broken down as 40 level-access showers; two external works projects; 10 other works – rails, fixtures etc. However, these are classified according to the major alteration, so that, in practice, level-access showers may also include other ancillary works.

Some of the works requested may have been commenced and may no longer feature as pending in the Building Works Agency.

1705 Mr Speaker, as I said, although the responses will be similar, there will be a time lapse between a request leaving the OT Department and perhaps being registered in the Housing Works Agency, and there may be a time lapse too between works being completed and the report going back to the occupational therapist. Therefore, it is highly unlikely that both reports will be absolutely identical.

1710 We are working on possibly making this something based electronically, which would update immediately, but at this point in time there will be great similarities, but the figures may vary because of the time lapse between one and the other.

Hon. J J Netto: I am grateful for that information, but given the overall amount of detail there, I was wondering whether the Hon. Minister would be gracious enough perhaps to provide me with a copy of his stated answer.

1715 In the meantime, however, what I do not think he has answered... One of the component parts of my question was as to cost per report. Have I missed it out, or...?

Hon. Dr J E Cortes: Mr Speaker, I do apologise.

1720 I should have pointed out that the Occupational Therapy Department does clearly not keep records of the costs, but that element is, in fact, answered as an average cost in response to Question 155. I should have pointed it out, but that information is here and will be given in Question 155, which is aimed at Housing, and which my colleague has asked me to respond to because of the similarity between the two, but obviously the costs...

1725 The OT Department reports the works but does not go any further, so would not be aware of the costs. That is provided in the answer to Question 155 as an average.

Hon. J J Netto: I am grateful, Mr Speaker. If he would just do me the honour of providing me with a copy.

1730 **Hon. Dr J E Cortes:** Mr Speaker, does he want this now?

Alzheimer's and Dementia register Status

1735 **Clerk:** Question 129, the Hon. J J Netto.

1740 **Hon. J J Netto:** Mr Speaker, can the Government say if the Alzheimer's and Dementia Register, alluded to in answer to Written Question No. 115/2012, is now complete; and, if so, provide the total number of sufferers as of today, and of those how many have an acute, medium or mild form and how many are living in the community, Mount Alvernia, the KGV Hospital, or in the various wards inside St Bernard's Hospital, specifying the respective wards?

1745 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1750 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the preamble to this answer, with your indulgence: let me explain that this Register is the one as kept by the consultant physician with responsibility for geriatric care. At the Health Authority we do work closely, obviously, with the Care Agency but this is the Health Authority's Register and, clearly, there may be some differences as a result of where the database emanates from.

Mr Speaker, the Alzheimer's and Dementia Register, with the proviso I have mentioned, is now complete, with 321 persons on it, as at 9th February.

1755 Due to the nature of the Register, the information is constantly changing and can only be considered approximately 90% - 95% accurate at best, I would add, at any given time. Information requested is on the table that I now hand to the hon. Member.

Answer to Question No. 129

	No. of Patients	Scale
Elderly Care Agency		
Jewish Home	5	Mod/Severe
John Cochrane Ward	28	Mod/Severe
Calpe Ward	12	Mod/Severe
ECA Floor 1	22	Mod/Severe
ECA Floor 2	31	Mod/Severe
ECA Floor 3	21	Mod/Severe
ECA Floor 4	9	Mod/Severe
St Bernard's Hospital		
Victoria Ward	9	Mod/Severe
Capt Murchison Ward	12	Mod/Severe
KGV Hospital	13	Mod/Severe
Dr Giraldi Home	1	Mod/Severe
Community	56	Mild
	7	Mild/Moderate
	33	Moderate
	8	Mod/Severe
	54	Severe
TOTAL	321	

1760 **Mr Speaker:** I think this is a convenient moment to have a short recess of ten minutes.

The House adjourned at 11.15 a.m. and resumed its sitting at 11.25 a.m.

HOUSING AND THE ELDERLY

1765

**Allocation of rental homes since 31 December 2012
Numbers of rooms**

Clerk: Question 147, the Hon. E J Reyes.

1770

Hon. E J Reyes: Mr Speaker, can the Minister for Housing provide detailed information, in terms of room composition, showing how many rental homes have been allocated since the 31st December 2012?

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

1775

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, 17 flats have been allocated since 31st December 2012 as follows: 1 – 1RKB; 6 – 2RKB; 7 – 3RKB; and 3 – 4RKB.

1780

**Repairs to rental homes allocated in 2013
Estimated works completion dates**

1785

Clerk: Question 148, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details as to how many of the rental homes allocated so far in 2013 still require repairs to be undertaken, indicating how many will be repaired by:

1790

- (a) the Housing Works Agency;
- (b) sub-contractors;
- (c) the new tenants themselves,

together with estimated works completion dates?

1795

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

1800

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, none.

1805

**Decanting from rental homes since Question 42/2013
Reasons and dates**

Clerk: Question 149, the Hon. E J Reyes.

1810

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. 42/2013, indicating the reasons why the dates when said decanting became necessary and the dates when these tenants were able to return to their homes?

1815

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

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, none.

1820

1825

**Repairs to rental homes allocated in 2012
Estimated works completion dates**

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

1830

Hon. E J Reyes: Yes, Mr Speaker, further to the answer to Question No. 43/2013, can the Minister for Housing provide details of how many of the 288 applicants who were allocated a home during the year 2012 are still waiting for repairs to be completed, stating if these works are to be undertaken by the Housing Works Agency or by sub-contractors, together with the corresponding estimated completion dates.

1835

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

1840

Minister for Traffic, Health and Safety and Technical Services (Hon. P J Balban): Mr Speaker, none.

1845

Hon. E J Reyes: Mr Speaker, I am a bit baffled by that answer because my understanding from clinics that I have held is that there are some housing applicants who were allocated a home some months ago and are still waiting to be able to move in because they claim that the Housing Works Agency still seems to have a bit of a backlog and, therefore, the house is still not fully fit for that purpose. So can the Minister double check that is his answer, is still there at zero and therefore there are no works pending in that respect.

1850

Hon. P J Balban: Mr Speaker, the hon. Member has asked me how many allocated flats... how many flats have been allocated and I would like to point out that 'allocation' means that, once the tenant signs the tenancy agreement and takes the key, that is when allocation takes place. Therefore, no works are pending as all the 288 tenants have signed the tenancy agreement and taken the keys.

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Hon. E J Reyes: That, Mr Speaker, is not really consistent with what we discussed about in Question 43. If I recall correctly there, the Minister was saying at the time that a key was allocated but he could not actually say when the tenant was moving in because there were works pending to be carried out and so on and I am... I do not know if I have chosen the wrong words, or worded it wrongly and so on. I am trying to verify now here, you know, how many people have been allocated a home therefore you know that this particular flat – number such of such a block, within such a Government rental estate, is allocated to a person but that person has still not moved in and, in some cases, may even still be occupying another Government flat, which the Housing Department will only receive once a tenant moves in.

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I hope the Minister understands what it is I am trying to get at. You know there are x number of people who have a home assigned to them but have not been able to move in because of pending works. Have we any indication of how many of those... What is the figure in that respect?

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Hon. P J Balban: Mr Speaker, the term 'assigned' is different to the word 'allocated'. A person can be assigned a home and works are needed before the allocation takes place. The question he is asking is how many flats were 'allocated', hence the reply none, Mr Speaker.

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Hon. E J Reyes: Mr Speaker, I apologise, then, that I chose the word 'allocated' or 'assigned'. Would the Minister happen to have available information of how many flats have been assigned but not yet allocated, or whatever the nomenclature is that I am supposed to be using.

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Hon. P J Balban: Mr Speaker, I do not, unfortunately. If the Gentleman would like to table this question in the next sitting of Parliament, I would be happy to provide him with the information requested.

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Mr Speaker: Since the next sitting of Parliament will not be until May, perhaps the hon. Member would like to pursue the matter outside the House.

1885

Hon. D A Feetham: Mr Speaker, is the Hon. Minister – so that I understand – is the Hon. Minister drawing the distinction in allocation between allocation, as in handing somebody the keys so that person can move in and allocation, as in writing to that person, saying this is your flat but you will be given the keys in the future, or for whatever reason some works that need to be done? Is that the distinction that he is drawing and, for the benefit of my hon. Friend, Mr Reyes, how is he supposed to refer to it because, quite frankly, 'allocation' is an allocation in any normal view of the English language. Allocation is when

the Government says 'this is your flat', not necessarily when the key is actually handed to somebody after works have been done.

1890 **Hon. P J Balban:** Mr Speaker, that is exactly... what the hon. Gentleman is saying is exactly what it is.

The term 'allocation' is when the key is handed over so, if the hon. Gentlemen wants to find out how many houses are in need of repair, he needs to say 'assigned', as opposed to allocated. Allocated is when the keys are handed over.

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Hon. E J Reyes: Therefore, Mr Speaker, if I were to ring up the Gibraltar Sports and Leisure Authority today and wish to book the tennis courts, what word should I use. Should I ask for an assignment or an allocation of a tennis court?

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Hon. D A Feetham: Sorry, Mr Speaker, because it is certainly news to us and, as the hon. Gentlemen opposite are very keen to point out during the course of other exchanges across the floor of this House, we were in Government for sixteen years and because we were in Government for sixteen years we certainly know what the policy was – and the policy was allocation is when you actually tell somebody this is your flat, not necessarily when you give them the key. So is he saying that, in future, when my hon. Friend, Mr Reyes, basically, talks of an assignment, assignment is 'this is your flat', allocation is 'these are the keys', so that we are certain for the future, yes?

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Hon. P J Balban: Yes, Mr Speaker, that is correct.

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Hon. J J Netto: Can I just say, because I did serve as Housing Minister for a few years – and I appreciate that the Hon. Minister is only acting on behalf of Mr Bruzon – but I can assure him that he should not deduce by the fact that someone signs a tenancy agreement and the keys have been allocated to that particular flat that the flat in question may, or may not, have outstanding work to be carried out.

1915

There are circumstances – and this happened from the year dot, the AACR Government, the GSLP, ourselves – where a house has been identified to a particular applicant on the list, the tenant in question is generally satisfied with the particular flat that has been allocated, signs a tenancy agreement but on an understanding that there is an agreement between the Housing Department and the applicant who has now been allocated a flat, where they realise either by a different number of options, there are some outstanding works to be carried out. Either because the option may be that the tenants say well look, to do all this work requires so much material, which costs so much money: do not worry, I have got certain expertise as a person, I am a former carpenter or bricklayer or whatever and I can do it myself. That is perfectly acceptable and has always been the case, or even that there are some partial works that need to be done, not necessarily to all the flat but part of the flat and it is done by whoever needs to do it, whether the Electricity Department, the Housing Agency today or somebody else.

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1925

I think what I am trying to point out is that we should not necessarily get stuck with terminology when the facts, as we know them, is that when a house has been allocated and a tenancy agreement has been signed, there may be cases, and there are cases, where outstanding works need to be done and, within that bracket, I think the question that my hon. Friend asked is perfectly legitimate, in the sense of saying how many of those houses which have been allocated, still require work to be done?

1930

Hon. P J Balban: Mr Speaker, as the hon. Gentleman asked... He was specifically talking about the 288 applicants in question, and the information that I have received from the Department is that those 288 applicants agreed, they took their keys, and they were allocated said flats.

1935

There may be situations, as the hon. Member mentions, whereby a person who has expertise or wants to do it themselves may accept a flat that requires a minor amount of work, but at that point the allocation is made on that basis, and that person goes in with the understanding that that person is responsible for doing the repairs himself, or herself.

1940

Hon. E J Reyes: Yes, Mr Speaker, but in a previous answer – the one referring to the 288 – I was led to believe, at the time, that those 288 had been issued with a key, but were not necessarily already living there. In fact, I think Minister Bruzon even went to the extent of saying they were being granted a lead-in period of rent-free tenancy, if he wants to call it that, so that a time would allow the individual to carry out repairs.

1945

Does the Minister have any information, perhaps, of how many have been allocated, because they already have a key but are not necessarily paying rent because there was a period of *x* weeks, or whatever, if they had undertaken to carry out the repairs themselves? Is he aware of the existence of any number of those?

1950 **Hon. P J Balban:** Mr Speaker, unfortunately I am not aware of any of those situations.

**Bow Wave House lift breakdowns
Omission of information from Question No. 44/2013**

1955 **Clerk:** Question 151, the Hon. E J Reyes.

1960 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing explain why, in the answer to Question No. 44/2013 no information is listed in respect of the two lifts at Bow Wave House, Mid-Harbours Estate, both of which were broken down from sometime on Friday, 22nd December 2012 to sometime during the course of Saturday, 23rd December 2012?

1965 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services on behalf of the Hon. the Minister for Housing and the Elderly.

1970 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the lifts at Bow Wave House were not included in Question No. 44/2013 simply because both lifts were fully operational when inspected by both OTIS and Ministry for Housing duty officer on the dates stated by the hon. Member.

1975 **Hon. E J Reyes:** Mr Speaker, my Question No. 44 had asked for the lift that had broken down and how long it took to be repaired. In fact, my friend, the Hon. Peter Caruana, had to come to a bit of a rescue, clarifying, because in some cases it was stated that it only took 11 or 13 minutes to repair, and we clarified was that the time from the technician arriving on site, or was it from the time that the report was lodged.

But I am assured by tenants of Bow Wave House that the lift broke down on Friday, the 22nd, and they actually logged a report. Therefore, that should appear somewhere on the list, Mr Speaker.

1980 **Hon. P J Balban:** Mr Speaker, the Ministry for Housing also have reports that the lift was broken down. The duty officer from the Ministry for Housing received the reports on 22nd December 2012. He attended Bow Wave House and determined that both lifts were fully operational. No further reports were received by the duty officer during the ensuing week.

1985 **Hon. E J Reyes:** It seems, Mr Speaker, that we do [*inaudible*] to have a phantom technician who comes and repairs lifts [*inaudible*]. Is that the case, or does the Minister have some sort of explanation of how both lifts that were broken down during the course of the evening of the 22nd suddenly and mysteriously seem to have been functioning?

1990 **Hon. P J Balban:** Mr Speaker, there may be other reasons why lifts... For example, there could be reports of a lift that has broken down, and when the actual technicians go there on site it might be something... It could be a false report. There are other reasons why this could be the case. When they actually went there... For example, it could have been that one of the doors had been jammed by something obstructing the door on one of the floors, for example, so when they got there, if that obstruction had been removed, or maybe someone was perhaps tampering with the lift... Again, I have no idea for what reason, but the truth is that, although the Ministry for Housing received those reports, OTIS and the Ministry, the technicians went on site and they realised that the lifts were fully operational, which does seem odd because there was a report of them being broken, but these things happen, I suppose.

2000

**Lifts servicing Government rental homes
Details of repairs**

2005 **Clerk:** Question 152, the Hon. E J Reyes.

2010 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of all repairs undertaken to lifts servicing Government rental homes, since the reply to Question No. 44/2013, showing the following information: (a) location of lift requiring repairs; (b) date and time when the lift breakdown report was first lodged; and (c) date and time when the lift was duly repaired and, therefore, fully functional?

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

2015

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I will now hand the hon. Member a schedule containing the information he requests.

ANSWER TO QUESTION 152

LOCATION	DATE & TIME REPORT FIRST LODGED	DATE & TIME REPAIRS COMPLETED
ROSS HOUSE	08.01.13 16:37	08.01.13 18:08
ROYAL OAK HOUSE	08.01.13 16:34	08.01.13 20:15
REFERENDUM HOUSE	09.01.13 00:22	09.01.13 01:28
GEORGE JEGER HOUSE	10.01.13 11:40	10.01.13 19:28
BISHOP CANILLA	10.01.13 14:25	10.01.13 15:35
REFERENDUM HOUSE	10.01.13 15:49	10.01.13 17:47
GOVERNORS MEADOW	10.01.13 14:21	10.01.13 17:49
BOW WAVE HOUSE	13.01.13 14:27	13.01.13 16:28
PENNY HOUSE	16.01.13 09:54	16.01.13 12:24
IRONSIDE HOUSE	19.01.13 17:30	19.01.13 18:25
ALBERT RISSO	19.01.13 19:30	19.01.13 20:30
KINGSWAY HOUSE	19.01.13 16:15	19.01.13 17:01
REPULSE HOUSE	19.01.13 17:00	19.01.13 18:21
PENNY HOUSE	19.01.13 15:30	19.01.13 16:17
SEA WAVE HOUSE	23.01.13 19:30	23.01.13 21:29
ROYAL SOVEREIGN	24.01.13 20:45	24.01.13 21:29
VALIANT HOUSE	31.01.13 10:05	31.01.13 17:51
REFERENDUM HOUSE	31.01.13 18:00	31.01.13 20:21
PENNY HOUSE	04.02.13 11:28	04.02.13 14:24
BARHAM HOUSE	07.02.13 10:41	07.02.13 14:05

Mr Speaker: Does the hon. Member have any supplementary arising from the schedule?

Hon. E J Reyes: Mr Speaker, please bear with me just one second. I want to check something here. Thank you, Mr Speaker. That suffices for now.

2020

**Surveys on Government flats
Asbestos**

2025 **Clerk:** Question 153, the Hon. J J Netto.

2030 **Hon. J J Netto:** Mr Speaker, can the Minister for Housing state how many housing surveys have been carried out in Government flats since Question No. 546/2012; and of those, how many have been found to have asbestos therein, how many have been required to have the asbestos removed, and how many surveys are still required to be made in order to determine the state of all Government flats?

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

2035 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, there have been 33 surveys carried out since Question No. 546/2012. Asbestos-based materials were found in 31 surveys, and all will be replaced with non-asbestos materials.

2040 Surveys are conducted as and when a flat becomes vacant or the tenant makes a report. I am unable to provide numbers as to how many surveys are still to be carried out in order to determine the state of all Government flats.

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

2045 I think I have missed some of the information out. I think I understood, since the last question, that there are 33 surveys that have been carried out – was that correct? – and of that figure, 33, the hon. Member did mention the ones that require the asbestos to be removed, but I think I have missed the figure there.

A Member: Thirty-one.

2050 **Hon. P J Balban:** Mr Speaker, I said that there have been 33 surveys that have been carried out since the last question, and in fact asbestos-based materials were found in 31 of these surveys.

2055 **Hon. J J Netto:** Mr Speaker, can I ask just perhaps one final supplementary question, because I understood the Hon. Minister to say that he is not in a position to determine how many surveys still require to be carried out.

What I am trying to think is presumably the officials in the Department of Housing in the City Hall would know, by their own records, the total number of properties that they have within the Government housing stock, and presumably within that register they know how many they have covered so far and how many still require to be covered.

2060 I am just quite surprised that perhaps the Minister has not been briefed properly in the sense of saying, ‘Well, look, we have done x number of total surveys on the total number of properties in the Government housing stock,’ and once you deduct that from the total you have whatever is the figure, which is really something I would have thought would have been quite easily available.

2065 Perhaps he could enlighten us as to why this figure is not available. Is it a technical issue, for some particular reason?

Hon. P J Balban: Mr Speaker, I will not be able to enlighten the gentleman, because I do not know the reply to the answer.

2070 I would presume – I will ask when I get back to the office – that they know the total amount of houses that we have in the stock, and I would presume that they have records as to how many they have done so far, but again, it is my presumption and I will find out, if the gentleman so wishes to write.

2075 **Hon. J J Netto:** It is a known fact. Not only is it a known fact as to what is the total number of properties in the Government stock by the officials of the Housing Department, it is also a fact that even the Treasury Department has to account for the number of properties that the Government has as well. It is not just them.

2080 So, given that both the officials in the Housing Department and the Treasury know – but forget the Treasury for the time being, because it is neither here or there for the sake of our questions here – the official should know from their register in the Housing Department how many they have done. I would have thought it was quite a simple...

Hon. P J Balban: Perhaps, yes, how many have been inspected, but what they would not be able to do... Because it is not a legal requirement to inspect flats internally for asbestos, and this only happens when someone moves, when the flat becomes vacant...

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As I said, I will find out whether there is any more information. If the gentleman would like to write to me with that particular question, I will endeavour to find the reply for him.

Hon. J J Netto: With respect, it is not for me to write a letter when I have already provided the question. What I am trying to find out is from part of one of the components of the question.

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Mr Speaker: From the *Hansard*, obviously. If the Minister does not have the information here with him, he has to try to obtain it. The production of the *Hansard* should be a means of reminding him that that information is outstanding.

2095

Next Question.

Government flats

2100

Requests for shower units by elderly persons

Clerk: Question 154, the Hon. J J Netto.

2105

Hon. J J Netto: Mr Speaker, can the Minister for Housing provide an updated list of elderly persons living in Government flats awaiting the installation of a shower unit, showing the date on which they made such a request, if any?

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

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Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, there are a total of nine elderly persons awaiting the installation of a shower unit. The dates on which the requests were made are as follows: 4th December 2012, 7th December 2012, 8th January 2013, 15th January 2013, 21st January 2013, two on 23rd January 2013, 25th January 2013, and 11th February 2013.

OT Department report

2120

Works pending in Government flats

Clerk: Question 155, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Housing say if there are any works pending in a Government flat arising from a report by the OT Department of the GHA; and, if so, provide the date of the request and a short description and the cost of the works, if any?

I take into account that this question may have been wholly or mostly already answered by the Minister for Health, so I do not know whether he will add anything to what his colleague has already stated before.

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

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Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, my colleague, the Hon. Minister Cortes, will reply to this question.

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Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, with your indulgence, I am replying in view of the synergy and the similarity of the questions, having discussed it with my hon. Colleague.

There are at present 43 works pending in Government flats arising from a report by the OT Department of the GHA since 1st May 2012 and, Mr Speaker, I will copy this and facilitate it as per the previous Question.

The works pending can be broken down as 31 level access showers, 2 external works projects, 10 other works – rails, fixtures etc. The average cost of the OT request is approximately £4,500 but depends

2145 on the specialist works requested. Out of the 122 requests received from the GHA OT Department, the following have been completed – 22 alterations at Albert Risso House, of which all 22 are complete, other Government Estates 61 level access showers, of which 30 are complete, Other Government Estates 6 external works of which 4 are complete, Other Government Estates 33 other works of which 23 are complete: a total of 79 works are completed.

2150 **Hon. J J Netto:** Mr Speaker, I am grateful for the information.
Perhaps one small supplementary is that I do recall some time in Glacis Estate, I think in the first block there, a particular lady, she was almost blind – not completely blind but almost blind – and there was quite a number of works that needed to be carried out in order to make the house safe for her, both inside the house and there were some works outside the house. So I would be grateful if the Hon. Minister for Health, if he can actually go back to the OT Department officials because I am quite sure that the official there will know the details of this particular lady. I cannot remember her name right now but I will probably be able to recall it once I go outside the Chamber and perhaps make a few phone calls.

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2160 It is just that I am particularly concerned with this lady, if the works have not yet been done. If the works are done, obviously she will be in a much safer environment.

Hon. Dr J E Cortes: Mr Speaker, if the hon. Member will give me the name later, then I will check what the requests were and consult with the other Department also, to see whether it has been carried out and will certainly give a response.

2165

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

Europort Avenue/Reclamation Road/Queensway junction Cost of new traffic light system

2170

Clerk: Question 156, the Hon. D J Bossino.

2175 **Hon. D J Bossino:** Can the Minister for Traffic provide details of the cost of the setting up of the new traffic light system at the Europort Avenue, Reclamation Road and Queensway Junction?

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

2180 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the cost of setting up the new traffic light system at the Europort Avenue, Reclamation Road and Queensway Junction amounts to a total of £140,242.36.

Hon. D J Bossino: Mr Speaker, who was awarded the contracts for those works?

2185 **Hon. P J Balban:** Mr Speaker, is the gentleman referring to the works as in the traffic lights, or the actual works to the infrastructural works to the road itself, the highway.

2190 **Hon. D J Bossino:** I did not split it up in my own mind, Mr Speaker. If he has an answer in respect of each of those component parts, I would be grateful if he could provide it.

Hon. P J Balban: Mr Speaker, as to the setting up of the system in terms of the infrastructure of the road, the contractor selected was AMCO and was selected using the three quote tendering system.

2195 As to the commissioning... as to the lights, this was carried out by the GEA, so we are responsible – Technical Services – for the highways, the infrastructure which set things up, but the lights are actually, they come under the auspices of the GEA.

Hon. D J Bossino: Is the Minister able to provide me with a breakdown?

2200 **Hon. P J Balban:** Mr Speaker, the design and procurement of equipment and new traffic light heads, posts etc amount to £73,636.84 and the works for the new infrastructure amounts to £49,457.52. Then further on, the commissioning and laying of the new cables by GEA was £17,148.00 and this includes the cost of the UK consultant.

2205 **Hon. D J Bossino:** What was the extent of the advice received from the UK consultant? Is he able to provide me with that information and why he was contracted for this particular purpose?

2210 **Hon. P J Balban:** Mr Speaker, the consultant is the person or persons who are responsible for designing the traffic light system itself. It is quite a technically advanced intelligence system of lighting which needs a substantial amount of programming, so the consultant is involved in actually the programming of the system for it to work as we have seen it working and, which I think, from comments I have had, it is working tremendously well. Then, on the point of commissioning, the consultant will come over to make sure everything is working properly, it is fit for purpose and it does what it is meant to do. At that point, it is then handed to the GEA.

2215 **Mr Speaker:** Next Question.

2220 **Photo card driving licence machines**
Fees charged

Mr Speaker: Question 157, the Hon. D J Bossino.

2225 **Hon. D J Bossino:** Can the Minister for Traffic provide details of what fees are charged to the Government for housing the machines which produce the new photo card driving licence inside the Rock?

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

2230 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the cost of housing the laser engravers in a secure environment is £495 a quarter.

2235 **Hon. D J Bossino:** Mr Speaker, can the Minister advise this House why it was seen fit to house this machine in this particular facility?

2240 **Hon. P J Balban:** Mr Speaker, the actual use of this location was something which was deemed necessary because not only do the machines require to work in a certain environment, a dust free environment, there is also the issue of not so much the machines but the cards being in a very, very secure environment because these cards are blank cards, they are provided by the DVLA in England, they are all numerically accounted for and, obviously, these cards should not be kept outside of the place or somewhere... This is a very secure environment, where there is no possibility of these cards being lost or so forth. So it was essential that they were kept in such an environment.

2245 **Hon. D J Bossino:** Mr Speaker, I am grateful for that reply.
Given that it was seen fit to have these machines in a particular secure environment for the reasons which have been elucidated now by the Hon. the Minister, as I understand it the vault is inside the Rock whilst the Licensing Department is by Eastern Beach so does the Department have a protocol in place in order to ensure that that security is maintained in order for the goods, if you like, to travel from one place to the other.

2250 **Hon. P J Balban:** Mr Speaker, the goods do not travel from one place to another.
The goods or the cards, so to speak, are there within the vault with the laser engravers so there is no moving around of these cards. The cards are brought... Delivered to Gibraltar securely, they are delivered to the place where they are, within the vault, and the staff members who are trained to be able to operate these machines are the ones that access the vault, pick up the cards, do what they have to do on the machines and then, once they are ready, they are brought out and then given to the persons applying for them.

2260 **Hon. D J Bossino:** Is the Minister – if I can take it from that answer – is the Minister advising this House that the security concerns are less severe once a card is available to the person who has requested it? So, in other words – are the security concerns relevant only when the card is delivered to the vault but, once it is issued, the security concerns are less? Is that the case and therefore there is no requirement to have a protocol in place to deal with the delivery of those once issued cards outside of the vault and then delivered to the person to whom it has been issued?

2265 **Chief Minister (Hon. F R Picardo):** If I may just assist, Mr Speaker. This is an issue which touches personal status, which I am responsible for.

2270 The hon. Member may not be aware – I certainly only became aware when I became Chief Minister – that the practice has been, for many years, that we do not keep our stock of blank passports very close to the machine that can print those passports because, of course, a blank passport, like a blank identity card, could be used for nefarious purposes by somebody who wishes to use it for criminal activity. Therefore, what you have here is a situation where you have an obligation to have... because of the particular characteristics of the machinery; this machine is in a particularly secure place. Because that place is so secure, you can also have the blank cards available there. The security concern is about the *blanks*. There has to be a lot of security around blank passports and a lot of security around blank cards.

2275 Once those cards are printed with the details of an individual who has applied through the appropriate Government system, then you have, if it were to be lost, a lost card of an individual – either lost by the individual or lost by the system – much less useful to those who might want to use that material for criminal purposes. So the requirement for security when the cards are coming out of the system, although it is obviously important, is not as great as the security of the blanks and I think the hon. Gentleman sees the analogy that I am drawing with passports. He will understand what the issue is.

2280 **Hon. D J Bossino:** Yes, which is what I offered, I think, in my question as the possible explanation for the lack of a protocol in terms of the... to cover the delivery process, if you like.

2285 Can I ask the Minister, Mr Speaker, who the contract in terms of the housing of these machines has been awarded to?

Hon P J Balban: Mr Speaker, the vaults are run by Continent 8.

2290 **Hon. D J Bossino:** And is there a duration for that contract?

Hon. P J Balban: Mr Speaker, this will be an ongoing contract. It will be essential to keep it in this location so it is a running contract as long as the machines are there – which they will be. As far as I am aware, there is no termination date to this contract, not that I am aware of.

2295 Mr Speaker, but as I said, if the gentleman would give me notice, I will find out the exact details of the agreements if that is necessary.

Hon. D J Bossino: Mr Speaker, did this particular allocation go to tender?

2300 **Hon. Chief Minister:** No, Mr Speaker, for a particular reason because there are security concerns about how these things are stored and, therefore, going out to tender would have illustrated what those security concerns were.

2305 He may know, Mr Speaker, if not, certainly his previous Leader was very aware of it, as I am, that this particular location was a location controlled previously by the Ministry of Defence which, when it became surplus to Defence requirements in the understanding of, I think, the previous Administration and the current Administration of what ‘surplus to Defence requirements’ meant, decided not to hand back the property to the Government of Gibraltar, that might have had such uses for it itself, but to lease it directly to a commercial party. That commercial party I think has then sold its business and Continent 8 is the successor in title. The position of the land has been regularised and the head lessor is now the Government of Gibraltar in the usual way, not the Ministry of Defence.

2310

**Theatre Royal underground car park
Number of parking spaces**

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Clerk: Question 158, the Hon. D J Bossino:

2320 **Hon. D J Bossino:** Can the Minister for Traffic provide details of how many parking spaces will be available at the Theatre Royal underground car park?

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

2325 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, it is estimated that a total of 90 parking spaces will be available in the new car park.

Hon. D J Bossino: Mr Speaker, the press reports on the subject revealed that there were going to be 94 spaces: the Minister has now confirmed to this House that it is, in fact, 90. The distribution which was set out in the article, in terms of those parking spaces, was 50 to provide facilities for the car parking

2330 facilities which are currently provided by the hotel – the Elliott Hotel – and the balance remaining for public use was going to be 44. Can the Minister give me an indication of what the distribution is in fact?

Hon. P J Balban: Mr Speaker, not accurately. I would not be able to give him the exact figures.

2335 As far as I am aware at the moment, there are a total of 36 spaces on Governor's Parade and the Elliott Hotel actually occupies 17 spaces. As far as I am aware, there has not been a final decision, or there has not been an agreement with the hotel, for any other purpose at all at the moment, so this is as far as I can say at the moment.

2340 **Hon. D J Bossino:** I am not sure I have understood the answer, Mr Speaker.

At the moment the Government has not made a decision as to what it is going to do with the parking spaces currently allocated to the hotel: is that a correct analysis of his reply?

2345 **Hon. P J Balban:** Mr Speaker, as far as I am aware, there have not been any agreements made in that respect.

2350 **Hon. D J Bossino:** Given – as I understand it, Mr Speaker – the Government's plans to convert all the area from just above the parking space all the way through to the Church of Scotland to convert it into – I mean, we had different plans to the ones which I think the Government has which is to convert it into some sort of garden facility etc etc – part of that, an integral part of that project will have to be the removal of the cars currently provided by the hotel and slightly beyond by the Church of Scotland. Presumably, the Government has plans as to what it is going to do with those cars currently parked there and, if he does have plans, can he reveal them to this House?

2355 **Hon. P J Balban:** Mr Speaker, although I am responsible for technical services and a great amount of the parking, this project in particular does not fall under *my* remit, hence I would not like to give any more information than I am actually aware of. So if the hon. Gentleman would like to, I do not know whether – (*Interjection*) Pardon?

2360 **Hon. D J Bossino:** Write to you.

Hon. P J Balban: – write to me, yes, with more specifics and I will be able to get this information from the relevant Departments. We are not responsible for this project within Technical Services.

2365 **Hon. D J Bossino:** Mr Speaker, may I ask which is the relevant Department?

2370 **Hon. P J Balban:** Mr Speaker, this project will continue to be run by the offices of the Chief Minister, as it was in the past. Remember, this is not a project started in this term of office but in the previous Administration so, obviously, it was run by No. 6 then and it continues being run by their office, as we speak.

Hon. D J Bossino: Mr Speaker, I see that the Chief Minister is back in the Chamber. Maybe he could give us some information in relation to the points that I have raised. I do not know if he was listening in.

2375 **Chief Minister (Hon. F R Picardo):** Delighted to if the hon. Member wants to raise it. I did not hear what he said.

Hon. D J Bossino: Basically, Mr Speaker, if I can recap for the Hon. Chief Minister's benefit ...

2380 **Mr Speaker:** Yes.

2385 **Hon. D J Bossino:** At the moment there are – this is in relation, Mr Speaker, to the Theatre Royal multi-storey car park, which is going to provide, we have now learned, 90 parking spaces. I have asked what plans are in relation to those spaces. Will they be accommodating the cars which are currently parked in the area of the Elliott Hotel and closer by to the Church of Scotland, whether these 90 parking spaces will accommodate those cars and if that is part of the Government's plan? If so, Mr Speaker, how many?

2390 **Hon. Chief Minister:** Mr Speaker, I do not know what answer the hon. Gentleman has got from the Minister of Traffic because I was out, as he said, but I think he has got the answer about the 17 spaces that the hotel has a right to. As I understand it, the 36 places at Governor's Parade are being relocated but those are public and now the issue is what happens with the rest of the spaces. There are – I am not

2395 entirely sited on this issue – but I think there are already some agreements, when the work started, about parking spaces. In other words, people who are very directly affected by the works, who are adjacent to the works, *may* – and I want to preface that with ‘may’ – either have agreements or have sought
 2400 agreements in respect of parking spaces. Then there is the Government’s policy, which is contrary to the policy that we saw by the previous Administration, in relation to the Willis’s Road car park, which is that we will want to enable people to have the opportunity who live in the area to be the first to apply for parking spaces in that multi-storey car park, in the context – and we say multi-storey, I think it is, literally, two storeys, I am not sure that it is more, maybe one with two levels – in the context of the fact that there is very close by, in Engineer Car Park also, a redevelopment which is producing a real multi-storey car park.

2405 So all those things are tied up. I do not know that I can give him an exact number of how many parking spaces are being allocated in any particular way at this time. Some of the issues that he will see, are relevant in the next Question, which deals with this matter – I think it is 160 – will also raise some issues as to what is happening on top of that area. I do not want to pre... I think [*inaudible*] Mr Figueras. I do not want to sort of give away what we are going to say in answer to that Question, but there have been some changes proposed by the people who had an interest in what was going to be on the top, which we will come to in a moment.

2410 **Hon. D J Bossino:** Mr Speaker, is the Chief Minister or the Minister for Traffic able, and I am asking this question because it has been raised to me by people who have approached me, whether it is envisaged as a result of the... once the Theatre Royal Car Park is opened, whether a consequence of that will be parking restrictions in the area?

2415 **Hon. Chief Minister:** Mr Speaker, I think there is a traffic plan element to that, so decisions have not yet been made but, certainly, there will be a consequence. For example, where you could park 36 cars before, you will not be able to park 36 cars, not because of any parking restriction but because of the extension of the scheme so the piazza scheme will extend to the door of what we might colloquially call the Scottish Cathedral, Right! *La iglesia escosesa* down Main Street. So that change will happen.

2420 Will there be other traffic consequences in the area of the roads around? There may be: that is another matter but it is not a matter that has come for decision as a result of the parking itself.

Mr Speaker: Next Question.

2425

**Sustainable Traffic, Transport and Parking Plan
 Cost of Mott Macdonald consultancy**

2430 **Clerk:** Question 159, the Hon. D J Bossino.

2435 **Hon. D J Bossino:** Can the Minister for Traffic advise the House what the cost will be of the contract provided by the Government to Mott Macdonald Limited in relation to the consultancy service that the company will provide in connection with the Sustainable Traffic, Transport and Parking Plan.

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

2440 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the tender for the provision of consultancy services in relation to the Sustainable Traffic, Transport and Parking Plan has been awarded to Mott Macdonald Limited in the sum of £274,604.39.

2445 **Hon. D J Bossino:** Mr Speaker, in fact I need to concede as well that information is on the Government website and the only difference is, I think, a difference of 1p. (*Interjection*) Now, the official notice which appeared in the *Gibraltar Gazette* in connection with the award notice, describes the nature and extent of services provided as follows and it says “Highways Design and Consultancy Services”.

2450 Can the Minister kindly provide me with further particulars of that. What does that, in fact, encompass and I raise this in the context of questions that I have asked in this Chamber previously, where he did say he was going to enlist the support of outside help in relation to the user and trip survey. I imagine that would fall under the head of consultancy services. But given that it is also now extended to highways design, I was just very interested to learn from the Minister whether he can give me further particulars as to what Mott Macdonald will be expected to do.

2455 **Hon. P J Balban:** Mr Speaker, in general terms, the consultant will carry out a study and assessment of the current situation with regard to traffic, transport, parking and accessibility. A traffic and transport model will be created and the consultants will identify a series of initiatives, developed and based on UK guidelines and also other international best practice, where appropriate. Measures will be tested in accordance with UK guidelines and through the model necessary. A sustainable traffic, transport and parking plan will be prepared that sets out how Gibraltar can develop a sustainable traffic, transport and parking system for the next number of years.

2460 In response, again, to what the gentleman was saying, there will be things which will be considered, for example infrastructural changes, so just as the previous Administration decided they were going to embark on the Trafalgar Interchange, there will be other things that we, as a Government, will decide upon recommendations. Because of the consultancy we had with the public and other parties and technical advice we received within the Department, there are ideas we have for similar systems, but not the same, in other areas which have traffic hot spots in Gibraltar. These plans will then be passed on to the consultants, who will then look and see whether they can be adapted in any way or they can be, you know, this basic, initial plans, can be modified to increase traffic flow or pedestrian access etc. So these are the people who will be advising on us on whether ideas need any further development or not.

2470 **Hon. D J Bossino:** Mr Speaker, could the Minister advise this House as to why this could not have been kept local? I think it is a fair point to make, that when his party was in opposition they made a big point, a big issue, certainly in relation to the health service, that we locally knew what problems we had here and we could sort it out ourselves without spending huge amounts of money on outside help.

2475 I am not necessarily saying that is wrong but can I ask the Minister why he thinks, in relation to something as basic as traffic, we cannot do this ourselves in Gibraltar, especially, Mr Speaker, just to finalise, having regard to the fact that already close to £275,000 has been spent on this matter.

2480 **Hon. P J Balban:** Mr Speaker, I disagree with the hon. Gentleman, that he says something 'as basic as traffic'. I mean traffic is nothing short of complex. In fact, in Gibraltar we do not have, we looked at what, obviously this tender went out, the expertise required which is, you know, this is a specialism of engineering. A traffic engineer is not something basic where you can learn reading an idiot's guide or whatever, it is something which is pretty complex and it is a speciality of engineering itself. There are people who are called highway engineers who specialise their whole life to this. Now, unfortunately, we do not have this experience in Gibraltar and hence we have had to outsource it.

2485 **Hon. D J Bossino:** Mr Speaker, the Minister seems to be saying we do not have highway engineers in Gibraltar who can provide this facility?

2490 **Hon. P J Balban:** Mr Speaker, I am not aware that we have any highways engineers in Gibraltar. We have had, we have within our Department someone who was a highways engineer for a long period of time, he was within the Department, he is a highways engineer, so he is the only person qualified that I am aware of at the moment. The other highways engineer, who is working with us at the moment, is a gentleman that was appointed by yourselves, the previous Administration, and he has been acting in that capacity for quite a time now.

Mr Speaker: Any other questions?

2500 **Clerk:** Question 160.

Hon. D J Bossino: Mr Speaker, I have been asking questions in this House in relation to this issue now for more than a year and I must say I am finding it difficult to fit all the pieces of the jigsaw together.

2505 He has said in this House before that there is a public consultation exercise, which he says is ongoing and he has also made references in this House in the past to the data which has been collected as a result of carrying out that public consultation exercise. Is he able now to share that information with me?

Hon. P J Balban: Mr Speaker, the hon. Gentleman has himself admitted that he is finding it difficult to get all the jigsaw puzzle together, which just shows that traffic is not as basic as he initially set out to believe.

2510 All this information, all this data that has been collected to date, and will continue to be collected from now on, will remain as part of the Traffic Plan database. It is not something which we, at this moment in time, are prepared to share with Members across the floor. This is data appertaining to the Traffic Plan, which is ongoing works, and hence it will remain as such.

2515 **Hon. S M Figueras:** Can the Minister say whether the contractor has been given a deadline by which time they need to prepare and submit the report to *[inaudible]*?

2520 **Hon. P J Balban:** Mr Speaker, yes, I am not aware as to the *exact* timeframe. I would not like for anyone to say... hold me to it but, if I am not mistaken, I believe it is between twelve and thirteen months. But, again, this is what my understanding is – but, obviously, we need to do this, it is our manifesto commitment and we need to get this going. It is not something which, the Traffic Plan is something which takes many years, it is not something which you can hope to do within one term of office but our commitment is to have our own Traffic Plan, which is what we have embarked to do and obviously we want to see as many of these changes obviously before this term of office is over. So we have... the timeframes. I do believe is *[inaudible]*, by which time we will be implementing some of the recommendations made as a result of it.

2530 **Hon. D J Bossino:** Mr Speaker, just to pick him up on the last point he has made. Surely he does recognize, does he not, that he is electorally committed to produce a Traffic Plan within this term of office?

Hon. P J Balban: Mr Speaker, yes we are.

2535 **Mr Speaker:** I am being very liberal. I do not think the Traffic Plan, with all due respect, arises from Question 159 and we are on Question 160.

Hon. D J Bossino: No, Question 159... Mr Speaker, we are still on 159.

2540 **Hon. D A Feetham:** We are still on the supplementaries of 159.

Mr Speaker: I have not got –

2545 **Hon. D J Bossino:** It is completely relevant to the Traffic Plan, given that Mott Macdonald Limited *[inaudible]*.

Mr Speaker: Right, right, and you asked –

2550 **Hon. D J Bossino:** 160: the questioner of 160 is my hon. and learned friend, Mr Figueras. *(Interjections)*

Mr Speaker: How does the Traffic Plan arise from that? *[Inaudible]*

Hon. P J Balban: Mr Speaker, if I may continue with that?

2555 **Mr Speaker:** Yes.

Hon. P J Balban: We are, Mr Speaker, committed to have a Traffic Plan. The Traffic Plan is a plan, it tells us where we intend to go from then on.

2560 To think that to implement all the recommendations of the Traffic Plan, I mean it would be ridiculous to even think that we will be able to do this in the period. We are talking of infrastructural changes, modifications to our highways and there are numerous things that need to be done, that need to be budgeted for. The Traffic Plan is something which, I have said in the past, is something fluid. As to this, we hope our traffic will be in the future... the Traffic Plan will be done within out term of Office. We will have our Traffic Plan, just as the previous Administration had their Traffic Plan, which is those brochures that you handed out that explained what your idea of the Traffic Plan would be.

2565 This is what we are committed to, having our Traffic Plan. But if what the hon. Member is suggesting is that we are going to have every single infrastructural roundabout in place and lights system in what is left of this term of office, I think he has got something else coming.

2570 **Hon. S M Figueras:** In the intervening period between the contract being awarded and the report being submitted and the plan eventually being finalized, can the Minister say whether the Government is possessed of initiatives or ideas in the traffic context that they will be deploying during that time, to deal with problem areas known to the Government today?

2575 **Hon. P J Balban:** Mr Speaker, of course, by all means. We are doing it as we speak. We are... things which we can improve logically, now we have the advice of the consultants. We did not have that prior to

2580 their appointment and we have been progressing as we thought best, as the previous Administration did in their days. Now that we have this person who we have taken on: in future, we will be running things by this expert to see whether this is the way forward or not but, of course, we are looking at many things. In fact, we will be giving priority to certain aspects within the Traffic Plan, which we feel require urgent attention and we do not really want them to continue much longer.

So, yes, in respect of the question, yes.

2585 **Hon. S M Figueras:** Can the Minister say, and I am going to touch on a matter we dealt with a while ago as an example, can the Minister say whether, for example, the traffic light changes at the junction of Queensway and Europort were as a result of advice received, or as an initiative by the Government before the advice was taken on?

2590 **Hon. P J Balban:** Mr Speaker, this had nothing to do with the consultants whatsoever.

Hon. D J Bossino: Just to understand, in relation to his penultimate question, Mr Speaker, is the Minister telling us this morning that, in fact, the consultant is already providing advice to the Government?

2595 **Hon. P J Balban:** Mr Speaker, it is extremely early days. We have just engaged the consultant and all that is happening at the moment has been technical talks with the relevant Government Departments. It is really a getting-to-know-each-other type exercise. Now we will be progressing in earnest in the Traffic Plan. I think there have been two meetings to date and really it is to get orientation and familiarisation meetings and now everything is expected to get going from this point onwards.

2600

Hon. D J Bossino: Mr Speaker, is he able to provide me – presumably not – but is he able to provide me with a breakdown of the costs of this contract?

2605 **Hon. P J Balban:** Mr Speaker, I would not be able to at the moment as I do not have that information with me.

Mr Speaker: Question 160.

2610

**Governor's Parade Car Park
Details of contract awarded to Wilkie Limited**

2615 **Clerk:** Question 160, the Hon. S M Figueras.

2620 **Hon. S M Figueras:** Can the Minister for Traffic provide details to this House of the project contemplated by entry number 52 on the Government's statistics table G.C.1, Government awarded contracts over £2,000 by direct allocation since the General Election, with reference 'Governor's Parade Car Park' paid to Wilkie Limited on 23rd July 2012 to the tune of £3,018,606.23 (currently reduced to £2,981,764.00)?

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

2625 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, this project consists of the construction of a two-storey car park in the area previously occupied by the Theatre Royal.

2630 It will connect City Mill Lane with Governor's Parade via the piazza on its upper deck. The contract to Messrs. Wilkie Limited for the demolition and excavation works, the enabling package, was awarded before the General Election by the previous Administration by direct allocation, although sums due under that agreement have been paid thereafter.

2635 Included as part of that initial arrangement was an option to extend the scope of works to include the construction of the car park. In order to keep the entirety of the project liability with one entity, Government exercised that option and extended the scope of works to include the construction of the car park. The treatment of the piazza is, however, not part of this contract and is currently being reviewed by Government. The parking project is due for completion in October 2013.

Hon. S M Figueras: I am grateful to the Minister for the answer.

2640 In relation to the piazza, and in the light of further information that he has given me that the parking will be completed by October this year, is this a matter where we can expect an announcement relatively soon in respect of the contract for the piazza and the works being conducted in that specific context?

2645 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I rise to deal with that aspect which does not deal with traffic and which is a matter that is being dealt with by my office in dealing with this particular project. First of all, may I record on *Hansard* the hon. Gentleman's congratulations to the Minister a moment ago from a sedentary position on the initiative at Europort Avenue. (*Interjection*) He always said, Mr Speaker, that when he felt that the Government had got things right he would congratulate us and I am grateful for him having come through, or started to come through, as I am sure the Government will get many things right in the coming months.

2650 Mr Speaker, there is no piazza at the moment. There is actually still, to an extent, a hole in the ground and therefore there is design work going on inside Government in relation to the piazza. I alluded earlier to the fact that there had been some changes there. The change relates to the use of part of that piazza by the Church. I do not know if there is a particular way that I should refer to the Church in this House but I think it is just the Church, the Roman Catholic Church, that was going to exchange with the Government the Catholic Community Centre, as it is known on Zoca Flank for a building at the piazza. We have been
2655 approached by representatives of the Church who no longer wish to move from Zoca Flank to the new piazza and the Government is considering that with those representatives and may, therefore, produce a revised scheme that does not include a provision for a community centre. We are in discussions with those representatives about what happens in relation to the existing community centre which, I think, at the very least, we would all agree is looking tired. So those are the issues that affect the development of
2660 the piazza.

Hon. D J Bossino: Mr Speaker, can he also confirm and if I could just quote the article which dealt with this matter in the *Gibraltar Chronicle*, which says

2665 'originally this area was intended to be a promenade and now the area will boast gardens and landscape areas'.

Is that also being looked at, or has a definite decision been made in relation to that?

2670 **Hon. Chief Minister:** No, Mr Speaker, that is what the design work is doing, looking at. Given that there is now going to be more space, you can have all of those married in that area. In other words, if you have got much more space and you have not got a building, in effect, taking up part of the area, can you redistribute the space so that you have got some gardens, you have got some greenery alongside a promenade, because it is in the centre of town and people will need to walk through the area? It is not a
2675 place that can simply be a garden: it is also an area that requires a thoroughfare, a pedestrian thoroughfare through it. That is the design work that is ongoing.

2680 **Waterport Power Station
Legal noise level**

Clerk: Question 161, the Hon. J J Netto.

2685 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety say if the noise emanating from the recent temporary generators installed at Waterport Power Station exceeds the level acceptable as per the law?

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

2690 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the noise levels emanating from the turbines recorded at a distance from one metre are less than 75 dB(A) and therefore below the lower exposure levels of 80 dB(A) stipulated under the Control of Noise at Work Regulations 2006.

2695 **Hon. J J Netto:** So, if I understood the Hon. Minister correctly, the noise level, the recorded noise level, is 75 dB(A)?

Mr Speaker: Yes.

2700 **Hon. P J Balban:** Mr Speaker, yes: at a one metre distance from the turbines the recorded noise level is 75 dB(A), which is lower than the exposure levels of 80dB(A) which are those stipulated under the Control of Noise at Work Regulations 2006.

2705 **Hon. J J Netto:** Mr Speaker, I accept the fact that the Minister for Health and Safety may be looking through the perspective of the Control of Noise at Work Regulation Act 2006, which is the tool obviously that the Factory Inspector would utilise but, if I am correct, in relation to the other set of regulations which I mentioned before when I was answering questions to the Minister for the Environment and Health, my understanding is that, under the Environmental Assessment and Management of Noise Regulation 2006, that whenever you have, under Schedule 1, a total combustion installation with a greater thermal input exceeding 50 Mw that then the issue becomes part of all the various measures that need to be looked under.

2710 So if this is producing 75 dB(A), which is more than the 50 dB(A) under Schedule 1 of the Environmental Assessment and Management Plan, presumably then all the requisitions in terms of health assessment, both to the immediate workers in Waterport Power Station and, presumably, the workers in the adjacent areas, as I said before, which may be in AquaGib, may be affected by this. So what I would need to know, if my assessment is correct and if so, what are the measures the Government is taking to attenuate such levels?

2720 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, may I offer some...

Chief Minister (Hon. F R Picardo): May I simply step in to say, Mr Speaker, is the hon. Gentleman asking about the turbines that have been installed recently?

2725 **Hon. J J Netto:** Well, in this particular question, yes, it refers to –

Hon. Chief Minister: If he will just give way for the purposes of clarity, so that he understands, and the House understands, what the position is. Those turbines are not at Waterport Power Station. They are at the extreme western end, north-western end, of the Western Arm of the North Mole: they are not there. (Interjection) They are only temporary engines – before he carries on with his question, so he understands – the only temporary engines that are in the area of Waterport Power Station and AquaGib are the ones that were there before the Election, which are what we have referred to in this House before as the ‘Skid generators’, not the new turbines.

I hope that helps him to...

2735 **Hon. J J Netto:** It does indeed, Mr Speaker, and I am grateful for that clarification by the Chief Minister.

My geography of the place now is not that good, but could, perhaps, any of the Ministers, or the Chief Minister, indicate what is the distance, then, where these new generators are placed in relation to Waterport Power Station.

2740 **Hon. Chief Minister:** Well, Mr Speaker, I would say it is probably, an estimation, of between 250 and 500 metres. This is literally behind the Port Office. So the Port Office is in one place, the Waterport Power Station is in another and it is not a public place in the sense that, although tourists have access to the area, fishermen have access to the area and people who work on the Western Arm have access to the area, there is now, he will know, a security post and therefore the general public do not have access to the area through the thoroughfare, although they can get a bit closer on the road known as Emerson’s Place, which would take them to the entrance of, I think, the extreme western access is to the entrance of the GHA kitchen and some of the commercial units there. But you have got to be working in that area to have access to it. So, in terms of Waterport Power Station, we are talking about a quarter or half a kilometre.

2750 **Hon. Dr J E Cortes:** Mr Speaker, may I offer some more information?

Mr Speaker: Yes.

2755 **Hon. Dr J E Cortes:** My information is that this temporary power station, as operating, does not exceed the 50 Mw thermal output and therefore those regulations would probably not apply but, not having had notice, I would have to check the detail.

2760 **Hon. J J Netto:** I accept entirely, Mr Speaker, what the Hon. the Minister for the Environment is saying but I think we need to understand, as well, that within a very close proximity of the area we have different industrial activities taking place, all producing levels of noise. We have these new generators

2765 which the Chief Minister kindly located where they are, we have noise emanating from there, we have noise emanating from Waterport Power Station, we have noise emanating from the desalination plant of AquaGib when that is in function: I think, when one combines all the various noise levels from all these various industrial activities taking place, then one needs to determine – particularly the Government needs to determine – whether (a) there has been any proper mapping of the noise levels in the whole area. If so, I would like to know what are the details of such and –

2770 **Mr Speaker:** The hon. Member, I think, is getting way beyond the ambit of the specific question. Really, I do not see how he can expect the information to be made available arising from this particular question.

2775 You have a specific question. It has been answered. Clarification has been made in respect of whether it is at Waterport or at the Western Arm and he is widening the ambit of the thing far beyond what is relevant.

Hon. Chief Minister: Mr Speaker, a point of information to assist the House and perhaps assist the hon. Member in case he wants to put further questions next time.

2780 I believe – I stand to be corrected and I will check – but I believe the desalination plant is not operating anymore, in any event. I think it was decommissioned some time ago in favour of the reverse osmosis plants that are operated by AquaGib in another location but I am happy for him to put questions in the future.

2785 **Hon. Dr J E Cortes:** Mr Speaker, if I may, by way of further information, the greatest amount of noise produced is by Waterport Power Station and this temporary plant at the far end of the North Mole, particularly when the silencers have arrived in the next, I am told, five or so weeks, will be producing much less noise at the Waterport Power Station. It may be that, on certain occasions – and this is certainly the intention – some of the generators, including the temporary generators at Waterport, might, in fact, be able to be switched off for periods of time because these will be providing the necessary power. So the overall noise effect will certainly be down, even during this temporary measure.

2790

Factory Inspectors Review of planning applications

2795

Clerk: Question 162, the Hon. J J Netto.

2800 **Hon. J J Netto.** Mr Speaker, can the Minister for Health & Safety say if it is the policy of the Government to ensure that the Factories Inspectors review every Building Application received and, if so, please provide the number and name of all applications viewed during 2012 or in January 2013, broken down by month.

2805 **Clerk:** Answer, the Hon. the Minister for Traffic, Health & Safety and Technical Services.

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, it is part of the duties of the Factories Inspectors to review Building Applications to ensure compliance with the Factories Act.

2810 Lack of resources in the past has meant that it has not been possible to carry this out. A concerted effort has now been made, as from the beginning of the year, with the support of the additional staff complement, and a total of 21 Building Applications were reviewed during the month of January 2013. No applications were reviewed in 2012.

2815

Seconded Health and Safety Officers Prohibition or Improvement Notices issued

Clerk: Question 163, the Hon. J J Netto.

2820 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety say if any of the two seconded Health and Safety Officers with the Factories Inspectors have issued any Prohibition or Improvement Notices during 2012 and January 2013 and, if so, provide the number and name of the company or

companies or the department or departments in respect of which the Notice or Notices have been issued, and broken down by month?

2825

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

2830

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member is contained in this schedule, which I now hand over to him. As stated unequivocally on numerous occasions in Parliament, it is not this Government's policy to name companies or departments in relation to either Improvement Notices or Prohibition Notices.

ANSWER TO QUESTION 163

Improvement Notices Date	No.
July 2012	5
August 2012	11
September 2012	2
October 2012	16
November 2012	11
Jan-13	1

46

Prohibition Notices Date	No.
May 2012	1
June 2012	1
July 2012	1
September 2012	1

4

2835

**Secondment of Health and Safety Officer
Legal basis**

2840

Clerk: Question 164, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state what legal form has the secondment of the two Health and Safety Officers from the Housing Agency to the Factory Inspectorate taken?

2845

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

2850

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, any public servant can be seconded or deployed to any section or area within the public service and this is what happened initially. The position was then advertised openly to all GDC employees and the two seconded Health and Safety Officers were successful.

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Hon. J J Netto: Mr Speaker, of course civil servants can be transferred from one Government Department to the other but, in relation to the two Health and Safety Officers, is the Minister now saying that new vacancies have arisen as Factories Inspectors within the Government service and for which these two gentleman, amongst many others, have applied and now been appointed as Factories Inspectors. Is that the position?

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Hon. P J Balban: Mr Speaker, yes, vacancies were advertised by the GDC.

Hon. J J Netto: Mr Speaker, can I have clarification – I think I understood the hon. Gentleman to say by the Gibraltar Development Corporation.

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Hon. P J Balban: Mr Speaker, yes, this came out via the Gibraltar Development Corporation as Health and Safety Inspector, Grade 4.

Hon. J J Netto: I cannot quite understand the logic of that because we are talking about two vacancies in the - which are Civil Service and should have been within the Government establishment figures of civil servants, not within the figures of the Gibraltar Development Corporation.

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This is why I am trying to find clarification, or is it that the Minister is saying that no internal vacancies were initiated within the Government service and automatically they went to the Gibraltar Development Corporation, so that any member of the public in Gibraltar could have applied. I think I need some clarification and, perhaps, if he is willing to provide it, I would be grateful.

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Hon. P J Balban: Mr Speaker, we, as the hon. Gentleman knows, have doubled the complement in terms of Health and Safety Inspectors and we do not see the need why we had to increase the Civil Service, the numbers of members of staff in the Civil Service. We chose to do it via GDC.

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Hon. J J Netto: Well, one would have thought, Mr Speaker – I mean, the Government can decide to do what the Government wish to do – but one would have thought and we are talking about Factories Inspectors who have very definite powers under the law and they have to be appointed under the Factories Act and have to be appointed by the Director. One would have thought that certain key posts such as that would have been civil servants and not members of the Gibraltar Development Corporation.

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I understand the answer the Minister has given me, that the Government has decided, unilaterally, I suppose, to advertise this as non-civil servant so, therefore, my question is: has the Minister or the Government had meetings with the Unions, in order to tell them that we are going to create these two new posts but they are not going to be civil servants.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman needs to understand what he is saying.

The Government has a manifesto commitment to respect the manning level of the Civil Service, not to increase it, and we committed ourselves to increase the number of Factories Inspectors. We have done so without increasing the complement of the Civil Service. That is the manner in which we have fulfilled both of those commitments.

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We have not reduced the complement of the Civil Service. We have not taken away those Inspectors who were there before in the complement of the Service. We have increased the number of Factories Inspectors. This is an issue that the hon. Gentleman sometimes takes up with the Government; he says it is not true, Mr Speaker. He needs to be a bit more careful, we actually have not taken him up on it because we are so busy delivering a positive agenda that we do not need to waste time demonstrating when the hon. Gentleman is saying things which are incorrect. But if he looks through the Legal Notices, he will see that more Factories Inspectors have been appointed and, therefore, there are double the number that were there before.

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What is it that he is saying, that somebody who has got to discharge a statutory obligation and has a statutory power cannot have that statutory power conferred on him by legal notice unless he is a member of the Civil Service? Mr Speaker, that is nonsense, I am sorry to tell him, because there have been, for some time, since the explosion in the GDC, members of the GDC who have discharged statutory obligations and have had statutory powers delegated to them in order to enable them to discharge that public office with which they are charged.

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Now, if he says to me I would rather you had done it by way, Chief Minister, of increasing the complement of the Civil Service and have the Unions accepted that you have increased the complement of the Civil Service, I would take the first point but I would tell him that he will know that did not happen when he was in office and, secondly, Mr Speaker, I would say to him that the Unions are very happy that we are not reducing the complement of the Civil Service, we are maintaining that as per our manifesto commitment *and* delivering on our other commitments which, in particular, are important to them in respect of Factories Inspectors and all of those issues.

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But he really needs to think carefully about these issues that he puts in questions in this way.

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Hon. J J Netto: Mr Speaker, if I can perhaps try and clarify a couple of the issues that the Chief Minister has said. Are we talking about two civil servants who, prior to now being Factories Inspectors, were working as civil servants in the Housing Agency, have now been transferred or have been transferred for a while now with a Factory Inspector, have succeeded in the interviews as has been advertised through the Gibraltar Development Corporation and presumably retained their position as civil servants? Because, presumably, if they were civil servants working in the Housing Agency, they are not now non-civil servants as GDC members?

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Hon. Chief Minister: Mr Speaker, I will assume that the hon. Gentleman does not realise the consequence of what he is saying.

2930 Look, when he was in Government, the Hon. the then Chief Minister provided an opportunity for people who were civil servants in the place known colloquially as *el patio chico*, right, to leave the Civil Service and become employees of the Housing Works Agency. There was a very attractive package put to people in a very contentious moment in Industrial Relations so that they would make that choice. That choice required them to leave the Civil Service.

2935 The hon. Gentleman has postulated his question saying ‘Civil servants who moved to the Housing Works Agency who when they move back to do this work in the GDC and are seconded to the service remain civil servants?’ No. I am not going to be ungenerous but I think the hon. Gentleman should have realized – I will not put it any further than that – that at the moment when these individuals took the package to become part of the Housing Works Agency, they surrendered their Civil Service status. Some of them took a package that took them completely out of the public service: they actually retired early. Others took a pay rise that took them into the Housing Works Agency. They are not, then, any more civil servants, they are public servants because they are in an Agency, but they are not civil servants and the hon. Gentleman knows, as much as I do, that we have had lengthy exchanges in this House as to what that means but, certainly, a civil servant has a definition and these individuals are no longer civil servants.

2940 So you have people who have gone to the Housing Works Agency who then wish to have this vacancy, take this vacancy and are seconded to do this job with the Civil Service. It does not make them civil servants again. It does not. Absent the moment in late 2011, when the Hon. the then Chief Minister, on another aspect of what he was doing then, which was the package for GDC members who went into the Civil Service as a result of that negotiation, you cannot get in to the Civil Service other than by going through the PSC. He can forgive me for saying that that was dealt with through the PSC but not through the usual procedure, which is that somebody applies, interview process, etc. etc. So people are not going to be able to come back into the Civil Service, having gone to the Housing Works Agency, because they applied for a GDC vacancy.

2945 If he sees it in *that* way, Mr Speaker, then perhaps he can understand that he should not be characterising so ungenerously what the Government has done to ensure that we have doubled the number of Factories Inspectors.

2955 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety provide the date on which the vacancies were advertised, the date of the interviews and the date of appointment?

2960 **Hon. P J Balban:** Mr Speaker, as per the sheet I am reading here, the applications were to be received no later than 1 pm on Monday, 22nd October 2012 – and the other information he will have to give notice of, as I do not have that with me.

2965 **Hon. J J Netto:** As I understand it, the notice or part notice that the Hon. Minister has read is that people should have applied by not later than 1st October 2012. Is that what he is saying?

Hon. P J Balban: I said the 22nd – applications must be received by no later than 1 pm on Monday, 22nd October and this was issued on 10th October.

2970 **Hon. J J Netto:** Okay. So, presumably, if the applications had to be received by not later than 22nd October 2012, prior to the notice having been given, prior to the date of the interviews, and prior to the date of appointment, the status of those two Health and Safety Officers remained as Health and Safety Officers and not Factories Inspectors: is that correct?

2975 **Hon. P J Balban:** Mr Speaker, I believe, if I am not mistaken, that the hon. Gentleman is referring to the difference between a Factories Inspector and a Health and Safety Inspector. (**Hon. J J Netto:** I am only using the words he has used in the past that are in Hansard.)

Could you repeat the question?

2980 **Hon. J J Netto:** Mr Speaker, all I am trying to do is to establish the dates in which this particular interview, which we now know people had to apply by 22nd October. I then wanted to know the date that the interviews took place and the date of appointment. I now understand and accept that he may not be in a position to be able to say the interview happened on such and such a date and the appointment was on such and such a date. I accept that because he may not have the information in front of him. But, what I was trying to establish is that, whether it happened towards the end of October 2012 or it happened during the course of November 2012, what was the status of those two individuals because these two individuals, as answered by yourself before, and as recorded in *Hansard*, were not Factories Inspectors, they were Health and Safety Officers. So what was their status right up to the date of the appointment?

2990 **Hon. P J Balban:** Mr Speaker, if the gentleman will give me notice, I will find out exactly what they were then. The job title for this particular post was Health and Safety Inspector, Grade 4.

2995 **Hon. J J Netto:** With respect, it is not a question of giving notice, Mr Speaker, it is a very important issue, in the sense that he has given me information in answer to Question 163, for which he has told us in this table formulation here that, in July, these two individuals, they issued two Improvement Notices, in August they issued... Sorry, I beg your pardon, on July 2012 they issued five Improvement Notices, in August 2012 they issued 11 Improvement Notices, in October 16 Improvement Notices and, as far as Prohibition Notices, in May there was one, in June there was one, in July there was one and September one.

3000 I am trying to establish whether these two individuals had the legal standing, in accordance with the Factories Act, to have been able to issue these, taking into account that the date for the interview as Factories Inspectors was something towards the end of October or November.

3005 **Hon. P J Balban:** Mr Speaker, regardless of what we choose to name them, or call them, or choice of nomenclature, these... I can guarantee the hon. Member that these two persons were legally fit to be able to do the work that they were doing. These people were properly appointed.

Hon. J J Netto: By whom and when?

3010 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to understand that the Government is sometimes saying we will give you the information, just give us notice and we will provide it.

Mr Speaker: I think it would be convenient now to have a recess until three o'clock this afternoon. If the Minister is able, between now and three o'clock, to provide the information then I will ask him to do so. If not, it is a matter to be pursued further.
The House will now recess until 3 pm this afternoon.

The House adjourned at 1.00 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 9.15 p.m.

Gibraltar, Friday, 22nd February 2013

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

Questions for Oral Answer

TRAFFIC, HEALTH & SAFETY AND TECHNICAL SERVICES

5

Secondment of Health & Safety Officers Legal basis Question No. 164/2013 continued

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Mr Speaker: Now, I think we are on supplementaries to Question No. 164. Is the Hon. Minister in a position to provide the information which...? Thank you.

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Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, I have managed to get some of the information the hon. Member requested through lunch. The letter of appointment was with effect as from 1st November 2012, that is when they... the appointment officially began. As I said previously to that, the vacancy for the job closed at 1.00 p.m. on Monday, 22nd October.

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I am not entirely sure as yet when the interview was carried out. So if the hon. Gentleman requests an exact date for that, I will have to look for it, but obviously it happened after the closure of said vacancy on the 22nd, before 1st November.

Hon. J J Netto: I am grateful to the Hon. Minister for providing that extra bit of information.

Can I ask, this letter of appointment, for which he has now given us a date which is 1st November 2012, by whom was it signed – this letter of appointment?

25 **Hon. P J Balban:** Mr Speaker, yes, the letter of appointment was signed by D Chipolina, I presume is Denise Chipolina, who is a secretary of the Gibraltar Development Corporation.

30 **Hon. J J Netto:** I am still somewhat confused in terms of my original question, which is what I was trying to establish before, because first of all, under the Factories Act, if we go and look at section 77(1) under the title of ‘Appointment of inspectors or other officers’, it says:

‘The Director may appoint such inspectors or other officers as may be considered necessary (under whichever title he may from time to time determine) for the purpose of this Act.’

35 Subsection (2) says:

40 ‘Every inspector shall be furnished with a certificate of his appointment, and when visiting a factory or place to which any of the provisions of this Act apply shall, if so required, produce such a certificate to the occupier or other person holding a responsible position of management at the factory.’

Now, the lady that the Hon. Minister has just said, Mrs Chipolina, is not the Director for the provisions of this Act, so that in one respect, I need clarification of that.

45 But in second respect, given that now we know that the letter of appointment is from 1st November 2012 and given that in the previous question, which is Question No. 163, which is information that he provided to me in relation to Improvement Notices and Prohibition Notices, which are enforcement of notices under the Factories Act, there have been enforcement notices issued by these particular gentlemen which at the time which they have been doing the notices have not been appointed by the director under the Factories Act, whether these notices carried the weight of the law or did not. And this is what I am trying to establish by the hon. Gentleman.

50 **Hon. P J Balban:** Mr Speaker, in the letter of appointment, they were actually employed... they came under the Gibraltar Development Corporation. They became employees of the Gibraltar Development Corporation, but that does not mean that they were not legally able to carry out the functions that they did. In fact, they were able to do as they had been gazetted prior to that, so they were fully... It was perfectly legal, what they did. *(Interjection)* April, it was actually from 13th April 2012 they were gazetted.

60 **Hon. D A Feetham:** Mr Speaker, is the Hon. the Minister saying that the director has appointed, irrespective of the letters from Denise Chipolina, presumably because these individuals are members of the GDC – irrespective of that – is the Hon. the Minister saying that the director appointed in accordance with section 77, that appointment by the director was gazetted in the, in the *Gazette* and therefore the appointment was valid? Is that what he was saying?

65 **Hon. P J Balban:** Mr Speaker, that is correct. Dated 13th April 2012, these persons were conferred... By section 71(1) of the Factories Act, they were appointed as factories inspectors, as from 16th April 2012.

Mr Speaker: Any other question?

70 **Clerk:** Question –

Hon. J J Netto: May I ask. Well two things actually: whether a copy can be provided to me in relation to the appointment on the date of 13th April, so I can have a look at it.

75 Secondly, Mr Speaker, what I have come to notice is that when looking at this particular issue within the Factories Act, I have noticed that in the interpretation clauses ‘Minister’ means the Minister charged with responsibility for employment. Now, I know that the Minister for Employment sits next to the Hon. Minister Balban, but whether the Act has been amended to show that it is not the Minister for Employment but the Minister under the title that he occupies at the moment.

80 In other words, I can understand this has been consistent, particularly so from 1996 to 2011, because every single Employment Minister under the GSD Government was also the Minister for Employment and Health & Safety. Now the Government decided, for whatever reasons, to dislodge the Health & Safety away from the portfolio of Employment. Does it mean then that this should have been amended or not?

85 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Well, Mr Speaker, I do not know the answer to that question, but I can tell him that if it should have been amended and we look into it and that is the requirement, it will happen and we will then be doing what used to be called giving retrospective legal cover, to things... where there are lots of things that have been happening in recent years, which we will have to be bringing amendments to put right. This may be one of them, but as far as I am concerned, the people happen to be physically in my Department.

90 So I do not know whether... Certainly, the appointment was not done by me but was done by the Director of Labour in April. I imagine that when inspectors have been appointed, it has not been a Minister that has signed the appointment. But if we look at it, he may be right – see if it needs to be done.

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**Gibdock lifting equipment
Health & Safety**

100 **Clerk:** Question 165, the Hon. J J Netto

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety state if all the lifting equipment being used in Gibdock has been duly inspected during 2012 and January 2013, and has been seen to be safe in accordance with the Factories (Lifting Operation and Lifting Equipment) Regulations, and therefore issued with a valid test certificate?

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

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, all Gibdock lifting equipment is inspected annually by a certified lifting equipment competent person who is responsible for conducting a thorough examination and issuing a valid test certificate in accordance with the Factories (Lifting Operations and Lifting Equipment) Regulations. The Factories Inspectorate carried out an on-site inspection of the certificates in May 2012 and found all lifting equipment to hold a valid test certificate.

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**Health & Safety
Rights of union representatives**

120 **Clerk:** Question 166, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to the answer to Written Question No. 211/2012, can the Minister for Health and Safety state what would be sufficient for the Government to consider extending the same rights to union representatives in Gibraltar as exists in the UK in matters to do with Health & Safety?

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

Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban): Mr Speaker, as stated to my answer to Written Question 211/2012, at present the Government is not considering any plans to provide such rights to the union but may commit in future to consider this matter in the light of any possible long-term revision of the law.

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Hon. J J Netto: I take into account what the hon. Gentleman is saying, but given the fact that this only came to light as a result of the Health and Safety seminar in the John Mackintosh Hall, where he was present and I was present, and I think it was the president, if that is the title, of Mr Robinson from the IOSH branch of the UK, in which he actually stated that there was a deficit, given what he had seen in relation to the rights that trade union officials have which dedicated themselves as representatives of Health and Safety in relation to their counterparts in the UK.

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What I am trying to establish is whether now that he knows what Mr Robinson says, whether it is actually correct that that is the fact – something which obviously I did not know beforehand – and two, whether they are willing to contemplate parity of rights, if I can put it in that particular way, between local trade union representatives and the ones in the UK. I would have thought that, given that he is aware of it now, as I was aware of it when Mr Robinson said it, that perhaps that would have triggered some kind of internal discussion within the Government or within his own Department, or whether he has had

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any representations from the trade union itself. Because obviously all the other unions, not just the Unite the Union, were present at the seminar and all heard it in the same way as we have heard it. (*Interjection*)

150 So I wonder whether he has had representations from the local trade unions. I hear Mr Bossano seems to be suggesting – perhaps you want me to give way and you want to stand up and say something?

Minister for Enterprise, Training and Employment (Hon. J J Bossano): I can ask him to give way any time I feel like asking him to give way. I do not need any prompting.

155 **Hon. J J Netto:** Given that there was some kind of sarcasm and laughing across the table, perhaps I thought you had something to contribute, but –

Hon. J J Bossano: Mr Speaker, I enjoy the hon. Member's contribution so much that it is reflected in my reactions. I find him very amusing.

160 **Hon. J J Netto:** Well, you know, only this morning, if the hon. Member would have been here, he would have heard the Speaker saying that we should not chat across the floor; but perhaps he was not here to determine that. (*Interjection*)

165 But given that, Mr Speaker, can I move on to the substance of my question, which is: has the hon. Gentleman, the Minister for Health & Safety, had any representation from the union as a result that this is now public knowledge in Gibraltar and whether they have put those concerns to him and the Government is willing to consider them?

170 **Hon. P J Balban:** Mr Speaker, I am pretty sure that we have spoken about this in Parliaments past and this must be recorded in *Hansard*. The truth, the fact is that the reply to the original question is what I stand by, the initial reply.

175 **Hon. J J Netto:** So the Government is not contemplating at all looking at this matter right now and is therefore not intended to bring the changes or any amendment that may be necessary in order to provide the same right locally as in the UK?

Hon. P J Balban: Mr Speaker, as I said in my reply, it is as stated to my answer to Written Question 211/2012, at present the Government is not considering any plans to provide such rights to the union, but may commit in future to consider this matter in the light of any possible long-term revision of the law.

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Asbestos Register Completion and location

185 **Clerk:** Question 167, the Hon. J J Netto.

190 **Hon. J J Netto:** Mr Speaker, further to the answer in Question No. 439/2012, can the Minister for Health & Safety say whether the Asbestos Register alluded to has now been completed, and state in which location the central database will be held?

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

195 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Asbestos Register has been started although it is not yet complete. Environment officers are in the process of collecting information from Government Departments, where such information is available and the central database will be held by the Department of the Environment.

200 **Hon. J J Netto:** Mr Speaker, I am grateful for the answer by the Minister. I think the Minister did mention that this process had now started. Can he perhaps provide us as to when was the date of the actual commencement, when this particular project started?

205 **Hon. P J Balban:** Mr Speaker, I am not sure when they started. The question... what I have said is it is not complete yet. I did not say it had started; obviously it is inherent in the question it has started. I would not be able to give him that reply, I am afraid.

Hon. J J Netto: So presumably, if he does not actually know when the actual project commenced – presumably, some time before when I asked the question – but does he also know what is the current work that is being done at the moment, as we speak?

210 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I can assist perhaps. I could not put a date as to when it started, but it is the Department of the Environment that is keeping the database and from memory, I think it is probably at least six months ago, but it is just by way of assisting. That information can obviously be obtained.

215 **Mr Speaker:** Next question.

Clerk: Question 168, the Hon. J J Netto.

220 **Hon. J J Netto:** Mr Speaker, can I just have a second to make a note here in relation to the answer provided by the Minister for Environment?

Mr Speaker: Okay.

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**Scaffolding
Health & Safety inspections**

230 **Clerk:** Question 168, the Hon. J J Netto.

Hon. J J Netto: Thanks, Mr Speaker, can the Minister for Health & Safety say if all scaffolding erected in Gibraltar during 2012 and January 2013 has been inspected by the Factories Inspectors prior to commencement of work and, if not, which ones have not been inspected, providing the name of the site or sites and the name of the company or companies erecting the scaffold?

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

240 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the Factories Inspectorate will carry out an inspection of the scaffolding once it is erected, at which time a certificate of completion is handed over to the main contractor and further inspections of the said scaffolding are carried out at various stages or phases of a given project.

During 2012, there were a total of 62 scaffolds erected and 12 in total for the month of January 2013.

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**Sites
Health & Safety inspections**

250 **Clerk:** Question 169, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Health & Safety provide details of the sites which the Factories Inspectors inspected in the month of January 2013, as shown in the Government website Table HS1, as updated on 4th February 2013 and if the two follow-ups stated therein correspond to the inspections?

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

260 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, the information requested by the hon. Member is contained in the schedule which I now hand over to him. The two follow-ups as highlighted in the schedule correspond to the inspections.

ANSWER TO QUESTION 169

Date	Address
07/01/13	St. Anne's School, St. Anne's School Glacis Estate, Education.
08/01/13	T.S.1., CEPESA Petrol Station, Construction.
08/01/13	Vanadium L.T.D., Sunrise View House, Construction.
09/01/13	G.J.B.S. 1 Officer's Mess (M.O.D. Four Corners), Construction.
11/01/13	Quayside Kiosk, Unit 1 Ocean Village Promenade, Retail Trade.
11/01/13	Diablo, Unit 13 Ocean Village, Retail Trade.
14/01/13	In Vision Design, 12/1 Buena Vista Road, Bank Finance Insurance.
14/01/13	Diamond Construction, Ocean Village Apartment, Construction.
14/01/13	Haven Insurance, 3c Ocean Village Business Centre, Bank Finance Insurance.
15/01/13	Black Black L.T.D., 3/8 Serfaty's Passage, Construction.
15/01/13	Black Black L.T.D., 3/15 Serfaty's Passage, Construction.
15/01/13	William Serfaty & Co. L.T.D., 68 Main Steet, Retail Trade.
16/01/13	Wolfback Ridge Properties L.T.D., Suite 18-20 Block 3 Watergardens, Construction.
17/01/13	C.K. Transport, 1a North Mole, Construction
17/01/13	Gib Scaffolding, Shamrock House, Construction.
17/01/13	Elderly Care Agency, St. Bernadette's, Medical & Health Services.
17/01/13	Cruz Construction, Watergardens, Construction.
17/01/13	Koala Construction, St. Bernadette's, Construction.
17/01/13	Elderly Care Agency, Mount Alvernia, Medical & Health Services.
18/01/13	Space Interiors, 9 Line Wall Road, Construction.
21/01/13	The Finance & Guarantee Co. L.T.D., 234/1 Main Street, Bank Finance Insurance.
21/01/13	Sharon Garcia, 17 Turnbull's Lane, Restaurants, Bars, etc.
23/01/13	Irish Town Holdings, 73 Irish Town, Construction.
23/01/13	Siddharth L.T.D., 5 Bell Lane, Retail Trade.
23/01/13	Wastage Products L.T.D., 68 Devil's Tower Road, Sanitary Services.
23/01/13	Casais L.T.D., 7 Kingsyard Lane, Costruction.
24/01/13	Casais, 7 Kingsyard Lane, Construction. &
24/01/13	G.J.B.S., Jew's Gate, Construction.
24/01/13	G.J.B.S., St. Michael's, Construction.
24/01/13	G.J.B.S., Baca's Passage, Construction.
28/01/13	Essardas Properties, 121 Main Street, Retail Trade.
28/01/13	Essardas Properties, 105 Main Street, Retail Trade.
28/01/13	Estate of Placido Cortes, 35-37 Irish Town, Construction.
28/01/13	Eroski, Winston Churchill Avenue, Retail Trade.
28/01/13	G.J.B.S., St. Martin's School, Construction.
28/01/13	Serco, Convent Place, Construction.
29/01/13	C.T.S.(Gib) L.T.D., 48 Royal Ocean Plaza, Post & communications.
29/01/13	A.J. Sheriff Electrical L.T.D., Unit 5 Buttercup House, Electricity Supply Related.
29/01/13	Gib Elect., Queensway, Electricity Supply Related.
29/01/13	Francis Duarte, 9/3 Lynches Lane, Retail Trade.
31/01/13	P.M.P., John Mackintosh Square, Construction.
31/01/13	Catalan Bay Social Club, Catalan Bay, Restaurants, Bar, etc.
31/01/13	Babbington Holdings, 83 Catalan Bay, Construction.
31/01/13	Bristo Madelaine, 256 Main Street, Restaurants, Bar, etc.
31/01/13	Payma, 265 Main Street, Retail Trade.

265 **Mr Speaker:** Next question.

**Asbestos particles
Failure to carry out asbestos survey**

270 **Clerk:** Question 170, the Hon. J J Netto.

275 **Hon. J J Netto:** Mr Speaker, in relation to Table HS5 on the Government website, as updated on 31st January 2013, can the Minister for Health & Safety say if as a result of the company failing to carry out an asbestos survey in relation to the one Improvement Notice issued in January 2013, have asbestos fibre particles been released into the atmosphere?

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

280 **Minister for Traffic, Health & Safety and Technical Services (Hon. P J Balban):** Mr Speaker, in relation to Table HS5 as updated on 31st January 2013, the hon. Member should note that it was a Prohibition Notice that was issued and not an Improvement Notice, as stated by the hon. Member in his

question. It was as a consequence of the issuing of this Prohibition Notice that an asbestos survey was undertaken and no asbestos presence was identified.

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Mr Speaker: Any supplementary? Next question.

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EQUALITY AND SOCIAL SERVICES

Long-stay patients in the GHA Transfers to Mount Alvernia, John Cochrane and Calpe Wards

295

Clerk: Question 130, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if there have been any long-stay patients in the GHA that, during 2012 and January 2013, have (a) been transferred to Mount Alvernia stating the originating ward; (b) been transferred to John Cochrane Ward stating the originating ward; (c) been transferred to Calpe Ward stating the originating ward; and (d) provide the gender, age and dates in which any such person or persons entered any of the above units?

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

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Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Questions 131 and 132 of 2013.

310

Members of the community Transfers to Mount Alvernia, John Cochrane and Calpe Wards

Clerk: Question 131.

315

Hon. J J Netto: Mr Speaker, can the Minister for Social Services state if there have been any members of the community that during 2012 and January 2013, have (a) been transferred to Mount Alvernia; (b) been transferred to John Cochrane Ward; (c) been transferred to Calpe Ward; and (d) provide the gender, age and dates in which any such person or persons entered any of the above units?

320

Elderly persons Waiting for place at Mount Alvernia

325

Clerk: Question 132.

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Hon. J J Netto: Mr Speaker, as at 31st January 2012, can the Minister for Social Services say how many elderly persons are presently waiting for a place at Mount Alvernia and of these how many are (a) for residential needs; (b) for medical/social needs, giving a breakdown of either mild or urgent need; (c) expressing a future need for admission; and (d) the date of application of the last person admitted to Mount Alvernia?

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

335

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, in answer to Question 130: 10 long-stay patients in the GHA have been transferred to Mount Alvernia; 19 to John Cochrane Ward; and 22 to the Calpe Ward. I will now hand the Hon. Minister the information requested in relation to gender, age and date of admission. This information is being provided to the Opposition on a confidential basis, as the level of detail requested could lead to residents being identified.

340

Answer to Question 131: 28 members of the community have been transferred to Mount Alvernia during 2012 and January 2013; none have been transferred to John Cochrane Ward or Calpe Ward. I will now hand the hon. Member the information requested in relation to gender, age and date of admission.

This information is being provided to the Opposition on a confidential basis, as the level of detail requested could lead to the residents being identified.

345 In answer to Question 132: if by asking how many elderly people are presently waiting for a place at Mount Alvernia, the hon. Gentleman means to ask how many names are on the waiting list for residential elderly care then the total is 583. If by this question, in relation to part (a) of the question, the Hon. Mr Netto means how many elderly people actually need residential care at the present time at Mount Alvernia, then the answer is 118; or if he means how many have a low dependency need or a non-urgent need for residential care at the present time, then the answer is 465.

350 In relation to part (b), which relates to medical and social needs being broken down into either mild or urgent needs, if the Hon. Mr Netto is referring to needs based on the person's level of dependency the number of people with an urgent need is 118. If the Hon. Mr Netto requires the breakdown into either mild or urgent need, based on the assessment of risk, 13 people have urgent needs and the 105 people currently in the hospital setting have mild needs, as they are currently in a controlled safe environment.

355 In relation to part (c) of the question, 465 people are expressing a future need for Mount Alvernia. This figure would include 270 people over the age of 80 years who would be deemed as having health and social care needs by virtue of their age; and 195 people who are over the age of 60 years who have put their name on the waiting list in case of future needs.

360 In relation to part (d) of the question, the date of application of the last person admitted to Mount Alvernia is 30th March 2007.

365 **Disability Action Plan**
Complete and incomplete aspects

Clerk: Question 133, the Hon. J J Netto.

370 **Hon. J J Netto:** Mr Speaker, further to the answer to Written Question No. 195/2012, can the Minister for Social Services state what aspects of the Disability Action Plan are complete and which aspects are not.

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, this is an ongoing process.

380 **Hon. J J Netto:** Well, Mr Speaker, that is what basically the hon. Lady said in this Parliament almost 12 or 13 months ago, that it was an ongoing project. I would have thought, being a manifesto commitment, that the ongoing project would have had quite an advancement, in terms of developing the Disability Action Plan.

385 I think, quite frankly, if the hon. Lady does not want to provide details of my question in relation to what aspect has been covered and what aspect has not been covered, it is up to her what answers she provides Parliament, but does she not feel that she is actually not providing sufficient information – I would not want to use much more stronger words than that – by just not providing any detail, no outline, nothing at all whatsoever? Surely in the period of 13 months, given that it was a manifesto commitment, she would have had a number of meetings with a number of associations and at least they would have agreed on some things. At the end of the day, we are not talking about sending people to Mars; we are talking about establishing a Disability Action Plan.

390 **Hon. Miss S J Sacramento:** Mr Speaker, as I said, this is an ongoing progress. The reason it is not complete, Mr Speaker, is because it is a massive project and in order to get it right, Mr Speaker, we have, as indeed the hon. Gentleman suggests, spoken to different stakeholder groups in relation to this. The fact that the work is not complete does not mean that nothing has been done.

395 However, Mr Speaker, the reason why this is such a massive, mammoth job is because nothing had been done prior to this Government taking the lead on this, Mr Speaker. **(Several Members: Oh!)** I understand how strongly the hon. Gentleman feels about this, but he clearly only feels very strongly about this now. Clearly it was not an issue for him when it was his responsibility and the lack of infrastructure in this regard, Mr Speaker, means that I have to start from scratch.

400 There are no complaints from the stakeholder parties in relation to the fact that it is not complete, because the general view, Mr Speaker, is that work is ongoing, the relevant parties are aware of what is being done and the general consensus is that it is being done slowly, thoroughly and with consultation and that the end product is a better product. It is not about scoring points and dealing with something and

405 finalising it in the first month, in the second month or whenever the hon. Gentleman suggests it should be ready, Mr Speaker.

It is a manifesto commitment that is not timed. It is a manifesto commitment that will be delivered in this term of Parliament, Mr Speaker, and it is certainly a manifesto commitment that will be delivered. I am just sorry to say that this was not such an emphasis for the hon. Gentleman when it was his responsibility.

410
415 **Hon. J J Netto:** Mr Speaker, the hon. Lady seems to have spent 13 months telling everyone she meets that nothing existed prior to 11th December and that she has spent the last 12 or 13 months having to do everything from scratch. Well, she can rewrite history for as long as she can, but this is Question Time and I am asking questions on the basis of her manifesto commitment, not in terms of what happened before the General Election.

She has just stated right now that there are things which have been done. Well, if there are things which have just been done and in my question... My original question is 'what progress has been done?' Can she share that information with Parliament? Or does she feel that she is giving away some kind of state secret that is so secret, so important that Parliament should not be aware of what work has been done?

425 **Hon. Miss S J Sacramento:** Mr Speaker, the question does not ask what progress has been done. The question says, 'what is complete and what is not?', Mr Speaker. My answer is the truth: that it is an ongoing work.

But I can give examples of what has been done. It does not mean they are complete, but for example, by way of engaging with GHITA, for example, we have funded several training courses for level 1 of the British sign language courses and we are now embarking on funding level 2 of the British sign language courses; not only are we funding it, but we are also sending public servants on this course, so that this better helps them communicate with the public who may benefit from communicating with sign language, as well as enabling them to communicate with colleagues who may be deaf.

430
435 In addition, in association to working with groups such as GHITA, we have now developed the awareness of the need for induction loop systems, for example, as we will have in the Gibraltar Parliament once it is refurbished.

Again as a result of engaging with this group, the Government engaged a British sign language interpreter on National Day. That is just an example of how ongoing consultation reflects in the work that we are doing.

440 That is not the only thing that we have done, but I will continue, Mr Speaker, if you would like me to continue giving details.

Let me explain about physical assessments that have been done to current buildings, for example – and this has been published in the press, by way of press releases. There has been an accessibility audit of St Michael's Cave, for example, which now, through the relevant team of professionals, has been audited, in order to make it accessible for people with disabilities. I am not talking only about people with mobility problems; I am talking about people who may have mobility issues as well as sensory issues, Mr Speaker. It is not just about making things wheelchair-friendly. But these are things that we learn through engaging with relevant groups.

445
450 Mr Speaker, as I said initially, this is a massive piece of work, which is ongoing. That the final plan is complete, no; that it is work in progress, yes; that it may take a while before we get it complete, yes possibly, but hopefully by the time we complete it, having engaged as thoroughly as we have, we hope that we will get it right.

455 **Life Planning for Disabled Persons
Complete and incomplete aspects**

Clerk: Question 134, the Hon. J J Netto.

460 **Hon. J J Netto:** Mr Speaker, further to the answer to Written Question No. 196/2012, can the Minister for Social Services say what aspects of the 'Life Planning for Disabled Persons' policy are now complete and which are not?

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

465 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, again this policy is an ongoing process.

Hon. J J Netto: Mr Speaker, within the process of ongoing, has anything been done in the process of the ongoing?

470 **Hon. Miss S J Sacramento:** Yes, Mr Speaker. The most fundamental thing that we had to do in order to commence this process was to compile a disability register and that is the starting point, on being able to assess the scale of the issue of people with disabilities in Gibraltar.

475 From that again, in the context of consultation, we have consulted the various user groups, individuals, as well as medical professionals. One of the fundamental cornerstones of this is consultation with the GHA in relation to medical information which is required, not only to enable to identify people's disabilities and one of the things that we were able to actually ascertain from sparse records that existed – not a disability register as such, but several sort of *ad hoc* registers in different departments – was that some people's disability were either wrongly described or wrongly diagnosed. So what we are doing is we are having a consolidated register, which is an accurate reflection of the people with disabilities in the community.

480 **Hon. J J Netto:** Mr Speaker, could I ask the hon. Lady whether the register she is now alluding to is completed?

485 **Hon. Miss S J Sacramento:** Mr Speaker, I think that it is in a very advanced form and I think I can safely say that it is almost complete.

Hon. J J Netto: Would the hon. Lady know how many people are registered in the register?

490 **Hon. Miss S J Sacramento:** No, Mr Speaker, and that is not a supplementary that is directly linked to the question. It is not information that I have to hand.

495 **'Looked After Children'**
Number absconded from Care Agency homes

Clerk: Question 135, the Hon. J J Netto.

500 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services state if there have been any 'Looked After Children' in any of the Care Agency's residential homes who have absconded since this question was last asked in Written Question No. 106/2012; if so, whether they have absconded in Gibraltar or Spain or whether any of these children have a track record of engaging in acts of violence against any other children or staff members?

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

510 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, since Question No. 106/2012 was asked in September 2012, there have been 31 incidents of absconding, all of which took place in Gibraltar.

Of the 31 incidents, two 'Looked After Children' have a track record of engaging in acts of violence against other children or staff members. One Looked After Child accounts for 20 of these incidents and another accounts for four.

515 I now hand the hon. Member the remaining information requested, which is being provided on a confidential basis.

520 **Hon. J J Netto:** Mr Speaker, I am grateful for that information, but whilst the information comes through, could I perhaps ask the hon. Lady, whether, in the opinion of the social worker or the team leader in this particular area of work, the track record of two individuals, which I think she has mentioned two who have a track record of violence... whether that is affecting in any way or a negative way all the other 'Looked After Children' who do not have a track record of violence in terms of their behaviour.

525 **Hon. Miss S J Sacramento:** Mr Speaker, I cannot answer that because it is not information that I have before me; but in any event, Mr Speaker, as I have said *ad nauseam* in the past, I am loathe to go into particular details in relation to children in care in Parliament.

Hon. J J Netto: I am not asking for details.

530 **Hon. Miss S J Sacramento:** I am happy to discuss these matters with the hon. Member in private, but anything which may risk identifying the identity of a child in this Parliament, Mr Speaker, is something that I very strongly feel should be protected.

But in any event, Mr Speaker, it is not an answer that I have before me. It is not something that I anticipated in relation to the question.

535 **Hon. J J Netto:** Quite frankly, Mr Speaker, I am not asking for the details of any child at all. All I am saying, arising from an answer that she has provided, that there are two individuals who do have a track record of violence against other 'Looked After Children'. I think it is a perfectly legitimate supplementary question to ask, whether in the opinion of experts, that kind of incident – of which I do not know how long or how many times it is reflected – on other 'Looked After Children' may have a negative effect.

540 What I am basically asking is if I am now subjected to bullying by someone on a permanent basis – I am not saying that this is a correct analogy, but if I were to be submitted to bullying – it may have a negative effect on me socially, psychologically, etc. My question basically is whether she has any knowledge from her own staff which is, at the end of the day, a very delicate matter, whether this is happening; but I am not asking the hon. Lady to give me the names or whether they are boys or girls or whatever it is.

545

Hon. D A Feetham: Mr Speaker, may I ask the –

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Mr Speaker: Let us see whether the hon. Lady will answer that supplementary.

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Hon. Miss S J Sacramento: Mr Speaker, the thing is that I cannot identify in any event the children who are referred to now as having this track record – have a long track record of violence or not – but let me explain what violence actually means, by way of recording, because for recording purposes at the Children's Residential Care Service, it is a very high... it is a very low threshold of incidents which are recorded. So for example, if a Looked After child slams a door, that is recorded as violence.

So it may be that the incidents which are referred to here are that these two children may have slammed a door or may have just dropped something on the floor in a fit of anger, as any child or young adolescent would do. There is no evidence that there is any sort of vicious violence.

560

So insofar as that knowledge that I have then, I do not think that there is a particular connection from the incidents of violence to any that cannot be sort of extended to any impact on the other children, because I know that the incidents of violence are not major incidents of violence. I hope that helps to clarify the situation.

565

Hon. J J Netto: No, Mr Speaker, I am not asking for her opinion, because Standing Orders prohibits to ask for opinion of Members of the Government; but I am asking whether she knows whether the professionals are aware of this particular issue. Perhaps they may have even raised it to the hon. Lady, not in relation to minor incidents of violence but in relation to much more serious incidents of violence of other categories.

570

I accept obviously that if she has not got the information in front of her, she may not be able to provide me with an answer. But if that is the case, I will write to the hon. Lady and see whether there is an issue there which is of concern to the social workers or the team leader.

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

575

Hon. Miss S J Sacramento: Can I reply?

Mr Speaker: Sorry.

580

Hon. Miss S J Sacramento: Well, Mr Speaker, as I have said, I do not have the information nor have I had any concerns raised to me in this respect. I have a good rapport with the social workers. We meet on a regular basis and this is not one of the things that has been raised.

So had it been an issue, I would have expected it to have been raised and it has not.

585

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

Hon. D A Feetham: That answers the question that I wanted to ask.

590

**‘Looked After Children’
Number awaiting training placements**

595 **Clerk:** Question 136, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, as at 31st January 2013, can the Minister for Social Services say how many, if any, ‘Looked After Children’ in the care of the Care Agency, aged 16 or above, are awaiting a training placement and, if so, state for how long they have been in such placements – should have been actually ‘waiting for the placement’ – with which entity and which type of training is being undertaken?
600

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there are six ‘Looked After Children’ who are 16 years and above. Two of these are in education.
605

Of the remaining four ‘Looked After Children’, two are registered with the ETB and are actively engaged in seeking a placement. One is not registered due to actively pursuing other employment plans, which I would be willing to discuss with the Opposition on a confidential basis. One Looked After Child’s registration has lapsed, but is being supported and encouraged to re-register.
610

**‘Looked After Children’
Numbers in residential homes and the community**

615 **Clerk:** Question 137, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, as at 31st January 2013, can the Minister for Social Services state the total number of ‘Looked After Children’ in the care of the Care Agency, giving a breakdown of those in the community, the Care Agency residential home – that is either Tangier Views or elsewhere – their age and sex, how many are siblings and whether these children were on an Emergency, Voluntary or Court Order?
620

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the total number of ‘Looked After Children’ in the care of the Care Agency as of 31st January 2013 was 33. There are 14 ‘Looked After Children’ in the community and 18 ‘Looked After Children’ in the Care Agency residential homes. There are 9 sibling groups; 21 are subject to a Court Order and 12 subject to Voluntary Care. There were no Emergency Orders made in this period.
625

I will now hand the hon. Member the information requested in relation to age and sex, which is provided on a confidential basis, as the children’s identity can easily be disclosed.
630

635 **Multi-Agency Child Protection Committee
Dates of meetings; issues discussed**

Clerk: Question 138, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say on how many occasions the Multi-Agency Child Protection Committee has met since 13th March 2012, stating the issues discussed, and, in cases where it would be inappropriate to do so, to provide such information on a confidential basis, and the date scheduled for the next meeting?
640

Clerk: Answer, the Hon. the Minister for Equality and Social Services.
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Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, since 13th March 2012, the Multi-Agency Child Protection Committee has met on 28th June 2012, 18th September 2012 and 7th November 2012.
650

The next Multi-Agency Child Protection Committee will take place in March 2013. A date is still to be set.

As previously stated in reply to this question, the meeting of the Child Protection Committee is not a public meeting and given the sensitivity of the child protection issues discussed, it is not felt appropriate that these should be made public.

655

Hon. J J Netto: Well, Mr Speaker, I am not asking the hon. Lady to provide me detailed information of any particular child. That is not what I am asking. What I am asking is whether at those meetings where there are issues of policy perhaps that have been discussed. Surely there is a difference between providing information to Parliament on policies which are being considered or have already been considered and adopted, against information that may be delicate in terms of identifying particular individuals.

660

I am quite clear of separating the two issues and whether the hon. Lady is willing at least to consider the other set of information which does not expose any particular child's identity to be shown.

665

Hon. S J Sacramento: Mr Speaker, issues of policy and strategy are discussed, but there is a reason why this meeting is not in public, Mr Speaker. I am loathe to discuss the strategic and policy decisions that are taken at this meeting.

This is something that we have discussed at length in the past, Mr Speaker, and my position remains the same as it was on the last occasion.

670

Challenging Behaviour Unit Options and conclusions

675

Clerk: Question 139, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the options being considered in Question No. 285/2012 in relation to a Challenging Behaviour Unit have now concluded and, if so, has the Government now decided where the services will be provided?

680

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, the Care Agency is in the process of reviewing its residential service as a whole and is also developing the Fostering and Adoption Service. As such, options are being considered in terms of a dedicated Challenging Behaviour Unit.

685

Hon. J J Netto: Mr Speaker, that is practically what she said to me back in March 2012. It does seem that nothing substantive has elapsed in that particular period. I am sure that between March 2012 to now, at least the Government or the Department where she is the Minister would have known... because obviously in March, she was already accepting the principle that there was a need for a Challenging Behaviour Unit. She was already accepting that principle. The question was where we are going to have it, basically.

690

So in this period of eight months since the last time, she has not identified a particular suitable place for this particular unit?

695

Hon. Miss S J Sacramento: Again, Mr Speaker, this is something which is a big issue, not only because we have to introduce legislation in order to do it, because in fact, Mr Speaker, when the Children Act was being drafted in 2008-09, it is a section that was included in the draft of the legislation but it is the Opposition when they were in Government who chose to take it out of the draft legislation.

700

So it is something that could have been done by the hon. Gentleman, but he chose not to do it.

Now, it is not just a question simply of introducing the equivalent of the UK legislation into our legislation and it is not only a case of adapting it and making it suitable to Gibraltar, but there is also the issue of introducing the regulations to be able to back it up. It is not as simple as finding a location for this, but there is also an issue of training the staff and all the other resources which are required for this.

705

Now, again, it is a big piece of work, Mr Speaker, which we are looking at – not only Social Services are looking at it, but also the Legislation Unit – and it is something that is being worked on, Mr Speaker.

It is quite ironic, Mr Speaker, that the Member opposite should make such a song and dance about it now, but he did not make any issue of it when it was in the draft legislation, but he chose to take it out, Mr Speaker.

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715 **Hon. J J Netto:** Mr Speaker, the simple answer why we took it out at the time because we were not ready for it for the reasons that she is saying now, but this conversation we have had back in March, so what it seems is that we need to put in back again what we took out because we were not ready at the time and she knows that – she has known that from March. She also needs to find out a particular suitable place, which she knew in March 2012 and she also knows now, as she knew in March, that people need to be trained for that.

720 The question is: she has known all these things since March and she seems not to have done anything about it. She could have brought the legislation, if she knew that the legislation could have been brought about. She could have done it in March, in April, in May, in June; but she has not done it.

The question is when is she going to bring the legislation? That is for a start, because the application of the date of the legislation can be whatever her choosing.

725 Because we were not ready at the time, but you are now the Minister, not me, and you have got to decide whether –

Mr Speaker: Will the hon. Member address his remarks to the Chair?

730 **Hon. J J Netto:** Sorry.

If you want to bring that part of the legislation which was not ready, you have got to decide when you are going to do it, because you knew about it in March. You also knew in March that you had to identify a particular venue and you also knew in March that you had to train the people. The question is when are you going to do it?

735 **Mr Speaker:** Would the hon. Member refer to the hon. Lady in the third person, thereby guaranteeing that remarks are addressed to the Chair.

Do not speak to her as ‘you’. You address the Speaker and refer to her as ‘the Hon. Minister’.

740 **Hon. J J Netto:** I apologise, Mr Speaker, you are absolutely right.

Mr Speaker: Thank you.

745 **Hon. Miss S J Sacramento:** Mr Speaker, perhaps the hon. Gentleman did not hear me when I said that we are working on this, because it is in the context of the bigger review of the residential services. That is one, Mr Speaker.

But the point that I want to make is that the difference between my responsibility now as the Minister is that we have identified it and something is being done – as opposed to the Opposition, when they were in Government, who knew it had to be done and chose not to do it, Mr Speaker.

750 **Hon. J J Netto:** Mr Speaker, the hon. Lady has just said that something is being done. Can she please explain what it is that is being done?

755 **Hon. Miss S J Sacramento:** Mr Speaker, It is part of an ongoing review of the residential service, Mr Speaker. Once we have decided exactly what is happening, then the hon. Gentleman will be made aware and will be made aware because it is something that we have to bring before this Parliament, Mr Speaker.

The only thing that the hon. Gentleman did, when he had the responsibility to do it, was to consider inserting this provision in the legislation. No other consideration as to the practical elements and the enforcement of this was given, Mr Speaker. We are now doing it because there was no background to this. It is something which is a very serious matter and serious consideration needs to be given to it.

760 Again, it is an ongoing process, Mr Speaker. We are hoping to be able to finalise the matter soon, but it is in the bigger context of the review of the residential service.

765 **People with debilitating conditions
Numbers; Domiciliary Care**

Clerk: Question 140, the Hon. J J Netto.

770 **Hon. J J Netto:** Mr Speaker, as at 31st January 2013, can the Minister for Social Services state the number of persons with a debilitating disease in the community, their medical condition in the form of acute, medium or mild, whether they are receiving any help from the Care Agency in the form of Domiciliary Care and if so, how many hours are provided per person and the amount of expenditure accrued since the beginning of this financial year?

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, there are a total of 100 people with debilitating conditions, of which 37 are mild, 31 are medium and 32 are acute. Of these, 98 are receiving Domiciliary Care. The expenditure since the beginning of the financial year is £656,925.

I will now hand the hon. Member the information requested in relation to the hours of Domiciliary Care being provided per person on a confidential basis.

785

**Audit review of public buildings
Disabled persons' access**

790 **Clerk:** Question 141, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the audit review of public buildings in order to allow disabled persons access, first raised by me in January 2012, is now complete and, if so, which buildings are currently inaccessible and whether the audit review has a programme to make such buildings accessible?

795

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, this is an ongoing process. As the hon. Member will be aware, there have been several audits completed which have been reported in the press, such as Albert Risso House, St. Michael's Cave and, significantly, the Parliament Building.

800

Hon. J J Netto: Well, Mr Speaker, that does not really take me much further along from my question and answer back in January 2012. What I was expecting from the hon. Lady is to tell me whether this kind of request would have been put on to a technical officer, perhaps in the Technical Services Department, in order to view all public buildings and provide a listing, so to speak, of those particular public buildings which are accessible or non-accessible to disabled people and, as a consequence of the buildings which are inaccessible to disabled people, whether there is a Government programme to try if possible to make them accessible to a disabled person.

805

Hon. J J Netto: So can I turn this into a question, perhaps: can the hon. Lady say whether there is such a report by Technical Services Department technical officers in relation to the question asked, which is a listing of all public buildings to state which ones are accessible and which ones are inaccessible for disabled people?

810

Hon. Miss S J Sacramento: Well, not yet, Mr Speaker, because the process is not yet complete. Once the whole evaluation process is complete, then we will have the written reports and the written policies on how different Departments need to deal with the issue of accessibility.

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Hon. J J Netto: Mr Speaker, how long is going to be the ongoing process to establish that the buildings are accessible or not accessible to disabled people?

820

All she needs to do, given that she is repeating what she repeated back in January 2012, is one technical officer to be assigned to these and I should imagine that the technical officer within the period of four weeks – six weeks at the most – will be able to go back to the hon. Lady and say, 'Right, these are all the public buildings and from all the public buildings, so many out of the total are accessible to disabled people and so many are not accessible to disabled people.'

825

Has she done that? Has she put the request to the officer in the Technical Services Department and if she has, has she got a report to say which ones are and which ones are not? I think it is a fairly simple question.

Hon. Miss S J Sacramento: Mr Speaker, can I start by saying that 'she' is the cat's mother and perhaps the hon. Gentleman could be reminded on parliamentary etiquette once again. (*Interjections*)

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Hon. D A Feetham: Mr Speaker, the hon. Gentleman is obviously totally in your hands, but I heard him say, 'Mr Speaker, can she...'. She is not a he –

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Hon. Miss S J Sacramento: She is the hon. Lady.

Hon. D A Feetham: So unless the hon. Lady wants to be referred as a he, I do not think that he did anything wrong.

840 **Hon. Miss S J Sacramento:** I can also be referred to as ‘the hon. Lady’, Mr Speaker.

In any event, Mr Speaker, can I just say that once again, what a shame it is that the hon. Gentleman did not feel so strongly about disability access to public buildings or any other buildings when it was his responsibility to do so. He can rest assured that this is something that will happen in the term of this Parliament. We are not going to be timed by the hon. Gentleman, Mr Speaker, as to what he thinks should be done and by when.

845 Again, as I have said in my previous answers, these things are now... not only are they going to be done, which is something that was never done – did not even appear or register on the horizon, when it was the hon. Member’s responsibility – but they will be done properly. And in order to be done properly, Mr Speaker, we need to have the right people in place, looking at the right policies and then communicating them to the right Department.

850 It is better to get it right at the beginning, and if it takes a bit longer then so be it, but once we do it, we will circumvent any problems that we may possibly have if we rush through it.

855 Again, I reiterate, Mr Speaker, that maybe the issue for the delay is the obvious lack of infrastructure, particularly in relation to the area of disability, that I have inherited, and I have to thank the hon. Member for that.

Hon. D A Feetham: Mr Speaker, may I explore with the hon. Lady this question of resources that she was alluding to in relation to whether it makes it difficult or not to conduct this particular audit? Can I ask her, how many people has the hon. Lady assigned to the task of conducting this particular audit?

860 **Hon. Miss S J Sacramento:** Mr Speaker, it is a multi-disciplinary and a multi-agency team of people from different Departments, depending on the task at hand.

865 For example, there will be a person from the Care Agency and they are mostly dealing with people from the Occupational Therapist Department at the GHA, and then there will be different technical people, depending on the location of the place.

870 For example, when we undertook the audit of the GASA pool at the beginning of the year, before last summer, in order that it was accessible in time for the summer, we compiled a team of people to deal with it and make the recommendations, purchase whatever was required to make it accessible, and then we have a team of people who then continue to assess the place in case anything needs to be repaired or hoists need to be oiled etc. That is one example, the GASA pool.

We have got, as I mentioned earlier, ongoing works at St Michael’s Cave. Again, part of that team will be people from the Tourist Board who will be involved.

We have got ongoing works assessing accessibility to beaches: again, different...

875 We will always have the same core team assessing the issues of accessibility, but then we may have different people changing on the peripheries, depending on the location.

Hon. D A Feetham: Mr Speaker, how many people are part of that core group of people conducting these audits, and how often does the hon. Lady actually meet, meet up with them?

880 **Hon. Miss S J Sacramento:** Mr Speaker, I cannot tell you exactly how many people there are, and there may be a different number of people from time to time, depending on the nature of the work, depending on the location, and depending on the works that need to be done.

885 Again, the amount of times that I will meet with either the group as a whole, or a sub-group of that group, or the people from the Care Agency who then feed back to the group, depends from time to time and it is not something that I can tell you off hand. It is not information that I have before me for the purposes of this question.

890 **Hon. D A Feetham:** Mr Speaker, what I am trying to get at is whether, effectively – and it sounded as if this is what the audit is actually all about – as to whether you are dealing with a piecemeal audit of buildings, one at a time, and you are conducting an audit of that building, but really there is no global audit, or whether there is one global audit and you are going through each building on a systematic basis.

895 Therefore, the question of whether there is a core team of people... and I quite understand that you may supplement that core team of people from particular people, from particular Departments, as and when they relate to buildings within that Department or relevant to that Department, but surely, if one is conducting a systematic audit, one needs to have a core team of people who are the same identifiable people who are assigned to that task and then report to the Minister in a systematic way.

I would have thought that if this was a systematic audit, conducted properly, and the hon. Lady was taking an interest in this – and I am sure that the hon. Lady is – that the hon. Lady would be able to

900 identify and give us at least... at least tell us the number of people who form part of the core team conducting this audit.

Of course, if it is not systematic, and if there is not a global audit, and what the hon. Lady really is talking about is just simply, 'Well, next week, let's do an audit of the GASA, and next month, let's do an audit...' and really there is not a systematic approach to this, it really could take four years to conduct this, rather than perhaps far earlier if it were approached in a more systematic way. That is what I am trying to explore with the hon. Lady.

910 **Hon. Miss S J Sacramento:** Mr Speaker, I thank the Hon. the Leader of the Opposition for his faith in me, and I can assure him that yes, I do have a very vested interest in progressing this and getting it right.

I go back to my original answer, Mr Speaker, in that this is an ongoing process, and while we conduct or finalise the assessment of the global audit, what we are doing is we are looking, perhaps on an *ad hoc* basis, at the buildings that appear to us to be more of a priority at any given time.

915 For example, last year, before the summer, we tackled the GASA pool because we wanted it to be ready in time for the summer – because otherwise there is no point if we have it ready in time for winter. So I hope that that answers the question.

Hon. D A Feetham: Mr Speaker, with respect to the hon. Lady, it does not. I do not want to withdraw my earlier faith in her and accuse her or suggest to her that perhaps she is slightly bluffing in her answer.

920 What I have asked the hon. Lady, given that it is obviously so important to her, is at least to tell us what the number of that core team is, and perhaps even go further and tell us what the composition of that core team is, so that at least we, on this side, can ascertain for ourselves whether there is some systematic thought and some thorough thought going into the conduct of this audit.

925 Surely, if it is as important as she says that it is to the hon. Lady, she will be able to tell us how many people – the number, or the core team – are assigned to this task, and perhaps even the composition, whether they are Technical Services people, whether they are her own people within Social Services, or from somebody else's Department.

The question is: can she tell us what the number is of this core team, and perhaps the composition of that team?

930 **Hon. Miss S J Sacramento:** Mr Speaker, I think I have already replied to that question. I think that I have already said that it is depending on the project, but that mainly the group of people is comprised of people from the Care Agency, people from the Occupational Health at the GHA, and then we have got our Technical Services.

935 Mr Speaker, when I have meetings with the various officials and professionals, sometimes my office is full of people, and sometimes two or three people attend. It depends on the nature of the meeting and the nature of the project. Sometimes, I have the head of OT at the GHA. He is probably one of the core people who is always present at all the meetings that I have. Then, I have to confess that sometimes when I meet with people from Technical Services I do not know all of their names, because they are not my officials.

940 I go back, Mr Speaker, to my first answer, in that this is not yet complete and it is an ongoing matter. By the end, when we complete this exercise, then I will be able to, for certain, say exactly who is in what team in respect of this project.

945 Mr Speaker, as soon as it is complete, then I am more than happy to give the hon. Gentleman the information that he requires. I cannot give him more information than what I have now, and I have already told him it is a group of people.

Sometimes I am sat in my office and there will be two people – I will have one person from the Care Agency and one person from the Occupational Health – and sometimes I will be sitting in my boardroom and there will be 10 people. It depends on the project and it depends on the nature of that meeting.

950 Obviously, I am not going to be present in every single meeting that relates to the review of the accessibility work that is done. We meet once in a while and we review the projects that are ongoing.

I do not have that specific information and I do not recall the names of all of the officials who attend my office; but once I do, rest assured that I will provide the hon. Gentleman with the information.

955 **Hon. D A Feetham:** Mr Speaker, what the hon. Lady is saying, really, is that there is no fixed core of people dealing with an overview, bird's-eye view, of the audit as it relates to all buildings. Effectively, what she is saying is that it varies, depending on the building.

Can I impress upon the Lady that perhaps she ought to consider actually appointing a core team of people that does not change depending on the building? Because if you are going to be conducting an audit of this nature and it is going to be systematically conducted, you really need a core team of people

960 that can look at this on a global basis, rather than a group of people that really are changing depending on the building.

965 If you have a group of people that change depending on the building, the only common denominator in respect of all the buildings is going to be the hon. Lady herself, and in that kind of circumstance it is very difficult to be conducting a systematic survey or an audit of all buildings in terms of disability needs.

970 **Hon. Miss S J Sacramento:** Mr Speaker, I certainly am not the person to be undertaking or heading the audit, but there are always two constants – possibly three, but there are certainly always two constants. There is always one person from the Care Agency, who is pretty much a disability assessment officer, and that person is always the constant throughout on these projects; and the head of the OT Department in the GHA is always present in these projects. So there are always at least two constants. I believe that there is a third, but I am not sure which Department this gentleman comes from; I think it is the Technical Services Department.

975 **Mr Speaker:** Any other supplementary?

**Alzheimer's and Dementia Residential Unit
Final revised plans**

980

Clerk: Question 142, the Hon. J J Netto.

985 **Hon. J J Netto:** Mr Speaker, can the Minister for Social Services say if the final revised plans for the Alzheimer's and Dementia Hospital, alluded to in answer to Question No. 523/2012, have now been completed; and, if so, state the total amount of beds the hospital will have, when the plans were finalised, the date when the hospital is envisaged to open, and provide a breakdown of the numbers and grades involved and the cost of employing new staff?

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, as previously stated in this Parliament, there are no plans for an Alzheimer's and Dementia Hospital, but rather for an Alzheimer's and Dementia Residential Unit.

995 The plans are almost complete. It is envisaged that the number of beds will be 52. It is hoped that the facility will be functioning by the end of this year, and the level of staffing required is still to be determined.

1000 **Hon. J J Netto:** Sorry, Mr Speaker, I am afraid I have lost some of the answer being provided by the hon. Lady. She did mention, I believe, that the number of beds will be 52. Is that correct?

Mr Speaker: Fifty-two, yes.

1005 **Hon. J J Netto:** Did she provide a date when she thinks that the residential home, which the hon. Lady is calling... will be open, Mr Speaker?

Hon. Miss S J Sacramento: Yes, Mr Speaker, I believe I said by the end of the year.

Mr Speaker: Next question.

1010 **Clerk:** Question –

Hon. J J Netto: Can I ask...?

1015 **Mr Speaker:** Yes, go ahead.

1020 **Hon. J J Netto:** Although the target date will be by the end of the year, which is another 10 months away and would involve commencement within the next financial year, so to speak, is she now in a position of knowing the number of new people that she would need to employ in order to provide such services to this group of people; and if she does, Mr Speaker, can she provide a breakdown of what grades they are and what will be the extra cost to the Government?

Hon. Miss S J Sacramento: Mr Speaker, had the hon. Gentleman listened to my answer, I said that the level of staffing required is still to be determined.

1025 **Mr Speaker:** Next question.

Hon. J J Netto: To be determined... Will she know by when she will be in a position that this decision will be determined?

1030 Obviously, she is now working towards a target date when the facility is going to be open – by the end of the year – so she must be having some discussion, particularly with the senior management of the Care Agency, and indeed perhaps even members of the Gibraltar Health Authority as well.

1035 I do not necessarily want to pin her down to exactly a particular fixed number of people, but perhaps she will know by now how many nurses there may be needed to be employed, how many auxiliary staff will need to be employed, whether there are some sort of other specialities that need to be employed to provide the services. Has she had this discussion... whether she knows the breakdown of different grades that would be required?

1040 **Hon. Miss S J Sacramento:** Mr Speaker, we have had the discussions, and generally there are formulas that determine the level of the staffing requirements, but there is no final breakdown because, although in general we know the level of dependency that this unit will cater for, it may be that we need to look at that and the exact ratios will be known at a later stage.

As I said initially, the staffing level required has not been finalised. We can more or less gauge what it is, but it has not been finalised.

1045 **Hon. J J Netto:** Just perhaps one final question, Mr Speaker, if I may: does the hon. Lady think that, by the time the new Estimates are tabled, probably in the month of May or June... Will those new Estimates for the new financial year contain the extra amount of expenditure and the breakdown? I am not really trying to...

1050 **Hon. E J Reyes:** Catch her out.

Hon. J J Netto: – catch her out. It is just that I want to know whether, by that time, this will be part and parcel of the new estimates.

1055 **Hon. Miss S J Sacramento:** Mr Speaker, it may be that it is determined by the time that we lay the Estimates before Parliament; it may be that it is not. We will take it as it comes when we appear before Parliament for that session.

1060

Care Agency 11-month contract holders

1065 **Clerk:** Question 143, the Hon. J J Netto.

1070 **Hon. J J Netto:** Mr Speaker, since Question No. 763/2012, can the Minister for Social Services provide the following information: (a) how many new 11-month contracts have been initiated, stating the grade, nationality and location; (b) how many 11-month contracts have now terminated, and of those, how many ended with an indefinite contract, and how many have not had their 11-month contract renewed, stating their nationality, grade, and location?

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

1075 **Minister for Equality and Social Services (Hon. Miss S J Sacramento):** Mr Speaker, 25 new 11-month contracts have been initiated since Question 763/2012.

The breakdown is as follows: by grade – 18 care workers, two social workers, two RGNs, two AOs, one domestic; by nationality – 20 British, five Spanish; by locations – two in Administration, six in Disabilities, 10 in Elderly Care, seven in Children's Services.

1080 One 11-month contract has been terminated, and one has resulted in an indefinite contract. By grade, the one terminated was a care worker, British, in Children's Services; the one in an indefinite contract was a care worker, British, in Disability Services.

1085 **Hon. J J Netto:** Mr Speaker, could I perhaps ask the hon. Lady, would she be gracious enough to provide a photocopy of the answer given, as there were so many details involved that that would help, certainly, the Opposition benches.

Hon. Miss S J Sacramento: Yes, Mr Speaker. Would you like it now, or after?

1090 **Hon. J J Netto:** Mr Speaker, I think that we can certainly move on to the next question.

Mr Speaker: Very well, thank you.

1095

**Mount Alvernia
Nursing Co-ordinator post**

Clerk: Question 144, the Hon. J J Netto.

1100

Hon. J J Netto: Mr Speaker, is the Minister for Social Services now in a position to provide a definitive answer to Question No. 764/2012, in relation to the review of the post of Nursing Co-ordinator at Mount Alvernia?

1105

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

1110

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, Question No. 764/2012 asked if the vacant position of Nursing Co-ordinator at Mount Alvernia had been filled. At the time, the post was being filled in an acting capacity, and it continues to be. The service continues to be reviewed.

Hon. J J Netto: Mr Speaker, can the hon. Lady state whether the person who has now filled the post on a permanent basis was an employee of the Care Agency?

1115

Hon. Miss S J Sacramento: Mr Speaker, I have not said that the post has been filled on a permanent basis. I have just said that it is being filled in an acting capacity.

1120

**Disability Team Leader post
Conclusion of review**

Clerk: Question 145, the Hon. J J Netto.

1125

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the review stated in answer to Question No. 766/2012 has now concluded; and, if so, what is the conclusion in relation to the post of Disability Team Leader?

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

1130

Minister for Equality and Social Services (Hon. Miss S J Sacramento): Mr Speaker, we have been working in collaboration with the Acting Team Leader of the Disability Services and the Team Leader of the Adult Services, and the review of the entire Disability Service is almost concluded.

1135

In light of the above reply, I am not yet able to disclose what the conclusion in relation to the post is, other than to say that there is a massive review of the Disability Service.

Hon. J J Netto: I believe, Mr Speaker, that the hon. Lady said that the review is almost complete. If that is the case, can she perhaps tell Parliament when she will be in a position to provide the information in relation to the conclusion of such a review, which is basically what I am asking?

1140

Hon. S J Sacramento: Well, quite hopefully, by the next sitting of Parliament, Mr Speaker.

Hon. J J Netto: I am grateful.

Mr Speaker: Next question.

1145

**Tangier View
Residential Home Manager post**

Clerk: Question 146, the Hon. J J Netto.

1150

Hon. J J Netto: Mr Speaker, can the Minister for Social Services say if the review quoted in answer to Question No. 767/2012 has now ended; and, if so, state what the conclusion of such review is in relation to the outstanding post of Residential Home Manager in Tangier View?

1155

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

Minister for Equality and Social Services (Hon. Miss S J Sacramento): The review quoted in Question No. 767/2012 is almost concluded and a restructure is being planned for the new financial year, Mr Speaker.

1160

Hon. J J Netto: Mr Speaker, I am glad that my prompt in my question has made it that all the different reviews are now almost complete.

Hon. Miss S J Sacramento: Don't flatter yourself.

1165

Mr Speaker, in response to that gratuitous remark, I think the hon. Gentleman should not flatter himself because the target is the new financial year.

1170

**Bleak House courses
Provision made for students**

Clerk: Question 171, the Hon. Mrs I M Ellul-Hammond.

1175

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Training state what provision has been made for those students who voluntarily attended the Bleak House courses of literacy, numeracy, IT and life skills, which were last held in May 2012?

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

1180

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I will answer this question together with Questions 177, 178, 179, 180, 181, 182, 183 and 184.

1185

**Employment and Training Company Ltd
Number of companies signing contracts**

Clerk: Question 177, the Hon. D A Feetham.

1190

Hon. D A Feetham: Mr Speaker, can the Minister for Employment please state how many companies have signed contracts with Employment and Training Company Ltd as at 31st January 2013?

1195

**Future Job Strategy
Types of training**

Clerk: Question 178, the Hon. D A Feetham.

1200

Hon D A Feetham: Is the Minister for Employment now in a position to provide details of the type of training that each Future Job Strategy trainee placed in Government Departments, Government Companies or Authorities is receiving and which he said he would write to me about at the last session of Parliament?

1205

**Future Job Strategy
Number of trainees placed**

1210 **Clerk:** Question 179, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment please state, as at 31st January 2013, how many Future Job Strategy trainees were placed in the private sector and how many in the public sector?

1215

**Future Job Strategy
Number of trainees in permanent employment**

1220 **Clerk:** Question 180, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment please state how many Future Job Strategy trainees have been employed permanently, following successful completion of their training (a) in the private sector and (b) in the public sector?

1225

**Future Job Strategy
Number of trainees failing to complete training**

1230

Clerk: Question 181, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment please state how many Future Job Strategy trainees have failed to complete their training since the scheme was instituted on 1st February 2012?

1235

**Future Job Strategy
Termination of training**

1240

Clerk: Question 182, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment please state how many trainees have had their training terminated in the public sector, or by companies in the private sector, other than for reasons that the trainee has been permanently employed?

1245

**Employment Training Company Ltd
Trainees not receiving training**

1250

Clerk: Question 183, the Hon. D A Feetham.

Hon. D A Feetham: Can the Minister for Employment please state whether there are any trainees getting paid by the Employment Training Company Ltd who are currently not receiving any training, either within the private or public sector?

1255

1260

**Construction Training Centre and Gibdock
Trainees in structured schemes**

Clerk: Question 184, the Hon. D A Feetham.

1265

Hon. D A Feetham: Can the Minister for Employment please state how many people have been taken on at the Construction Training Centre or Gibdock for structured training schemes since 1st January 2012?

1270 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, of those who attended the courses in May 2012, 14 went from ETCL into employment, 10 went directly into employment, 19 continue in ETCL/SEC, nine we have had no further contact with, and two are currently registered unemployed.

1275 As at 31st January 2013, 184 companies had signed contracts with ETCL.

Further to Question 28/2013, the answer is no.

As at 31st January 2013, 289 trainees were placed in the private sector, and 205 within the public service.

1280 Following employment training with ETCL, 101 trainees have been employed in the private sector and 10 in the public service.

Twenty trainees have failed to complete their training.

Other than for the reason of having found them permanent employment, 39 trainees have had their training terminated.

1285 The employing company is not aware of any trainee that is not receiving any training.

To date, no-one has been taken on at the Construction Training Centre or Gibdock.

Hon D A Feetham: Mr Speaker, just simply on a Point of Order, because the Hon. the Minister for Employment has, in the past, lumped all Future Job Strategy questions that I have asked him into one and answered them. Very often, I go back and I look at the answers, and in fact he either has not answered one particular question or an aspect of a particular question.

1290 In my respectful view, I do not think that it is parliamentary and I do not think that it is within the spirit of Standing Orders for there to be a bunching up of questions – and effectively, we are talking about (*Interjection by Hon. J J Bossano*) eight or nine questions bunched up (*Interjection*) – with no reference, when he gives me the answer, to the number of the question, and it really is very difficult to follow, from this side of the House, which answer relates to which question.

1295 I really do not think that it is within the spirit of Standing Orders or the Rules of the House for there to be answers to questions in this particular way.

1300 I ask one question, I require an answer for that question, and quite frankly, it is very difficult to actually follow the answers the hon. Gentleman has given to the questions that I have asked.

Mr Speaker: Since time immemorial, Ministers have had discretion to lump together and answer whatever questions they have wished. That has always been the practice.

1305 I understand the problem, the difficulty, which the Leader of the Opposition says that the Opposition have in placing, as it were... in identifying what part of the answer has to do with which particular question. I can understand that that is a problem for them.

Because of that, and because there are a number of questions, I am prepared to be liberal in allowing them whatever time they feel is necessary to be able to ask supplementaries, but as I say, there is nothing in Standing Orders that prevents a Minister from answering any number of questions together.

1310 **Hon. D A Feetham:** Mr Speaker, that is certainly the case, but Standing Orders also provide that the questions that we ask ought to be answered, and that must mean that there must be a correlation between the answer and the question.

1315 What I am inviting the Hon. the Minister perhaps... What I am inviting, Mr Speaker, and urging upon him, is that perhaps he ought to urge the Minister to identify, at the very least – even if he bunches them, at the very least identify – the question he is answering with the information he is providing, because it really is very difficult to follow the actual answer to the question, particularly when we are talking about not three questions, but we are talking about eight or nine questions.

1320 **Mr Speaker:** Again, I understand the difficulty.

Let me say this: in about half an hour's time or so, we hope to have a short recess of 20 minutes or so, and I will be liberal perhaps. If, between now and then, hon. Members of the Opposition have not been able to fully pursue the supplementaries arising from this answer that they feel that they need to pursue, I will be liberal in allowing them to come back, to return to these questions and ask the necessary supplementaries. Beyond that, I really do not feel that I can go.

1325 I have only seen the answer myself now, so I cannot ask here now and then, immediately, the Hon. Minister who has answered it, which paragraph refers to which question, but outside the pressure of the House, perhaps in the Antechamber, one or two of the hon. Members of the Opposition could do precisely that and then, as I say, I will allow them to come back to this main answer and pursue it to the extent that they feel is necessary.

1330

Hon. D A Feetham: Mr Speaker, I am very grateful for that.

1335 It is not the fact that Mr Speaker does not, in fact, provide us the indulgence, because he has in the past provided us the indulgence; it is about the practice. I just do not think that it is proper parliamentary practice and it is within the spirit of Standing Orders to provide answers to questions in this way, without identifying, at the very least – even if he bunches them – indentifying the questions. But so be it, Mr Speaker, and I will –

1340 **Mr Speaker:** No, the problem is where do you draw the line. You can lump together two, three or four – it has happened today and yesterday – and there is no problem. Now the hon. Members of the Opposition are having a problem, but I cannot give a strict ruling and say you may only lump together three, four, five or six.

1345 The Hon. Leader of the Opposition must understand that the Speaker only has those powers under Standing Rules that hon. Members decide that the Speaker should have. If hon. Members consider that the Speaker does not have enough powers, they know what steps they have to take.

1350 **Chief Minister (Hon. F R Picardo):** Mr Speaker, just in terms of how parliamentary these things may or may not be, I offer the hon. Gentleman the opportunity to reflect on the fact that, when we were sitting in Opposition and they were sitting on this side of the House, we often endured the bunching of a number of questions, sometimes two or three, in relation to a particular subject –

A Member: That is what I just said.

1355 **Hon. Chief Minister:** – sometimes 20 or 30. On one particular occasion, Mr Speaker, I recall the Hon. the previous Chief Minister bunched, I think, a historic 60 questions together, or so, in respect of Mr Licudi.

I urge the hon. Gentleman to think that if it is unparliamentary now, it was unparliamentary then.

1360 **Mr Speaker:** I would say this, if the Hon. Chief... (**Hon. Chief Minister:** Of course.) In my time – and in the time of the Hon. Member, Mr Bossano – this number of questions would not have been lumped together, but if a practice has developed over the last 20 years, where even more... then, if you tell me that 60 questions have been lumped together, 10 is no great number. But when I was sitting on those benches, you hardly ever had answers to more than two or three questions lumped together, and I am sure the Hon. Mr Bossano will corroborate that.

1365 **Hon. Chief Minister:** I am grateful, Mr Speaker.

1370 If I may just say this: for the purposes of trying to take forward debates in this House, many of those questions which are lumped together are the questions, in the last Parliament and in this Parliament, that are prefaced with ‘How many...?’ Mr Speaker, when I became a Member of this Parliament in 2003, I started the practice of asking many of those ‘How many...?’ questions – or rather, questions which prefaced with ‘How many...?’ – by written question, and asking a political question the following Parliament if I found that the data I had been provided with gave rise to any such potential political question, if I may put it that way.

1375 I just invite hon. Members, who have the right to decide absolutely for themselves which questions they put in writing, or which questions they put orally, that if they are seeking questions which are about statistical information, they have three courses: ask them orally; ask them in writing, in which case they have the information and they can analyse it before they then ask a parliamentary question in the next Parliament, in the next meeting, which is now every month – before, it was two or three times a year; or, approach us and say, ‘Look, I am going to be asking this statistical question in every Parliament – can I invite you to put this on the website, so that I can look at the numbers and ask my political questions based on the numbers on the website?’

1380 I do not know if that is of any assistance, Mr Speaker.

Hon. D A Feetham: Mr Speaker?

1385 **Mr Speaker:** Yes, just a moment.

1390 There are two immediate courses of action that the House could take. One is to ask the Hon. Minister whether the Members of the Opposition can have a photocopy of the main answer immediately. The other one, of course, is as I said, we were going to have a break at about five – we could have a recess now for about 20 minutes, which will allow the hon. Members of the Opposition to look at the answer in detail and to identify them with any of the questions. I am open to whatever the...

Hon. D A Feetham: The first suggestion would be fine, Mr Speaker.

We, on this side of the House, are also interested in moving forward. It is not really about this particular session; it is about how we move forward.

1395

I have already, in relation to statistical questions, invited the Hon. the Minister for Employment to provide me with those statistical questions on a quarterly basis. I think that I suggested, in relation to unemployment figures, that he provide me with those on a quarterly basis, and perhaps I also invited him to place them on the website.

1400

Not all these questions are statistical questions, and the point that I was making is that, perhaps in future, when he answers them – and he is not going to have answer to me, because it is Mr Bossino who is taking over the relevant portfolio – that he might want to consider actually identifying the question that he is answering when he actually provides the answer, and that would be helpful.

1405

In respect of the 60 questions that were bunched together, I am aware that, in the past, 60 – or a large number of questions – have been bunched together. They were of a statistical nature, and hence could be provided in a schedule. (*Interjection*) Mr Speaker, that is my recollection.

Some of these questions are not statistical, they are political in nature, and hence I have chosen on this occasion actually to ask them across the floor of this House. On other occasions, I have also asked them in written format.

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But the point was to try and, at the very least, elicit the information, not only for ourselves but also for the purpose of *Hansard* and anybody else who looks at *Hansard* or is listening to the debates.

Hon. Chief Minister: Mr Speaker, if I might just deal with that point, as a point of information, it is not true to say that the questions that have been bunched together are statistical questions in the past.

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(**Hon. D A Feetham:** The 60, or so.)

In fact, a lot of questions, particularly the 50 or 60 that were bunched together, were not statistical; they were about when Government was going to do things and particular aspects of what Government was going to do in relation to a traffic plan, ironically. So, Mr Speaker, it is not true to say that only statistical questions have previously been bunched together.

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But if I may just say, Mr Speaker, and end with this, we are going to be dealing with a motion sometime later today about televising proceedings. I think it is in all our interests, if the House does approve that motion and if we do go ahead and televise proceedings, that we do not start with very low ratings because all we are doing is asking each other about numbers.

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I have said what I have said about how *I* feel statistical information can be provided more easily to hon. Members for their analysis and then their political questioning, and it is a matter for them how they take it forward.

Hon. D A Feetham: Mr Speaker, I accept that entirely. What I do not accept is that all the questions that I have asked are of a statistical nature.

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Further, simply because one asks a statistical question does not mean that there is not a political motive behind it, and indeed political supplementaries that arise from it. The hon. Gentleman has enough experience of my questions of the Hon. the Father of the House to know that most of the questions that I do ask have got a political content to them.

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I am interested in how we proceed in future and how, obviously, to make the proceedings as fair and effective as possible. I would have thought that it would be possible, certainly, to consider all these issues, not in the context of the motion later on, in relation to televising of the debate, but in the context of the debate, that no doubt we will have, in relation to parliamentary reform later on this year.

Hon. E J Reyes: May I...

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Hon. D A Feetham: Mr Speaker, in fairness to the Minister for Employment, he has also provided me with the answer to the question on debentures. I do not know whether this is...

Hon. J J Bossano: Oh well, it should not be there (*laughter*).

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Hon. D A Feetham: I have got the answer to the question that I have not asked! I do not know whether he wants that back? (*Interjections*)

Hon. Chief Minister: You can start thinking about it so that [*inaudible*].

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Mr Speaker: Perhaps you might return it to the Chair.

Hon. Mrs I M Ellul-Hammond: And Mr Netto's questions are also here.

Hon. D A Feetham: And Mr Netto's questions are also here.

1455 **Hon. J J Netto:** He can leave them here if he wants.

Mr Speaker: Given the information which now is in the hands of hon. Members of the Opposition, how would they like to proceed?

1460 **A Member:** Carry on.

Mr Speaker: Carry on.

1465 **Hon. E J Reyes:** May I then, Mr Speaker... In relation to the answer provided by the Minister for Employment that refers specifically to Question No. 171, if I noted the figures accurately I believe, Mr Speaker, that 19 trainees still remain on the ETCL and two are registered as unemployed. That makes it a total of 21.

1470 Can I therefore take this opportunity, Mr Speaker, to urge upon the Minister for Employment to think carefully about what I hinted about last time, is that the value of offering important courses that lead to accredited qualifications in numeracy, literacy and information technology would help to enhance the employment prospects of these individuals.

1475 I was urging him last time, even offering to meet up with him... I know he has been busy because he has been representing this House in international matters, which makes all of us in Gibraltar proud; but nonetheless, Mr Speaker, it is 21 youngsters who are currently not in permanent full-time employment, who I believe would benefit greatly if they had the opportunity to attend some sort of courses that led to accredited qualification.

1480 Perhaps, together with the Minister for Education, we can even have a cup of coffee and what is known as a general chit-chat about the value that would obviously allow these 21 youngsters to improve their employment prospects.

Hon. J J Bossano: Mr Speaker, there are two registered unemployed. The others – the 19 that the hon. Member is referring to – are, in fact, getting paid. They are in employment; they are not unemployed.

1485 In the Support and Employment Company they have got indefinite contracts. They are placed somewhere with an open contract because... the Member may remember that, having identified the category of people who were with special educational needs, many of whom were there already before 2012, the position was that we initially put them in ETCL, the same as everybody else.

1490 So, everybody who was on the VTS went into the ETCL in February, and then, a few months later, those who had been identified to have limitations, in terms of being able to obtain a job in the open market – which was not a question of improving their skills; it was their ability that was involved – in those cases, we actually gave them all indefinite contracts.

1495 So that is why the 19 are ETCL/SEC. SEC is the Support and Employment Company. These people completed their literacy and numeracy courses in Bleak House, and when they came out, they continued to be paid by the company, like they were being paid while they were doing the courses. They are in areas in the private sector, many of them, but with a commitment from the placement that their placement will not end, that they will continue to be paid a wage and that they will be entitled to an old age pension and so on eventually, because they are now covered by social insurance, and that they will be getting annual pay rises in line with the minimum wage.

1500 So the reality of it is that we know of two who are seeking employment – because they have registered unemployed – out of the whole group, and there are nine who have not come back for anything, and we do not know... They are not either in employment or out of employment; they have simply fallen under the radar.

1505 The 19 are likely to continue to be where they are, and if they can benefit from any other courses, there is no problem in sending them; they are all on our payroll, anyway.

So that is the position. It is not that there are 21 who need to be given a job; there are only two.

Hon. E J Reyes: Yes, thank you, Mr Speaker, the Minister for Employment has clarified a little bit.

1510 However, if you subscribe to the philosophy of lifelong learning, I think these 19, together with the two unemployed, would certainly have a far better future working life if they were able to top up on their qualifications.

I will leave it at that, Mr Speaker. Perhaps it is an item of lifelong learning that I can take up with the Minister for Employment when the House meets again, after the refurbishments that are planned.

1515 **Hon. D A Feetham:** Mr Speaker, in answer to Question 178 – I think it is in answer to that Question, because he refers to Question 28/2012 – where I asked:

'Is the Minister for Employment now in a position to provide details of the type of training that each Future Job Strategy trainee placed in Government Departments, Government Companies or Authorities is receiving and which he said he would write to me about...?'

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– he has said no. Can he elaborate as to why it is not possible or he is not in a position to provide me with that information – bearing in mind that he said that he was going to write to me on the last occasion – without me writing to him?

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Hon. J J Bossano: Mr Speaker, it is not related to him writing to me; it is related to the fact that what he asked me for the last time and what he is asking me for this time are not the same thing.

He said, the last time, that the information that he was looking for was the numbers in each area and that he would be happy to get that from me on a quarterly basis because he wanted to see, from one quarter to the other, how many people were in one area and how many were in another area.

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On this occasion, he has asked me to give him the type of training. The type of training has nothing to do... well, it has something to do with the area when it comes to Health and Social Care, because that is only available in the areas... So, if I tell him there are 20 people in Health and Social Care, it follows that the training that they are getting is in Health and Social care; if I tell him there are 41 in the Construction Industry Training Centre, it follows that it is construction; but if I tell him that there are some people in the tourist and the transport area, that does not tell him the training.

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Therefore, what I can give him is the breakdown that he asked me for the last time, not what he is asking me this time.

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Hon. D A Feetham: Yes, can he please provide me with that? It may well be that we have been at cross purposes. Can he provide me with that?

Hon. J J Bossano: Yes. I have got the figures here for the October numbers. If the hon. Member will bear with me, I will find the supplementary.

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In Care and Social Services, there were 55 – this is at 1st December; the figure will have changed in January because some people have now moved on – Education and Health, 18; the Construction Training Centre had 41; Gibdock had 23; the Treasury, Tax Department and Post Office had 18; Human Resources and the Employment Service, 14; Tourism and Transport, 13; Sports and Culture, 14; Electricity Authority, four; Consumer Affairs, one; the Courts, one; the Maritime Administration, four; and Housing, one.

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Hon. D A Feetham: Mr Speaker, thank you very much.

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Just moving on, in relation to the 101 trainees who have been employed in the private sector – presumably after being placed there on the Future Job Strategy Scheme – when I was Minister for Justice and I looked at the figures, when I was working during the last year with my very good and hon. Friend, Luis Montiel, as he then was, we looked at the figures, in terms of the success rate of the VTS Scheme, and the success rate of the VTS Scheme was roughly about 28%. That was the success rate in terms of people placed and then being taken on permanently.

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Now, in a year, we have had 101 trainees who have been taken on permanently, out of nearly 500 who were originally taken on as part of the Future Job Strategy scheme. So, at this stage, there does not actually appear to be an improvement in terms of the historic rates at which employers are taking people on on a permanent basis. Does he accept that, and can he explain why he has not been able to effectively have any improvement on the figures when we were there as part of the VTS Scheme?

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Hon. J J Bossano: Mr Speaker, I do not accept that, no, because I would have to go back and check whether his recollection of what was happening when he was there is accurate. The fact that he states that he came up with a figure, together with his good friend, Mr Montiel, is not sufficient to persuade me.

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I have to tell him that, in fact, from the perspective of the commitment to employ, it is almost 100%, the result. The hon. Member will remember how he wanted me to agree with him that the Scheme had been a failure in the first month, when only five employers had turned up. The 101 who have been employed as a result of the 11 months is three short of the people who committed themselves. There were 104 employers who were supposed to be taking people on – 101 have taken them on and three have received invoices. I do not know whether that is enough to persuade him that this scheme is producing better results – which I am sure he wants to see as much as I do; I am sure of that.

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I will go back and check his figures, because in fact the information that we used to get before, and which I continued to get after 9th November 2011, was that the previous scheme consisted of *many, many* people being recycled, and the figures that I have of people certainly who have been in the scheme in several cycles already, before 2012, would be higher as a percentage than the figure that he is quoting. So

it may be that there are people who had got a job and then lost their job, and then came back, because it is not clear that they were unemployed in between.

1580 I can tell him that there are people – because we check if they have been in the system before, when they come in – who have been in and out of the VTS three or four times, and they have now gone into employment for the first time from the Employment Company. But it may be that employers have taken them on and then subsequently laid them off, but I do not know.

1585 But I will certainly look at it, and if indeed the figures are as he has said, then clearly there is room for improvement because the one we have got now is better.

Hon. D A Feetham: Mr Speaker, what about the other... We are talking about 101 who have found permanent employment. There are also 10 in the public sector, and I presume that the 10 in the public sector... we are dealing with social workers or we are dealing with (**Hon. J J Bossano:** Care.) care or nurses, who have, in relation to those, proper structured training with a view to a job.

1590 But what about the other 350 who signed 11-month contracts with ETCL at the beginning of February, when the scheme started? How confident is the Hon. Minister that they will also be able to be placed? Because of course, the success or otherwise of the scheme cannot be judged just simply by how many one places in the private sector with willing employers. The success or otherwise of the scheme has to be judged on a global basis, bearing in mind the amount of people who signed contracts with ETCL, came into the scheme in February 2012, and who were actually guaranteed jobs at the last Election by the Party opposite.

Hon. J J Bossano: Well, I think I have explained it all before to him, but I will explain it again.

1600 Mr Speaker, the people that we took on initially we took on even though, from the previous administration, they had a six-month stint in the Vocational Training Scheme, which did not require us to keep them on until they got a job. But we felt that, since we are offering that to newcomers, it was only fair that we should give it to the people who were already there in January.

1605 The difference between those people, some of whom we still have and are now in their second year – I think we have got about 89 of them left – was that they were not selected by the employer. The fundamental difference between the two systems, which we think makes this one have a higher potential for success, is that this is a situation where it is demand led, not supply led.

1610 On the previous scheme, the employers who were approached initially by us and told, ‘You have to sign a partnership agreement with us,’ said, ‘Well, I don’t want to sign a partnership agreement. As far as I am concerned, I have got people here that I don’t need and I don’t want. They are nice people, they are hardworking people, they are good people, but I don’t need them. I was only doing the Government a favour in order to take them off the unemployment list, because they didn’t cost me anything – no social insurance, and they just got an allowance.’ That is the position that still leaves us with a remnant.

1615 In the subsequent cases, the person has been taken on because the employer, who has got to give them the job, selects who he takes on. We send candidates; they select one. The one they select gets given a job with the Employment Training Company, and the prospective employer signs a partnership agreement guaranteeing that the job that has been open, which is a job that needs to be filled permanently, will be filled with that person, if that person is suitable, and they have a month to determine the suitability.

1620 The 101 who have been taken on are all the people who were taken on at the end of that period of commitment by the employer; and, as I have said, there were only three employers who, at the end of the training agreement, tried to argue that the guys were not suitable. We did not accept that argument because it is very clear that, if we accept that argument, then all that will happen is that employers will take them on as long as it is paid from the public purse and stop taking them on when they have got to put the money in their own pocket.

1625 So the answer to his question is that the people who are there we are committed to keep until we find them suitable... but it is a declining number, and I am optimistic that we will be able to find them all work. It is not a problem that is going to increase, because the system now does not lead to a situation where we are, as it were, forcing people onto employers that the employers do not want to have. That cannot happen, and therefore the criteria that we are applying creates a different kind of relationship.

1630 In *many many* cases, of course, we are using the opportunity of the fact that... We have been doing it with the construction industry, where the previous Government introduced a system that the allocation of contracts would be that people would have to give three prices, but as well as having to compete on price they would be competing on the number of jobs they offered those unemployed. In those circumstances, the guy cannot say, ‘Well, look, I did not want the guy that you sent me.’ They select who they have.

1635 So, I certainly will look at the figures that he has given, and I will see, if we are not being as successful, where we are going wrong, but I do not believe that is the case.

Hon. D A Feetham: Did he say that out of the original... He mentioned the number of 89. I thought he said out of the original 450 to 500 who were taken on at the beginning of February of last year, 89 of

1640 that number are included within this 101; the remainder are people who may have, off their own backs or in conjunction with the ETB, found an employer who is willing to take them on on the Future Job Strategy scheme and then have been taken on permanently.

1645 So, am I right in saying that, out of the 400 to 500 people who were originally taken on on the scheme in February 2011, 89 have found permanent employment?

Hon. J J Bossano: No, that is not what I was saying. I was saying that, of the people who still remain in the scheme, there are 89 of those who were there initially.

1650 There are a number of other categories in the breakdown that he has asked me for in this and in previous questions, which are the people who found employment, but not with their placement provider.

This question was quite specific. The 101 are where the employer signed an agreement and has honoured the agreement. There are three cases where the employer signed an agreement and tried to walk away at the end.

1655 There are other categories. There is another group of people in the numbers that I have given him – if not in this month’s question, in the ones that he asked me last month – which was the number of people who had actually used their skills with one provider and finished up with a different employer, because of course the commitment is only on the part of the employer. There is no... Some employers feel that it is a bit one-sided, particularly where they feel that they can train somebody to do something and then somebody else can poach them, because only the employer has an agreement to keep the employee. The employee has no agreement to stay there.

1660 But the 89 figure that I have given him, from the top of my head, is what I think still remains of the original and still continues to be in ETCL because we have not yet found them a permanent placement.

1665 **Hon. D A Feetham:** In relation to the 205 within the public service... and I know that there have been exchanges across the... I have asked you in the past, and the hon. Gentleman has not wanted to commit himself – and probably he is not going to commit himself again, but I will ask it.

1670 One of the concerns that certainly we have on this side of the House is that if you have 200 – it is quite a large number of people – within the public service, some of whom it may be particularly difficult to find a job within the private sector for, for whatever reasons relating to their background... Now I do not call them unemployable, but there are people who are more advantaged within the labour market than others – criminal records, or for whatever reason. One of the things that certainly concerns me is that we do not end up in a situation where a person who is particularly disadvantaged – because, for example, of his criminal record – by default actually remains in the public sector *ad infinitum*, on a permanent basis, whereas somebody who has been well behaved, who has not got a criminal record, because of his potential attractiveness to private employers, is found a job in the private sector.

1675 Can he give us an indication of what is going to happen with these individuals if, in the long run – say, for example, by the end of the Government’s term in office – they have not been found permanent employment? Is it the hon. Gentleman’s intention to leave them within the public sector? What is going to be the position with these individuals?

1680 **Hon. J J Bossano:** Well, Mr Speaker, I have just given him a breakdown of where they are. The breakdown was for 207, because in January two of the 207 found employment. They happen to be the two that show an increase from the eight in the public sector to the 10 in the public sector. I told him in the last House that there were eight people who had found jobs in the public sector, and I told him they were all in the Care Agency and that there were 207 placed in the public sector without a guarantee of employment. Right. Well, now the figure is 205, because two of the trainee carers have now been given jobs because they have completed their care training. Right.

1685 It includes 41 in the Construction Training Centre, it includes 23 in Gibdock, and it includes the people I have said we kept on simply because they were there and we did not want to finish them. But I need to remind him that in fact what was happening in many instances previously was that people were being taken into community care projects because they came out of having problems and having been to court and all that kind of thing – he will remember that – and that is part of the public sector.

1690 So, people were saying, ‘Well, look, what do I have to do to get a job in community projects? Go first... So, I punch somebody and I get a job in community projects; if I don’t, then I have to work in the private sector and get paid less – £80 less a week – as a labourer?’

1695 So, what worries him was happening with the people he was being lobbied by just before the Election, and what I am telling him is, in fact, that I am confident that we will be able to place everybody in jobs in the private sector, or that if they get into the public sector it will be because they are applying in competition with everybody else, like 600... A lot of these people are part of the 600 who have applied for public sector jobs. They are entitled to apply. They may not get it, but maybe one or two may, and that figure will bring the total down.

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I cannot predict what the position is going to be in three-and-a-half years' time, and I would not commit myself to what I would do with a position that I do not know what it is going to be. What I can tell him is the degree of confidence that I have, and the degree of confidence is that we will be able to place them all.

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Hon. D A Feetham: Mr Speaker, this particular issue is a *very, very* difficult issue, and certainly we were *very, very* careful, when we were in Government, about employing people in the public sector, because everybody on... in circumstances just outlined by the hon. Gentleman, because the reality is that everybody wants to be employed, or a lot of people want to be employed in the public sector, (*Interjection*) and...

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Sorry, I beg your pardon? Do you want me to give way, Mr Linares? I will.

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): [*Inaudible*]

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Hon. D A Feetham: No, I did not.

Chief Minister (Hon. F R Picardo): I am quite happy to clarify, Mr Speaker, that we all, on this side of the House, actually believe there was quite an expansion of the public sector when they were in Government, (**Hon. S E Linares:** Absolutely.) so we are quite surprised to hear those remarks.

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Hon. S E Linares: Including in the Culture and Heritage Agency, of which many were employed from outside.

Hon. D A Feetham: We will see during the Budget, and we will see in the forthcoming years, how much public expenditure actually goes up by, because it has certainly gone up by a record amount in the last year.

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But look, let me continue with the serious effectively questions and answers that I am having with the Hon. the Minister Bossano, and leave subsidiary issues to one side.

This is a difficult issue – it is a *very* difficult issue – because of course you have people who may be very disadvantaged in the labour market. All these people, certainly the ones that I have dealt with, want to be employed within the public sector.

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There are many, and there have been many who have come to my office, who have complained to me that what was originally promised at Election time – and we have had a debate, and I am not going to reignite the debate – is not what is being delivered now. What was promised then was a job in the public sector.

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Of course, people feel – and it has been expressed to me, and I am concerned – that the more attractive you are to employers, the more likely you are to go and find a job in the private sector: the least attractive, the more likely you are to remain in the public sector.

But can I ask the Hon. Minister this question: the Government has a commitment not to, effectively, sack anybody from the Future Job Strategy Scheme and the public sector until that person has either... has found a job, other than, for example, sacking them on grounds of misconduct or... So everybody who is there will remain there until they have found a job in the private sector. Is that the position? Or the public sector, if they are training?

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Hon. J J Bossano: It is not actually that they have found a job. It is that *I* get paid to find them jobs, Mr Speaker. I do not expect the people to find jobs for themselves. We have got an Employment Service, we employ 50 or 60 people, and they are there to help people into work. The reason why we exist in the Employment Department is to find work for people. We do not say, 'It is up to you to find your own job.' We expect employers to open vacancies with us, and we expect to reduce the unemployment because we actively do something about it.

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What I am telling the hon. Member is that we have got people whom we took on because they were there when *he* was in Government, and those people are the most difficult ones to place, but I am confident that we will place them.

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Now, he wants me to give him a commitment – what will I do if I fail? Well, I am not in the business of, first of all, assuming I am going to fail, and then giving him the commitments that he thinks I should give if I fail.

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Hon. D A Feetham: No, Mr Speaker, that is *not* the point I am making. I am asking the hon. Gentleman to effectively tell this House whether these individuals are going to remain within the public sector until they are able to be placed in the private sector. That is the question. It is a very simple question, that under no circumstances are these individuals going to be sacked by ETCL, other than for

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reasons of gross misconduct. That is the question, it is a very simple question, and I think it ought to be capable of a very simple answer by the hon. Gentleman.

1765 **Hon. J J Bossano:** Of course it is capable of a very simple answer by this hon. Gentleman.

The hon. Member, when he was complaining about my grouping all these answers together, said that many of these were not, in fact, statistical questions seeking information, that they had a political element in it. I will tell him what the political element is: you are damned if you say yes, and you are damned if you say no.

1770 If I say yes, they are going to be kept, he will then say, 'Ah, well, now none of them are going to be interested in working in the private sector because you have just given them a job for life,'; and if I say no, then he will say to me, 'Ah, you have broken your manifesto commitment and you have done a u-turn' So, the answer is I am not going to tell him.

1775 **Hon. D A Feetham:** But, Mr Speaker, doesn't the hon. Gentleman accept that politics is about making and defending decisions? Will he make a decision, and will he defend it?

1780 **Hon. J J Bossano:** Mr Speaker, I understand one thing: that in the 40 years that I have been in this Parliament I have never seen any Minister take their decisions on demand from the Opposition. They take their decisions when they see fit, and they inform the Opposition of the results.

Mr Speaker: Any other supplementary?

1785 **Hon. D A Feetham:** Mr Speaker, moving in relation to the Construction Training Centre and Gibdock, can he explain why the policy, if it is a policy... why there have not been any recruitments into the Construction and Training Centre and Gibdock since they took over office on 9th December 2011?

1790 **Hon. J J Bossano:** Yes, Mrs Speaker, because we intend to replace what training has been provided there before by something that is more effective, both in terms of the numbers that come out with qualifications and the suitability of those qualifications for the industry.

1795 As a consequence of the fact that we have been monitoring and getting detailed breakdowns of what has been happening to those who have gone in – where we have, for example, two people completing NVQ level 2 and 40 going in, which is certainly not consistent – it is quite obvious that the Construction Training Centre did not come up with the success rate that he claimed for the VTS, because the ratio in the Construction Training Centre, and to a lesser extent in Gibdock, has been that the drop-out rate has been *very, very* high. You get a lot of people coming in and a lot of them drop out before they get to level 1, and then you have people who do not continue beyond level 1.

1800 In a situation where the cost of operating the centre is in excess of £600,000 and the cost of the trainees is another £400,000 on top, and what you get is two painters coming out of an institution that costs £1 million a year, we feel something different has to be done. I am happy to say that Dr Coram is the one who is putting the package together as to what is going to be put in place and that there is a working party with representatives from the colleges, the comprehensives and input from the industry which will be putting proposals to me, and I expect that, at the latest in September, we shall be in a position to take in more than would have been taken in two years under the old system.

1810 **Hon. D A Feetham:** Mr Speaker, certainly this is worrying from the Opposition's point of view. It is worrying on a number of levels. It is worrying because, although certainly I would like to give the hon. Member the benefit of the doubt, he has some previous form in relation to closing construction centres, and he did close the two construction centres that were operational prior to ceasing being the Chief Minister of Gibraltar in 1996.

Also, Mr Speaker, it is of concern knowing how... I hesitate to use 'obsessive', but how concerned perhaps the hon. Gentleman always is about pounds, shillings and pence, and he has emphasised the cost of the Construction and Training Centre.

1815 It is also of concern because if one looks at all the training that used to take place – and I use the term 'training' loosely, because... In fact, I use the term 'training' loosely, even in relation to the Future Job Strategy, because with the VTS, as indeed with the Future Job Strategy, one is not talking about structured training; one is talking about placing somebody on a job so that they learn on the job. It is on-the-job learning, or training, but not structured training as such. The structured training was from the Construction Training Centre and from Gibdock.

1820 Can he alleviate concerns on this side of the House that, one, this is not money motivated; two, that he does not intend to do what he has done in the past, which is just close the Construction Training Centre and not replace it by a proper training centre where people can, at the end of the day, come out with a structured qualification that can serve them for a career in the future; and that the new scheme, or the new

1825 set-up that he is going to be replacing this one with, will enable or will involve people coming out of it, at the end of the day, with qualifications – NVQ qualifications, or any other qualifications that involve proper structured training – that will allow people to use their skills to obtain jobs in the construction industry and other industries that are relevant to the training?

1830 **Hon. J J Bossano:** Taking the last part of the question first, I can tell him that what will start this year will produce more people with UK construction qualifications in the distribution of the skills that the industry requires than has been produced in the last four years by the Training Centre; greater numbers than in the last four years with qualifications – predominantly City & Guilds – in the construction trades, and that the thing is being put together by the professionals involved in education and training.

1835 I can tell him that I will not be doing what he claims I did, because I did not do it the last time either. What I did – as I keep on reminding him, and he can go back and check for himself – was to stop a system where people used to get paid pocket money and come out as boy labourers, which was not much different from the VTS. What eventually replaced it was the Construction Training Centre, which in the first year, in 1995-96, produced 20 NVQ level 2s, as opposed to the two that were produced last year.

1840 So, in fact, what is obvious is that the success of what was created by the GSLP in 1995-96 was 10 times more than what it is producing today, and the fact that the GSD did nothing in the intervening 15 years to upgrade and make the place better and more customer orientated has been what requires us now to put right the state of affairs due to their negligence over the last 15 years. I hope that keeps him happy.

1845 **Hon. D A Feetham:** Well, thank you very much; it does not, but that –

Mr Speaker: May I say to the Hon. the Leader of the Opposition that I allowed him a very lengthy preamble to the previous supplementary question. I have been *very, very* liberal, and therefore I would ask him and enjoy upon him that he should make his questions shorter and sharper.

1850 **Hon. D A Feetham:** Mr Speaker, thank you very much, and of course I will endeavour to do so.

Can the Hon. the Minister for Employment tell us, or give us an indication of the cost of the new scheme to the Government that he is proposing introducing? I cannot believe for one moment the hon. Gentleman has not thought about the prospective cost of the new scheme.

1855 **Hon. J J Bossano:** Well, I do not expect it to be less than the present one, because it is going to involve many more people. There are no costings, because I have told him that it is still in the hands of the people who are putting the package together and who will be putting proposals to me. But I do not expect it to be costing less; if anything, it will cost more.

1860 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Minister for Employment tell us by when he intends to have this new scheme up and running?

1865 It is a matter of concern that he is effectively doing away with the Construction Training Centre and Gibdock, which are the only two places, really, where one is coming out with structured training of this sort, and I would have thought that it would have been important for the Government to put something in place as quickly as possible.

Can he provide us with an indication of by when this is going to be up and running, or the target date?

1870 **Hon. J J Bossano:** I have told him already in the original answer, September at the latest – in the original answer to one of the original supplementaries, Mr Speaker.

Mr Speaker: Shall we go on to the next question, then?

1875 **Unemployed Moroccan workers
Number in receipt of benefits**

Clerk: Question 172, the Hon. J J Netto.

1880 **Hon. J J Netto:** Can the Minister for Employment with responsibility for Social Security state how many of the 42 Moroccan workers registered unemployed, as answered in Question 1055/2012, were in receipt of the Social Security pension, an occupational pension, or Social Assistance?

1885 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment, Question 172.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, I will answer this Question with Questions 173 and 174.

1890

**Disability Allowance
Delay in processing applications**

1895 **Clerk:** Question 173, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister with responsibility for Social Security give an explanation as to the delay in processing the Disability Allowance applications given in answer to Written Question 6/2013?

1900

**Old Age Pension and Minimum Income Guarantee
Increases**

1905 **Clerk:** Question 174, the Hon. J J Netto.

Hon. J J Netto: Can the Minister with responsibility for Social Security say whether he intends to increase the Old Age Pension on 1st April, 1st July, or any other date in this year, and whether the Minimum Income Guarantee will be increased on the same date as the Old Age Pension?

1910

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

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Mr Speaker, of the 42 Moroccans, one was in receipt of Old Age Pension and two were in receipt of Social Assistance.

1915

The Department does not keep records of people's occupational pensions.

In the past four years, the time taken to decide on a claim for Disability Allowance has ranged from one day to 357 days. There is therefore not a much greater delay currently, but one factor affecting the decisions to grant Disability Allowance is the need to establish criteria for the exercise of this discretion, given that previous decisions did not apparently follow a given set of criteria.

1920

The policy, as has been explained previously, as regards the Minimum Income Guarantee and the Old Age Pension, is that they will be increased at around the same date and that the differential between them will be maintained, and it is intended that this will be with effect from 1st August 2013.

1925

Hon. J J Netto: Mr Speaker, in relation to the first question, the answer provided in Question 172, the Hon. Minister said that there was, out of the 42, one Moroccan national with a Social Security pension and two with Social Assistance, and that the Department does not hold any information with regard to occupational pensions.

1930

I wonder whether the Department of Social Security might not have the information as far as occupational pensions are concerned. I would have thought that perhaps the Minister would have taken an interest in knowing whether the balance, which is 39, are with no income whatsoever or some income perhaps of some sort.

1935

The point I am trying to make here, Mr Speaker, is that we are talking about a group of Moroccan workers who have lived, worked and resided in Gibraltar probably for 40 years, or thereabouts, and I would have thought that some of the officers that he has, either in the Employment Service Department or the Social Security Department, would have been providing interviews to these Moroccans to ascertain whether they are destitute or they are not destitute.

1940

Can the Minister perhaps tell us whether any exercise has been done, or is intended to be done, to ascertain whether there are 39 Moroccans who are registered as unemployed, trying to find a job on the basis that they have no money whatsoever, or some small amount of money, as an income?

1945

Hon. J J Bossano: The answer is no, there is no exercise being done, or intended to be done, or has ever been done.

Presumably, it is not that when the hon. Member ceased to be a Minister everybody became destitute. Either they were destitute the day after the Election and the day before, or they are not now.

I have never known the Department to ask people, when they become unemployed and they turn up at the counter looking for work, 'Are you destitute, or are you not destitute?'; and if we did, I do not see why it should be based on nationality.

1950 **Hon. J J Netto:** Mr Speaker, whether based on nationality or not, I would have thought that, as a so-called socialist, he would have had his interest at heart in knowing whether there were people who are destitute with no income at all, particularly so, given that he is the Minister for Social Security and Employment.

1955 **Hon. J J Bossano:** To my knowledge, so-called socialists are not people who are interested solely in destitute people provided they are Moroccans.

The hon. Member seems to think that somehow we should be asking people something we have got no reason or right to ask. If somebody is destitute, they do something about it themselves.

1960 As far as I am concerned, it is quite possible that there are people in Gibraltar who are not getting Social Assistance and are not seeking Social Assistance, but I have already told him that there are two of them who are in receipt of Social Assistance. To my knowledge, in the 15 years that they were in government, in the eight years we were there before, and in all the years that the AACR was before us, nobody went out canvassing people to ask for Social Assistance if they did not do it voluntarily.

Mr Speaker: Any other questions?

1965 **Hon. J J Netto:** Yes, Mr Speaker.

With the information that the hon. Member has already provided me in the previous question, we find, for instance, that there are four Moroccans aged 60 registered unemployed, there is one aged 61, there are 12 aged 62, there are 10 aged 63, there are eight aged 64, one aged 66, two aged 67, one aged 68, one aged 69, and two aged 72.

1970 Given the advanced age of these particular individuals, one would have thought that the only reason why they are still going there to get registered and signing on as unemployed is because... The most obvious reason is that they have no income whatsoever, or very little income at all, which is probably not the case perhaps with Gibraltarians, because Gibraltarians, given this particular age, will be entitled to a number of benefits that the Moroccans are not entitled to.

1975 Does the Hon. Minister not feel, given his credential as a socialist, that there is a need to ascertain whether there are people in Gibraltar who worked in Gibraltar, who reside in Gibraltar, contributed in Gibraltar, paid their taxes, paid their social insurance, who are destitute – or not? Does he have an interest about it?

1980 **Mr Speaker:** [*Inaudible*] ... old age pensioners.

Hon. J J Bossano: Mr Speaker, I know, clearly, that the hon. Member thinks that I am more of a socialist than he is. That is quite obvious from his questions.

1985 **Hon. J J Netto:** No, I do not think that at all.

Hon. J J Bossano: Well, I think he does, because he says why is it that I, as a socialist, do not do something that he, as a socialist, did not do in the four years he was there.

1990 The Moroccan who is 72 now was 71 a year ago and was destitute already and he was the Minister – so why did he not do it when he had the chance to do it, if it is such a socialist thing to do? And if they are people who have been here all their working lives, how come they do not have an old age pension?

1995 I am surprised there is only one with an old age pension. I would have thought that if we have 42 people who have been 40 years here, as he claims, they would all in 40 years be entitled to an old age pension. But I can tell him that these are not people who have appeared after 2011; they are people who were there before 2011 and therefore all the things that he is telling me I should be doing as a socialist are things that he could have done and chose not to do. I do not criticise him for it, because to my knowledge nobody ever has done it before, here or anywhere else. Where there are other countries with socialist Ministers of Employment to my knowledge, they do not go out canvassing the unemployed to see if they are destitute and want money.

2000 **Hon. J J Netto:** Well, Mr Speaker, I am not going to dwell too much on the question of who is the socialist but I can tell you, as a supplementary question –

2005 **Mr Speaker:** I do not think we need to debate the degree of socialism of any hon. Members.

Hon. J J Netto: No, Mr Speaker, but if I may, the one thing that I did as a socialist when I first got elected as Employment Minister in 1996 was to lift the instruction that he had left in the ETB then not to regularise the position between 200 and 300 Moroccans who had jobs but he had given instructions that

2010 they should not be established and registered as employed. That was one of the things I did as a socialist and one of the other things I did also as a socialist –

A Member: That is not a question.

2015 **Mr Speaker:** Does the hon. Member have a question?

Hon. J J Netto: Yes, Mr Speaker, I do and I apologise. (*Laughter*)

2020 Moving on, Mr Speaker, to Question 173, in relation to the Disability Allowance application, he keeps saying in his answer that he feels that there is a need for the criteria to be looked upon. Could he perhaps expand on what he means that the criteria have not worked well which gives rise to the applications being considered for such a long time and by when he will be in a position to determine new criteria, if new criteria are indeed required?

2025 **Hon. J J Bossano:** Well, it is not that new criteria are required; it is that there are no criteria. That is to say that, as far as I can make out, whether the answer is yes or no to a claim for Disability Allowance is where there is discretion, which is if it is not at birth. If it is birth, it is mandatory and if it is not at birth, it is discretionary.

2030 I have not been able to find out from the Department what were the sort of boxes that needed to be ticked for the answer to be yes or for the answer to be no. The only thing that we have been able to find in the system that was introduced in 2007 by the Hon. Mrs Del Agua, when she was in office, is the one that says that the payment of the allowance shall be suspended if the disabled person is employed in a full-time employment.

2035 Now, that is the only criterion that really says if you are in full-time employment, the answer has to be no, because if you are taking it away from the person who is getting it, then logically you cannot be giving it to the people who are not getting it because they are in full-time employment.

2040 Apart from that, the guidelines that are available, for example, say that somebody who is attending St Martin's and St Bernard's Occupational Therapy or an approved disabled children centre outside Gibraltar on a full-time basis qualifies for the allowance, so that is one criterion. Right. If they are in those institutions, they qualify for the allowance. If they are not working they qualify for the allowance.

2045 But there is not a... For example, it talks about a severely disabled person, but it does not say what constitutes 'severely' disabled and what constitutes less. These are not things I think that we can judge, so we need to have a situation where there is a set of guidelines which then, if somebody says, 'Well, why has the answer been no in my case and yes in some other case?', we can give some kind of explanation.

2050 The only guideline that I have got, which says, 'The following are the disability criteria as defined in the discretionary social assistance arrangement' was introduced in 2007. Before that apparently there was nothing at all and here, the only thing that is clear in these criteria is if you are working, you do not get it.

2055 **Hon. J J Netto:** Mr Speaker, I mean from recollection the criteria that the Department used to have was that when an application for Disability Allowance was placed at the Department, basically what the Director of the Social Security Department used to do is to refer that application to a board of medical people, basically to determine the extent of the severity of that disability. Based on the report by the medical professionals, the Director would either confirm yes or no in terms of providing the Disability Allowance. I think it was as simple as that.

2060 I can also accept that with the passage of time, nowadays there are many other sorts of illnesses, that perhaps, when the original criteria done, may have changed and needs to be considered. But other than the possibility that when the Director of the Social Security Department may refer the application to this particular panel of doctors, right, and the doctors, for their own specific circumstances in St Bernard's Hospital, may not be able to attend the meeting, therefore there is a delay on this, I just cannot see any logical reason why there should be a delay.

2065 I can accept that you may have to have – and quite rightly – an updated criteria on much more wider things that today are accepted as a disability. I accept that, but given the amount of applicants now and the time that they have been waiting for a result, I would have thought that for most of them, if not all of them but probably most of them, it would have been sufficient just to refer the matter to the doctors.

2070 **Hon. J J Bossano:** Well, this is going back to the original question, Mr Speaker, and the answer to the original question is the answer that I have already given.

I accept that the decision may have been delayed more than necessary because we are trying to see if the pattern of decisions in the past is an indication of what it should be, given that we would like to have something that is more, if you like ticking boxes rather than appearing to be personalised shall we say, which is something that some people complain of, but I have told him that in fact it ranges from one to 367 days. In looking down the list over the last four years, which I have done, before I came to the House

with this answer, as a general rule the ones that are decided very quickly is where the answer is no. So in most cases, the ones that took a very short time were because it was obvious that they did not fit in the pattern of previous cases, and the answer was simply no.

2075 The ones that possibly are more marginal are the ones that take longer and the ones that are very clear-cut may take less. But I cannot... All I can tell him is that I accept the point that we need to move on this and take a decision fairly quickly, but I cannot take it any further than I have already.

Mr Speaker: Any other question?

2080 **Hon. J J Netto:** Just one more, Mr Speaker, and then I will not be pressing any more than that.

Perhaps he may not even have the information in front of him, but does he know when was the last time that the medical board met to consider the applications?

2085 **Hon. J J Bossano:** No, I do not have that information. I will find out. I have no knowledge of that.

Long-term unemployed Number having served prison sentences

2090

Clerk: Question 175, the Hon. J J Netto.

2095 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment say how many long-term unemployed persons – that is, being registered for more than one year – there are who have previously served a prison sentence and have had a history of addiction to drugs or alcohol, the information of which is collated by the Employment Officer, stating the period registered as unemployed and the assistance given by the Employment Service to help such persons obtain employment?

2100 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): None, Mr Speaker.

2105

WOPS Fulfilment of manifesto commitment

Clerk: Question 176, the Hon. J J Netto.

2110 **Hon. J J Netto:** Mr Speaker, can the Government state if they have now fulfilled their manifesto commitment in relation to WOPS?

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

2115 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Yes, Mr Speaker.

Hon. J J Netto: Can the Minister provide the details, then.

2120 **Hon. J J Bossano:** Well, the details are, Mr Speaker, that the manifesto commitment was that we would reintroduce a scheme for the current civil servants if there was an interest in that and there is no interest and therefore there is no need to do it. Nobody is interested in the current Civil Service and the people who had opted out previously would be given an opportunity to come back in again.

2125 So far I think we have had five or six of the 5,000 pensioners writing in saying they are interested in the possibility of returning the money, but they have not decided that they are going to return the money until they get told how much it is.

2130 The Treasury, of course, is engaged in calculating the manual process, because they have to go through each individual file, find out the year when the person stopped, find out how many years between stopping and retiring there have been, what would have been the amount that they had to pay if they had continued, plus the amount that they would have to give back that they have received and make an adjustment of 3% per annum for inflation. We think it is very likely, in fact, that the six pensioners concerned, all of whom are in fairly advanced years, will realise that for the life expectancy involved... The whole purpose of paying for something to make a provision for your widow, frankly, is only a sound

2135 investment if you die young and then the widow gets the money for a long time; but if you are in your late 80s or 90s and you suddenly have to give back thousands of pounds in the expectation that somehow you will pass away before your wife does, and she will get a pension that she otherwise would not have got, the figures do not look good. But people will still be able to do it if they want to.

2140 The difficult technicality is not in the payment, but in the calculation of how much they have to pay in, which is what is taking place now. But it seems unlikely that there is going to be anybody... Out of the six, there may be one or two towards the younger end of the age spectrum that may be marginally better off, but it is not...

I think if they had done it at an earlier stage in their lives, it would have made more sense to do it.

2145 **Hon. J J Netto:** First of all, I am grateful for that information, particularly with the former employees which are now retired, but I suspect, Mr Speaker, that there is some kind of miscommunication taking place, because the only reason why I raised this particular question in the first place is because some of the pensioners, particularly some of the pensioners in the Gibraltar Pensioners Association, have said that they have found themselves not knowing where to go, because when I first originally asked this question 12 months ago, at that time I think the hon. Member, the Minister said they would have to address their concerns to the Human Resources Department, which they did – this is what they are telling me – and they actually wrote to them. After a couple of months, insisting that they wanted to know what was the scheme going to be like, in terms of considering their options, the Human Resources Department then referred the matter to the Financial Secretary, then the pensioners tried to pursue it through the Financial Secretary and then ultimately – this is what I am told – the Financial Secretary has said no, this has got to go back to the Minister himself.

2155 So can I just suggest to the Hon. the Minister that to be able to ensure proper communication between what is happening and by whom to the former employees, that at the very least he may, if he has not done it yet, provide a meeting to the Gibraltar Pensioners Association to inform them exactly what is happening, and then for them to consider whether it is something they want to take forward or not.

2160 **Hon. J J Bossano:** The people that have actually shown an interest in this have actually written to me about it and I have made sure that the Treasury Department is working on this.

2165 I think part of the problem is, of course, that they think it is taking a long time and it is simply not an easy thing to do. It has got to be done one by one manually and you have got to do the calculation for each person. It is a good thing there are only six, because if there were 5,000 asking for this, it would be an impossible task.

But in any event, they have already got an appointment to see the Chief Minister on this one and I have no doubt that they will go into the whole thing at great length.

2170

**Government Debentures
Redemption of Gibraltar Savings Bank Debentures**

2175 **Clerk:** Question 185, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister explain the policy behind the recent offer to holders of Government Debentures to replace those holdings with corresponding Gibraltar Savings Bank Debentures?

2180 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Mr Speaker: Question 185, on the Gibraltar Savings Bank.

2185 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** Mr Speaker, I will answer this question together with 186.

2190

**Government Debentures
Replacement with Gibraltar Savings Bank Debentures**

Clerk: Question 186.

2195 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please explain why the letters dated 1st February this year to holders of Government Debentures maturing on 31st December 2015 contain notice of the Government's intention to redeem those Debentures in full if none of the options contained therein are chosen by the holder, but the letters to Government Debenture holders dated 20th December 2012 in respect of Debentures maturing on 31st December 2013 do not contain such a notice?

2200 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment.

Minister for Enterprise, Training and Employment (Hon. J J Bossano): Yes, Mr Speaker. The policy of the Government is to redeem existing Government Debentures and not offer any new issues. These are repaid in cash from Consolidated Fund reserves. As has been the practice in the past, holders are given the opportunity of reinvesting part or the whole of the proceeds in Debentures usually offering equivalent or better terms.

2205 The replacement Debentures will now be Savings Bank issues. The Debentures that mature on 31st December 2013 would have been repaid in full on that date if no one had opted for early repayment in response to the letter dated 20th December 2012. There was no need to provide six months' notice because the early indication from the holders was that the options provided for reinvestment were likely to be taken up by the vast majority and, in any event, giving notice would only have brought forward the redemption by a few months.

2210 In the case of the 31st December 2015 redemption, since the early repayment involved a longer period, it was necessary to indicate to the holder that the intention to redeem the Debentures and repay the amount in cash was the policy that the Government is pursuing, so they would know where they stood.

2215 **Hon. D A Feetham:** Yes, Mr Speaker, I knew that the hon. Gentleman would sooner or later conduct a palace coup, but it has taken me by surprise that he has conducted that coup as early as just over a year into this term.

2220 But Mr Speaker, can I ask the Hon. the Minister for Enterprise what the total value of the Debentures to be potentially transferred into the Gibraltar Savings Bank by these two transactions was at the end of last year.

2225 I ask that question. I should have prefixed it with this: the Principal Auditor's Report of 31st March 2011 said that the total value was £29.1 million. I suspect it is already very close to that, but obviously there may have been people who have redeemed in the intervening two years, so I do not know the exact figure. Does he have that figure to hand?

2230 **Hon. J J Bossano:** No, let me just first answer the first part of his question. He is mistaken in thinking that I am planning a coup, but I accept that if I ever decide to have one, I will go to him for advice because he is the master! *(Applause)* Sometimes his coups do not work and sometimes they do. I can think of two examples, one where they did not work and one where they have! *(Laughter)*

2235 I think the figure is probably higher than that, but I cannot tell him off hand whether it is or not. But he is wrong in... I mean he is wrong... Strictly speaking, he is saying, look, we are sort of transferring the thing because at the end of the day, if people have no –

Hon. D A Feetham: Potentially, I said, it should be transferred.

2240 **Hon. J J Bossano:** Yes, but the point is that, of course, the obligation is to pay cash and therefore people can either re-invest or not re-invest, but there is no... we are not... As far as the Government is concerned, the background to this is that in 2005, when the then Government took the decision to stop the Debentures being issued by the Savings Bank and instead decided to move them to being issued by the Government – for many years they had been from the Savings Bank – I think one of the elements in it which made sense was that in the Savings Bank, for every £100 that you issued in Debenture you had to increase the reserves of the Savings Bank by £10. That is no longer the case but that meant of course that if there was £200 million of Debentures from the Government, you had £200 million in the reserves. If 2245 if that had been in the Savings Bank in 2005, they would have required £220 million. Therefore the answer is that it is not because we need to attract this money into the Savings Bank that we are offering the alternative, but because we accept that the rationale, as it was explained in Parliament, was to provide a savings vehicle that gave a more attractive rate of interest than was available in the market. We feel, 2250 therefore, that we must continue to do that particularly for those who have enjoyed it until now. It may not always continue to be so.

Hon. D A Feetham: Yes, Mr Speaker, my old friend, Mr Bossino was actually agreeing with you on your successful coup part of it, Mr Speaker! *(Laughter)*

2255 The Hon. Minister has not answered the question, with respect. I prefixed, I used the words 'potentially to transfer'; perhaps I should have asked the question in these terms: what was the value of the Government Debentures in respect of these offers as at 31st December of last year? Does he have the figure of the value of these debentures as at that stage?

2260 **Hon. J J Bossano:** No, but I think it was much higher than the figures he has mentioned – probably twice as much. I think it would probably be closer to £60 million than to £30 million, the two of them combined. I think, pretty sure.

2265 **Hon. D A Feetham:** And, Mr Speaker, does he have a figure in terms of the value of those people that have chosen to transfer into the Gibraltar Savings Bank?

Hon. J J Bossano: Probably around 50 out of the 60, and that does not mean that the remaining people will not, because we have told them that we are going to give them six months' notice anyway.

2270 **Hon. D A Feetham:** Does he accept that the effect of the transfer into the Gibraltar Savings Bank is a reduction in public debt by effectively £60 million?

2275 **Hon. J J Bossano:** Well, first of all, it is not a transfer; it is a repayment of public debt – something which I would remind him he felt quite strongly about in 2003. Maybe he does not remember the debate we had on the radio, but I do. On that occasion, he was in fact very critical of the former Leader of the Opposition, who wanted to repay debt by issuing debt and argued that it was not the right thing to do.

So in fact what we are doing is something he believed in very strongly in 2003, when he had a much more conservative view of public debt.

2280 The effect of it is that the reserves will go down by £50 million and the debt will go down by £50 million, and there will be zero effect.

2285 **Hon. D A Feetham:** Yes, in fact the debt goes down by £60 million, because only £50 million has been transferred to the Gibraltar Savings Bank, but £60 million has actually been redeemed – was the answer he gave me.

Hon. J J Bossano: £60 million, yes.

2290 **Hon. D A Feetham:** So it is £60 million, sorry yes. He has obviously misunderstood the point that I was making in the radio debate, because the point I was making there was that the public debt, the gross debt was £78 million; that the borrowing limit at the time in terms of the statutory borrowing limit was £100 million; and that if you took into account off-balance sheet transactions, such as PFI arrangements in relation to the hospital, it probably took you over the £100 million. Indeed, in light of the debate that is taking place in the United Kingdom and most experts now agree that PFI arrangements should be on-balance, not off-balance sheet transactions, I was right in relation to that debate and I was not wrong. That is the point that I was making.

2295 But Mr Speaker, does he accept that although that amount no longer appears as public debt in the Government accounts, the Government continues, effectively, to be responsible for the £50 million that has been transferred in to the Gibraltar Savings Bank, by the fact that the Government effectively guarantees all monies within the Gibraltar Savings Bank?

2300 **Hon. J J Bossano:** Well, to the same degree that it was responsible for the £200 million in the Savings Bank when he was in office, yes.

2305 **Hon. D A Feetham:** So does he not accept that insofar as these transactions involve a reduction of public debt in the sum of £60 million, £50 million of which has been transferred to the Gibraltar Savings Bank, that it is a reduction by virtue of transferring from the left pocket of the Government into the right pocket and as far as an exercise in the reduction in public debt is concerned, it is a pretty meaningless exercise?

2310 **Hon. J J Bossano:** Well, I do not think it is a meaningless exercise, unless the Opposition now has moved to say that any money deposited in the Savings Bank is public debt. If that is what he is saying... He is now considering that all the money in the Savings Bank is public debt. The fact that the money is taken out of the Government Debenture or is taken out of a deposit account in Barclays Bank and put in the Savings Bank does not alter the definition of public debt. It is not the source of the money; it is the fact that it is a charge on the Consolidated Fund and what we are doing is that the reserves will be smaller

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and the debt will be smaller, obviously, and therefore the net position remains the same. That is what we are doing.

2320 The hon. Member seems to be saying that the net position does not remain the same, that we owe £50 million more. I do not agree with him.

Hon. D A Feetham: Well I am afraid that, it is a clever answer but that is not the point that I am making nor –

2325 **Hon. J J Bossano:** What is the point?

Hon. D A Feetham: He knows that it is not the question that I am asking.

2330 Does he not accept that the transfer into the Gibraltar Savings Bank transfers... effectively, it involves taking out of the figures of public debt, in terms of the Government accounts, that £60 million, but effectively transferring £50 million into the Gibraltar Savings Bank, whilst it does not appear as public debt because it appears only in the accounts of the Gibraltar Savings Bank, the Government still guarantees that money and insofar as it involves an exercise of reduction in public debt, it is a pretty meaningless exercise? That is the question.

2335 **Hon. J J Bossano:** Well, it is a question which makes no sense at all. That is the point I am trying to get him to understand, Mr Speaker, because if he is saying, if the money used to be borrowed by the Government from me and I get paid back that money and I put that money in the Savings Bank, it is a meaningless exercise and the public debt is the same.

2340 Well, if the public debt is the same, then it means that if I take my money out of an account with a bank down the road and I put it in the Government Savings Bank, the public debt has gone up. No, so he is now saying – which presumably would require us to redefine in the law the public debt – that public debt consists of the money that is charged onto the Consolidated Fund and the money that people take out of the Consolidated Fund because they get their Debentures repaid and then choose to reinvest that money in the Savings Bank of Gibraltar, as opposed to the Barclays Bank or any other bank in Gibraltar. Well, the answer is no, I do not agree with him. I do not think it is a meaningless exercise. In fact, it was never thought to be a meaningless exercise before.

2345 I have already reminded the Member that part of the rationale of moving the money from Savings Bank Debentures, which it was until 2005... Up to 2005, it was the Savings Bank that was doing it. After 2005, the Government issued a press release in 2005 announcing that they were discontinuing Savings Bank Debentures and instead issuing Government Debentures. Now that was not because they wanted to increase the public debt and that was their philosophy – at least that is not what they were saying then. What they were saying then was that, look, this is money that we are not borrowing because we need it, because the money will be put into the reserves and cannot be touched; it is money that simply because the Savings Bank says that for every pound that somebody puts in the bank, the bank has to have £1.10, but whereas if it goes into the Consolidated Fund reserve, you do not have to have, that you have £1 for £1, it means that the Government does not have to tie up capital in the reserves of the Savings Bank.

2355 That was true until several years later, the Government came to the House and decided to do away with the reserves of the Savings Bank, so the rationale of the advantage of doing it from the Consolidated Fund was in fact no longer applicable. Because it is no longer applicable, there is no longer that reason there and therefore in our view, we should only borrow money as a Government because we intend to spend it, not borrow it in order to put it into a cash reserve that cannot be touched.

2360 **Hon. D A Feetham:** So, Mr Speaker, is it not the case, is it not the position that when we were effectively at the sharp end of criticisms on the level of gross public debt last year – ?

2365 **Mr Speaker:** Look, we are now debating the level of public debt. (*Interjections*) The question about the notice that was given to debenture holders, letters written to them and a question on the Government, what is the Government's policy to replace... now is becoming a debate on public debt. I would invite hon. Members to debate the question of public debt whenever they want to, but not under the guise of this question.

2370 **Hon. D A Feetham:** Mr Speaker, it is an integral part of –

Mr Speaker: It is and it is not.

2375 **Hon. D A Feetham:** Well, of course it is, because –

Mr Speaker: If it is an integral part, the Hon. the Leader of the Opposition could have put a separate question on the question of public debt – which he has chosen not to do.

2380 **Hon. D A Feetham:** No.

Mr Speaker: – which he has chosen not to do, which he has chosen not to do.

2385 **Hon. D A Feetham:** Mr Speaker, I have asked in my first question to explain the policy behind recent –

Mr Speaker: Right and that has been explained and there was no reference, in explaining that, to public debt.

2390 **Hon. D A Feetham:** But, Mr Speaker, it is our position that effectively (**Mr Speaker:** Fine.) it has been in exchanges –

2395 **Mr Speaker:** Fine and I allow you to debate, I allow you to debate that position. If you want to debate that position today, on the adjournment, I will allow you to do that; but what I am not going to allow is a continuing debate. You have now had 15 minutes on the public debt. I am not going to allow a continuing debate on public debt, because you are going to debate it today, you are going to debate it in May, you are going to debate it when the Estimates of Expenditure come.

2400 At any time that the Hon. Leader wants, I invite him, bring a motion on the question of public debt and allow other Members of the House to contribute to that, because when you have a *mano a mano* between two of you, you are effectively denying the right of other Members to take part in a debate. That is what you are doing and that is contrary, certainly to the practice in the House of Commons. It is contrary to that practice.

2405 I have allowed... The hon. Member cannot say that I have not allowed him five or six questions on the public debt. I have.

Yes, I am sure...

2410 **Hon. P R Caruana:** Mr Speaker, I wonder if I could be allowed to rise from my seat on the back bench to ask the hon. Member... and being careful to limit my questions to supplementaries that relate to the original subject. If I could rise from my seat on the back bench to ask him whether he had the pleasure of watching the Leader's debate on the eve of the voting at the last General Election and whether he might have been amused to hear me say, in that debate, that the then Opposition Party need not offer to take four years to reduce the gross public debt, because they could do that in four minutes, precisely by the mechanism that the question reflects.

2415 Therefore, my making the point – does he recall – that the relevant economic debate is not the level of the gross public debt which could easily and quickly be reduced by the very mechanism to which this question relates, and that therefore it was the *net* public debt that was relevant at the time?

2420 And, Mr Speaker, in that context does the hon. Member not agree that the exercise – I will not repeat it – that he has been debating, which I acknowledge is what has been taking place between the Leader of the Opposition and he, really demonstrates that whatever other purpose reducing the gross public debt in this way may serve, it does not alter the net public debt and therefore does not alter the financial situation of the Government of Gibraltar in any macro-economically meaningful way.

2425 **Hon. J J Bossano:** Well, I cannot agree that it can be done in five minutes because we have tried to do it in six months and they are attacking us for taking six months! (**Hon. P R Caruana:** Figure of speech it was [*inaudible*]) I suppose if the GSD is in Government, five minutes is okay and if we are in Government, six months is too little!

2430 I agree with him that this has the effect of making the gross debt smaller and therefore it does not have the effect that was being suggested by the Leader of the Opposition that the gross debt is now being transferred to the Savings Bank –

Hon. D A Feetham: That is not not the point that I was making.

2435 **Hon. J J Bossano:** But it will have no effect on the net debt because in fact the amount that gets repaid will be reduced on the balance sheet, as it were, from owing £60 million and having £60 million in the kitty, to owing £60 million less and having £60 million less. The results will be less.

But we expect to be able to reduce the net debt as well.

Hon. P R Caruana: That will be a different [*inaudible*].

2440 **Mr Speaker:** Any other questions?
We will now have a recess of 20 minutes.

The House recessed at 6.05 p.m. and resumed its sitting at 6.25 p.m.

2445

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

2450

**Student teacher's year in Gibraltar
Application process**

Clerk: Question 187, the Hon. Mrs I M Ellul-Hammond.

2455 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Education advise what the application process for those wishing to do a student teacher's year in Gibraltar is and what allowance is payable to them?

2460 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2465 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, students wishing to participate in the student teacher year in our schools have to apply in writing to the Director of Education. The programme will usually commence in October after an induction session delivered by one of the Education Advisers. Suitable placements are identified according to the applicant's qualifications and experience. The allowance payable is £156.75 per week, which is the same as other trainees in Gibraltar get.

2470 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, is this year in Gibraltar a requirement before embarking on a qualified teaching course, either a degree in education or a PGCE?

Hon. G H Licudi: As far as I know, no it is not, but some students do take the advantage of applying for the student year, either before going to do a B.Ed. or even after a degree and before going on to do the PGCE and I understand we have currently a total of 11 student teachers in our schools.

2475 **Hon. Mrs I M Ellul-Hammond:** And Mr Speaker, how does the year work? Is it two terms in the preferred either primary or secondary sector and one term in the other sector, or does the Director of Education decide or the student decide?

2480 **Hon. G H Licudi:** Mr Speaker, as the original answer says, the placements are identified according to the applicant's qualifications and experience and depending on what the applicant wants to do. I do not have specific information as to how the allocation process in fact works, but I will be happy if the hon. Member wants to write to me to provide the information to her.

2485

**Maintenance Court Orders
Number in breach for non-payment**

2490 **Clerk:** Question 188, the Hon. J J Netto.

2495 **Hon. J J Netto:** Mr Speaker, can the Minister for Justice state how many Maintenance Court Orders are in breach for non-payment since this question was asked in Question No. 456/2012, broken down by sex and length of time, and in how many of these cases are the courts intending to enforce the Order in accordance with Part V of the Magistrates' Court Act?

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

2500 **Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Magistrates' Court currently has 78 Maintenance Orders on its records. The court is aware that 17 are currently in breach. Of the 17 in breach that the court is aware of, the breach is due to non-payment by males. Out of these 17, five have active court dates; one has a warrant out for arrest for non-appearance; one has an Enforcement Order from the Magistrates' Court in place; and three have Default Warrants. The remaining seven are currently pending review.

2505 The list of arrears of these seven is as set out in the table that I am happy to pass on to the hon. Member.

Mr Speaker, I should clarify when I say the list of arrears, it is the list showing the length of time in breach in respect of arrears.

ANSWER TO QUESTION 188/2013

Breakdown of Maintenance Order breaches known to the court, by length of breach
(as at 1 February 2013)

2510

Number of cases	Length of time in breach
1	1 month
3	2 months
1	3 months
1	5 months
1	8 months
7	Total

2515

Hon. J J Netto: Mr Speaker, perhaps the Hon. Minister can help me: I am trying to analyse the figures he has just provided me, with the previous figures from the last time I asked this question in May 2012. Now, in the new figures being provided just now, there is one person with eight months which is the length of time which is in breach. In the old figures, we have one particular person – this is going back to May 2012 – that the period of time was 148 weeks. Are we talking about the same person or is it a different person; and secondly, whether that is the person where an arrest warrant has been issued?

2520

Hon. G H Licudi: Mr Speaker, I do not have that specific information, but it seems extremely unlikely, if not impossible, that in respect of a length of time of breach in May 2012, which is the date the hon. Member has given of 148 weeks – which is almost three years.

Hon. J J Netto: One hundred and forty-eight weeks?

2525

Hon. G H Licudi: One hundred and forty-eight weeks: that is almost three years. Now the longest time in breach is eight months, so it cannot possibly be related to the same person. I do not know whether the warrant of arrest is in respect of that one.

2530

In any event, it should be said that the warrant of arrest has nothing to do with the length of time in breach. The warrant of arrest is following an order made for the person to appear in court and that person does not appear. It is not correlated to the length of time of breach; it is just that the court makes an order for appearance and the person does not appear.

2535

**Juveniles below 18 years
Number appearing before the Courts**

Clerk: Question 189, the Hon. J J Netto.

2540

Hon. J J Netto: Mr Speaker, further to Question No. 805/2012, can the Minister for Justice say as at 31st January 2013, how many juveniles below the age of 18 have appeared before the Courts of Gibraltar broken down by month and including the following: (a) their sex; (b) their age; (c) the charge or charges; (d) whether the courts have found any of them guilty; and (e) the sentence passed, if any?

2545

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

Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the information requested is set out in a table which I now hand the hon. Member.

2550

As I said in answer to Question 805/2012, the definition of ‘juvenile’ changed when the Criminal Procedure and Evidence Act came fully into force on 23rd November 2012. Therefore, in the table, the number of juveniles arrested up to 23rd November 2012 relates to persons below the age of 17 and since then, to persons below the age of 18.

SCHEDULE TO QUESTION 189/2013

Juveniles Charged to appear before the Juvenile Court - 1st September 2012 to 31st January 2013						
Month	Nº of Juveniles Arrested	Males	Females	Breakdown by Age	Juveniles Charged	If Convicted, Sentence Imposed
Sep-12	5	5	0	1 x 14 Years 2 x 15 Years 2 x 16 Years	Burglary - 1 Poss. of Drugs - 1 Poss. with Intent to Supply - 1 Taking a Conveyance - 1 Obstructing Police - 2 Breach of the Peace - 1 Common Assault - 1 Breach of Bail Conditions - 1	Conditional Discharge 6 Months - 1 Imprisonment - 1 Fines - 2 (€50 - €200) 12 Months to follow Probation Officers lawful instructions, class attendance and any work organised by Probation Officers - 1
Oct-12	0	0	0	0	0	0
Nov-12	0	0	0	0	0	0
Dec-12	5	5	0	1 x 13 Years 2 x 14 Years 1 x 15 Years 1 x 16 Years	Assault on Police - 1 Taking a Conveyance - 2 Obstructing Police - 3 Poss. of Drugs - 1	Fines - 2 (€30 - €50) C/D 6 Months - 3 15 Hours Attendance Centre - 1 No Separate Penalty - 1
Jan-13	4	4	0	1 x 12 Years 1 x 13 Years 2 x 17 Years	Poss. of Drugs - 3 Discharging or Casting Fireworks - 1	Fines - 2 (€50 - €100) (Fireworks Forfeited) C/D 12 Months - 2

2555

Mr Speaker: Next question.

2560

**Domestic violence
Details of cases reported**

2565

Clerk: Question 190, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Justice state how many cases of domestic violence have been reported to the RGP since Question No. 806/2012 to date, showing the number of persons affected by such violence, their age, sex, the number of persons arrested, if any, and the person’s charged?

2570

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

2575

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, a total of 30 reports of domestic violence affecting 39 persons of which 30 were females and 9 were males have been made to the Royal Gibraltar Police from 13th September 2012 to 31st January 2013.

A total of seven persons have been arrested of whom two have been charged.

Not all 30 were subjected to actual physical violence.

2580

The ages of the persons affected are shown in the schedule which I now hand to the hon. Member.

SCHEDULE TO QUESTION 190/2013

Age of Persons Affected	No. of Persons
Age Not Known	12
4 Years old	1
8 Years old	1
9 Years old	1
12 Years old	2
15 Years old	1
19 Years old	2
21 Years old	1
22 Years old	4
25 Years old	2
27 Years old	2
28 Years old	2
30 Years old	1
32 Years old	1
34 Years old	1
43 Years old	1
45 Years old	1
46 Years old	1
47 Years old	1
59 Years old	1
Total	39

2585 **Hon. J J Netto:** There is one particular thing I do not seem to understand from the information just passed on, the schedule just passed on. Right at the very top, it says 'Age not known – 12'. Can the Minister perhaps provide some clarification what that means?

2590 **Hon. G H Licudi:** Mr Speaker, I am simply assuming for present purposes that when the Police have attended, they know in respect of these incidents 12 people were affected, but they have not actually taken down the age of the particular person.

Hon. J J Netto: Ah, because they have not been recorded.

2595 **Hon. G H Licudi:** It should be said that, although we have quite a number of reports, as I said in the original answer, not all these reports involve physical violence. In fact, most of them do not involve physical violence and that accounts for the fact that out of 30 reports, only seven persons have been arrested, of which two have been charged.

2600 **Mr Speaker:** Next question.

**Sexual assaults
Details of persons charged**

2605 **Clerk:** Question 191, the Hon. J J Netto.

2610 **Hon. J J Netto:** Mr Speaker, can the Minister for Justice state if there have been any persons since Question No. 807/2012 who have been charged with sexually assaulting another person, broken down by month and provide the following information (a) the number of victims, their age and sex; (b) how many cases have now been heard in the courts or are waiting to be heard; (c) of those cases heard, how many have now concluded; and (d) the sentence of those found guilty?

2615 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

2620 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there have been no persons charged with sexually assaulting another person since Question No. 807/2012.

Mr Speaker: Next question.

Clerk: Question 192, the Hon. J J Netto.

2625 **Hon. J J Netto:** Mr Speaker, can I have just a second to look back at some of my notes before going to the next question?

Mr Speaker, in relation to the answer provided back in September 2012, the hon. Gentleman said and I quote:

2630 '... from 1st January 2012 to 12th September 2012, a total of two persons have been charged with sexually assaulting juveniles. One person was charged in January 2012 with sexually assaulting one victim; and another was charged in March 2012 with sexually assaulting two victims. Court proceedings are still ongoing.'

2635 Can I ask the hon. Gentleman whether he knows if those court proceedings have now ended in relation to those particular cases he cited back in September 2012?

Hon. G H Licudi: Yes, Mr Speaker, he can ask and I do know. Those cases are still pending.

2640

**Pornographic pictures of juveniles
Persons charged with illegal download**

2645 **Clerk:** Question 192, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for Justice state how many persons, if any, have been charged with the illegal download of pornographic pictures of juveniles since Question No. 808/2012, broken down by month and provide the following information: (a) the number of persons that have been found guilty in the courts and the sentence given; (b) the number of cases pending a hearing at the courts; and (c) the age and sex of those awaiting a hearing and of those found guilty?

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

2655 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there have been no persons charged with illegal downloading of pornographic pictures of juveniles since Question No. 808/2012.

2660 **Hon. J J Netto:** I am grateful, Mr Speaker, but perhaps can the Hon. Minister provide some information in relation to the last question which he was asked which was back in September, when he said then, and I want to quote him it correctly:

2665 'Mr Speaker, from 1st January 2012 to 12th September 2012, one person has been charged with the illegal download of pornographic pictures of juveniles. The person concerned is a 67-year-old male. Court proceedings are still ongoing.'

Can I therefore ask the Minister for Justice whether he is aware that this particular case is now finalised or is it still pending to be heard?

2670 **Hon. G H Licudi:** Yes, Mr Speaker, that case is no longer pending. The issue has been finalised. It was reported in the press very recently. It is public information, but I am happy to provide the relevant information, given that it relates to an earlier question.

2675 The person charged in respect of that particular period was sentenced in the Supreme Court, following a plea of guilty. In respect of count 1, which was possession of indecent photographs of children, he was given 18 months imprisonment gross or 12 months net, given that he had a third of the sentence reduced for his early guilty plea. On count 2, distribution of indecent photographs of children, the sentence was six months' imprisonment gross and four months net – again a third reduction for an early guilty plea. Count 3, distribution of indecent photographs of children: six months' imprisonment gross and four months net – a third reduction again for an early guilty plea. Count 4, distribution of indecent photographs of children: six months' imprisonment gross and four months net for an early guilty plea.

2680 All sentences were stated to run concurrently. Therefore the net sentence imposed was 12 months' imprisonment.

2685 **Hon. D A Feetham:** Mr Speaker, as a consequence of the recent sentence, there has been some debate and there has been some concern raised by members of the public in relation to suggested deficiencies in the law in terms of the length of sentence. Does the Hon. the Minister for Justice not agree with me that

2690 actually, post the Crimes Act and, indeed, post the Crimes Pornographic Materials Act which we introduced and was passed by this House unanimously, with the agreement of everybody in this House in 2010, there is no such deficiency and that in fact, in relation to distribution, for the very first time distribution over the last two years has been made a criminal offence and also the maximum sentences are 10 years?

2695 Now, I am not asking the Hon. the Minister for Justice to obviously comment on this particular case; I am asking him to comment on the law as it stands at the moment, in terms of possession of indecent photographs and also distribution of indecent photographs. It is certainly our view that the law as contained in the Crimes Act does provide for very tough penalties, regardless of what sentences judges impose. Does he agree with me that they are adequate and if not obviously, what does he intend to do about it?

2700 **Hon. G H Licudi:** Mr Speaker, as the hon. Member says, it is entirely inappropriate to comment on the sentencing by a court in any particular case and to say whether that reflected any inefficiency or deficiency in the law or whether it was right or wrong. Those are matters for the judge and it is not right that we should comment on that at this stage.

2705 What I can say is that the Crimes Act was brought fully into force in November 2012. It was debated during the time that the hon. Member was Minister for Justice. It does contain a comprehensive list of offences in respect of sexual offences, including sexual offences concerning juveniles. We are entirely satisfied that the law as it stands is adequate to meet the necessary requirements, in terms of giving the judges the powers that they need to have to deal, as they consider appropriate in the circumstances of any particular case, giving them the tools that they need and to show the revulsion that society has in respect of this type of offence.

2710 **Clerk:** With that, we come to the end of answers to Oral Questions.

Questions for Written Answer

2715

Answers to W18 to W31/2013 tabled

Clerk: Answers to Written Questions, the Hon. the Chief Minister.

2720 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions numbered W18 to W31/2013 inclusive.

2725

GOVERNMENT MOTION

Installation of video cameras into Parliament Chamber Motion carried

2730 **Clerk:** Government Motion, 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:

2735 *This House agrees, as part of the refurbishment of its facilities, to install video cameras to provide a live video and audio feed of its proceedings on its website and facilitate the transmission of that feed to the media.*

2740 Mr Speaker, this Parliament has changed *massively* since we were elected on 8th December 2011 and it is important to understand what those changes have been to date and how they have come about.

2745 First of all, as I have previously referred to the House at the Ceremonial Opening, we established that the address of His Excellency the Governor on a Ceremonial Opening should be dealt with in the style of the address by Her Majesty at the State Opening of Parliament – that is to say, as a speech that reflects the political programme that the people have elected in the General Election that precedes the creation of a new Parliament.

For the reason I set out in my first address to this House as Chief Minister, that was, in our view, a huge step forward and exactly as it should be in an emancipated environment where the Crown in Parliament gives effect to the will of the people.

2750 At that Ceremonial Opening, I indicated that we were also ready to start the process of making other changes to the day-to-day workings of this Parliament.

We have already introduced, very successfully, the practice of publishing legislation as Command Papers. That practice now allows for wider consultation on all new areas of legislation, even before such legislation is published as a Bill.

2755 In the 14 short months since we assumed office, we have consulted with the Opposition, drafted terms of reference for an Independent Commission on Democratic, Political and Electoral Reform, we have established that Commission under your chairmanship, the Commission has held meetings deliberated and reported and last month, I provided copies for the Members of this House and this month I have tabled a report so that the public can have access to your findings.

2760 And perhaps the biggest revolution that this community has seen in its democracy under my leadership of this House has been my convening of monthly meetings of this Parliament. That has truly, in my view, delivered real democracy to our community in the increased questioning and debating that it delivers.

2765 There is now a WiFi network for Members and journalists available in this House. Moreover, we now publish a parliamentary timetable so that Members opposite, the Press and the Public know when particular questions and matters are going to be dealt with. That, Mr Speaker, is a *massive* change from when we were in Opposition and we were not even told when we might adjourn to. I worry that this is sometimes taken for granted and I am being asked about timetabling, when in fact the timetable is already published by the House.

2770 All of that helps, in our view, Mr Speaker, nonetheless to open up the business and processes of this House to the general public. The culmination of that approach that we have taken to the opening up of our Parliament is the advent, finally, if the House approves it, of video broadcasting of the proceedings of the House.

2775 I said also during the Ceremonial Opening, barely 14 months ago, that I hoped that the cameras that were in the House then to film that ceremonial event would not disappear for the rest of the lifetime of this Parliament. Indeed, Mr Speaker, hon. Members will recall that in our Policy Paper on Parliamentary Reform, we had already stated before the Election that:

2780 'A GSLP/Liberal Government would, immediately after the Election, start the process of holding monthly meetings of Parliament for questions, legislation, Government and Opposition motions. This in itself will very probably require that the post of Speaker should become full-time and that there should be a Deputy Speaker appointed, including such additional support staff as may be necessary. In addition, a parliamentary timetable will be published on the first parliamentary day of each month, so that the public and MPs would know when items would be coming up for debate. There also clearly needs to be a Parliament website, independent of the Government's website, where all debates would be broadcast live on-line and archived. The proceedings of the House should also be televised on GBC TV or the Corporation's own website on the basis of consultation with the Corporation. The website would contain copies of *Hansard*, thus parliamentary questions and answers.'

2785

2790 I am very happy, Mr Speaker, to say that the issue of a video broadcasting of the proceedings of this House has long been a personal desire of mine, in the process that I have referred to of opening up Parliament to take it closer to our people. In the first Budget session of the House in which I had the honour to speak in 2004, I took the view then and I quote:

'... that there also clearly needs to be a Parliament website independent of' –

2795 Oh no, that is the wrong quote! In fact, Mr Speaker, I said that then also in 2004:

'there also clearly needs to be a Parliament website independent of Government's own website where all debates will be broadcast and archived...'

2800 'As for broadcasting, we already do more than many of the other territories which only offer highlights of their Parliaments but we must not consider that enough. If GBC is to feature a blank screen or a three hour loop of repeats during the day, we can use that time when we are on in this House, to reach out to the people who put us here. In my personal view', I said then, 'we should assess the cost of televising the proceedings of this House and debate seriously whether we want to go down that road'. I recognise then, Mr Speaker, that that was 'not a partisan issue because I was conscious that I was then echoing the Hon Mr Azopardi's words in 2003, in what was his last budget speech', and I went on to say 'that I might not be speaking to the preference of everyone on the then Opposition benches. In fact, I think this may be an issue then, Mr Speaker, where the Leader of the Opposition and the Leader of the House then actually found themselves in agreement. The House must reach out through the media to its masters in the population. Not just at election times. We must make better facilities available here for members of the press, and we must not scrimp and save on that. It is too important.'

2805

2810 That was in 2004, Mr Speaker. I recognised then and I recognise now that the Hon. Keith Azopardi QC had already raised the issue the previous year in his final Budget address to this House in 2003, when he was Deputy Chief Minister. He had then said this:

2815 'One looks at the public gallery and there are not many people that come to this House and it should concern Members that that is the case, it certainly concerns me', he said, 'because this House should be in touch with the people and the people should be in touch with this House. The people elected the Members of this House and we need to encourage participation in the affairs of this House and we need to ensure that we communicate and transmit public information to the people and I am concerned that there is a level of disinterest and that has to do with the working practices of this House and I believe that we should take an opportunity to review the working practices of the House to make sure that we reach the people much more. It is a question of restructuring timings, of sittings, restructuring the way Question Time is set up and need I say also my personal view is yes, perhaps we should debate whether we should televise part of the proceedings of this House.'

2820 That is the end of the quote from Mr Azopardi.
2825 Neither he nor I, Mr Speaker, found favour with the then Leader of the House, but I continued to press the issue.

During the course of the Budget debate in 2006, I pursued the matter further, stating that:

'... we as a Parliament should very seriously consider the broadcasting of the proceedings of this House. Indeed,'

2830 – and I now quote, Mr Speaker:

2835 '...when I say broadcasting I mean video broadcasting. In order to stimulate debate on the issue I am considering moving a motion at the next meeting of this House on the issue. Even if only for a few news report snippets or some appropriate 'specials', or live daytime transmissions when the House sits. My views are firmly in favour of clearing out the cobwebs and allowing in the cameras. I am speaking for myself in this respect. Indeed it is now over 20 years since video killed the radio star, everywhere except in this House. Indeed, I think it is fair to say that we are now probably the only European democracy that bars television cameras from showing our constituents our faces whilst we argue or agree. Voters are limited to judging our temperaments from interviews but are prevented from seeing our interactions in this heart of our democracy. No wonder we are left alone to our debate. Let us face it, these days if it is not worth televising, it cannot be worth watching live. Indeed even for this debate'

– the Budget debate that it was, Mr Speaker –

2845 'even for the *plato fuerte* of the Chief Minister's Budget address and the Leader of the Opposition's reply, we have been joined almost by no member of the public. I believe that we as a Parliament must reach out collectively to our community and we cannot do that without allowing the cameras into our Chamber.'

That is the end of that quote.

2850 Mr Speaker, I would be delighted to take the House through some more of my Budget interventions, but I think what I have already stated illustrates sufficiently the fact that this has been an issue that I have personally been pursuing for all the years that I have been in this House.

Hon. Members will know that your own Commission's Report has been clear and positive on the issue of televising parliamentary proceedings. In paragraph 2.13, the Commission has set out the following:

2855 'We have considered whether sittings of Parliament, or any part of them, should be televised. There has been broad support from responders for the televising of proceedings. We have concluded that the sittings of Parliament should be televised but not the proceedings of standing or select committees.'

2860 And then your Recommendation 17, which states the following:

'We recommend that consideration should be given to televising the proceedings of Parliament and we further recommend that in the event of a privatisation of the Gibraltar Broadcasting Corporation, the arrangements for the televising of parliamentary proceedings should be guaranteed.'

2865 In fact, Mr Speaker, let me just point out that there is no question in the plans announced by the Government that there might be any privatisation of GBC. That is not at all what our plans for the creation of this subsidiary of GBC, to be known as Gibraltar Entertainment Network, amounts to.

2870 Perhaps most interestingly, Mr Speaker, is the remark the Commission has set out that there is broad support from responders for the televising of proceedings. I have always considered that would be the case amongst the majority in our community. The fact is that, although there may not be many people who enjoy watching BBC Parliament quite as much as I do, and I am sure all other Members of the House, most of our community are now used to seeing excerpts of interventions by party leaders and other relevant parliamentarians on the daily news. There is therefore no doubt in my mind that the majority of our community are looking forward to being able to see the workings of this place in glorious
2875 Technicolor when relevant and not just on ceremonial occasions.

2880 So, Mr Speaker, against that background, we are shortly to be in a position to deliver video broadcasting of this House as part of the installation of high quality video cameras during the refurbishment of this House which we are about to undertake. The concept that the Government's IT Department has recommended, having considered a number of different options, is one which involves installation of three high definition cameras. Two will be on opposite sides of the Chamber. I do not want to look like a stewardess on an aircraft, but two will be on opposite sides of the Chamber and will be able to show each side. These cameras will be installed as unobtrusively as possible within the furniture that is being installed as a result of the refurbishment.

2885 Another, the third camera, will be installed in an area of the Gallery, in order to show Mr Speaker and a wide shot of the whole Chamber. Zooming in will also be possible depending on manual operation or previously fixed default options.

2890 In the same way that the cameras will be integrated into the furniture, so will the new microphones be. The microphones will operate the cameras to the extent that the shot will change based on which microphones are on. The system will work initially on the basis that the camera will show the side of the House on which a person is speaking. If microphones are on both sides at any one time, the shot will move to the shot from the Public Gallery which covers the whole Chamber and Mr Speaker.

2895 The raw feed should in our view be available on the Parliament's own website – www.parliament.gi. The said raw feed will be made available also to GBC and any other journalistic entity recognised by Parliament. In the Government's view, it should nonetheless be Parliament that retains the copyright on all of the images and sound, as I believe is the case today in respect of our audio feed.

I understand that GBC have already started to consider with the Government's own IT Department how to take the best quality feed from here.

2900 I further understand that it is proposed that GBC will be provided with a fibre link so that they have the best possible quality feed. They may wish to transmit live when they have nothing else on their schedules, i.e. before 19.30 hours, or they may simply wish to put it on their website or both, Mr Speaker. Those, Mr Speaker, I consider are matters for the GBC to determine at this moment, but because it is a public service broadcaster, I have little doubt that the public will likely expect them to carry the feed at times when they are not otherwise transmitting scheduled programmes.

2905 Other journalistic entities may also wish to carry the live feed: the *Chronicle*, *Panorama*, *New People* or *Vox*. All have websites which they may wish to have this raw feed feature on. The Parliament should not deprive, in my view, any such entity of the raw feed.

2910 So, Mr Speaker, that deals with how we will film the proceedings and how the signal will be shared with the public by Parliament and more particularly with broadcasters and journalists. But how to regulate the use of these images is a matter of some complexity. There are already rules in place in respect of the Westminster Parliament. I can see that there is a lot there that we will not need to concern ourselves with, as it covers filming of Committees, Westminster Hall debates and the like, and I am grateful to you Mr Speaker for having provided information that was provided to the House by the Westminster Parliament.

2915 We can derive some guidance, Mr Speaker, on the subject of broadcasting of debates in the main Lords and Commons Chambers and the rules which apply there and I think that is very useful indeed. There are actually Rules of Coverage at Westminster that seem to be helpful in some of the parameters that they set out on how images should be framed, for example.

2920 I am going to propose that we should adopt some parts of those rules at the next sitting, by way of another motion that I hope will be the subject of agreement across the floor before it is put. We cannot, however, do that exercise until we have the cameras up and we can define the angles of coverage properly.

2925 For example, Mr Speaker, it may not be possible to insist on a head and shoulders shot in some instances, which is what the Westminster rules provide for, but from what I have seen, we will be able to frame some rules around the Westminster model. Also, we need to remember that in this Chamber, we also do some of our work sitting down in Committee Stage, especially at Budget time and that may require some amendments to the angles of cameras, which may need to be manual and at times the ushers may have to assist in the way that the cameras are moved.

2930 There therefore remains a lot of technical work to be done, which will require input from the contractor and the IT Department. That work will have to start in late April, when the main refurbishment works in this Parliament have been completed, according to the timetable that we have been provided with and the technical adjustment work can then start in earnest.

2935 Mr Speaker, we are on the cusp of a transformational moment for our community and our Parliament. This is a *hugely* exciting time for our community. The democratic leadership we are providing is opening up this place to everyone in every way, whether it be timetabling the things that happen here so people can tune in or opening this place up by making it truly accessible, as we have said we will do in the second phase of the refurbishment, this Government is opening up Parliament and that is better democracy.

2940 As we do that, Mr Speaker, I trust we shall be able to count on the support of Members on the other side of the House, despite Members opposite having previously not necessarily been in favour of allowing cameras into this place. There is no need now, Mr Speaker, to exclude cameras. There is no need, Mr Speaker, for us to remain a Parliament that transmits only by audio by medium wave with an almost constant interference. There is no need, Mr Speaker, to stay stuck in the past, if technology can bring us closer to our people and perhaps, Mr Speaker, with the advent of video, all hon. Members may also, myself included, at times when tempers flare, have some thought for moderation as we will be seen by all those who wish to tune in.

2945 Mr Speaker, for all of those reasons, I have great pleasure in commending the terms of this motion to the House.

2950 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. Chief Minister.

Hon. D J Bossino: Mr Speaker, this side of the House will be supporting the motion as moved by the Hon. the Chief Minister.

2955 I recall as a young man with a keen interest in politics when the possibility of televising the proceedings of the House of Commons was resisted by the then Prime Minister, now Baroness Thatcher. She opposed the reform and raised concern for the good reputation of the House. MPs were concerned about television trivialising Parliament and shied away from broadcasting on many occasions in the 1960s and the 1970s, when there were three or four attempts to do so.

This House, Mr Speaker, will not find such objection or concerns from the Opposition.

2960 As a party which believes in and values openness, we welcome this initiative and the motion which is the catalyst for it. Broadcasting of parliamentary proceedings form part of our Election Manifesto which I, along with the other GSD candidates, defended at the last General Election and before then, it featured in the previous Government's motion brought in the name of the former Chief Minister.

2965 Parliamentary proceedings which are quite properly open to members of the public in the Public Gallery and can be heard via the airwaves should also, as a matter of course, be televisually available to that same public. It brings further openness and hopefully engages people more in the political process.

As is reported in the UK Parliament website and I quote:

'Televised proceedings led to a substantial increase in the number of news reports featuring the Commons.'

2970 And Mr Speaker, if I could just briefly read from page 10 of the House of Commons Broadcasting Committee on the Rules of Coverage, which is the First Report of Session issued in 2002-03, where it says:

2975 'We are also conscious that great efforts are being made to re-engage the general public in politics, to tackle voter apathy and in particular to interest young people in politics. The Modernisation Committee has also stressed the importance of making the House more accessible and said in its Second Report, Session 2001-02, and quotes from the Report...:

'It is important that the House makes maximum use of the TV media to convey a sense of the Commons as a working environment and a forum of serious and challenging debate.'

2980 All of these features, Mr Speaker, must be good things and we hope that they too will be the effect in Gibraltar of broadcasting to the public and our proceedings here. We therefore have no difficulty in supporting the motion.

2985 It is important to note that what the motion does is to allow and provide for the installation of cameras as part of the refurbishment of this House's facilities. Those are the terms of the motion. It is that discrete issue which this House is approving today.

2990 But Mr Speaker, and reference has been made to it by the Chief Minister, it is also important that we agree rules and guidelines to cover issues such as the nature of shooting and editing. This should be done as efficiently as possible by way, for example, of Select Committee, which I am confident would be able to quickly deliberate on these issues, possibly within the two-month break before the next sitting.

2995 The House of Commons Broadcasting Committee has produced rules of coverage which cover in a detailed but far from lengthy way broadcasting of both Houses of Parliament. And Mr Speaker, in the BBC website, it provides a very useful summary of what those rules of coverage include and they provide, for example, for no internal editing of speeches; when using two sections of a speech a definite break must be provided to make clear the two sections are not continuous; no speeding up or slowing down of the pictures or sound; parliamentary material can be used only in news and factual programmes or for educational purposes; no parliamentary recording may be used in light entertainment or fictional drama programmes or programmes of political satire. Parliamentary material may be used in the factual parts of magazine programmes, but must always be kept separate from musical, fictional or humorous items.

3000 The rules themselves, Mr Speaker, deal with issues such as picture direction and instruction on how
events are to be treated. In more particular terms, they prohibit, for example, the showing of the Press and
Public Gallery; the filming of disruptions in the Gallery; close-up shots of Members or officers' papers.
3005 They provide for a standard format for depicting the Member who has the floor: in the House rules, they
provide for example and the Chief Minister himself mentioned it, a head-and-shoulders shot and not a
close-up.

The Report also made a reference to webcasting, which is likely to be, as the Chief Minister has
already indicated, what the Government is proposing to do and in relation to that, Mr Speaker, if I can
quote from the House of Commons Broadcasting Committee's Report, where it says:

3010 'The fixed nature of webcams means that most of the rules of coverage will not apply. However, the direction of the shots for a
webcam might need to be defined in the rules of coverage and there should be further discussion on whether the public gallery
should be shown in webcasts.'

3015 So there is still some work to do in relation to the rules, even if it is a webcasting nature.

Mr Speaker, given the nature of the services which have been outlined by the Chief Minister, these
other points may or may not be relevant, but one of the issues which I had in my mind, when I first read
the motion, are things like: is there anybody who will be directing the camera shots. Should the House
employ a television director or camera operators to ensure that the service is properly provided?

3020 And Mr Speaker, I go back to the quote I attributed to Baroness Thatcher, that it is important that in
order to ensure that the good reputation of the House remains intact that we, as a controlling party, should
make every effort to make sure that this is the case.

Mr Speaker, I would also like to read briefly from page 3 of the Report I have been referring to
throughout the course of my submission, which reads:

3025 'The rules of coverage were devised to ensure that the House retains control over how it was portrayed on television'.

This is something that I think we need to ensure ourselves here. They provide specific guidelines for
picture direction and instruction on how specific events such as disorder are to be treated. Finally, the
television director – in that case in the UK – should have regard to the dignity of the House and to its
3030 function as a working body, rather than a place of entertainment.

Mr Speaker, I also refer to the Chief Minister himself, when he said in this House last year that the
cameras were to be allowed in by agreement, when we were satisfied, and I quote:

3035 '... across the floor of the House that we have the necessary infrastructure to ensure that those watching will see more than just
the top of our heads.'

We of course cannot be satisfied until the refurbishment works have been completed and the cameras
installed, that the necessary infrastructure, in that sense, is there. What we should also be concerned
about, however, Mr Speaker, is that the necessary infrastructure in terms of the rules are in place and that
3040 that be achieved with consensus as quickly as possible, in order to quite properly bring the availability of
what happens in this House to members of the public in a modern way.

Thank you, Mr Speaker.

3045 **Mr Speaker:** Does any other hon. Member wish to speak on the motion?
If not, I shall ask the mover to reply, the Hon. the Chief Minister.

3050 **Hon. Chief Minister:** Well, Mr Speaker, may I first of all thank the hon. Gentlemen for the
consensual way in which he has approached his Party's response to the Government's motion on this
matter. He is absolutely right, of course, about what the terms of reference of this motion are: they are
very restrained. They are very, in fact, constraining terms. This motion does *not* allow that the House
should start televising its proceedings, for all the reasons I think I have dealt with and that he has also
alluded to in his intervention.

3055 He has gone into more detail today on what it is that the rules provide for. He has given a flavour of
what the issues that I think are relevant for the next motion should be and that is the motion where I
believe that the House should be adopting those rules and I shall certainly be in touch with him to try and
see whether it is possible for us to agree which of those rules from Westminster we need to be looking at
in some detail and adjusting for the purposes of the Gibraltar rules.

3060 As I said in the course of my intervention, Mr Speaker, and I think he has recognised from the course
of his intervention, fine tuning those rules is not something that can happen until we know exactly what it
is that we can get. I think that we are very close to that, but because there is great specificity in the rules
as to angles, etc, I think it is important, because of the nature of this Parliament, which is different to the
Westminster Parliament, that we look at what we do and it maybe that we need to have one rule for

3065 normal debates and Question Time and one rule for Committees, where we are all sitting down at Committee Stage and the cameras may need to move or we may need to accept a different shot is going to be available in those instances.

3070 Mr Speaker, the hon. Gentleman is right to say that the then Leader of the House, Baroness Thatcher, then Prime Minister Thatcher, in 1989 was against the idea that the cameras should come into Westminster. They, I think, have proved an important part of bringing people closer to proceedings in the Chambers there have been performing for the cameras. I actually think that to an extent, in the early stages, the criticism was that Members felt constrained by the cameras. They were not acting up to them, but things appear soon to have got back to normal, in particular the rowdiness surrounding Prime Minister's Question Time.

3075 Mr Speaker, the hon. Gentleman referred also to Mrs Thatcher's concerns about the dignity of Parliament and whether the cameras should affect that. I think that we are more responsible for the dignity of Parliament than any particular piece of technology. I will put my hand on my heart and say that all of us, myself included, sometimes fail to live up to what each of us might on our cooler moments think is the required dignity that we need to bring to the debates in this House. I do not believe that technology actually pushes us in one direction of dignity or pulls us away from dignity.

3080 But if anything, as I said during the course of my intervention, I hope it will temper us, when we realise that we might be watched by 30,000 people or more, and not just by the few that have shown their support for our democracy by being in this Chamber when we debate, in the Public Gallery.

3085 So, Mr Speaker, all that said, I shall certainly pursue being in contact with him to try and agree those parts of which rules are relevant that we believe we can work on together, and perhaps even once the refurbishment is ongoing, which we see as a refurbishment of the House and it belongs to the House and not to any one particular party, be in touch with him to deal with that issue.

3090 If I may just deal with one particular point before I give way, the hon. Gentleman is right to say that there was a motion in this House in the dusk of the previous Administration that referred to televising and that the manifesto of the Party which he now sits within this House referred to televising of debates, but I do not think that it would be contested by the previous Chief Minister that... There were 16 years in which to do this and it was not done because the Party now opposite was not convinced at any time in those 16 years until the very end, that there might be some value in it, despite my encouragement that they should consider doing so, at least from the day that I got here and when their previous Deputy had even suggested that himself from this side of the House in 2003.

3095 But we welcome that they have changed their views on that and that they are now able to vote with the Government on this particular motion and before I sit down, I will give way to the Hon. the Leader of the Opposition.

3100 **Hon. D A Feetham:** I am very grateful to the Chief Minister.

In fact, may I say, just on some of the last points that he made that I personally stood for election on a platform of a commitment to televising Parliament in 2003 and, indeed, I had the privilege of forming part of a Government that brought a motion in 2010 effectively supporting the televising of proceedings in this Parliament.

3105 But, Mr Speaker, the rules of the House in terms of televising of parliamentary proceedings are going to be phenomenally important and effectively nothing can happen without those rules. If it is going to be dealt with, I do not think it is appropriate for it to be dealt with bilaterally between the Chief Minister and the Leader of the Opposition. My hon. Friend Mr Bossino suggested the establishment of a Select Committee. Can I urge upon the Chief Minister that idea: perhaps setting up a Committee of three people on our side and three people on his side, to actually consider the rules and not to get to a situation where effectively we get to a draft presented to Parliament which has only been considered by two or three individuals?

3110 I think there ought to be more than two or three individuals considering the question of the rules, before a draft is actually produced to Parliament, so that Parliament can vote upon it in a motion.

3115 **Hon. Chief Minister:** Mr Speaker, yes, the 2003 manifesto that he stood on – I believe at that time it was with the Labour Party – also contained the provision to introduce capital gains. I hope he is not going to change the GSD so much that they are going to start proposing that, because the effects on our finance centre might be as dramatic now, as it would have been then, if he had won!

3120 Well, Mr Speaker, look, if there is to be a Select Committee, then it will be set up on the basis of the standard manner in which Select Committees are set up.

The reason that I have suggested I should be in touch with Mr Bossino is because before we even get to that stage, I think there is a lot of work that can be done simply to refine what are a large body of rules into the rules that may be relevant to Gibraltar. It may be that the Government considers going down the route of a Select Committee. If I decide to do that, I shall certainly be in touch with him, (**Hon. P R**

3125 **Caruana:** If the hon. Member will give way.) but there are a number of issues that we can deal with, which I think everybody will agree with. This is not rocket science, from the point of view of what it is that needs to be agreed; neither, in my view, does it require six Members of the Parliament which involve three Ministers spending time considering issues which may actually be quite straightforward.

3130 But I recognise the Hon. the previous Leader of the Opposition.

Hon. P R Caruana: I am obliged to him.

3135 Mr Speaker, I always have had... and the Hon. the Chief Minister is quite right in saying that we had 16 years in which to do this and did not. I think that reflected principally my view that in a small Parliament like Gibraltar, having the cameras in here would just increase the extent to which we all played to the cameras, rather than got on with it. It is a view that I think has become old fashioned now and it probably is the right time for the House to do this.

3140 I do not regret not having done it, because I remain actually quite concerned about the effects that the cameras might have on our proceedings; but I recognise that the way that things have moved in other Parliaments, the practices, the incidence of instant information and instant footage of everything have moved in a way that makes it inevitable. I think it is therefore right and to be applauded that the hon. Members do it, now that they are in a position to do so.

I will of course, from my more humble seat on the back benches, support the Opposition's vote in favour.

3145 But if you will just allow me to say something in half jest, in response to his quip to the Hon. the Leader of the Opposition that he hopes that not everything in the Labour Party's manifesto will become GSD policy. The other day, I was at home, nostalgically perusing some of my old political papers and I came across a statement by him, committing himself solemnly that, if ever he got into the Office which he now occupies, he would introduce a road toll on Line Wall Road: I hope he does not intend to proceed with that either! (*Laughter*)

3150 **Hon. Chief Minister:** I am very grateful, Mr Speaker, for the opportunity to come back at him and tell him that if he actually *watches* that, the only people who talked about introducing a toll on Line Wall Road were the people who wanted to denigrate what I had said. But luckily, *because there was a camera present*, he is able to watch –

3155 **Hon. P R Caruana:** It is in print!

3160 **Hon. Chief Minister:** It is in print and in the voice and speech of the then Minister for the Environment, I believe, or if not, one of the new Members of the Opposition. There is a video, Mr Speaker, of what I said at Sacarello's exactly about that and it does not involve the introduction... a solemn commitment to introduce any toll on Line Wall Road – although Mr Speaker, if I was going to introduce it on any road, it might be in Irish Town or Line Wall Road that I might be *tempted* to introduce such a toll!

3165 **Hon. P R Caruana:** Well, you wouldn't collect much while I was a pedestrian! (*Laughter*)

3170 **Hon. Chief Minister:** Mr Speaker, I am grateful that there appears to be unanimity across the floor of the House now to do this. I believe that the hon. Gentleman is right, that actually the time has come whatever the views of some of the more veteran Members of this House may have been in the old days, because of people's desire for information today, the need to see it to believe it, then I think that it is high time that we took the step to bring the cameras into this House if, post the refurbishment, we have been able to agree the rules and we are all happy with what we see that the technology can produce.

3175 **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.

3180

BILLS

FIRST AND SECOND READING

3185

Immigration, Asylum and Refugee (Amendment) Bill 2013
First Reading approved

Clerk: Bills: First and Second Reading. A Bill for an Act to amend the Immigration, Asylum and Refugee Act. The Hon. the Chief Minister.

3190

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Immigration, Asylum and Refugee Act be read a first time.

3195

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Immigration, Asylum and Refugee (Amendment) Act 2013.

3200

Immigration, Asylum and Refugee (Amendment) Bill 2013
Second Reading approved

3205

Hon. Chief Minister: Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, in brief, the purpose of this Bill is to amend the Immigration, Asylum and Refugee Act so as to make provision for, first, the waiving of visa requirements in specific circumstances; second, formal entry permits; third, requiring visitors in certain circumstances to deposit their passports or other travel documents; and for related matters.

3210

Mr Speaker, clause 2(4) makes several amendments to section 11A of the Principal Act. In particular, it introduces new subsections (3A) and (3B).

Section 11A(1) provides that the Government may direct the Principal Immigration Officer to waive the carrying out in circumstances described in such a direction of any control, powers or functions required and permitted under the Act on any persons or category of persons specified in the direction.

3215

Subsection (3A) therefore provides that any direction under 11A(1), which relates to a category of persons described by virtue of their being nationals of particular countries who hold valid multiple entry Schengen Visas shall be published in the Gazette. Subsection (3B) provides that any direction made under section 11A(1), to which subsection (3A) applies, shall include a waiver of the requirements to be in possession of a valid entry permit.

3220

Further, the direction will specify that the waiver does not entitle the holder to seek employment in Gibraltar or to have access to publicly funded benefits in Gibraltar and shall specify a period that such a person is authorised to remain in Gibraltar, which shall not exceed 21 days.

3225

Clause 2(4) further amends section 11A of the Act, by adding new subsections (6) to (8), which empowers the Government to direct that particular persons be excluded from the remit of any direction under section 11A(1), where it is of the opinion that the exclusion of that person from Gibraltar is conducive to public security concerns. That person's character, conduct and association may be taken into account in reaching that decision.

3230

The Government shall also direct the particular persons to be excluded from the remit of any direction where the reason for the exclusion is the safeguarding of the internal security or defence of Gibraltar. The reason for the exclusion is of such a nature as to fall within the Governor's constitutional responsibilities and the Governor has informed the Government that such exclusion needs to be made.

3235

Clause 2(5) inserts a new section 17A on Entry Permits. Entry Permits can be issued by the Authority or the Principal Immigration Officer and will entitle the holder to enter into and remain in Gibraltar during the period of validity of the permit. An Immigration Officer, however, is empowered to refuse a person leave to enter into Gibraltar if, in his opinion, it is undesirable to give that person leave to enter on the grounds that the person's exclusion is conducive to the public good or public security. The Immigration Officer may take into account the person's character, conduct and associations and such a decision can be taken, notwithstanding that such a person is a member of a class to which a direction under section 11A(1) applies. Such a refusal must be reported to the Principal Immigration Officer and to the Authority.

3240

The Bill further amends the power to declare prohibited immigrants and the effect of such declaration under the Act. Under the new section 52(1A), the Government should direct the Principal Officer to

declare any non-Gibraltarian to be a prohibited immigrant where it is necessary for the safeguarding of the internal security or defence of Gibraltar, the declaration is of such a nature as to fall within the Government's constitutional responsibilities and the Governor has informed the Government that such a declaration is to be made.

3245 The Bill also amends the proviso contained in section 53(1), which originally provided that the Principal Immigration Officer could grant a permit to a prohibited immigrant, permitting him to enter and remain in Gibraltar for such period and to such conditions as he could direct, notwithstanding that the entry and presence within Gibraltar of that prohibited immigrant is unlawful.

3250 This proviso has now been strengthened in that the Principal Immigration Officer must obtain the consent of the Government, Governor or the Authority, as the case may be, and in the circumstances specified therein, before he can grant a permit to a prohibited immigrant permitting him to enter and remain in Gibraltar.

3255 Finally, clause 2(3) empowers the Principal Immigration Officer to require visitors seeking any permit under the Immigration, Asylum and Refugee Act or to whom a direction made under section 11A(1) applies, to deposit their passports. This is principally a power to be used in respect of non-EU nationals, of course, at the borders.

3260 Mr Speaker, I said in my address at the time of the Ceremonial Opening that I wish to see our nation making efforts to build bridges with our southern neighbour, Morocco. For that reason, the first direction to be made will be in respect of nationals of that kingdom to promote their ability to visit Gibraltar as tourists, if they already hold valid multiple entry Schengen Visas. We expect other directions to follow to allow nationals of other states from which Government and the tourist industry may wish to promote visitors.

I commend the Bill to the House.

3265 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

Hon. S M Figueras: Yes, Mr Speaker.

3270 I rise to speak on the Bill, as I have recently been honoured with shadow responsibility for matters relating to immigration and it is my privilege and honour to speak for the first time in the context of my new portfolios.

I took the opportunity earlier of speaking to the Hon. the Chief Minister informally about the purposes of the Bill and I was very grateful to have that discussion with him. That has certainly been of assistance.

3275 For the Members of this side of the House who will, Mr Speaker, be supporting the Bill, this is an initiative that seeks to facilitate visits to Gibraltar by a category of persons that may have hitherto been unable to or put off by the administrative difficulty of doing so and by enabling them to gain access to our shores, to bring business and additional spending power to Main Street as one of the offshoots of the Bill is certainly a principle, one which we are happy to and will indeed support.

3280 I would, however, just like to take the opportunity to raise a matter of concern for Members on this side of the House, a concern relating to the potential for individuals to remain in Gibraltar beyond their welcome and the difficulties that may then arise in ensuring that certain individuals return from whence they come at the relevant time. I do, however, Mr Speaker hasten to add that I am conscious of the various checks and controls proposed within the body of the Bill, but perhaps the Hon. the Chief Minister could provide details in his reply of any systems, checks, protocols, perhaps, that he, in his discussions and consultations with relevant stakeholders, may have identified as appropriate and desirable, in the context of ensuring that what comes to this House as a Bill designed to add some zing to one of the main engines of the community does not turn instead into a burden on it.

3285 That said, Mr Speaker, I reiterate the Opposition's support for the Bill and hope, as I am sure all Members of this House do, that this initiative may bring added activity for the benefit of our small business community for years to come.

3290 **Mr Speaker:** Does the Hon. the Chief Minister wish to exercise his right to reply?

3295 **Hon. Chief Minister:** Mr Speaker, I am delighted that the hon. Gentleman is going to shadow me in relation to matters related to personal status, immigration. He and I have been firm friends for many years and although we may not be able to agree on many things, at least where possible, we can have a word outside this House to deal with issues that may facilitate its workings, as we have today.

3300 Mr Speaker, what we are doing and what we are intending to do is designed to appeal and to be available only to actually quite a defined type of individual and this is an individual who holds a Schengen multiple entry Visa. Therefore, these are individuals that other Member States of the EU have granted – those Schengen Group of the EU Member States – have granted multiple-entry visas to. In

those circumstances, the individual who is in Gibraltar is able to travel into Spain and into the rest of the EU with no administrative burden being put in his way.

3305 So somebody who has a Schengen multiple entry Visa were to come to Gibraltar under what we might loosely call the 'visa waiver programme' and outstay his 21-day benefit visa waiver for Gibraltar, then he is not a person who could only in those circumstances assume deportation, be deported by the airport to the United Kingdom. The hon. Gentleman may know that there are some issues with deporting people through the United Kingdom to another state from which they may originate.

3310 So they would be the individuals who could be deported from Gibraltar to Spain. Now, what class of individuals are we talking about? Principally, the Government believes it has identified groups of people who will likely come to Gibraltar for no more than three days, perhaps long weekends, at a push perhaps a week. That is likely to be the market, but there could be circumstances where individuals could outstay their welcome. We have not acted without working very closely with the Borders and Coastguard Agency, who are in very close liaison on these matters – as the former Chief Minister will know – with the Special Branch and the international law enforcement entities – to ensure the security issues that might relate to an individual coming to Gibraltar are adequately dealt with.

3320 It is not as if people will simply be let in with a visa waiver and we will not know how many there are or where they will be staying. This will be a system akin to the mechanisms used in the United States, where on a visa waiver – he may remember the old style, before ESTAs, where he had to fill in a green visa waiver form if he was a British National, where you need to tell the authorities where you are going to be.

Of course, an individual could simply lie on the form – and then find him amongst 520 million people across the expanse of the great United States. In the similar circumstances here, that person would have to hide themselves in two-and-a-half square miles, amongst 30,000 people. It is not impossible.

3325 The hon. Gentleman may know that there is a list of, I believe, no more than a handful of people who are illegally in Gibraltar. They are known to the Government. The issues there have been what to do with deportation, because those are issues which are historic, and literally you are talking about people who either have illegally gained access to Gibraltar and have come to the attention of the authorities, but either they have been here for 12 or 15 years when that has happened, or there is what I might loosely call a 'sob story' behind the whole thing.

3330 That is not the sort of individual that we believe we are dealing with here, but if it were, suffice to say that I have told him that the authorities are aware of each of those individuals, where they are and where they sleep, and the absence of deportation has more to do with administrative process or politicians being asked to interfere to *stop* processes.

3335 Before he jumps to his feet and asks me what I am doing stopping a deportation process, if that is where I am leading to, this is something that comes from way before our time. He will see that, actually, this is not a huge problem that is likely to materialise, but the technology that is going to be used when taking people's passports – the visa waiver does not mean that you do not check the passport or the Schengen multiple-entry visa – and the follow-up that there will be on where these people are going to lodge themselves whilst they are here, I think has satisfied the Government that we can do this without the risk of an influx of people who may then wish to remain and we would not be able to deal with.

3340 Let me leave him with just this thought: the Schengen multiple entry Visa has to be valid for more than six months for the visa waiver programme to apply on the 22nd day of the visa. In other words, you have to have a Schengen multiple entry visa valid for six months and 22 days if you want to stay in Gibraltar for 21 days so that the deportation through the easiest route will easily be possible.

3345 I trust that satisfies the hon. Gentleman. I am grateful for him having indicated the support of Members opposite.

3350 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act be read a second time.

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

Clerk: The Immigration, Asylum and Refugee (Amendment) Act 2013.

3355

**Immigration, Asylum and Refugee (Amendment) Bill 2013
Committee Stage and Third Reading to be taken at this sitting**

3360 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the Bill be now read – Sorry...

Mr Speaker: Committee Stage.

Clerk: Top of page 40.

3365 **Hon. Chief Minister:** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later today, if all Members agree.

3370 **Mr Speaker:** Do all Members agree the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

Gibraltar Regulatory Authority (Amendment) Bill 2013
First Reading approved

3375 **Clerk:** A Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes of conferring greater independence upon the Gibraltar Regulatory Authority, converting the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board and matters ancillary thereto, appointing a Deputy Chief Executive Officer, making provision for the treatment of the revenues of the Gibraltar Regulatory Authority and for exempting the Gibraltar Regulatory Authority from liability to Income Tax.

The Hon. the Chief Minister.

3385 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000, for all the purposes that the Hon. the Clerk has read out, be now read a first time.

3390 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes of conferring greater independence upon the Gibraltar Regulatory Authority, converting the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board and matters ancillary thereto, appointing a Deputy Chief Executive Officer, making provision for the treatment of the revenues of the Gibraltar Regulatory Authority and for exempting the Gibraltar Regulatory Authority from liability to Income Tax be read a first time.

3395 Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Gibraltar Regulatory Authority (Amendment) Act 2013.

3400 style="text-align: center;">**Gibraltar Regulatory Authority (Amendment) Bill 2013**
Second Reading approved

3405 **Hon. Chief Minister:** Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, can I just ask hon. Members whether they have received the letter with amendments that was handed in this afternoon? Grateful.

Mr Speaker, this Bill is for certain amendments, which I will deal with in detail below and of which I have given notice identical to that published as Bill No. 2/2013.

3410 The Government is of the view, Mr Speaker, that this Bill is necessary in order to comply with the provisions of the Better Regulation Directive – which is Directive 2009/140/EC – which was transposed into Gibraltar law on 26th May 2011 by amending the Communications Act 2006.

The intention of the Better Regulation Directive was to strengthen the independence of the national regulatory authorities in the electronic communications sector.

Recital 13 of the Directive states as follows:

3415 ‘The independence of the national regulatory authorities should be strengthened in order to ensure a more effective application of the regulatory framework and to increase their authority and the predictability of their decisions... to ensure that, in the exercise of their tasks, a national regulatory authority is protected against external intervention or political pressure liable to jeopardise its independent assessment of matters coming before it.’

3420 In the case of the Gibraltar Regulatory Authority, however, under the Principal Act it can be argued that pressure could potentially be brought to bear through Government’s control of the Gibraltar Regulatory Authority’s funding.

The Directive also states, in article 3, that:

3425 'Member States shall ensure that national regulatory authorities exercise their powers impartially, transparently and in a timely manner.'

– and article 3a states that:

3430 '... national regulatory authorities responsible for *ex-ante* market regulation... shall act independently and shall not seek or take instructions from any other body in relation to the exercise of these tasks assigned to them under national law...'

3435 In Gibraltar, we have a situation where the Government is a shareholder in the dominant provider of the communications networks and services. This, coupled with the provisions contained in subsections 8(3) and (4) of the Principal Act relating to the Gibraltar Regulatory Authority having to take into account Government policy, is contrary, arguably, to the independence referred to in the Directive.

3440 Recital 13 also states that it is important that national regulatory authorities should have their own budget, allowing them, in particular, to recruit a sufficient number of qualified staff. This would seem to be inconsistent with sections 9, 10 and 12 of the Principal Act as it is today.

Further, article 3a goes on to state that:

'Member States shall also ensure that national regulatory authorities have adequate financial and human resources to enable them to actively participate in and contribute to the Body of European Regulators for Electronic Communications...'

3445 The Government feels that this Bill will achieve the independence required by the Directive.

3450 The purpose of the Bill is as set out in the Long Title. The Long Title explains that the Bill makes provision for the Gibraltar Regulatory Authority to have greater independence. It converts the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board. It provides for the appointment of a Deputy Chief Executive Officer. It makes provision for the treatment of the revenues of the Gibraltar Regulatory Authority and exempts the Gibraltar Regulatory Authority from liability to income tax.

Clause 2(2) deals with the amendments to the Long Title of the Principal Act, which in essence only requires the introduction of a reference to the Deputy Chief Executive Officer.

3455 Clause 2(3) amends section 2 of the Principal Act by inserting definitions for 'business', which is relevant for the new sections introduced to clause 2(60), and 'Chairman', 'Deputy Chief Executive' and 'Gibraltar Regulatory Authority member', all of which definitions give effect to the purposes of the Bill. Other definitions are of a clarificatory or consequential nature.

3460 Clause 2(4)(a) amends section 3(2) of the Principal Act by establishing the composition of the Gibraltar Regulatory Authority, which is to consist of a Chief Executive Officer, a Deputy Chief Executive Officer and a minimum of two and a maximum of three other persons who are to be appointed by the Minister. The Chief Executive Officer is to be the Chairman of the Gibraltar Regulatory Authority.

Clause 2(4)(b) replaces section 3(3) of the Principal Act and provides for the establishing of the period and term of appointment of the persons to be appointed to the board by the Minister.

3465 Clause 2(4)(c) replaces section 3(4) of the Principal Act and provides for the resignation of the Chief Executive Officer and the persons appointed by the Minister.

Clause 2(4)(d) replaces section 3(5) of the Principal Act and empowers the Minister, after consultation with the other members of the Gibraltar Regulatory Authority, to declare that a person's office as a member of the Gibraltar Regulatory Authority is to be vacated in certain circumstances.

3470 Clause 2(5) amends section 4 of the Principal Act by establishing that the Gibraltar Regulatory Authority shall be a body corporate with perpetual succession, having a common seal, and makes provision for the affixing of the common seal and for the signature of certain instruments.

It also provides for the Gibraltar Regulatory Authority to sue and be sued in its corporate name, and for the service of process or notice.

3475 Finally, it provides for the Gibraltar Regulatory Authority, the members of its board, or persons employed or taken on secondment by it, not to be treated as a body of persons exercising functions on behalf of the Crown or as servants of the Crown.

3480 Clause 2(6) introduces a new section 5 in the Principal Act. This new section deals with the meetings and proceedings of the Gibraltar Regulatory Authority. It provides for the constitution of a forum and the requirement for a Chairman to preside at meetings of the Gibraltar Regulatory Authority. It provides for the calling of meetings with the Gibraltar Regulatory Authority, for voting at meetings, the keeping of proper minutes, and for the making of written resolutions.

Clause 2(6) also introduces new section 6 that provides for the appointment of the Chief Executive Officer, the terms of his appointment, his functions and responsibilities, and for the appointment of a Deputy Chief Executive Officer in his absence.

3485 Clause 2(6) also introduces new section 7, that provides for the appointment of a Deputy Chief Executive Officer and provides for his replacement in certain circumstances.

Clause 2(6) also introduces new section 8, that establishes the functions of the Gibraltar Regulatory Authority.

3490 Clauses 2(7), (8) and (9) provide for amendments to the Principal Act which are clarificatory or consequential in nature and deal with amendments to do with punctuation and numbering.

Clause 2(10) omits the requirement for the approval of the Minister in the delegation by the Gibraltar Regulatory Authority of the discharge of functions, thereby strengthening the independence of the GRA.

Clauses 2(11), (12) and (13) deal with numbering and renumbering.

3495 Clause 2(14) introduces a new section 9(5) in the Principal Act, which provides for a person, to whom functions have been delegated by the Gibraltar Regulatory Authority, to be given a certification of his authorisation, and for the production of the same if requested by any person affected by the exercise of those functions.

3500 Clause 2(15) introduces a new section 10 in the Principal Act that provides for the payment by the Gibraltar Regulatory Authority of salaries to the Chief Executive Officer, the Deputy Chief Executive Officer, such persons as the Gibraltar Regulatory Authority may employ or take on secondment, to a person or agency to whom functions have been delegated, and for the payment of such expenses as the Gibraltar Regulatory Authority may be liable to pay as the result of the exercise of any one or more of its powers.

3505 This new section 10, however, empowers the Minister to determine other expenses and allowances to persons appointed, employed, or taken on secondment by the Gibraltar Regulatory Authority.

It is thought that these provisions are contrary to the desire to grant greater independence to the Gibraltar Regulatory Authority, and I therefore give notice that, at Committee Stage, I intend to move the following amendment to the Bill:

3510 *'In clause 2(15) of the Bill at sections 10(a)(ii) and 10(b)(ii) of the Principal Act replace in each subsection 10(a)(ii) and 10(b)(ii) the word "Minister" with the words "Gibraltar Regulatory Authority".'*

3515 Clauses 2(16) to (26) provide for amendments to the Principal Act which are clarificatory or consequential in nature or deal with amendments to do with punctuation and numbering.

Clause 2(27) provides, through newly renumbered section 11(3) of the Principal Act, for the independence of the Gibraltar Regulatory Authority when exercising its functions, taking into account public policy only to the extent that it is lawful to do so.

3520 Clause 2(27) and (28) also provides, through newly renumbered section 11(4) and new sections 11(5) and (6) of the Principal Act, for the requirement of a member of the Gibraltar Regulatory Authority to declare an interest in any matter coming before the GRA.

Clauses 2(29) and (31) deal with renumbering.

3525 Clauses 2(30) and (32) amend the newly renumbered sections 12(1) and (2) of the Principal Act by allowing the Gibraltar Regulatory Authority to do all things necessary, ancillary or incidental to the carrying out of its function without the imposition of limits set by Parliament. This is designed to grant the Gibraltar Regulatory Authority greater independence.

Clause 2(33) clearly establishes, through the newly renumbered section 12(2)(b) that the Gibraltar Regulatory Authority shall have the power to contract with any person for the supply of personnel.

3530 Clause 2(34) omits from the newly renumbered section 12(2)(d) the requirement for the consent of the Chief Secretary before the Gibraltar Regulatory Authority can employ or take on secondment persons for the purposes of performing certain functions of the GRA. This is another provision designed to grant the GRA greater independence.

3535 Clause 2(35) provides through the introduction of new section 12(2)(e) for the Gibraltar Regulatory Authority to be able to establish and maintain schemes for the payment of pensions or other benefits to employees.

Clauses 2(36) and (37) deal with numbering and renumbering issues.

Clause 2(38) omits from the newly renumbered section 12(3) the requirement for the consent of the Chief Secretary before the Gibraltar Regulatory Authority can establish the period, terms and conditions of employment of such persons as the GRA may employ or take on secondment.

3540 Clause 2(39) introduces new sections 13 and 14 in the Principal Act that provide for the identification of the source of the revenue of the GRA and the investment of such revenue – section 13; and for the establishment and operation of a general fund into which all monies received by the GRA are to be paid, out of which all payments made by the GRA are to be made – section 14. Indeed, section 14 also gives the GRA the power to borrow monies with or without security.

3545 Clauses 2(40) and (41) deal with renumbering and an amendment to the header of newly renumbered section 15 of the Principal Act.

Clause 2(42) replaces previously numbered sections 10(1), (2) and (3) with new sections 15(1) to (5). These impose obligations on the GRA with regard to accounting records or financial statements and the auditing of the same. It provides for the appointment of an auditor and the method of his reporting.

3550 Any direction by the Minister with regard to the statements of account and any involvement by the Principal Auditor is omitted thereby strengthening the independence of the GRA.

Clause 2(43) introduces new section 16 in the Principal Act imposing an obligation on the GRA to prepare and furnish to the Minister annual estimates of income and expenditure and such additional information and explanations as the Minister may require.

3555 Clause 2(44) deals with renumbering.

Clause 2(45) replaces previously numbered section 17(1) and extends immunity from suit to the GRA members, officers and servants and any delegatee of functions.

Clause 2(46) deals with renumbering issues.

3560 Clause 2(47) introduces a new section 17(3) that authorises the Gibraltar Regulatory Authority to indemnify existing and former members, officers or servants for the cost of defending any action brought by a third party in respect of the discharge of their powers and functions.

Clauses 2(48) and 2(49) deal with renumbering and numbering.

Clause 2(50) introduces a new section 18 into the Principal Act.

3565 New section 18 provides for the issuance of notice by the Minister to the GRA to be followed by application to the Supreme Court in the event of non-compliance, requiring the Gibraltar Regulatory Authority to comply with the provisions of the Principal Act. It is thought that these provisions are unnecessary, given that there are adequate remedies available by means of the application of general law in the event of non-compliance by the Gibraltar Regulatory Authority with the provisions of the Principal Act.

3570 Further, the new section 18 does not sit well with the intention to strengthen the independence of the GRA. I therefore give notice that at the Committee Stage, I intend to therefore move its removal. At the Committee Stage, I also intend to refer to the renumbering of sections required, as a result of the removal of section 18.

3575 The consequential renumbering will be the following: section 19 is renumbered so it now becomes section 18, all the way through, Mr Speaker, in section 20, 21 and 22, so that those are numbered with one number below. The reference to section 22 in section 17(4) of the Principal Act now therefore becomes a reference to section 21. Sections 23, 24 and 25 are renumbered with one number less.

3580 Clause 2(50) also introduces new section 19 into the Principal Act. This new section has the effect of prohibiting the issuance of a process of execution by attachment of property or other similar process against the Gibraltar Regulatory Authority.

Clauses 2(51) and (52) deal with a renumbering issue and the consequential amendment.

Clause 2(53) introduces a new section 21 into the Principal Act and exempts the income of the GRA from income tax.

3585 Clauses 2(54) to 2(59) deal with numbering and renumbering.

Finally, Mr Speaker, clause 2(60) inserts new sections 24 and 25 into the Principal Act.

Section 24 authorises the Gibraltar Regulatory Authority to petition the Supreme Court, with the consent of the Minister, for the winding up of a company that appears to the GRA to be undertaking business without authorisation, licence, notification or registration required for the undertaking of business or has had its licence, authorisation, recognition or registration cancelled or suspended.

3590 Section 25 provides for the Minister at the request of the Gibraltar Regulatory Authority to direct the Registrar of Companies to deregister any Part IX companies, in similar circumstances as those set out in section 24 to which I have just alluded.

I commend the Bill to the House.

3595 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

Hon. D A Feetham: Yes, Mr Speaker, the Opposition will be supporting the Bill.

3600 The Bill, Mr Speaker, provides for the conversion of the Gibraltar Regulatory Authority from a corporation sole, that is to mean an individual which under the current Act, the Gibraltar Regulatory Authority Act, is effectively the Chief Executive – under section 3(1) is the Chief Executive – so one individual into a corporate body governed by a board, led by a Chief Executive.

3605 In fact, my understanding – I will be corrected if I am wrong – is that this Bill follows and places the Gibraltar Regulatory Authority on the same... it uses the same model on which the Financial Services Commission is based nowadays. Indeed, there is more than one analogy that one can draw with the Financial Services Commission, because of course, hon. Members of this House, or some, may actually remember that in 1989, when the Financial Services Commission Act or Ordinance, as it then was, was introduced by the then GSLP Government, the Financial Services Commission was a body. It was a group

3610 of people, and amendments were forced – I think I am right in saying – by the United Kingdom to that Act, to convert the Regulatory Authority from the Financial Services Commission to the Commissioner, one individual. Of course, it was always a matter of concern, certainly – and a matter that we wanted dealt with, when we were in Government – to actually change that. It certainly is not a model that is conducive to a proper independent regulatory authority, to have one individual that is effectively the regulatory authority for something as important as this, and indeed something as important as the Financial Services Commission.

3615 So we do believe that by changing the regulatory body from one individual into a corporate body governed by a board, then led by a Chief Executive, that will strengthen the independence of the Gibraltar Regulatory Authority, not diminish it, and as a matter of principle, we will be supporting the Bill.

3620 Mr Speaker, what I would like is for the Chief Minister, if he may, to provide some clarification in relation to two aspects.

In relation to the proposed section 13(1) and its interaction in relation to 14(1): under 13(1) the revenues of the Gibraltar Regulatory Authority shall be such fees and charges as may be payable to the Gibraltar Regulatory Authority under the Act; and then (b) such funds as may from time to time be voted by the Gibraltar Parliament; (c) such funds as may properly accrue to the Gibraltar Regulatory Authority from any other source.

3625 So effectively, the intention appears to me to be to make the Gibraltar Regulatory Authority as self-sufficient as possible and if there is any deficiency, to have then the funds voted in Parliament and it is proper to do so, because of course, then Parliament remains... there is an oversight from Parliament in relation to any excess expenditure, over and above that which the Gibraltar Regulatory Authority generates off its own bat, so to speak.

3630 But then if one looks at proposed section 14(3), it says:

3635 ‘The Gibraltar Regulatory Authority may borrow such sums as the Gibraltar Regulatory Authority may require to enable it to discharge its functions and for the purposes of meeting expenditure of a capital nature.’

Now, does the Hon. the Chief Minister think that that may impact on the model as established in 13(1), which is self-sufficient – if you require anything else you come to Parliament to ensure that it is voted by Parliament? Because it does appear to me that, of course, if it does not generate any income, it is not voted for by Parliament but it can borrow, then obviously it is circumventing the very careful structure that is established in 13(1), which is generation of income, alternatively anything in excess of that, you have got to really vote it in by Parliament.

3640 If it does cause concern, perhaps it can be dealt with by way of an amendment at Committee Stage, so that at least there is some oversight by the Government Minister in relation to the borrowings by the Gibraltar Regulatory Authority, because it appears to me to be a very wide power indeed, provided to the Authority and odd, in the light of the structure and the scheme of things as set out in section 13(1).

3645 May I also ask the Chief Minister what is meant in clause 2(47), (3) by – and I read from the Bill:

‘The Gibraltar Regulatory Authority shall (unless bad faith is definitively found to have existed)...’

3650 What does ‘definitively found to have existed’ mean? Definitively found by whom? By the courts? Can he expand and elucidate on that, please.

Thank you very much.

3655 **Hon. Chief Minister:** Yes, Mr Speaker, I am grateful to the hon. Gentleman for indicating that his party is going to be supporting this Bill.

He has indicated that this is in fact the same model as the model of the Financial Services Commission Act, and that is in fact the case.

3660 Indeed, Mr Speaker, the issues that he has asked us to look at come from very similar provisions, if not identical provisions, in the Act which he says he believes this is modelled on and therefore he is pleased with.

If I can just say to him, the hon. Gentleman has said – and I am grateful that they are going to support this, but he said something during the course of his intervention, which I need to take up – he said that they had wanted to make these changes when they were in Government. May I simply say that these changes... this Act was made when they were in Government.

3665 If he wants to...

Hon. D A Feetham: What I said was that in relation to the Financial Services Commission, having one individual as the regulator, that was always a bugbear with the GSD Government, because it was always a UK appointment and on top of that, the Authority was one individual. The propensity for control

3670 over that individual and then interference in the regulatory system was obviously very clear to us and that was what we, as a matter of principle, were against.

3675 **Hon. Chief Minister:** I see, Mr Speaker. Right, because this Act is a 2000 Act, which is an Act that they introduced at the time, and it is principally something which is led by European legislation that has to be adopted as a result of Directive obligations. As I said during the course of my intervention, this is about updating the Act, to ensure that it does comply with the required EU measures.

3680 So how to do that? Well, base it on the Financial Services Commission Act, which I think everybody accepts in this House sets up the model of independence of a body corporate discharging those sorts of regulatory functions in its particular sphere of influence.

3680 So in relation to the clauses that he has referred us to, clause 13(1)(c) and its interaction with 14(3), and the statement as to definitive findings of bad faith at 2(47)(3), I am advised that those are identical to provisions in the Financial Services Act.

3685 What do they mean and what do they do, Mr Speaker? Well, my understanding is that what you do in 13(1) is you set out how the Authority, the GRA, is able to fund itself. You say in 13(1)(c):

‘such funds as may properly accrue to the GRA from any other source.’

3690 Then you say in 14(3), by allowing the borrowing, in effect that that is a proper other source. So I do not see that there is necessarily a conflict with that. In fact, I think it helps the independence of the Authority not to be reliant on the Government hand-out in 13(1)(b), in particular in circumstances where the Authority is able to persuade a lender that it should borrow money.

3695 Lenders these days, as the hon. Gentlemen know, sometimes do not lend money even to people who can demonstrate that they are solvent. So the GRA, if it is going to borrow money, is going to have to demonstrate its solvency and its ability to pay back. In those circumstances why should – (*Interjection by Hon. D A Feetham*) - when I will finish the point. In those circumstances, why should the Government, Mr Speaker, constrain the GRA from being able to borrow commercially at arm’s length, if it believes that that is a proper course for it to raise funds.

The hon. Gentleman wants to say something.

3700 **Hon. D A Feetham:** Yes, thank you very much.

I am not saying that they are in conflict or contradictory; what I am saying... what I am asking the Chief Minister is to explain whether he feels that there is potential for a circumvention of the oversight of Parliament in relation to any excess expenditure.

3705 Because the scheme is self-funding, if you cannot self-fund, you then come to Parliament to ask for funds to be voted, but of course if the Regulatory Authority, rather than come to Parliament to have funds voted, borrows the money, if it borrows the money, it is then liable to repay the money. It does seem to me as if there is a potential there for there to be a circumvention of the parliamentary oversight, in not allowing the Gibraltar Regulatory Authority to fund itself over and above income it generates, other than in circumstances where Parliament intervenes, and that is why I am suggesting that perhaps, in order to actually prevent that, that the hon. Member might consider an amendment that allows Ministerial oversight of the borrowing because, of course, Ministers are accountable to this Parliament and, at the very least, there might be a closer nexus between that and 13(1).

But that is what I am asking the Hon. the Chief Minister to explain.

3715 **Hon. Chief Minister:** Mr Speaker, I do not believe that there is such an issue and I will tell him why. Section 13(1), he said, had very carefully framed – those were his words – how the Authority was to receive its income. There are, of course, the direct fees and charges that will be raised by the GRA. There is the potential – not the requirement, but the potential – for a parliamentary vote of funds, but there is the third limb. That third limb – a third limb which he has himself said is very carefully drafted – provides for this other income, such other funds as may properly accrue.

3720 So, Mr Speaker, I do not see that in allowing, in the definition that 13(1)(c) purportedly creates, of another source of income, properly accruing to the GRA the potential for borrowing, that we are doing anything to allow the GRA to circumvent Parliament. All the GRA will be able to do in those circumstances is to raise commercial borrowing.

3725 Now, is the hon. Gentleman saying, ‘Well, look in the circumstances where the GRA is able to raise commercial borrowing and it should not have had it and therefore comes into default in respect of those obligations, it has raised money which has accrued to it without the supervision of this Parliament and could land the taxpayer eventually in some permutation with a bill’? Well, look, I suppose that that is technically possible. But you do not create an independent statutory body and staff it with people so that

3730 they go out and create liabilities which then fall back on the taxpayer. You have got to accept that, if you

are creating a creature that is truly independent, it has those abilities and it is led by people who have the responsibility not to act in that way.

3735 So I do not believe that it creates a difficulty for this Parliament. We are not letting the GRA so out of our sight that it will no longer be subject to the scrutiny of this Parliament. Look, everything is subject to the scrutiny of this Parliament and should we consider that it was going to act improperly, we always have the ability to come back and amend not so much 13(1)(c), but 14(1)(3), I do not think that that is an issue at all.

3740 If I may just, Mr Speaker, in relation to the other point that the hon. Gentleman referred us to: section 19 of the Financial Services Commission Act, which is a 2007 piece of legislation in its latest iteration, actually reads:

'The Commission shall unless bad faith is definitively found to have existed indemnify...'

3745 So that is a direct lifting from the Act that was passed in 2007, in respect of the Financial Services Commission. What does that mean? Well, Mr Speaker, we are legislators here, not judges. In my view, it very likely means that a court needs to find that there has been bad faith before there is any possibility of the section being engaged.

3750 So, Mr Speaker, I thank him for indicating that his party will support this Bill and I note those two points. I trust that he has been satisfied with my explanations.

Mr Speaker: I now put the question which is that a Bill for and Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes which I set out during the First Reading of the Bill be now read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

3755 **Clerk:** The Gibraltar Regulatory Authority (Amendment) Act 2013.

3760 **Gibraltar Regulatory Authority (Amendment) Bill 2013**
Committee Stage and Third Reading to be taken at this sitting

Hon. Chief Minister: 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.

3765 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

3770 **Public Health (Amendment) (No. 2) Bill 2012**
First Reading approved

3775 **Clerk:** A Bill for an Act to amend the Public Health Act. The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that the Bill for an Act to amend the Public Health Act be read a first time.

3780 **Mr Speaker:** I now put the question which is that a Bill for an Act to amend the Public Health Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Public Health (Amendment) (No. 2) Act 2012.

3785 **Public Health (Amendment) (No. 2) Bill 2012**
Second Reading approved

3790 **Hon. Dr J E Cortes:** Mr Speaker, I have the honour to move that the Bill be now read a second time. Mr Speaker, this Bill is relating to the Public Health Act as it affects rates and it is to give effect to aspects which were included in the Chief Minister's Budget speech regarding a discount for early

payment of rates which is being increased from 5% to 10%. That is in relation to certain businesses, offices, workshops, construction and manufacturing industries, as mentioned in the Budget speech.

3795 And that for new companies, there will be a discount for early payment of rates of 50% for their first year of trading.

There is another part to this Bill in which it adds casinos to the rates discount, in relation to the Smoke-Free Environment Act, which had not been included when the Act had originally been passed by this House.

3800 At Committee Stage, Mr Speaker – and Members should have received a letter to the effect – I will be proposing a number of amendments which relate largely to typographical omissions, notably adding the word ‘casino’ in all the appropriate clauses instead of in just the one.

I commend the Bill to the House.

3805 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I will now put the question, which is that a Bill for an Act to amend the Public Health Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

3810 **Clerk:** The Public Health (Amendment) (No. 2) Act 2012.

Public Health (Amendment) (No. 2) Bill 2012
Committee Stage and Third Reading to be taken at this sitting

3815

Hon. Dr J E Cortes: 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.

3820 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

COMMITTEE STAGE

3825

Immigration, Asylum and Refugee (Amendment) Bill 2013
Gibraltar Regulatory Authority (Amendment) Bill 2013
Public Health (Amendment) (No. 2) Bill 2012

3830 **Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

3835 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills, clause by clause: the Immigration, Asylum and Refugee (Amendment) Bill 2013; the Gibraltar Regulatory Authority (Amendment) Bill 2013; and the Public Health (Amendment) (No. 2) Bill 2012.

3840

In Committee of the whole Parliament.

Immigration, Asylum and Refugee (Amendment) Bill 2013
Clauses considered and approved

3845

Clerk: A Bill for an Act to amend the Immigration, Asylum and Refugee Act.
Clause 1.

3850 **Mr Chairman:** Clause 1 stands part of the Bill

Clerk: Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

3855 **Hon. S M Figueras:** I am sorry, I do have an observation to make in respect of, in respect of that. In clause 2(4)(d), there is no reference that that amendment should be in subsection (4) of the relevant section.

It says:

3860 'for "The" substitute "Subject to section 17A(5), the";'.

It does not say in which subsection it should be. However, looking at the, looking at the original Act, that should be in respect of subsection (4).

3865 **Hon. Chief Minister:** Yes, I am grateful to the hon. Gentleman

Clerk: Could I have sight of that, so I can record that, please.

3870 **Mr Chairman:** I will now put the amendment.

Clerk: So the amendment reads:

In clause 2(4)(d), 'in subsection (4) for "The" substitute "Subject to section 17A(5), the";'.

3875 **Mr Chairman:** Are all Members in favour of the amendment?

Members: Aye.

3880 **Mr Chairman:** Clause 2, as amended, stands part of the Bill.

Clerk: The Long Title.

Mr Chairman: The Long Title stands part of the Bill.

3885

Gibraltar Regulatory Authority (Amendment) Bill 2013
Clauses considered and approved

3890 **Clerk:** A Bill for an Act to amend the Gibraltar Regulatory Authority Act 2000 for the purposes of conferring greater independence upon the Gibraltar Regulatory Authority, converting the Gibraltar Regulatory Authority from a corporation sole to a corporate body governed by a board and matters ancillary thereto, appointing a Deputy Chief Executive Officer, making provision for the treatment of the revenues of the Gibraltar Regulatory Authority and for exempting the Gibraltar Regulatory Authority from liability to Income Tax.

3895

Clause 1.

Mr Chairman: Clause 1 stands part of the Bill.

3900 **Clerk:** Clause 2.

3905 **Hon. Chief Minister:** Mr Speaker, I have given notice of a number of amendments where what we will do throughout the Bill is in these particular instances change the word 'Minister' for the words 'Gibraltar Regulatory Authority'. That occurs in section 2(15) of the Bill and 10(a)(ii) and 10(b)(ii) of the Act where those replacements should occur.

The Clerk has it in the letter and he can see exactly what it is that occurs.

Clerk: Then we are deleting –

3910 **Hon. D A Feetham:** We are quite content for that letter to effectively stand as –

Mr Chairman: So all hon. Members are agreed to the amendments which have been circulated by the Chief Minister. Therefore clause 2, as amended, stands part of the Bill.

3915 **Clerk:** The Long Title.

Mr Chairman: The Long Title stands part of the Bill.

3920 **Clerk:** I think I just wanted to ask a question that is in relation to page 22 of the Bill. We are talking about removing section 18? That is being deleted?

Hon. Chief Minister: That is right, that is the other substantive amendment, (**Clerk:** Absolutely.) then everything else is renumbering.

3925 **Clerk:** Absolutely.

3930 **Public Health (Amendment) (No. 2) Bill 2012**
Clauses considered and approved

Clerk: A Bill for an Act to amend the Public Health Act.
Clause 1.

3935 **Mr Chairman:** Clause 1 stands part of the Bill.

Hon. Dr J E Cortes: Mr Chairman, I refer –

3940 **Mr Chairman:** Is it clause 1 that you have an amendment?

Hon. Dr J E Cortes: There are amendments in clauses 1 and 2.

Mr Speaker: Clause 1, yes.

3945 **Hon. S M Figueras:** Mr Chairman, we are happy for the amendments to –

Clerk: But for *Hansard* purposes, we need to... please.

3950 **Hon. Dr J E Cortes:** Mr Chairman, in which case:

'In clause 1(3), after "2(1)" insert "(1A)",.'

'In clause 1(4), for section "2(3)" substitute sections "2(3) and (3A)".'

3955 **Mr Speaker:** Do all hon. Members agree to the amendments moved by the Hon. the Minister?
(**Several Members:** Yes.)

So clause 1, as amended, stands part of the Bill.

Clerk: Clause 2.

3960 **Hon. Dr J E Cortes:** Mr Chairman, in clause 2:

After subclause (1), insert the following subclause: '(1A) In section 277A(b) after "bar" insert "casino".'

3965 In clause 2 also:

After subclause (3) insert the following subclause: '(3A) In the proviso to section 277B(2), after "bar" insert "casino".'

3970 Thank you.

Mr Chairman: Do all hon. Members agree to these amendments?

3975 **Members:** Aye.

Mr Chairman: So clause 2, as amended, stands part of the Bill.

Clerk: The Long Title.

3980 **Mr Chairman:** The Long Title stands part of the Bill.

BILLS FOR THIRD READING

3985 **Immigration, Asylum and Refugee (Amendment) Bill 2013**
Gibraltar Regulatory Authority (Amendment) Bill 2013
Public Health (Amendment) (No. 2) Bill 2012
Third Reading approved; Bills passed

3990 **Clerk:** The Hon. the Chief Minister.

3995 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Immigration, Asylum and Refugee (Amendment) Bill 2013, the Gibraltar Regulatory Authority (Amendment) Bill 2013 and the Public Health (Amendment) (No. 2) Bill 2012 have been considered in Committee and agreed to, with amendments, and I now move that they be read a third time and passed.

4000 **Mr Speaker:** I now put the question, which is that the Immigration, Asylum and Refugee (Amendment) Bill 2013, the Gibraltar Regulatory Authority (Amendment) Bill 2013 and the Public Health (Amendment) (No. 2) Bill 2012 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against?
You wish to take them one by one? Okay.

Clerk: For the purpose of *Hansard*.

4005 **Mr Speaker:** Very well. Those in favour of the Immigration, Asylum and Refugee (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.
Those in favour of the Gibraltar Regulatory Authority (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.
Those in favour of the Public Health (Amendment) (No. 2) Bill 2012? (**Members:** Aye.) Those against? Carried.

PRIVATE MEMBER'S MOTION

4015 **Clerk:** Private Member's Motion, the Hon. D A Feetham.

4020 **Hon. D A Feetham:** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

'THIS HOUSE NOTES:-

4025 *(1) The statements made by the Prime Minister of the United Kingdom, Mr David Cameron, during the course of a speech at Bloomberg on 23 January 2013, that he plans to renegotiate parts of the UK's relations with Europe and put that changed membership package to the British people in an in-out referendum by the end of 2017 should the Conservative Party win a majority in the UK Parliament at the 2015 General Election.*

4030 *(2) The immense implications for the stability, prosperity and security of Gibraltar of any renegotiation of UK Membership in the EU and the importance that Gibraltar properly considers and is prepared to face any of the challenges emerging from any renegotiated status (if any), including engaging the UK at the earliest possible, and at every material, juncture.*

4035 *And this House agrees that it is important in the face of such challenges for there to be unity of purpose and approach amongst its members, and it agrees that the Leader of the Opposition and the Chief Minister should meet in order to discuss the creation of a cross-party committee to deal with those challenges on a cross-party basis.'*

4040 Mr Speaker, this is a neutral motion designed to allow Members of the House to debate in a constructive spirit what is a tremendously important issue to this community. It is in that spirit that the Opposition invites Members opposite to agree to the terms of this motion.

These are issues which transcend party politics and on which both sides of the House and, indeed, both leaders should be able to put their political differences to one side and work together for the better of this community.

4045 Hon. Members will note that the motion does not seek to commit this House to the creation of a cross-party committee at this stage, but to allow the House to debate these issues and recommend that the Chief Minister and the Leader of the Opposition should meet to explore such a possibility.

4050 On this side of the House, we remain willing to work in the public interest together with the Government on any issue of vital importance to Gibraltar, irrespective of personalities, the internal party political issues that divide us or the personal likes or dislikes. It is in that spirit that I move this motion.

4055 Mr Speaker, everyone in this House will be aware of the recent statements and indeed commitment of the Prime Minister of the United Kingdom to engage with its EU partners in order to attempt to renegotiate the terms of the United Kingdom's membership of the EU and then give the people of the United Kingdom the simple choice, as he calls it, between staying in under those new terms or leaving the EU. It is, of course, a moot point whether, firstly, he will succeed in his endeavour to negotiate new terms and, secondly, whether the Conservatives will win the General Election in 2015. It is only if these two conditions are fulfilled that the issue of an in-out referendum would bite. A week in politics is a long time indeed; two or three years can be an eternity.

4060 But whilst recognising these important caveats and the fact that these conditions might not be fulfilled, we cannot afford here in Gibraltar to wait without giving very careful thought indeed to the eventual outcome of this process, its implications for Gibraltar and the way we need to tackle them.

But before I move on to that, I would like to say a few words about the general debate raging not only in the United Kingdom but amongst the citizens of many other countries of the European Union.

4065 Mr Speaker, speaking only for myself when I say this, and comment on this part of the wider debate, I have a lot of sympathy with the views expressed by the Prime Minister on the general malaise in which the European Union finds itself in. There is no doubt, in my view, that there is a disconnect between the people of the EU and those that make decisions at EU level, and that this is being intensified by the very solutions required to resolve deep economic problems facing countries all over Europe and which we have been luckily spared in Gibraltar.

4070 Public disillusionment with the EU in the UK and elsewhere is at an all time high. The five principles which the Prime Minister outlined as part of his vision for the European Union fit for the 21st century may resonate in a small community such as ours and an economy such as ours: competitiveness and the importance of the integrity of the single market; flexibility and the importance of not being weighed down by a 'one size fits all' approach to European integration; the importance of recognising that not everything can or should be harmonised, particularly in the areas of social affairs or crime, where people at local level are far more adept at making these decisions than at central level; democratic accountability and the principle that national parliaments are and will remain a true source of democratic legitimacy to the people; finally, fairness in the way arrangements for the Eurozone are enacted, which is of course important to Britain and Gibraltar because we are both outside the single currency.

4080 Mr Speaker, much of what he said made sense to me personally.

Of particular resonance to Gibraltar, perhaps, is the way he developed his first principle that, and I quote:

4085 'At the core of the European Union must be, as it is now, the single market. ... But when the Single Market remains incomplete in services, energy, and digital – the very sectors that are the engine of a modern economy – it is only half the success it could be.'

4090 I say 'particular resonance', because I am sure the Chief Minister and the Minister with responsibility for gaming will remind Government Ministers in the UK of precisely that principle and statement, when they discuss with them the decision of the United Kingdom to tax bets at source and the completeness in the single market in the provision of such services that that entails.

But Mr Speaker, much as I admired the courage behind his speech and the persuasiveness of what he said, his speech has huge implications for Gibraltar.

4095 Should the Conservative Party win, the UK will have an in-out referendum. Personally, I do not believe the UK will vote to leave the EU. Since 2004, Britain has been the destination for one in five of all inward investment into the EU. Continued success in that regard is dependent on access to the single market. Therefore, British businesses and jobs are dependent on it. As the Prime Minister put it, if the UK left the European Union, it would be a one-way ticket, not a return.

But it is those very same reasons and many more that should be of concern to us here in Gibraltar. Our financial sector, our gaming sector, our attractiveness as a financial centre generally, our relationship with

4100 our neighbours to the north, as the Chief Minister likes to call them, would be fundamentally affected by a decision of the UK to opt out of Europe. As everyone in this House knows, we are members of the EU by virtue of UK membership.

4105 Whilst we transpose our own Directives in this Parliament and there may be EU measures where Gibraltar is referred to and dealt with separately to the UK, our membership of the club derives from UK membership of that club. One of the issues which need to be considered, however far-fetched it may have been a few years ago, is whether it is possible to remain within the club, if the UK exits. I am not asking the Chief Minister to provide me with a view across the floor of this House, for obvious reasons, nor whether that has formed part of his discussions with the United Kingdom, recently. I am quite happy for him to brief me in private.

4110 But even if it were possible, it could have deep constitutional implications for our relationship with the United Kingdom in the long run. Indeed, having a referendum here in Gibraltar, in the context of a wider UK referendum, important as it would be for the principle of public participation and consent, it would, from a practical point of view, be like a drop in the ocean, when, if viewed simply, as part of a UK referendum, unless any re-negotiated terms worked for us or we had the ability to make a different decision to the United Kingdom.

4115 And that is really the key issue for us. Will we be able to influence any terms, so that they work for us and will we be able to do anything other than what 62 million others in the United Kingdom may vote for?

4120 If it is possible for us to influence the terms of any re-negotiation, our efforts must be directed at that and, in my view, early and continued engagement of the United Kingdom Government at every material step of the way is vital. But for whatever reason we cannot influence those terms, we need to look at the affect of any emerging package on our social, political and economic structures and plan ahead as to how we are going to meet those challenges.

4125 They do not have to be mutually exclusive and, indeed, engagement of the UK, even if we cannot influence any terms, will allow us to formulate a clearer picture of the implications for Gibraltar.

4130 Mr Speaker, I do not say that the way that I have proposed to deal with this issue in the motion, i.e. a meeting between us to explore the creation of a cross-party committee, is the only way; but I believe it is a good constructive start. This is an issue which, in my view, has such deep political, social economic and constitutional implications that it does require a cross-party consensus approach. Although I make no dogmatic assertion of the fact, it is my belief that the general public would welcome the cross-party cooperation on this potentially among the most important issues Gibraltar may ever have to face.

I therefore commend this motion to the House.

4135 **Mr Speaker:** I now propose the motion in the terms moved by the Hon. the Leader of the Opposition.

4140 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think it is fair to say that the hon. Gentleman put his motion before he heard the answer to his question which dealt with issues relating to progress in respect of discussions in respect of the same subject matter, and which I answered yesterday. So, to a very great extent, a lot of what he has said this afternoon or evening, he will know has been dealt with in the answer that I gave him when I talked about the early engagement that there had been, long before the Prime Minister's speech at Bloomberg, between my Government and the Government of the United Kingdom on this issue.

4145 I think that I saw from his demeanour yesterday that he was positive about how the Government had led on that issue, in particular the fact that the Government made clear that we had had a very early indication, from what we were perceiving from the news media in the UK, that things were going in this particular direction – in particular, the constitution by the Foreign Secretary of the balance of competences review, which, as I told him during the course of my answer, Gibraltar has formed a full part of.

4150 But I think it is fair to say a number of things whilst trying to retain the neutrality of this debate and what I recognise, if it were ever to become a reality, would be an important social-economic issue for Gibraltar. Mr Speaker, I believe that when people truly want to co-operate with each other – and I have said this before – they pick up the phone and they talk to each other. They do not put motions. They certainly do not, Mr Speaker, Twitter that they are going to try and create a cross-party consensus.

4155 Mr Speaker, I am particularly surprised that those who have criticised Members of this side of the House for making statements on Facebook should have made statements on another social network about things which then materialise into a motion.

4160 But I am going to suspend my disbelief and I am going to deal with this matter on the basis that it has been put by the hon. Gentleman, as if it were a neutral attempt to work together; but he will know, Mr Speaker, that I said the same thing two years ago, when Mr Caruana said in public what were the criteria he was going to set out for me to attend the United Nations with him, when I was Leader of the Opposition. I said then, as I say now, Mr Speaker, that my phone line is open and my door is open to any

Member opposite who wishes to co-operate with the Government. If they truly want to co-operate with the Government, they are free to get in touch and we can consider whether that co-operation is possible.

4165 Excuse me, Mr Speaker, for being sceptical when the invitation to co-operate appears for the first time in a motion and we are not contacted before that motion is put; but I will suspend my disbelief and I will deal with this as if it were not a political device designed to garner some support for an attempt – a purported attempt – to be constructive or positive. So I will deal with the motion as if it were genuinely put, and I accept the hon. Gentleman’s position that it is genuinely put.

4170 Mr Speaker, as I told him yesterday, because we have been working on this subject now for over a year, we have made a lot of progress in understanding, at the technical level, where it is that the United Kingdom is taking this matter.

4175 It was obvious to us that the writing was on the wall that the Leader of the Conservative Party was likely to be put in a situation where a similar statement to that made by the Rt Hon. the Prime Minister was imminent.

4180 So, Mr Speaker, the engagement began very early and it began both at a political, official and technical level, and the work has been ongoing. As I told the hon. Gentleman yesterday, because this is such a sensitive issue at every level... he has said social and economic and cultural, and the issue of our neighbours to the north, Spain. He could refer to them in many ways; Spain and our neighbours to the north is one way of referring to them.

4185 Of course this does raise a lot of issues, but Mr Speaker, that does not mean, in our view, that the engagement must be exclusively political *at this stage*. It may be that things do become much more concerning to the Government, and at that stage there may be a need for a cross-party political engagement, but I think it is important to take stock of where we are today. The hon. Gentleman has alluded to this, and I think it is important that I develop the point further.

4190 There are three main political parties in the United Kingdom today represented in the House of Commons. Two of them are in Government. This is quite an extraordinary thing for the United Kingdom: *two* of them are in Government. The leaders of *all three* of those main political parties are of one mind. They all three say that the United Kingdom should stay within the European Union and, to different extents, talk about wanting to have a new agreement on Europe.

4195 We can speculate as to what the party politics behind that may be, but we are facing a situation not where one party leader is talking about wanting to leave the European Union and two are not; we are talking about three party leaders talking about remaining in the European Union, one of them saying more vociferously than the other two, ‘We need to renegotiate the terms.’ Hence the balance of competences review, which was designed to understand, at a UK level, to what extent has the European Union flowed into EU law.

4200 It would have been dangerous, Mr Speaker, in our view, not to engage technically with the UK whilst it is doing that exercise, and we are technically engaged with the UK in that exercise. As I told the hon. Member, we are also working with the Future of Europe Department, which is a department now of the Foreign Office, to understand technically where the negotiations are going and ensure that the issue of Gibraltar is at the forefront – because, of course, our neighbours to the north would want to take advantage of any such renegotiation to do that which they try to do on an everyday basis, despite the United Kingdom’s, today, full membership of the EU, as it is today, and Gibraltar’s membership with it under the provisions of the Treaty.

4205 So, Mr Speaker, we agree it is fundamentally important to be on the front foot on this issue. We have been on the front foot on this issue, even before it was in the headlines. The fact is, Mr Speaker, that we could get to a stage where Gibraltar wants more Europe than the UK. In other words, not where the United Kingdom has the leader of one of its principal political parties urging, in a referendum, should the Conservative Party win the next election, that people vote for an exit to Europe if they have not been able to negotiate a satisfactory new engagement with Europe. We could reach a much more interesting, and therefore potentially complex situation, where the Conservative Prime Minister, if he has won the election, has managed to renegotiate the terms of entry into the EU, but that is not enough Europe for us. In other words, the UK stays in but with less Europe, and there are parts of that new understanding where Gibraltar wants more Europe than the United Kingdom.

4215 Mr Speaker, I recall in the very early days of the GSD in administration – I think in 1996 or 1997 – when the issue of the Schengen Accords came up. The Hon. the then Leader of the Opposition, Mr Bossano, was explicit in explaining how it was that Gibraltar might be put at a disadvantage by the inclusion of protocol *x* or protocol *y* in respect of the Schengen Accord, which in effect, in a very roundabout way, required unanimity of the Member States for any party that had not entered Schengen at that time, of the sort of description like Gibraltar has under the European Treaty – a European territory for the external relations of which a Member State is responsible – wanting to accede to the Schengen area. We were not able to have and we did not have a developed argument in Gibraltar about whether Gibraltar should access the Schengen area, even if the United Kingdom did not want to access the Schengen area at the time.

4225 Now, in reverse, we could have those issues materialising during the course of the negotiations that the United Kingdom is doing in order for a next Conservative Prime Minister, if there is to be one, to recommend that the United Kingdom stay within the European Union to his party and to the country. So, Mr Speaker, I think it is actually potentially much more sophisticated than just a Brit exit referendum that we may be looking at, although of course that is a possibility.

4230 Now, Mr Speaker, how to deal with those issues in a way that I think addresses the necessary concern that we must all have to ensure that we are dealing with it: well, Mr Speaker, what I am going to commend to the House is that we continue to do it as we are doing it, at an intergovernmental level, which is where the issue is and should be today, both at official level, at a technical level and at political level.

4235 Mr Speaker, there is an issue here that we also need to understand, which is that Gibraltar has sometimes done very effectively, which is to deal not just with parties in government in the United Kingdom, but to have, as we have had very successfully, a cross-party support for Gibraltar's position in the United Kingdom.

4240 Why do I say that, Mr Speaker? We are all politicians in this House – except Mr Speaker, who has now graduated to a much finer post than that of a mere politician – but the polls in the United Kingdom today suggest that there may be a different party in government in the UK after the next General Election. I am not going to speculate about the polls, but let us all at least agree that we are far enough away from the General Election in the United Kingdom that which party will form government in the United Kingdom after the election is not yet clear.

4245 The Labour Party has a position today in respect of these issues, which the Leader of the Labour Party, the Rt. Hon. Mr Miliband, has said may develop, because there are a lot of UK General Election issues live about whether people are offered the choice in respect of Europe, or not offered the choice in respect of Europe.

4250 What I want the hon. Gentleman to understand from that is that my particular view is that we need to be engaging at an intergovernmental level as a Government, but we also need to be engaging with the All-Party Gibraltar Group and we need to be engaging with our respective contacts in all the British political parties to ensure that people understand there is a Gibraltar dimension to this UK issue.

4255 Mr Speaker, there are, for the reasons that the hon. Gentleman has enumerated, and I believe I have also gone through from a different point of view, many contingencies between today and where a potential referendum on Europe – exit or new agreement – might be put to the British people; so many that, short of doing that official and technical engagement at a political intergovernmental level, pursuing the point, there is very little to discuss, other than what do we do in a doomsday scenario.

4260 The hon. Gentleman has said many things in the way that he introduced his motion. He said that he wants us to put aside personal likes or dislikes when dealing with this motion and perhaps coming together to discuss this issue.

Let's be very clear, Mr Speaker: I neither harbour nor will harbour a grudge in respect of any matter, in respect of any Member of this House – *any* Member of this House – that might prevent me from acting in concert with any Member of this House, or all Members of the House, on matters which are in Gibraltar's best interest.

4265 Absolutely no question of likes or dislikes affecting the way that we should approach this and where there needs to be a cross-party approach. Likes or dislikes are so irrelevant that, in my view, they need not even be mentioned; but the hon. Gentleman has mentioned it, so I put it there for him to know that he need not mention it again, because on Gibraltar issues, where Gibraltar needs to come first, where there are serious issues that face us politically, socially, culturally or otherwise, he will always be able to approach the Government, if he wishes, and the Government expects it will always be able to approach Members opposite to seek consensus and a way forward in the interest of our community.

4270 Could it be any other way? Well, Mr Speaker, I put it to all Members that it could not, it should not; it never has been the case and it never can be the case if we are truly Gibraltarians who care about Gibraltar first. He knows, Mr Speaker, that it is my view that, where we *can* work on a cross-party basis, we should, where it is necessary.

4275 But Mr Speaker, for all of those reasons, we have taken the view that what he has proposed, which is to meet, to discuss, to create a cross-party committee... To create such a committee is not what is necessary today, but that is not to say that nothing is necessary today.

4280 So, Mr Speaker, what I am going to propose on behalf of the Government, trying to maintain that neutrality of approach and that attempt to find consensus... Mr Speaker, in order to make it easier for Members to understand – I am going to propose amendments to the motion – I am quite happy to circulate to Members a note of what it is that I am going to propose, so that they can see for themselves what it is that the amendment will do and why I recommend it to the House.

4285 I am going to propose an amendment, Mr Speaker, taking the motion as it stands, that does the following. I will move the word 'Notes' from where it appears, Mr Speaker, to put it at the beginning of the first paragraph, so: *'This House: (1) Notes the statements made by the Prime Minister of the United*

4290 *Kingdom,* – and I think, Mr Speaker, that we need to take out ‘Mr David Cameron’ and put in ‘*The Rt Hon David Cameron*’ and then insert ‘MP’, because we are referring to the Prime Minister in an official document of this Parliament – ‘*during the course of a speech at Bloomberg on 23 January 2013, that he plans to renegotiate parts of the UK’s relations with Europe and put that changed membership package to the British people in an in-out referendum by the end of 2017 should the Conservative Party win a majority at the 2015 General Election,*’ – and then I would insert ‘*in the United Kingdom*’.

4295 Mr Speaker, I do not share the view that that is what the Bloomberg speech is about, but the characterisation of it is sufficiently neutral and that I am quite happy to accept it for the purposes of this motion.

Mr Speaker, we would then delete and propose the deletion of (2) and the final paragraph as they stand, and we would propose to insert this wording:

4300 (2) *CONSIDERS that the potential withdrawal of the UK from the EU is therefore dependent on a number of variables which are impossible to predict at this moment in time;*

(3) *WELCOMES that the Government had already discussed the matter at an intergovernmental level with the United Kingdom even before the Prime Minister’s speech;*

4305 – Mr Speaker, I recognise that the hon. Gentleman did not have that information until after he had put his motion and after I answered his question –

4310 (4) *NOTES the commitment made by the Chief Minister earlier in this meeting to keep the Leader of the Opposition informed on a confidential basis;*

– which he will recall is what I agreed to do yesterday, when he asked me to do that as a result of the question –

4315 *and*

(5) *REQUESTS that Parliament be kept informed of any significant developments in this regard.*

4320 Then, Mr Speaker, I have set out the motion as it would read thereafter, so that hon. Members can see it.

4325 Speaking to that amendment, Mr Speaker, I would say this: what the hon. Gentleman’s motion did was say let us meet and consider the creation of a cross-party committee; what this motion, as amended, would do is to keep that principle alive in the context of my giving him confidential briefings, as I said yesterday during the course of Question Time that I would do. They cannot be otherwise, other than by meeting, and we may have to speak on the phone on some occasions but I am quite happy to meet to give him those confidential briefings.

Because we then agree, Mr Speaker, or the House requests in this motion, that we keep the Parliament informed, then absent those things which are confidential, the House will also have such information as it is possible to give the House.

4330 Why am I so keen on that confidentiality, Mr Speaker, and why am I prepared to share the information confidentially with the Hon. the Leader of the Opposition? For this reason, Mr Speaker: as I told him during the course of the question yesterday and the short exchange that we had with it, I think that he and I have already said things which have dealt with the sensitivity of this matter for our community, and I think it is important that we do not lay a trail, whether it be for our neighbours to the north or anybody else that might harbour our community ill intent, that we actually take advantage of the opportunity that there is, as I am offering it to him today, for there to be confidential exchanges between the Leader of the Opposition and the Chief Minister on subjects of these sorts, which are of national importance, and come back to this Parliament when necessary and when we are able to do so. Mr Speaker, I will, of course, trust him with that confidential information, as a Member of this House.

4340 I have said before, Mr Speaker, that I believe that the United Kingdom benefits from having the status of Privy Councillors, which certain senior Members of the House of Commons on both sides enjoy and are able to share information which is in the public interest which they need to have should they, in emergencies or otherwise, be making decisions or making statements.

4345 I think this is an opportunity to have that meeting that he proposed in his motion – but not to have one meeting in order to create a select committee, but to have a number of meetings where I brief him and share confidential information as it comes to me, come back to this House if necessary, and then, perhaps jointly, if necessary, move a motion to create a select committee of the House.

4350 I actually believe that there is nothing that he and I cannot do in such confidential engagement – and decide, if necessary, to agree to work together on – that we need to do sitting in this Chamber round the table of the select committee; because, Mr Speaker, I must tell you, in order to have such a select committee, if we were to have one, I would have to ask that committee to sit *in camera*, and therefore, Mr Speaker, I do not believe that select committees sitting *in camera* is the way that we should be going forward.

4355 The hon. Gentleman has from me, in the speech I made when he became Leader of the Opposition, that I would be generous in the way that I dealt with him whilst he holds that post. I am extending that generosity by amending the motion to set in train there the commitment that I gave yesterday, in answer to the question, to share information with him confidentially on this subject, to work together confidentially, as we may.

4360 Of course, Mr Speaker, we can agree that he share information with his Members of Parliament. I consider that all of us have taken an oath to this place, and that information which I give him we can agree can be shared with them, and we can work together as we decide we have to, if we have to, on any of these issues.

4365 I put it to him, Mr Speaker, and I put it to the House, that this is the responsible way to progress, so that we can have a motion that all of us support, that is in the interest of Gibraltar, that creates the cross-party atmosphere that is necessary with the confidentiality that is also very necessary to ensure that we protect the interests of this community should matters become as sensitive as they could, and in the already quite sensitive circumstances that I have alluded to and in respect of which I have already offered him yesterday, in answer to his question, an element of confidential briefing and working together.

4370 Mr Speaker, he said things, when he introduced his motion, which he couched in neutral terms, which I did not take, as he knows now, in neutral terms. I preceded my intervention by dealing with those neutral terms equally neutrally. I hope that those are now behind us. This is too important. The amendment that I am proposing, I believe, deals with these issues, so I assume he may want to speak on the amendment, but Mr Speaker I commend the amended motion to the House.

4375 **Mr Speaker:** I now propose the question which is the amendment moved by the Hon. the Chief Minister.

That means that all Members of the House are able to speak on his amendment, including, of course, the Leader of the Opposition, if he wishes to do so now.

4380 **Hon. D A Feetham:** Mr Speaker, yes.

Given that I have the opportunity of effectively, certainly on my motion, speaking last, I will say a few words on the neutral statements that the Hon. the Chief Minister made, and then I will focus on the substance of it.

4385 Mr Speaker, the Hon. the Chief Minister talked about early engagement and he reiterated the fact that there had been early engagement with the United Kingdom. I certainly welcome that during our exchanges during Chief Minister's Question Time, and I do not resile from that. The purpose of the question that I asked was to establish whether there had been early engagement. I welcome it and I congratulate the Chief Minister for having had that early engagement.

4390 Mr Speaker, he also said that perhaps the purpose of the motion had been to garner support by projecting ourselves as being constructive. Well, look, the reality is you are either constructive or you are not constructive, and the fact of the matter is that we believe that this motion was a constructive step by the Opposition to extend the hand of political friendship to the Government of the day on an issue that is extremely important to this community.

4395 He also mentioned my Twitter on the subject of the suggestion of a cross-party committee. I do not think that one can elevate that to the same level of announcements on Facebook in relation to the fishing dispute, with respect to the Chief Minister.

4400 I believe that members of the public are entitled to know what the Opposition's policy in relation to this is. I was asked by constituents what is the Opposition's policy in relation to this, because there is a concern out there in the community on this issue – rightly so, because it is an important issue – and I took advantage of tweeting and basically setting out what the Opposition's... Well, *my* view – because, in fact, I think that I tweeted it before I became Leader of the GSD – is that I believe that there ought to be a cross-party committee established to actually discuss this and all the permutations. I thought I would clarify that before I deal with the substance responding to my motion and also talking on the amended motion.

4405 Mr Speaker, we will be supporting the amended motion. I certainly said that there was more than one way one can skin a cat during the course of my submissions on my motion, and certainly we believe that, although it does not go far enough, it is constructive enough to be able to have the Opposition's support.

I certainly think that the Hon. the Chief Minister is minimising the potential impact of this, because his focus has been on the in-out aspect of the referendum. In other words, his focus, and indeed the way that he has amended the motion in paragraph (2), says:

4410

'(2) CONSIDERS that the potential withdrawal of the UK from the EU is therefore dependent on a number of variables which are impossible to predict at this moment in time;'

4415

I have actually said there were a number of variables and a number of preconditions to in fact a referendum taking place, but it is not... I think that the issue that will face Gibraltar, and the more important issue, is not whether the UK will leave the EU; I actually think that the UK will not leave the EU and the people of the United Kingdom will not vote for leaving the EU. The issue is the impact of any renegotiated package; in other words, the terms upon which any agreed terms of any renegotiated membership of the UK within the EU. That certainly is a possibility. I think it is a real possibility, and that is what we really need to be considering.

4420

I think that the amended motion, with respect to the Hon. the Chief Minister, does not really consider the potential impact of this issue and the potential importance of this issue in the way that I had drafted in my own motion, which was much wider, which was to consider how, potentially, the UK might renegotiate its membership and how that renegotiation impacts on Gibraltar.

4425

Having said that, I certainly believe that, myself... It gives me an opportunity... What the Hon. the Chief Minister is suggesting gives me the opportunity of sitting down with the Chief Minister, talking to him about my thoughts on the matter and how I think that there might be an impact, and what are the areas that I think that the Government ought to be alert to, and it gives me an opportunity, certainly, to influence any discussions that the Hon. the Chief Minister may have with the United Kingdom.

4430

Therefore, I think it is worthwhile, we welcome it, and that is why we are going to be voting in favour of it, but I would urge on the Chief Minister to look at it not in terms of the in-out referendum. I did notice yesterday, when he was answering questions, when he answered the question that I asked on this issue, that he made great play, rightly, on the fact that there are discussions at a very advanced stage of Gibraltar participating in any referendum.

4435

I actually think that that is, with respect to the democratic principle of consent, a subsidiary issue, because we could be landed in a situation, by the time that we get to the question of a referendum – and bearing in mind that that referendum is seen in the context of a referendum with 62 million people – of really being saddled with a situation which we cannot affect and we cannot alter.

4440

My concern is trying to look for ways in which we can engage the UK, identify areas that are of concern to Gibraltar that the UK ought to take into account, and that that be included within any discussions there may be in the UK about renegotiations on any renegotiated package of EU membership.

So we certainly will be voting in favour of the amended motion, and I hope that this is one of many occasions in which the Government and Opposition, on issues that affect Gibraltar and that are of vital importance to Gibraltar, can co-operate across the floor of this House.

4445

Mr Speaker: Does any other hon. Member wish to contribute to the amendment proposed by the Chief Minister?

If not, I will ask the Chief Minister to exercise his right to reply on the amendment.

4450

Hon. Chief Minister: Mr Speaker, I am grateful.

I thank the hon. Gentleman for having extended his congratulations to the Government and to me personally, as he did a moment ago, for having secured this engagement, as we have now for some time.

4455

Mr Speaker, I do not want to labour the point about Twitter – I think this is much more important than that – but I am reminded of the fact that, in fact, it was the leader of the PDP, Nicholas Cruz, who came up with this issue of a cross-party approach, and that is what, actually, the hon. Gentleman's tweet was about, agreeing with Nick, which is what gave rise to this Coalition Government, I think, in the United Kingdom – and I agree with Nick – during the leaders' debate in the United Kingdom. But anyway, that is just colour.

4460

Mr Speaker, I am grateful to the hon. Gentleman for agreeing his side's support for this motion.

The one issue that he has taken, which is that he says that our motion is limited to the principle of the potential withdrawal, I would invite him to reconsider, for this reason... Although he is going to support it, I would invite him to reconsider supporting with the caveat that it should be wider, for this reason: we have not changed his paragraph number (1) and his paragraph number (1), as drafted, and the reason we have not changed it is because his paragraph number (1) talks about putting the changed membership package to the British people in an in-out referendum.

4465

Mr Speaker, I told him, when I spoke originally, that I did not accept that that was an accurate characterisation of the Prime Minister's speech, necessarily, but that I did not think much turned on it.

4470 Mr Speaker, the Prime Minister has left open the possibility that what is put to the British people is actually just ‘Let’s get out; there is no satisfactory renegotiation.’ And so, in the realms of what a Conservative Party may put – having jumped through all the contingencies that we have discussed – in 2017 to the British people, there is ‘Let us stay as we are,’ ‘Let us stay on these renegotiated terms,’ or ‘Let us just get out, because we have not been able to renegotiate in any way.’

4475 The way he has put it is not that sophisticated, if I may say so, but it is actually quite satisfactory for the purposes of what this House has to do today, hence why I accepted it, but it sets out – if I may, I will give way in a moment – but it sets out that there is that potential of a changed membership package, and that is actually what concerns *us* the most.

4480 Because I do not think that it is likely, given the politics of today, that there will be a ‘Let’s get out’ referendum. There is more likely to be a ‘Let’s accept this renegotiated package’ referendum, which is what he has put in his motion, and that is what creates the possibility that there may be, actually, a danger in the new package for Gibraltar.

Exiting the EU creates the concerns that are as massive as the hon. Gentleman and I have agreed. Staying as we are today creates the concerns that we all have about the EU, although we have the advantages that we have.

4485 But look, I guess that all of us were as disappointed as the other in respect of the way that the European Court of Justice dealt with the SAC on a technical point, and in particular the way that they appointed a Spanish judge, who used to represent the Kingdom of Spain, making the arguments that were the arguments that we were putting in that case. So the EU today has failings, even for those who are supporters of the EU.

4490 So, Mr Speaker, if he will allow me, I say to him the motion, as redrafted, allows the possibility of new membership package and the possibility of withdrawal already in it, but what it does is create the mechanism, already implicit in my answer yesterday, for that exchange to which he referred to earlier.

Mr Speaker –

4495 **Hon. D A Feetham:** Will he give way?

Hon. Chief Minister: Oh yes, the hon. Gentleman wants to make a point.

4500 **Hon. D A Feetham:** Mr Speaker, I do not think that the hon. Gentleman really is accurately characterising the speech or the position of the Prime Minister in the United Kingdom.

What he has actually said in the United Kingdom is that he is not going to be putting to the people of Gibraltar... It is not his view, nor the policy of his party or the Coalition, to put the issue of leaving the EU in a vacuum. What he is saying is, ‘I am going to be asking...’ In fact, he says in his speech:

4505 ‘The next Conservative Manifesto in 2015 will ask for a mandate from the British people for a Conservative Government to negotiate a new settlement with our European partners in the next Parliament.’

It is that renegotiated package that he will then put to the people of the United Kingdom in a referendum in a question: either this renegotiated package, or out; not our existing status and out. It is the renegotiated package and out.

4510 What I am saying is that the dangers for Gibraltar are not in the out – I think that the UK will not out from the European Union; it is in those renegotiated terms, and it is the renegotiated terms that I am urging the Chief Minister to focus upon, and it is influencing those renegotiated terms that I am urging the Chief Minister to focus upon.

4515 **Hon. Chief Minister:** Mr Speaker, we agree, and what is happening is that I am saying, ‘Look, the motion gives us, as amended – keeping your wording on the package and our wording on potential withdrawal – enough room to do that.’

If we are genuine about co-operating, then the wording on the motion is not going to affect that, because all we are saying is what is the characterisation one way or the other.

4520 So let us just, in my view, Mr Speaker, if we are going to go down the road of agreeing, let us take the step of agreeing this motion in these terms, and let us start the work, as soon as we are able, of talking about these issues face to face, subject to the confidentiality that I have referred the hon. Gentleman to.

4525 I think that it is important that we should start to do that, whether it is on this subject, Mr Speaker, or perhaps on another. Because it is important that the community, when it values the work that politicians do in this place and assess what it is that politicians in this Parliament provide for our community, they should not just define our contributions as having been able to make a better or worse pithy statement across the floor of the House when we are dealing with each other at Question Time, that we have actually bitten the bullet, where it is necessary to do so, in order to have these exchanges.

4530 I tell him and I tell the community – and it is important that the community have this in mind – that the Government has taken the steps necessary, to date, to take these steps, and I acknowledge his congratulations for us having done so, for having had the foresight to do so and engage technically, officially and politically, as we have to date, and I am prepared to include him in my confidences in respect of those issues so that, if necessary, we can act together if the time should ever come.

4535 This would be an issue of great importance nationally, as much as the issue of joint sovereignty may have been in its day.

So, Mr Speaker, just on the amendment as proposed, I now sit down.

4540 **Mr Speaker:** I now put the question in the terms of the amendment moved by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

What is now before the House is the amended motion, and that means that any hon. Member, except the Chief Minister, is able to speak on the amended motion.

If no hon. Member wishes to speak on the amended motion, then the Hon. the Leader of the Opposition can exercise his right to reply on the motion.

4545 **Hon. D A Feetham:** Mr Speaker, I have already exercised effectively my right to reply, and I am very grateful to the Chief Minister for giving way so that I could further explain what our position is in relation to the importance of focusing on the renegotiation of those terms.

4550 **Clerk:** Mr Speaker.

Mr Speaker: I think I should now put the amended motion to the House. I now put the question, which is the motion originally moved by the Leader of the Opposition, as amended by the Chief Minister, do be carried. Those in favour? (**Members:** Aye.) Those against? Carried.

4555

TABLING OF DRAFT ESTIMATES OF REVENUE AND EXPENDITURE 2013-14

Ruling by Mr Speaker

4560

Mr Speaker: Before the Chief Minister moves the adjournment, there is a matter of clarification that I want to acquaint the House with.

Section 69(1) of the Constitution requires that the draft estimates of revenue and expenditure for the next financial year should be laid before Parliament not later than 30th April this year.

4565

Having regard to the fact that the House is going to be refurbished, that is not going to be possible. Therefore, what I am ruling is that the requirements of that section of the Constitution will be satisfied by the delivery of the estimates to hon. Members on a confidential basis, even though no formal tabling will have taken place and I understand, in fact, that that has been the practice in recent years.

4570

Clerk: The Chief Minister.

CONDOLENCES

4575

Condolences to Mr Hubert Corby, former Member of the House on the death of his wife

4580 **Hon. D A Feetham:** Mr Speaker, before the Chief Minister rises, presumably to adjourn... If he is not going to rise to adjourn, I will sit down, but if he is rising to adjourn...

May I, certainly on behalf of this side of the House – and I am sure that I speak also for Members opposite – extend my sincerest condolences to Mr Hubert Corby, who was a Member of this House for a number of years, whose wife, unfortunately, sadly passed away today.

4585

We, certainly on this side of the House, feel the sad loss, not only for him, but for many of us who knew Mrs Corby personally. She was a delightful lady and a member of the GSD for many many years.

Mr Speaker: I must associate myself with... It has been a shock to me. Both Hubert Corby and Mariola were personal friends of mine.

4590 **Minister for Enterprise, Training and Employment (Hon. J J Bossano):** I am glad the hon. Member has remembered to bring this matter up, because in fact Hubert had friends who crossed the political spectrum, and Mariola as well. They were very close friends of both Rose and myself, and clearly we share the feeling of loss.

4595 **Chief Minister (Hon. F R Picardo):** Mr Speaker, may I associate the whole Government with those feelings of condolence to an ex-Member, who has actually been a Minister as well as being just a Member of this House.

4600

ADJOURNMENT

Chief Minister (Hon. F R Picardo): Mr Speaker I have the honour to move that the House do now adjourn.
4605 But before I do, Mr Speaker, may I simply ask hon. Members to reflect for a moment that this is the last time that we will see the House like this.

As they know, the House will not meet again until the May session. The works to strip away almost 50 years of panelling and the (*Interjection and laughter*) fossils that have grown begins tomorrow in order that the work can be done on time.

4610 I had my fingers crossed that everybody would agree to take the Committee Stages today; otherwise, we might have found ourselves with more than just a mace to deal with in the morning.

Mr Speaker, this has been a place where history has been made in this particular incarnation, and I trust that, with the work of all the Members here, whatever it is that we may be trying to achieve on a particular issue, it will be a place where, in its new incarnation, we will continue to make history for the good of our nation.
4615

I now move that the House do now adjourn *sine die*.

Mr Speaker: Before I put the adjournment to hon. Members, may I just remark that, shortly after hon. Members elevated me to this high position, someone asked me, 'How did you find the House?' I said, 'Well, after 20 years, I found it the same, only much worse.' (*Laughter*) So, when we next come, it is going to be very much an eye opener, and one looks forward to that.
4620

I will now propose the adjournment of the House *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.

4625 The House will now adjourn *sine die*.

The House adjourned at 9.15 p.m.