



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.50 p.m.

Gibraltar, Wednesday, 15th May 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*]

PRAYER

Mr Speaker

5 **Mr Speaker:** At this juncture I am going to ask the Chief Minister because he would like to address the House following the sad death of the Hon. Charles Bruzon.

In Memoriam

Hon. Charles Bruzon

10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is the first time that the House will have to mourn the passing of a Member from the Government Benches.

15 His passing is, for the House, quite like the passing of any Member, whatever side he might sit on. He is one of us that has passed in the lifetime of this Parliament whilst he was a servant of the House and whether he was sitting today on the Opposition benches or on the Government Benches, we have lost one of us.

I know that people from across the House have already indicated the affection and the regard in which they held Charles Bruzon. Speaking for the Government, I think I reflect the views also of the whole House when I say that he will be very sadly missed. He was very sadly missed when he was not here as a

20 result of illness and hon. Members opposite expressed sentiments wishing him a recovery, much as those of us on this side of the House very much hoped that he would soon be with us.

I will take this comfort and I hope that hon. Members across the floor take this comfort also, the words you have spoken in the Prayer opening the session are not the words of the Prayer as it used to be before this Parliament. The prayer was changed, principally as a result of Charles' desire to update it –
25 and I think with your assistance – into the words that we have heard you utter today. So, all of us will note that every time we hear that prayer at the beginning of every session of this Parliament we are hearing Charles' words.

Before I sit down and call for a minute's silence, I will give way to the Hon. the Leader of the
30 Opposition if he wishes to say anything.

Hon. D A Feetham: Yes, Mr Speaker, on behalf of the Opposition, on this occasion, I wish to associate myself entirely with the words of the Chief Minister.

He not only has spoken on behalf of those on that side of the bench but he also speaks, on this
35 occasion, for those on this side of the bench.

Hon. Chief Minister: Mr Speaker, therefore without more, I would call on all hon. Members to keep silent for one minute in honour of the late Charles Bruzon.

40

**Refurbished Chamber
Thanks to all involved in project**

Mr Speaker: Before we proceed any further, we are making history, of course, as we sit here in this
45 refurbished Chamber at this very moment. It is a far cry from the Chamber that we had for decades, perhaps since the 1950s, which was drear and unprepossessing.

I think, whatever one might say, this is an enormous improvement. I am reliably informed that the
50 fossils of the cockroaches have been consigned to the dustbin of history and whilst we may have a few teething troubles over the next few days, I am sure we are all much happier to see something that befits the times in which we live.

I would like to congratulate on my own behalf all those who have worked in refurbishing the Chamber, for the very hard work that has been put in, in a very, very limited period of time. So I thank all the workers and all those involved with the project on behalf of all of us.

55

Chief Minister (Hon. F R Picardo): Mr Speaker, thank you for those words.

This refurbishment is the fulfilment of a manifesto commitment of the Party today in Government and I think it is worth saying that thanks must go, in particular, to your staff for not just putting up with the works whilst they were ongoing – we were not able to move them out to other offices – they have had to
60 put up with the work, much as one sometimes has to put up with work at home whilst kitchens or bathrooms are refurbished and we all understand the annoyance that that causes! But they have not just done that, they have also been a source of guidance for those who were in charge of the refurbishment, giving hints and tips here and there of how the refurbishment should take into consideration the peculiar workings of a Parliament such as this one.

So, thank you, Mr Speaker, to you and to your staff for not just putting up with the works but also for
65 the input you have provided in the period. I think thanks must go, on behalf of the community, to those who have been involved in the 'nitty gritty' of the work, in particular GJBS and their sub-contractors for, as usual, delivering this project – an excellent product and all of it on time. Timing is particularly important when dealing with an institution like Parliament that now meets on a monthly basis and had foregone one of its meetings in order to ensure that the work of the refurbishment could progress. I think
70 this demonstrates GJBS's ability to deliver on Government projects, on time and as a 'best in class' company that delivers excellent results.

I think, because this is the Chamber of Gibraltar's Parliament, it is also important to highlight that all of the woodwork that we see around us, even the panels that we see, the furniture and the chairs, some of which come from that debating Chamber from the 1950s and have been re-done, have been produced in
75 Gibraltar by Gibraltarian craftsmen. I think, in particular, in this Chamber, that is an important point to make and I wish to thank them for having been able to deliver on time.

Mr Speaker, in coming days and during the course of the debates that I expect we will have during the course of the consideration of the Independent Commissions Report, this House will be considering the use of the cameras that we now see have been installed in order to broadcast the proceedings of this
80 Parliament, once we have adopted the rules relevant to broadcasting etc. I think that will be a very important step forward for our community, when this Chamber will not just have been *brightened up*, it

will also be *opened up* to the whole community so that they can see what is ongoing and the work that we do here.

85 Today I understand that the cameras are on, simply for the purposes of testing. Nobody will be able to access the images that the cameras produce today but Members of the House will be able to see, in order to inform the debate that we have, what it is that the cameras do, what sort of angles they produce, so that we can then make a determination of whether or not we agree to the broadcasting, having seen the sorts of images that are going to be produced... but I do hope that the Budget debate this year will be a Budget debate that people can watch in glorious technicolour and not just listen to in Dolby.

90 Mr Speaker, I think it is important to thank Carl Viagas, who has led for the Government as Project Manager on this project. He has delivered now, for successive administrations, a number of different projects and his work is always to the standard that is required of him by the Taxpayer, so sincere thanks for the delivery of this first phase of the works and, in particular, to the Deputy Chief Minister who has led politically for the Government on this particular project. As usual, anything that the Deputy Chief Minister touches is delivered on time and to the usual very high standard, so thank you also from
95 Ministerial colleagues to him.

Mr Speaker, you have had circulated to all of us new rules on how to use the technology. It is just a button for a microphone but it triggers all sorts of technology nowadays! I think you have indicated that we should see how we go in using this new system of getting up but not speaking, seeking your eye in order to make points. It may be that it is not as workable as we need it to be for the Parliament to have life: it may be the price of bringing cameras into the House. I know you are keen to see how we go with it, so I am grateful that you have given us an indication of how you would like to see us use the technology. From this side of the House, of course, you can count on our co-operation – and I am sure from both sides of the House – so that whenever somebody is speaking, somebody else pressing the microphone button does not interfere with that, in particular for the purposes of *Hansard*, so that we always have a record of what is said in this House.

I think today is a momentous occasion but only the beginning because we still have to refurbish the ante-Chamber to provide more offices and to provide spaces for Members of Parliament on both sides of the House to be able to do their work, for Select Committees to be able to carry out their deliberations and, in terms of the access to the Parliament, also to ensure that there is an accessible entrance for those who may not be able to negotiate the stairs.

Thank you, Mr Speaker, for the opportunity to record the changes in our Parliament.

I am reliably informed that the carcasses of the cockroaches have not been confined to the dustbin of history, they are being studied by Dr Cortes every evening to determine exactly what species they were!

Hon. D A Feetham: Now, Mr Speaker, thank you very much.

The Opposition, too, would wish to congratulate everybody involved in relation to this project. I know Carl Viagas very well. Carl Viagas helped me immensely in relation to both the Prison project and also the Court project, which was a very difficult project indeed and I see that there are similarities in the internal décor of the Magistrates' Court and, indeed, the Supreme Court to some of the furniture that we see today in this renovated Parliament Chamber.

Mr Speaker, I would also, of course, like to thank all those involved, the contractors, GJBS, as well as thanking members of staff for their patience during the renovation period. I know, again, having been involved in other projects, that it is not easy to have a situation where there is an ongoing project and, at the same time, the building itself, or the vicinity of the buildings being renovated, are being used as working offices.

It is indeed a great improvement on the Parliament that existed as we knew it a few months ago. What is important in our view is not that this is an improvement in the comfort of MPs or that it is an improvement in the internal decoration: clearly, it is. It is, of course, important from the point of view that the dignity of Parliament is, of course... the Parliament of all Gibraltarians is, of course, enhanced by a project and an improvement of this nature. But the importance in our view is that it allows greater access for democracy inside this place and allows us to pursue what is a joint initiative of this House, an all-partisan initiative of this House, which is to allow cameras and better technology, that allows us to effectively take proceedings of this House and of this Parliament out there to members of the public. In that regard, I note that the Hon. the Chief Minister would like to see Parliament televised for the Budget session, that will also be very welcome certainly on this side of the House, but of course the Hon. Chief Minister needs to contact us and I expect that he will do so during the next few weeks, to finalise the rules in relation to the televising of proceedings for Parliament. The quicker that we do that the better because then it will allow us to have that joint aim which is televising of Parliamentary proceedings, and televising of the Budget session in particular, that that will come to fruition by next month.

So, to sum up, Mr Speaker, my congratulations to everybody involved in this project. We certainly believe that it is a huge improvement and we have no hesitation in recognising that.

145 **Hon. P R Caruana:** Mr Speaker, I wonder if I might be allowed to say, I believe that, in the absence of the Hon. the Minister for Employment, I am the Father of the House (Acting) and, in that capacity, perhaps I might be, sort of, humoured just for a moment.

150 First of all, I think it would be churlish not to congratulate the Government for having prioritised this project: I think that they are to be congratulated for that. It is something we could have done in sixteen years and did not prioritise and I think it is correct to recognise that it has been right, on their part, to prioritise.

155 Secondly, speaking as something of a traditionalist, I think it is also right to recognise that there is just enough, sort of, genuflection to those of us that are very traditionalist and I think the right balance probably, all around us, between modern facilities and traditional facilities and I am particularly keen to note that some of the older bits have been retained.

160 If I could just be allowed one small element – not a criticism – just an expression of personal preference, of course different people would have different tastes and it might be that the majority of the House does not share it, I would have preferred to have seen a different arrangement behind the Speaker's Chair and perhaps the Government is still in time, if it is minded to, to consider restoring the traditional shield there. I do not know if that is the intention and that it is only temporary but I think, with that improvement, I think the Government is to be congratulated for this project.

Hon. Chief Minister: Mr Speaker, I am grateful for the statements of both hon. Members.

165 I should have said that there are still matters to be dealt with. One of them is that the Government agrees that the depiction behind the Speaker is not perhaps the one that we imagined it would be and that, therefore, there was an element of restoration perhaps of what was there to come – and there may be some technical changes to be made.

170 For example, I understand that additional cameras are to be added to provide the sorts of angles that I think we all expected we would see. Those, I understand, will be installed today or tomorrow or in the coming days and some other tweaking.

175 Mr Speaker, this is the Parliament Chamber of Gibraltar and all the Members of it, if they have an opinion, should feel free to express it either directly to the Government or through the Clerk so that, having started today to use this renovated Chamber, we improve on it if we can, working together to deliver the best product for coming generations. I do hope that this Chamber will be the place where matters relating to the affairs of our nation are debated at least for another half century, given the very good use that we got out of the old Chamber.

180 Order of the Day

CONFIRMATION OF MINUTES

185 **Clerk:** Meeting of Parliament Wednesday 15th May 2013.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 15th, 21st and 22nd February 2013.

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

Mr Speaker signed the Minutes.

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

195 DOCUMENTS LAID

Clerk: The Hon. the Chief Minister.

200 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Gibraltar Annual Policing Plan for 2013-14.

Mr Speaker: Ordered to lie.

205 **Clerk:** 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 have the honour to lay on the table the Report of the Principal Auditor on the Accounts of the Gibraltar Port Authority for the financial year ended 31st March 2011.

210

Mr Speaker: Ordered to lie.

Clerk: 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 have the honour to lay on the table the Report and Audited Accounts of the Gibraltar Sports and Leisure Authority for the year ended 31st March 2009.

220

Mr Speaker: Ordered to lie.

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

225

Questions for Oral Answer

SPORTS, CULTURE, HERITAGE AND YOUTH

230

City Fire Brigade Audit Report findings

Clerk: Question 218/2013, the Hon. Mrs I M Ellul-Hammond.

235

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to the answer given to Question 95/2013 can the Minister with responsibility for Civil Contingencies give this House the findings of the Audit Report of the City Fire Brigade?

240

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, H. M. Government, together with the management and staff representatives of the City Fire Brigade, with their Unions, are now analysing and studying the Report.

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The findings of the Report will be made public in due course.

Clerk: Question 219, the Hon. Mrs I M Ellul-Hammond...

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

250

Hon. D A Feetham: Yes. Mr Speaker, is there any particular reason why the Minister with responsibility for Civil Contingencies cannot provide a copy of this Report at this present moment.

That is one supplementary and another one is, what timeframe does he envisage expiring before he can provide a copy of this particular Report to my hon. Friend?

255

Hon. S E Linares: Mr Speaker, first of all, the Report is a report which we have to discuss. I think it is only fair that we do so, we discuss with the staff, management and the people concerned.

Therefore, what we are doing currently is having discussions with them. The timeframe we are hoping will not be more than two months. Therefore, after that, if it protracts a bit more, so be it but we are intending to make it public after that, once we have had the discussion with staff and management.

260

Mr Speaker: Next Question.

265

**City Fire Brigade
'Train the Trainer' course**

Clerk: Question 219, the Hon. Mrs I M Ellul-Hammond.

270

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for Civil Contingencies explain why, as per Table FB.2 on the Government website, no-one has yet undergone the 'Train the Trainer' course with the City Fire Brigade Fire Prevention Officer since 9th December 2011?

275

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, the 'Train the Trainer' course was specifically devised for the GHA at their request so that some of their members of staff can deliver refresher fire safety training at departmental level. Nine GHA members of staff received the 'Train the Trainer' course in 2011. This course is different from the basic Fire Safety Course, which continues to be delivered by the Fire Safety Department.

285

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say what the requirement is for trainers to receive continuous training development in order to update their skills?

Hon. S E Linares: Mr Speaker, all GHA employees receive the basic fire safety courses delivered by the CFB Fire Safety Officers as part of their induction to the GHA, so it is everyone.

290

**Government premises
Number of fire drills**

Clerk: Question 220, the Hon. Mrs I M Ellul-Hammond.

295

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for Civil Contingencies say how many fire drills need to be conducted per year in Government premises?

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, no fire drills need to be conducted in Government premises unless they are specifically identified as part of a risk assessment. However, schools must ensure that fire drills are carried out periodically.

305

Mr Speaker: Any other questions?
Next Question.

310

**Medical Priority Despatch System
Progress in going live**

Clerk: Question 221, the Hon. Mrs I M Ellul-Hammond.

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Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for Civil Contingencies update this House on any progress made in introducing the new Medical Priority Despatch System and say when it will be going live?

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

320

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, discussions have been held between officials of the Departments concerned, with a view to presenting the inter-Ministerial Committee of Ministers some proposals.

325

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in October of last year the Minister stated in a press release that the system was going live in Spring of this year, 2013. Can the Minister advise when this Spring?

Hon. S E Linares: Well, we are still in Spring but there will be probably some more delays, maybe go just slightly beyond Spring.

330 **Mr Speaker:** Next question.

335 **Sports Grants**
Details of awards since Question 97/2013

Clerk: Question 222, the Hon. E J Reyes.

340 **Hon. E J Reyes:** Mr Speaker, can the Minister for Sport and Leisure provide details of payments made, since the answer to Question No. 97/2013, in respect of 'Sports Grants' under each of the following: (a) Grants to Sporting Societies; (b) International Competitions; (c) Sports Development Projects; and (d) Hosting of Special Sports and Leisure Events?

345 **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, I now hand over to the Member opposite details of Sports Grants awarded since the answer to Question 97/2013.

Schedule to question 222/2013

a) <u>Grants to Sporting Societies:</u>	
Swimming Championships	2,430.57
Pool Association	6,600.00
Cricket Association	3,750.00
Cricket Association	2,500.00
Athletics	700.00
Sea Angling Federation	3,010.45
Pool Association	12,596.58
Netball Association	6,641.82
Ten Pin Bowling Association	1,580.50
Hockey Male and Female Competition	18,000.00
b) <u>International Competitions:</u>	
Commonwealth Games Scotland	5,000.00
Straits Games	10,000.00
Island Games Bermuda	80,000.00
Island Games Bermuda GOG Expenses	36,000.00
c) <u>Sports Development:</u>	
Hockey Association Schools development	4,000.00
Athletics Association Gothenburg Event	700.00
d) <u>Hosting of Special Sports and Leisure Events:</u>	
Tradewise Chess Festival	80,000.00
Tenpin Bowling	5,000.00

350 **Hon. E J Reyes:** Mr Speaker, does the Minister happen to have at hand a bit further... sort of broken down of the grants made?

If I take under section (a), it says 'Swimming Championships': I would like to know if that refers to locally hosted championships or whichever type. I know there are international competitions but there could be other types of championships and so on.

355 I do not know if he does have available today, or I am even willing to wait until he can procure the information so that one is a bit more informed of where exactly, or what exactly, the swimming championships and so on entails.

360 **Hon. S E Linares:** Mr Speaker, I do not have that information with me, but if the hon. Member writes to me I will give him all the information in detail, of where... because there are headings... and as he was the Minister for Sports previously: he should know that the grants to sporting societies, when it is related to a championship, it is a local championship, when it is international competitions – (b) – it

would be going to an international competition and so on, but if he wants more details I am willing to wait for his letter and give it to him.

365

**Cultural Grants
Awards since Question 99/2013**

370

Clerk: Question 223, the Hon. E J Reyes

Hon. E J Reyes: Mr Speaker, can the Minister for Culture provide details of any further Cultural Grants awarded since the answer to Question No. 99/2013.

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

Minister for Sports, Culture, Heritage and Youth, (Hon. S E Linares): Mr Speaker, since my answer to Question 99/2013, a further £79,564.75 has been awarded.

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This information is already updated on the Government website.

Hon. E J Reyes: I do not doubt the veracity of what the Minister says now, but at the time of the deadline of posing the Questions the information was *not* available on the Government website.

385

I have been through this in previous months, hence why I pose the Questions and both the Speaker and the Chief Minister have, on previous occasions, agreed that if it was not available on the day that the Question had to be handed in, then, in some shape or form, the Government would provide that across the floor.

390

Hon. S E Linares: Mr Speaker, I have the information, actually I brought with me a whole breakdown of all the expenses, which I am willing to pass on to the hon. Member as soon as a photocopy is made.

Supplementary to question 223/2013

Cultural Grants paid since Q99/2013

Elena Scialtel's book "Nepenthes"	864.75
The Music Festival (Gibraltar) Ltd - Song Festival part grant	20,000.00
Craig MacDonald - part funding for "Live at Moorish Castle"	2,000.00
The Music Festival (Gibraltar) Ltd - Song Festival final grant	30,000.00
Gibraltar Regiment - steel band	2,000.00
Bayside Comprehensive School	1,500.00
Gib Fringe - part funding first Fringe Festival Gib	4,000.00
Transitions Dance Academy	7,500.00
Publication of book, "We thank God for England"	7,200.00
Colourworks Limited - Sponsorship for Runway 2013	4,500.00

Mr Speaker: Next Question.

395

**Victoria Stadium
Improvements and modifications for UEFA approval and certification**

400

Clerk: Question 224, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, I need to clarify: I may have, in my keenness, sort of, going back over previous notes of Parliament sessions, I think I have got a bit of repetition. No. 224 and 226... it is the same question, just obviously referring to different Question numbers, whether the subject has come up

405 before, so I do not know whether Mr Speaker would like me to join them up, which I will do, to... tackle
this Question. Then, if the answer is forthcoming, there may even be a need for me to withdraw No. 226,
but all that...

410 Mr Speaker, I am grateful, and therefore Question No. 224 is: further to the answer to Question No.
15/2013, is the Minister for Sport now in a position to provide this House with details of all
improvements and/or modifications which will have to be carried out at Victoria Stadium, inclusive of
players, officials' and spectator facilities, in order to meet UEFA requirements for the hosting of official
international football matches?

415 **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, I will answer
this Question, together with Question 225 and 226, so therefore it just avoids what he has just stated.

420 **Clerk:** Question 225.

425 **Hon. E J Reyes:** We got it. Question No. 225, Mr Speaker, sir: further to the answer to Question No
98/2013 can the Minister for Sport and Leisure now confirm that the football pitch at Victoria Stadium
has achieved full approval and certification, thereby meeting UEFA standards for the playing of
international competitions?

Clerk: Question 226.

430 **Hon. E J Reyes:** Further to the answer to Question No. 100/2013, is the Minister for Sport 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 requirements for the hosting of official
international football matches?

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

435 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, Government is
already working with the Gibraltar Football Association and the Gibraltar Sports and Leisure Authority to
make the necessary modifications to be able to host international competitions at the Victoria Stadium
and make it a category 2 UEFA standard.

440 For information on UEFA standards, the hon. Member opposite can log on to ...and there is a website
address, which I will not go through it, but I will give him the copy, because he can get it online and
therefore he will have all the information that he needs as to UEFA standards there.

Mr Speaker: Any supplementaries?

445 **Hon. E J Reyes:** Yes, Mr Speaker, sir, although I may be able to access this website and what is
required, that does not put me in an updated position of what is already available and what may have been
modified at the Stadium in the, what, 17 or 18 months that I am no longer the Minister for Sport, and
therefore something could have been done in the meantime and therefore there is work done and not still
pending...

450 Mr Speaker, I can bear with the Hon. Minister and wait for, perhaps, that information because it is a...
as well when it comes to Budget time. It allows both sides of the House to see how much is being pumped
into that area and whether it makes sense if there is suddenly a big figure, rather than my rumbling upon
why such a big expenditure it is 2 and 2 equals 4 and it could be because of these requirements and so on.

455 Also bear in mind, Mr Speaker, that both sides of the House are extremely keen and great followers
and, hopefully, within days now we will become Team 54 in UEFA, joined with today's good news that
Charlton Athletic will be coming over and playing at the Stadium. We want to impress the visitors not
only with our football playing but also with our facilities, of which we all want to be really proud.

460 **Hon. S E Linares:** Mr Speaker, it is too early and I would be... It is confidential, as he will know,
about budgets and therefore I am not privy to what is going to happen, or at least I cannot anticipate what
this Parliament is going to pass or not pass at budget time. But I can assure the hon. Member that we are
working very closely with the GFA, that we are looking in order to put the Victoria Stadium into a
Category 2, which is like a minimum category of the stadium, in order to have international competitions
and we are even looking at *some* areas in which the Stadium can become even Category 3, so only in
465 parts.

So we are working closely with the GFA and it would be pre-empting at this time if I give the hon.

Member any information on how we are working with the GFA and the GSLA. I hope the hon. Member understands that.

470 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may be of assistance to the House, the hon. Members have indicated that, of course, although we are keeping our fingers tightly crossed for what may happen on 24th May in London, we should take nothing for granted and, in fact, what happens in London is not a political issue that Gibraltar politicians would ever dare to delve into, other than to reaffirm that I am sure – whatever Party might be in government at any particular time – we would ensure that the sporting facilities necessary for our footballers will be made available.

475 But I would just highlight at this point there are different criteria for different sorts of UEFA competitions, that Members will be aware of, and this is publicly available information on the UEFA website. There are different standards that UEFA require for different types of matches and at different levels of competition, and it may be that some of those are things that we can aspire to, in the context of the Stadium that the hon. Member is asking about – Victoria Stadium – and some which are just simply impossible to aspire to in the context of Victoria Stadium, because of its environs: but the hon. Member also knows that there are opportunities for the development of footballing areas outside of where Victoria Stadium is today which are being considered by the GFA and the Government.

485 **Mr Speaker:** Any other supplementaries?
Next Question.

490 **Sports and Leisure Authority**
Appointment of Centre Manager and other staff changes

Clerk: Question 227, the Hon. E J Reyes.

495 **Hon. E J Reyes:** Further to the answer to Questions Nos. 101/2013 and 102/2013, can the Minister for Sports and Leisure confirm that the post of Centre Manager, together with any other vacancies within the Gibraltar Sports and Leisure Authority, have now been filled on a permanent basis.

500 **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, I will answer this Question together with Question 228.

505 **Clerk:** Question 228.

Hon. E J Reyes: 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 the answer provided to Question No. 104/2013?

510 **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 vacant post of Centre Manager was filled on 1st March 2013. This has been the only change of the staff complement of the Gibraltar Sports and Leisure Authority.

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

I am not entirely clear, by the post of Centre Manager having been filled in has it not created a knock-on effect and therefore a lower down grade has a vacancy – or was the successful applicant an external candidate to GSLA employees?

520 **Hon. S E Linares:** No, Mr Speaker, the vacancy was advertised internally and therefore somebody from the GSLA filled that post and the post... it is projected to advertise the vacancy in the near future.

525

Question 223
Supplementary

530 **Hon. E J Reyes:** If the Hon. Mr Speaker would allow me, is reference to Question 223, which was answered a short while ago but the Hon. Minister has now kindly passed on to me the details of the cultural grants, I do have a small supplementary from there. I see that £1,500 has been granted under heading of Bayside Comprehensive School, can I please have some details as to what sort of cultural event or facility, or whatever, was granted to the school, so that it is clear to me that it was a cultural related matter and not just the purchase of, for example, mathematics text books.

535

Hon. S E Linares: Mr Speaker, unfortunately I have not got that information, but I will pass it on to the hon. Member, if he so wishes, later.

540

Gibraltar RFU
Development discussions

545

Clerk: Question 229, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Sports and Leisure state if he has, since the answer to Question No. 934/2012, held discussions with the Gibraltar Rugby Football Union in respect of providing renewed facilities for the playing, teaching and development of the sport; and, if so, provide details of any agreements/understandings reached?

550

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, no formal meetings have been held since my answer to Question 934/2012 but have met informally with members of the Gibraltar Rugby Football Union in March.

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560

Victoria Stadium playing surface
Approved by International Rugby Board

Clerk: Question 230, the Hon. E J Reyes.

565

Hon. E J Reyes: Further to the answer to Question No. 105/2013, 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?

570

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. HM Government is still awaiting the certification from the International Rugby Board.

575

Hon. E J Reyes: Any indication, Mr Speaker, on a time span, or whatever, when this is expected?

Hon. S E Linares: Well, Mr Speaker, I can tell the hon. Member that an international rugby match was held in Gibraltar in March this year between Gibraltar and Cyprus. A representative of the IRB was present and was very satisfied at the playing surface, so that does not equate to actual certification but, again, we are trying to pursue to have it actually certified by the IRB.

580

Hon. E J Reyes: Yes, Mr Speaker, but although I agree that certain individuals may start to moot that the facilities look good and so on, do we have an estimated date, a target date, by which we think we will probably have the certification?

585

Hon. S E Linares: Mr Speaker, I wish I had it now. It is a question of the GSLA following it up constantly with the IRB. Until the IRB actually sends that certificate we can keep on following it up with them and I think the GSLA – I know that the GSLA – is also following it up with a company that actually laid the turf, so that they can see if they can also press on to the IRB about the certification.

590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might also assist the House in this, the hon. Gentleman knows that there is another issue pending in respect of rugby in Gibraltar, and that, therefore, pressing too much just for the purpose of getting a certification might not be in the interests of local rugby, given that there are bigger issues at stake.

595 For example, if the issue had simply been to get UEFA to say yes or no to whether Gibraltar should form part of its Association, no is the quickest answer that somebody can give. Therefore, I think he will know what I am referring to and that it is for that reason, that there are bigger issues at stake than just the certification of the pitch... which is obviously acceptable because it has already hosted international events.

600 **Hon. E J Reyes:** No, I understand that, Mr Speaker.

605 One of my reasons for following this up, as well, is, like the Minister was saying, the contractor has come and laid the pitch, there are snagging periods and warranty periods and so on, and in being prudent and so on we have got to make certain that we do not sort of run out of time where one can go, I know the company that has sold it is not one of those cowboy companies and so on and are probably interested in carrying out further works in Gibraltar in the future but, for the interest of sports lovers and the rugby fraternity itself, I think we – both sides of the House – owe it to them to give reassurance that we will follow it up and provide the best facilities that are most affordable for this community in as soon a time as possible.

610 **Hon. S E Linares:** Yes, Mr Speaker, the guarantee of the company that laid the turf was for the football and that certification has been given. What we have tried now is to get the certification of the IRB, which is what we are following, we are trying to get.

615 Like I said in answer to a supplementary before, the rugby fraternity, as international, are happy with the turf. They were here, they played Gibraltar, Cyprus. They were extremely happy because it is... if I remember correctly, they equated to the Saracens pitch in London: it is exactly the same turf and they are quite happy about the quality and the turf that we have got, it is just a question of trying to get a certificate that just gives us a certificate, basically.

620

**Gibraltar Cricket Association
Discussions over renewed facilities**

Clerk: Question 231, the Hon. E J Reyes.

625

Hon. E J Reyes: Can the Minister for Sports and Leisure state if he has, since the answer to Question No. 1018/2012, held discussions with the Gibraltar Cricket Association in respect of providing renewed facilities for the playing, teaching and development of the sport; and if so, provide details of any agreements/understandings reached?

630

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

635 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no further formal meetings have been held since the answer to Question 1018/2012 but I have met informally with members of the Gibraltar Cricket Association at the launch of their new logo in March.

**Europa Sports Ground
Details and cost of works carried out**

640

Clerk: Question 232, the Hon. E J Reyes.

645 **Hon. E J Reyes:** Further to the answer to Question No. 106/2013, can the Minister for Sports and Leisure provide details of works and cost carried out at Europa Sports Ground, together with pertinent information in respect of any other works which are planned but not yet commenced or completed?

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

650 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the following are the details of recent works and their costs, carried out at the Europa Sports Ground: recycled turf for

rugby and cricket training, excavation, preparation, laying of sub-base, removal of debris, etc. and laying down of 3,019 sq. m. of turf – £68,172.62; Repairs to perimeter fence and accesses – £1,340; Repairs to cricket playing area, including laying of turf at cricket wicket – £7,128.80; This is a total of £76,641.42.

655 There are still some minor items to be invoiced by the contractor: these are not expected to be over £3,000 in total.

660 **Hon. E J Reyes:** Sorry, Mr Speaker, I just missed the first figure, because the turf that was laid for training, when the Minister spoke about 3,019, I thought it was the figure which I noted and then it happened to be square metres, so can I actually have the financial figure as well.

Hon. S E Linares: Mr Speaker, if he wants, I will pass him over all the information.

ANSWER

THE HON THE MINISTER FOR SPORTS, CULTURE, HERITAGE AND YOUTH

Mr Speaker,

The following are the details of recent works, and their costs, carried out at the Europa Sports Ground:

Recycled turf (for Rugby and Cricket Training):

Excavation/preparation/laying of subbase/removal of debris etc and laying down of 3019 sq m of turf: **£68172.62.**

Repairs to perimeter fence and accesses: **£1340.00**

Repairs to cricket playing area including laying of turf at cricket wicket: **£7128.80**

Total as at 9 May 2013 is **£76641.42**

There are still some minor items to be invoiced by the contractor. These are not expected to be over £3,000 in total.

665 **Mr Speaker:** Next question.

670 **Youth Clubs**
Volunteer recruitment and opening

Clerk: Question 233, the Hon. E J Reyes.

675 **Hon. E J Reyes:** Further to the answer to Question No. 107/2013, 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 when does his Ministry expect to open youth clubs every weekend as per his Party's manifesto commitment?

680 **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, as stated in answer to Question 107/2013 the campaign to recruit volunteers to work in youth clubs is continuous. The youth clubs are currently working on projects which include weekends.

685 **Hon. E J Reyes:** Mr Speaker, do we have a concrete date by when we expect the youth clubs to be open every weekend.

690 **Hon. S E Linares:** No, sir.

695

**Queen's National Theatre project
Involvement of Gibraltar Amateur Drama Federation**

Clerk: Question 234, the Hon. E J Reyes.

700

Hon. E J Reyes: Can the Minister for Culture provide this House with details of reasons why the Gibraltar Amateur Drama Association has not been invited to form part, nor consulted on the matter, of the Committee which is tasked with advising the Government in respect of the recently announced Queen's National Theatre project?

705

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

710

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, the Committee set up to advise the Government on the refurbishment of the Queen's National Theatre is made up of individuals and not any organisations or any representatives of any organisations. One of the things that the Committee will be asked to do is to consult organisations such as GADA and others.

715

Hon. E J Reyes: Yes, Mr Speaker, one sees from the press release of those nominated and invited to form part of the Committee that this has been an invitation to individuals. But is the Minister aware that there has been great disappointment within those involved in the amateur dramatics world, that a long established drama association, which is apolitical and therefore would always wish to work well with whoever is in administration at the time, have not been involved as, in many ways, they would have expected to be leading players in this respect, even though there is a consolation that some individuals who also happen to be part, and members of GADA maybe, but they are not there other than in their own capacity and therefore not representing the proper collective views of GADA, which has always been well respected in this community?

720

Chief Minister (Hon F R Picardo): Mr Speaker, I draw the hon. Gentleman's attention to the last sentence of what the Hon. Minister has said, and that is that one of the things that the Committee will be asked to do is to consult organisations, such as GADA and others.

725

The hon. Gentleman knows that Gibraltar is rife with talent, whether it is in dance, or in drama or in any of the other disciplines that are displayed on a stage, and therefore there is a proliferation of organisations, all of which represent an element of expertise and the Government had a choice of simply selecting all of those organisations and asking them for a representative to put on this Committee or to appoint individuals who have specific expertise, some of them across those different organisations, and asking that Committee to make recommendations to the Government and, in doing so, to take into consideration the representations of the organisations that are relevant and, indeed, to meet those organisations.

730

The hon. Gentleman may not be aware but the disappointment expressed by one particular organisation has now been tempered and that some of the things that might have been said in public are not the *current* position of those organisations, having now understood what the intention of the Government is.

735

But, of course, Mr Speaker the whole point is that the Government is taking the view that it does not know best on how to create a theatre and how to deliver what that theatre must contain in order to be a new theatre for our community that fits its needs both in respect of amateur dramatics such as that new theatre may be relevant to amateur dramatics and the sort of touring productions that all of us would like to see able to be hosted in such a facility.

740

Mr Speaker, I put it no higher than that, other than to say that we believe that the expertise is there to give us that advice in the Committee that we have constituted, that the Committee will want to talk to these organisations and that therefore we will be able to deliver a new theatre, fit for purpose, within the lifetime of this Parliament.

745

Hon. E J Reyes: I am grateful to the Chief Minister, Mr Speaker. Yes, in the light that consultation will take place with bodies which, of course, will include GADA does change and does calm matters.

750

I feel that, at the time of drafting this I think the Chief Minister and the Minister for Culture can both understand that – I even feared there may be a certain amount of resignations, if not even a block resignation by GADA, sort of saying no-one is really interested in us and they are not taking us seriously. That would be a sad day for Gibraltar, but I think, from that answer, one can safely deduce that the consultations and exchange of ideas will come forth and certainly if, at the end of the day, we are going to get a better product for Gibraltar and, at the same time, ensuring that GADA's views are taken into account, like everybody else's, but given that sense of appreciation, then we are starting to head in the right direction, Mr Speaker.

755

Hon. Chief Minister: Well, Mr Speaker, I am grateful for his words, except for the fact that he suggests that this represents a change in the point of view of the Government and what it is that we have asked the Committee to do. It does not.

760 I am expressing to him now what I have expressed to the Committee and what the hon. Member will be asking the Committee to do and what it was the intention that the Committee should do from the very, very beginning. In fact, I think that I may even have expressed sentiments to this effect during the course of the lengthy interview I gave GBC or, if not, during the course of the press conference that we gave at the Queen's Cinema on the day of the launch of the Committee and the announcement that we made. So
765 he should take it from me that this is not a change of position, this is actually the position that was adopted and hence why he need not have feared that there might be mass resignations from any particular organisation, feeling that they were less than appreciated. Indeed, in the time that we have been in office, we have worked with GADA and supported GADA in its productions and they can continue to count on the support of the Government as much as they had it before the announcement of the Queen's Cinema and the Committee that has been put in place as afterwards.

770 The hon. Gentleman will know that certain plans were envisaged for Ince's Hall which might have required changes to the way that GADA was housed. Some of those changes may still be required and GADA will form part of the re-provisioning of what it is that GADA have, so that they can continue to produce amateur dramatics for our community, given the investment that this Government is making not just in respect of the Queen's Cinema but also, of course, as he knows, I have made some announcements
775 in respect of Ince's Hall and how that might be refurbished, and there may be some changes to those, to the detail of those plans. So he can rest assured that everyone is not just appreciated but they form an important part of what it is that we want to do.

780 Of course, it is difficult to see how one can be accused of wanting to be all things for all men and having disappointed some others – so it is either one or the other.

**Culture and Heritage Agency
Changes in personnel since Question 103/2013**

785

Clerk: Question 235, the Hon. E J Reyes.

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 the answer provided to Question No. 103/2013?
790

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.
795

**Work on heritage sites
Details and cost**

800

Clerk: Question 236, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Heritage provide details of all works, together with respective cost, undertaken at any heritage-related site; stating by whom these works were carried out, as well as confirming that the Gibraltar Heritage Trust was duly consulted before commencement of any works?
805

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, sites that appear listed under the relevant schedules of the Heritage Trust Act and have had works carried out to them are the Grand Battery and Parliament.
810

In relation to Grand Battery Phase 1, the works consisted of removing and clearing of debris to expose the eighteen embrasures and fire steps. This has allowed for the salutes by the Royal Gibraltar Regiment to take place in the area. The Heritage Trust Board was duly consulted and the scheme was approved. The scheme was also approved by the Development and Planning Commission. The contract, with a value of £73,445.92, was awarded to GJBS. It was completed on 11th June 2012.
815

820 Works to Parliament, as we have all heard this morning, Phase 1 consisted of a complete refurbishment of the debating Chamber and public gallery: new audio and visual equipment has been installed, new air conditioning equipment fitted and new furniture manufactured.

The Heritage Trust Board was consulted on 20th December 2012. The contract, to the value of £678,000, was awarded to GJBS.

825 Two other sites, even though not listed under the Gibraltar Heritage Trust Act, were presented to the Board of the Trust before works were carried out: these are to the Main Guard and Devil's Gap path.

In relation to the Main Guard, phase 1 works, which are located at John Mackintosh Square, consist of replacing the existing roof. Being the Heritage Trust's office, the Board has been, and continues to be, consulted on this project. The contract value of £100,113.57 was awarded to Koala Limited.

830 In relation to the Devil's Gap path works, this consists of clearing up and making safe a footpath that connects the Upper Town area with the Upper Rock Nature Reserve. The Heritage Trust and the Development Planning Commission have been duly informed before work commenced.

Hon. E J Reyes: Yes, Mr Speaker, my question was 'works undertaken at any heritage-related site'. If I can bring in a couple of matters that perhaps the Minister can shed some light on that.

835 I know that recently, and also because the RGP had posted notices and so on, some works have been carried out at Parson's Lodge and therefore the Minister might have some information in connection with that. One also sees, walking up Main Street, that there is scaffolding and works being carried out at the Convent, which I believe is a heritage-related site and, if my recollection is correct, it is even listed in the Act and therefore does require the proper permits, after due consultation with Heritage Trust. Likewise, works going on at Wellington Front and Douglas Cave, which I believe are very much heritage-related sites.

840 So, does the Minister have any information relating to those four that I have just brought up?

Hon. S E Linares: Mr Speaker, in relation to the Wellington Front, this was commenced by the previous administration so it is a continuation of what was started then and in the Convent, likewise. 845 These were approved by the previous administration and therefore we are just continuing the project.

I do not know which others he mentioned... the other two he mentioned.

Hon. E J Reyes: Douglas Cave and Parson's Lodge are the other two, Mr Speaker.

850 **Hon. S E Linares:** Well, Mr Speaker, those two are not heritage sites... Well, Parson's Lodge obviously is, but the works done there were not of a heritage nature so, therefore, it does not apply because, as the hon. Member knows – he must have gone to Parson's Lodge before – down below there is the... what is used for the excavation of Gorham's Cave by the Heritage Division. They use kitchens and they use other places within Parson's Lodge, which is not of a heritage nature. 855

Hon. E J Reyes: Yes, Mr Speaker, that part of Parson's Lodge may not be, strictly speaking, protected by the Heritage Act but because my question read heritage-related site, can we have some information of what works and what costs have been carried out there at Parson's Lodge? Can I start with that, Mr Speaker? 860

Hon. S E Linares: Mr Speaker, if he gives me notice specifically of that question, I will answer it. I mean, he stated... now he is homing in onto Parson's Lodge, which is not the heritage site that he is asking details for.

865 I am willing to pass on to the hon. Member the information he seeks.

Hon. E J Reyes: I am sorry, Mr Speaker, but I disagree. Parson's Lodge is a heritage-related site. That is what my wording says. I did not specifically home in, perhaps, on the words 'Parson's Lodge' but I think Gibraltarians who know the area would certainly call it a heritage-related site.

870 Also, Mr Speaker, can I come back on the other points. Work at the Convent and Wellington Front may have been started whilst I was Minister for Heritage but since I am not answerable for that since 9th December 2011, I think I am entitled to seek that information across the floor of this House, can Mr Speaker, rule on that, please.

875 **Hon. S E Linares:** So the question is what is the ruling from the Speaker?

Hon. E J Reyes: The question is, Mr Speaker, can I have then the information of anything that has happened in any of these sites since 9th December 2011? Also my question was because I have worded it a heritage-related site and not exclusively sites or areas of a site that were specifically listed in the Heritage Act, can I have some information pertaining to Parson's Lodge as well?

880 **Hon. S E Linares:** Mr Speaker, I have already answered the question. The works related to the area of Parson's Lodge has not got any heritage implications. It was to do with dampness of the place underneath, which is not a heritage site.

885 We did not actually tamper, because, if not, we would have consulted the Heritage Trust and it would have had to go through the DPC, which I can say that Wellington Front and the Convent never went through, but we are going through the DPC and consulting the Heritage Trust. Therefore, what I am saying to the hon. Member is that the works done – and I will give him the information – but it is not related to heritage, it is related to other works that are done in the area which have no heritage implication.

890 For example, I can say that the place where the excavation... the archaeologists that come to do excavations in Gorham's Cave usually stay there the night. They stay at the bottom of Parson's Lodge: they have a place and it was damp – the wall was damp, so that was fixed. That is the works but it did not have any heritage... nothing was touched at the top of Parson's Lodge, so the works are not related to heritage sites as such. That is what I was trying to say to the hon. Member, so I have answered the question.

895 **Mr Speaker:** Is the Hon. Minister saying that he was not in a position to answer that Question because he took that question of Parson's Lodge as being outside the ambit of the Question, but that he is in a position, not today, but to provide the information later. Is that the case?

900 **Hon. S E Linares:** Yes, I do, but it is not answering the specific question. I mean, this is extra information that I am giving. That is why I said if he wants to pose the question I can either do it by him posing another question or me giving him the information. What I am saying is it is not related to heritage.

905 **Mr Speaker:** What does the Hon. Mr Reyes say about that?

Hon. E J Reyes: I will gladly receive the information if he has it, Mr Speaker.

910 **Mr Speaker:** Next...

Hon. J J Netto: Could I?

Mr Speaker: Yes?

915 **Hon. J J Netto:** I would like to ask a supplementary question if I may in relation to Wellington Front, picking up what the Hon. Minister was saying basically was that it is a continuation of the work carried out beforehand by the GSD Government. As far as I can recollect, the work that was carried out was mainly refurbishment of the vaults within Wellington Front. Is that still the case today?

920 **Hon. S E Linares:** Well, Mr Speaker, there are other works that have been done: not only the vaults, the vaults was not part of the works.

925 The works that have been carried out recently are to do with the problems of flooding, which has been traditional to the Wellington Front and therefore what needs to be done there. Infrastructure has been put in place in order to alleviate the flooding and that means that the Technical Services Department is working on having a type of pumps and equipment that will deal with the actual flooding of the whole area, so that is the works that have recently been done.

Mr Speaker: Yes?

930 **Hon. Mrs I M Ellul-Hammond:** Yes, Mr Speaker, in relation to the building that is by the pétanque club, could the Hon. Minister say is this a permanent structure, has permission been sought from the Heritage Trust in order to erect a permanent structure there at North Bastion?

935 **Hon. S E Linares:** No, Mr Speaker, the pétanque is a completely different issue, so if the hon. Lady would like to ask me a specific question on the pétanque I will answer it because, again, it is not related to the heritage part of the question that the Hon. Member, Mr Reyes, has asked because it is now going beyond what the questioner has asked me.

940 **Hon. J J Netto:** Mr Speaker, if I may, coming back to the Wellington Front, the Minister said that the work was due to flooding of the place. Is the work being carried out by GJBS or by any other private contractor?

945 **Hon. S E Linares:** Mr Speaker, I would not like to say who the contractor is because I am not sure so, therefore, I would be misleading this House, should I give him the company that is doing it. So therefore I would ask the hon. Member if he wants to ask that specific question to put it to the House.

Mr Speaker: The Hon. Mr Reyes, does he...

950 **Hon. E J Reyes:** Yes, Mr Speaker, I am grateful sir. Am I getting some information now, which I think the final wording was that the Minister did have some information he was going to pass it on. Am I to wait for that before Mr Speaker says to move on to the next Question or what is happening sir, can you please update me, I am a bit lost at the moment.

955 **Mr Speaker:** I was under the impression that the Hon. Minister was prepared to make that information available in due course. That was my understanding.

Hon. S E Linares: Yes, absolutely, Mr Speaker, because it was not part of the Question. I am willing to give him the information but I have not got it here with me now.

960 **Hon. E J Reyes:** Then we agree to disagree because I still maintain that the wording in my question was heritage-related site and not necessarily to those on the schedule there.

Mr Speaker, sir, one of the locations that is actually on the schedule of the Heritage Act is the King's Bastion and I believe some works have had to be undertaken there recently. Is the Minister able to provide us with any information in respect of that location?

965 **Hon. S E Linares:** Mr Speaker, I am not aware of any works being done in King's Bastion that I can recall. That answers again the question. So, again I would need notice of that question specifically with King's Bastion.

970 **Hon. E J Reyes:** Mr Speaker, the Minister also doubles up as the Chairman of the Gibraltar Sports and Leisure Authority and some of the facilities were recently closed because some works had to be carried out. The advice to public users was that some works were being carried out and nothing else: I do not know under which sort of portfolio he can assist us, but can he please provide some information either as Minister for Heritage, or as Chairman of the Gibraltar Sports and Leisure Authority, what is actually happening at the King's Bastion Leisure Centre – and may I add, as well, allay some fears? Someone says they are constructing new bars or whatever... maybe he is aware of that information.

975 **Hon. S E Linares:** Mr Speaker, I am not aware of all that information that the hon. Member is saying.

980 **Hon. E J Reyes:** So, then, Mr Speaker, despite my having given notice of heritage-related sites – and that includes the King's Bastion Centre – the answer is 'no', he is not providing any information across the floor.

985 **Mr Speaker:** The reality is that the Hon. Mr Reyes, you have asked a question related to heritage matters. A fairly detailed answer has been given, you have then raised other matters where the Minister has told you that, in some cases, they do not have implications for heritage, nevertheless he has undertaken to provide you with as much information as possible. Now you are raising the question of King's Bastion, where the hon. Member seems to be aware that there is some work going on there, which the Hon. Minister does not seem to be aware is the case, and which may, in any case, not have any heritage implications. I do not see how we can progress the matter any further.

990 **Hon. D A Feetham:** Mr Speaker, but you see the confusion appears to be in the way that the Question has been interpreted. The question is the cost and the work undertaken in any heritage site, it does not necessarily have to be heritage-related work, it is the work on a heritage site, that is the question. Now, the Hon. Minister has interpreted it as heritage related work. That is not the question, it is work on heritage related sites.

1000 **Mr Speaker:** I do not know how the Minister has interpreted it but when I look at it I also notice that he has been asked to confirm that the Gibraltar Heritage Trust was duly consulted. The Gibraltar Heritage Trust are normally consulted on matters which have heritage implications. If that is not the case, then perhaps I am wrong.

Hon. D A Feetham: Not necessarily, not necessarily you may have work undertaken on a heritage site that requires consultation with the Gibraltar Heritage Trust but it may not be heritage-related work, it

1005 just has an impact on heritage, or it may have an impact on the site, obviously, because the work is being undertaken on the site, but he has asked about work and the question is quite clear, he has asked about works, all works, at any heritage related site. Now we do not want to make a mountain out of a mole hill. That is the question, that is the question. There is no confusion in the question it is the way that the Hon. Minister has interpreted it. If he can provide the information at a future date, we are satisfied with that.

1010 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I might, I think that the question actually creates considerable confusion, for this reason: there may be works ongoing at what is a heritage site – and King’s Bastion Leisure Centre is an area that I think all of us agree is a heritage site – which may not be being carried out by the Government. Hon. Members know that, in fact, they granted concessions in that area to operators of facilities, and operators of facilities may be carrying out works which have absolutely
1015 no implications for the heritage of the site, where they themselves may have sought either DPC consent, or not required DPC consent, or where they may have consulted with heritage and short of sending a civil servant or the Minister round to each heritage site in Gibraltar to see what may be ongoing there, I think it is actually quite impossible, other than with the generosity of the hon. Member who has answered the question, to say, or to have responsibility for those works.

1020 The hon. Gentleman has asked about what is ongoing at the King’s Bastion Leisure Centre. Those may be works undertaken by one of the landlords of one of the bars there on one of their bars, in other words not on any of the fabric of the place but what is done on their bars. Perhaps if the hon. Gentleman tells us where he says that work is ongoing at the King’s Bastion Leisure Centre, the hon. Member may actually be able to particularly check – because those works may have finished by now – may particularly
1025 check what those works were and what implications, if any, they had.

Hon. D A Feetham: Mr Speaker, that, with respect, cannot be a reasonable interpretation of this question, for the simple reason the Government is only responsible for Government business to this House. We cannot ask questions about private contractors. They are not responsible for that: the question
1030 is obviously related to works that are effectively Government approved or Government involvement works, no other work. We cannot expect the Government to be accountable to this House for the work undertaken by a bar privately, by a privately owned bar, and it is not reasonable to interpret the question in that way.

1035 **Mr Speaker:** I get the impression from what I have heard this afternoon that the Hon. Minister has given a *bone fide* answer, based on information that he has.

Matters have been raised by the Hon. Mr Reyes on which the Minister does not appear to have information, but he is not reluctant to look into the matter and see whether he can obtain that information. I do not get the impression that the Minister is avoiding answering matters for some hidden motive or
1040 other. It is just that he does not seem to have the information because he interpreted the question in a particular way and the ambit of the question has been widened somewhat. I think the Hon. Mr Reyes can refer to whatever other sites he is aware of where there is some work going on, make that information available to the Minister and I think the Minister has undertaken to look into it and provide information.

1045 There will be an opportunity to provide the information later on during this meeting of the House, because we are going to be in session for a few days. Is the Minister satisfied with that?

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

1050 Yes, like you rightly say, we might be here for a few days. I will wait to see what the Hon. Minister can provide me and then, if need be, I can give him due notice of further questions that I may have arising out of that information. It would save us all a lot of time if he provides me with that information, rather than my duplicating it there, and would work forwards from henceforth.

1055 **Hon. S E Linares:** Mr Speaker, for clarity, the information that he has asked me is to do in relation to Parson’s Lodge, correct? Because there have been other areas that have been mentioned across the Opposition side, not only Parson’s Lodge, Kings Bastion, Pétanque, Convent, Wellington Front... I mean, what I said to the hon. Member is that I will give him – because he pushed me on the Parson’s Lodge issue – that I will give him the information to Parson’s Lodge. I think it is only fair that, should the other Members and himself want further clarifications on *all* the other ones specifically, they can ask the question in another session in this House and I will be happy to give them all the information that they
1060 seek. Just for clarity’s sake, when I told him that I can give him the Parson’s Lodge information, that is what I offered to this House.

Mr Speaker: Next Question.

1065

**Waterport Power Station
Type, capacity and number of generator engines**

1070 **Clerk:** Question 237, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister with responsibility for Utilities please say the type, capacity and number of engines operating from Waterport Power Station during 2012 and 2013, and provide on a monthly basis the megawatts produced (particularly at peak periods of consumer demands)?

1075 **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 type, capacity and number of engines operating from Waterport Power Station during 2012 and 2013, has been as follows:

1080 3 x KV12 Mirrlees M3 diesel engines, with an output of 5.2MW each.
 3 x Caterpillar skid mounted generators, with an output of 1.4MW each.
 4 x Caterpillar skid mounted generators, with an output of 1MW each.
 The winter peak in 2012 was 35.1MW. The summer peak in 2012 was 32.8MW.
 The winter peak for 2013 was 34.2MW

1085 Mr Speaker, I could go on with the energy produced into the Gibraltar grid, which there is a whole chart here, which I should be really reading to this House since it is an oral question, but I am quite happy to pass this information to the hon. Member via photocopy and then it saves me having to read the whole lot! I am willing to do so anyway, so it is up to him, Mr Speaker.

1090 **Hon. J J Netto:** Mr Speaker, I am very grateful to the Minister.

Energy produced into the Gibraltar grid:

2012	Waterport Generated MWh	2013	Waterport generated MWh
JAN	7,684	JAN	5,104
FEB	7,438	FEB	4,506
MAR	7,256	MAR	5,121
APR	5,670	APR	4,616
MAY	7,836		
JUN	7,684		
JUL	8,257		
AUG	8,185		
SEP	7,718		
OCT	8,317		
NOV	7,779		
DEC	7,659		
TOTAL	91,488		

Mr Speaker, I think we can carry on to the next question, if that is OK.

1095 **North Mole Power Station
Type, capacity and number of generator engines**

Clerk: Question 238, the Hon. J J Netto.

1100 **Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Utilities please say the type, capacity and number of engines at the North Mole Temporary Power Station (connected to the Waterport Power Station) and provide on a monthly basis the megawatts produced (particularly at peak periods of consumer demand) by this temporary station since commencement of operations?

1105 **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 North Mole Temporary Power Station is comprised of the following:

5-x T60 Caterpillar Solar skid mounted turbines, with an output of 5MW each

The energy produced in megawatt hours to date is as follows:

1110 December 2012 – 2,392 MWh

January 2013 – 8,176 MWh

February 2013 – 7,644 MWh

March 2013 – 8,116 MWh

1115 April 2013 – 7,756 MWh

The peak power generated into the Gibraltar electricity distribution network from the North Mole temporary Power Plant has been 18MW to date.

1120 **Temporary Power Station at North Mole
Need for reinforcing high voltage network**

Clerk: Question 239, the Hon. J J Netto.

1125 **Hon. J J Netto:** Mr Speaker, can I just ask before saying the next Question whether the hon. Gentleman may provide me a copy of the figures of the previous question, so I can have them available, if that is no problem.

1130 **Hon. S E Linares:** No problem, Mr Speaker.

Hon. J J Netto: Shall I move on, then, to the next Question?

1135 Mr Speaker, given the recent incorporation of the temporary Power Station at North Mole, could the Hon. Minister with responsibility for Utilities explain if there is a need for reinforcing the high voltage network?

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

1140 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, with the commissioning of the North Mole temporary Power Station new high voltage cables were indeed laid between the new site and Waterport Power Station. These new cables have reinforced the high voltage network accordingly.

1145 **Hon. J J Netto:** Right, I take it that what has been reinforced is the connection between the North Mole temporary Power Station and the link to Waterport Power Station. But I think my Question basically was much more wider than that, in the sense of the whole grid. Does the Minister feel that the whole grid needs to be reinforced?

1150 **Hon. S E Linares:** Mr Speaker, it is not whether I think that it should be reinforced, it is the technicians themselves who decide what type of distribution network is needed, and therefore they are quite confident that by only laying that cable the distribution of the power is at the voltage that is needed to be done. If not, they would not have done it, I presume.

1155 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may assist the hon. Gentleman, I think that the answers that he is getting arise from the wording of his question about the high voltage network. Because there is a particularly high voltage that is going to come from where the present temporary Power Station is sited – and where it is very likely that the future power station may be sited – to Waterport Power Station, what is today Waterport Power Station, which is still very likely to be where the distribution network starts.

1160 If he is talking about the whole of the distribution network, then he will have seen that, on a number of occasions when I or the Hon. the Minister for Utilities have spoken about the infrastructure as it is today, then there is certainly a lot of work that is going to be done to that infrastructure, to the distribution network, which is not just high voltage network cables, it is all of the distribution network in Gibraltar, because he may have heard me say that the power cuts we have been experiencing, in particular since the arrival in Gibraltar of the turbines that are at the north end of the North Mole – the north western end of the North Mole – are not related to generating capacity. They are related very often, if not exclusively, to problems with the distribution network, but that is not just the high voltage network but different parts of the distribution network, and what is happening, Mr Speaker, is that the work on that distribution network

1165

1170 is ongoing work now. It is no longer related to the implementation of the new power station tender programme, although that may require high voltage parts of the network to be upgraded at the same time or in parallel as the whole of the distribution network is in the process of being upgraded, because that is now so aged that a lot of the failures are there.

1175 There is also not just the problem with the *age* of the network but you will also have heard me say that some of the schematic of that network is not entirely up to date. When contractors want to do work in different parts of Gibraltar, they may not have a clear schematic that they are going to go through part of the distribution network and therefore cause a power cut: you will recall that one of the power cuts, I believe in April of last year, which was before the arrival of the turbines, when we did not have the generating capacity, was, nonetheless, caused by a major failure in the distribution network because a contractor went through a cable without knowing it was there – because the schematic was not as it should be.

1180 I hope that assists the hon. Gentleman with understanding why the hon. Gentleman was talking about *that* area in respect of high voltage network alone.

1185 **Hon. J J Netto:** Yes, indeed, Mr Speaker, the Chief Minister's intervention has been quite useful in terms of getting into a much wider picture, which I was trying to get at.

In relation to the upgrading of the distribution network, does the Government have a timeframe as to when the different elements of this are going to take place?

1190 **Hon. Chief Minister:** Can I ask the hon. Gentleman to note that this is an item that will form part of the debate on the Appropriation Bill and that he might have a better opportunity of seeing how we cast the timetable as a result of what he will be told in that debate.

1195 **North Mole temporary Power Station
EU Directive on Noise Levels**

Clerk: Question 240, the Hon. J J Netto

1200 **Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Utilities please state if there have been occasions in which the engines at the North Mole temporary Power Station have exceeded the EU Directive on noise levels, either on its own or in combination with Waterport Power Station and, if so, could the Hon. Minister say on how many occasions this has happened and for how long?

1205 **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 EU Directive on Environmental Noise does not apply to noise from industrial emissions. It applies in Gibraltar to noise from traffic.

1210

**Ex-OESCO Power Station
Type, capacity and number of generator engines**

1215 **Clerk:** Question 241, the Hon. J J Netto.

1220 **Hon. J J Netto:** Mr Speaker, can the Minister with responsibility for Utilities say the type, capacity and number of engines or skids at the ex-OESCO Power Station, and provide on a monthly basis the amount of megawatts produced (particularly at peak period of consumer demand) since December 2011, either by the previous owner or the current ones, into the Government Grid?

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

1225 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the type capacity and number of engines operating from the ex-OESCO Power Station is as follows:

3 x KV16 M1 Mirrlees engines, with an output of 5.1MW each (2 units decommissioned, 1 unit under repair)

2 x K6 M1 Mirrlees engines, with an output of 1.8MW and 2.5MW respectively (1.8MW unit decommissioned)

1230

1 x K8M1 Mirrlees engine, with an output of 2.5MW
 1 x KV12 M2 Mirrlees engine, with an output of 5.1MW (decommissioned)
 6 x Caterpillar skid mounted generators, with an output of 1.4MW each.

1235

Mr Speaker, as I did with the previous Question, if the hon. Member and Mr Speaker allows, I will pass on this information, because I could go on again every single month giving him a figure which he will ask me to pass on – so I will directly pass it on to the hon. Member.

Energy produced ex-OESCO Power Station into Govt Grid:

	MWh		MWh
Dec.-11	6,910	Jan.-13	1,669
Jan.-12	7,335	Feb.-13	1,720
Feb.-12	7,660	Mar.-13	2,631
Mar.-12	7,928	Apr.-13	2,781
Apr.-12	8,067		
May-12	5,536		
Jun.-12	5,412		
Jul.-12	5,375		
Aug.-12	4,847		
Sep.-12	5,024		
Oct.-12	5,189		
Nov.-12	4,055		
Dec.-12	2,376		

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

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Hon. S E Linares: Yes, Mr Speaker, just to add in the information that I am passing over to the hon. Member, in all the information that we are passing over, he has got to realise that, as from December 2011 when we came in, the OESCO Power Station, for example, has been going down and down and down in the production of the megawatts, so much so that in January 2013 it was producing 1.669 MW, as opposed to April 2012, when it was producing 8,067. The same has happened with the other information that I have given the hon. Member.

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

1250

Mr Speaker: Next Question.

1255

**Ex-OESCO Power Station
 Government's contractual relationship with current operators**

Clerk: Question 242, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister with responsibility for Utilities say what is the contractual relationship between the Government and the current operators of the Ex-OESCO Power Station?

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, the current operator of the Ex-OESCO Power Station, Bolaños General Mechanical Engineers, have been contracted by the Gibraltar Mechanical Electrical Services Company, a wholly owned HM Government of Gibraltar company.

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Hon. J J Netto: I think perhaps I got a bit confused – if the Hon. Minister could clarify – are we talking about a perfectly private company or is he talking about a different kind of Government-owned company? Which of the two?

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Hon. S E Linares: No, Mr Speaker, Bolaños General Mechanical Engineers is a private company that is contracted by GMES, which is the Government wholly-owned company.

Hon. J J Netto: Mr Speaker, in that context can the Minister for Utilities say what is the unit cost of energy that the Government has to pay to the company for the energy that is being produced?

1280 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think it is fair to say that we would need, on this side of the House, notice of that question. But, if I can just clarify to the hon. Gentleman, the production of electricity is something that is being done by the owner of the units, which is GMES. So that cost is being borne by the Government. There is a contractual arrangement with Bolaños to operate the units so there is a cost of operation but the units are owned by the Government and the fuelling of the units happens internally. It happens at a GMES level. So I think, with notice, the hon. Gentleman can have the cost per unit but that is not going to give him details of the contract with Bolaños, if that is what he is seeking to obtain, because we are not buying units of electricity from Bolaños.

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1290 **Hon. J J Netto:** I think, Mr Speaker, we are getting confused because the Hon. the Chief Minister is mentioning GMES when I was actually mentioning the ex-OESCO. Now to my understanding if I am wrong, please correct me but we are talking about two different entities.
Is that –

1295 **Hon. Chief Minister:** Yes, Mr Speaker, but OESCO no longer exists. This is the issue. This is what the hon. Gentleman has explained to him before, OESCO no longer exists.
OESCO was an operator, the operator and owner of those units under the original contract with the Government. OESCO is now out of the picture; the units are owned by the Government and are owned in GMES. GMES also owns and operates ISGS under the agreement for which the transfer of ISGS was negotiated and GMES was created. In respect of the units at the ex-OESCO facility, that operation is being done by a contract between GMES and Bolaños by Bolaños – but we are not buying units of electricity from Bolaños, as we were buying from OESCO. That is the issue.

1300
Mr Speaker: Any other supplementary? Next Question.

1305

**GMES Power Station
Type, capacity and number of generator engines**

1310 **Clerk:** Question 243, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister with responsibility for Utilities say the type of engine, capacity and number of engines at the ex-ISGS, now known as GMES Power Station, and provide on a monthly basis the amount of megawatts produced (particularly at peak periods of consumer demand) since December 2011 by them into the Government Grid?

1315 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

1320 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the type, capacity and number of engines operated from the ex-ISGS, known as GMES Power Station, since 2011 is as follows:

2 x K8 M1 Mirrlees Diesel Engines, with an output of 2MW each.

2 x K8 M2 Mirrlees Diesel Engines, with an output of 2MW each

1 x KV 16 M1 Mirrlees Diesel Engine, with an output of 4.6 MW.

1325 Again, I could go through the whole list but I would rather pass it on to the hon. Member and again emphasise the fact that not only the ex-OESCO Power Station now operated and maintained by Bolaños and owned by GMES, the emissions are very, very low down the South end of Gibraltar due to what is seen in these tables as the lowering of the production of electricity.

Energy generated into the Government Grid:

MWh	
DEC -11	223
JAN -12	99
FEB -12	105
MAR -12	12
APR -12	18
MAY -12	30
JUN -12	19
JUL -12	316
AUG -12	1,536
SEP -12	1,213
OCT -12	217
NOV -12	313
DEC -12	1,031
JAN -13	300

1330

Mr Speaker: Next Question.

1335

**GMES Power Station
Government's contractual relationship with current operators**

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Mr Speaker: Question 244, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker can the Minister with responsibility for Utilities say what is the contractual relationship between the Government and the current operator known as GMES Power Station?

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

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Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, GMES Power Station runs the ex-MOD Inter-Services Generating Station which was transferred, under the previous Administration, on 1st December 2011 to HM Government of Gibraltar. The arrangement to operate and maintain this power station was between HM Government of Gibraltar and MOD, as detailed in the transfer agreement agreed by the previous Administration, of which he was a Member.

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**Energy International Inc.
Contractual relationship with Government**

Clerk: Question 245, the Hon. J J Netto.

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Hon. J J Netto: Mr Speaker, can the Minister with responsibility for Utilities explain to this House the contractual relationship between the Government and Energy International Inc. for the supply of electricity into the Government grid?

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

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, this Question will be answered together with Question 434.

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Clerk: We now move on to the Questions to be posed to the Deputy Chief Minister. This will be answered later during the session.

Mr Speaker: May I clarify, Question 434 is not being answered just now, is it? (*Interjection by Hon. D A Feetham*)

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Chief Minister (Hon. F R Picardo): No, Mr Speaker, the position of the Government is that 434 is a Question to the Chief Minister and it will be dealt with...

Mr Speaker: Therefore, the previous Question and 434 will be answered together by the Chief Minister, okay?

1380

DEPUTY CHIEF MINISTER

1385

**Development and Planning Commission
Timeframe for Government projects requiring approval**

Mr Speaker: So we are at Question...

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Clerk: 410.

Hon. S M Figueras: Mr Speaker, can the Hon. the Deputy Chief Minister say whether the Government has reached a decision on a timeframe for Government projects to require the approval of the Development and Planning Commission in terms more specific than 'sometime during its first term of office'?

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Clerk: Answer the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, the timeframe for this to happen is linked directly to the new Town Planning Legislation which the Government is presently considering.

1400

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

I note that the reform of Town Planning Legislation is a matter that has been raised in the House on a number of previous occasions and I wonder whether perhaps the deputy Chief Minister is in a position to provide us with some kind of update as to how long he expects that process might take?

1405

Hon. Dr. J J Garcia: Mr Speaker, I cannot provide him with an update in terms of how long it is going to take but I can tell him what has happened up to now.

We have considered at a political level two drafts of the Town Planning Legislation. There is a sub-committee made up of the drafter, the Town Planner and myself. There is a meeting of this group again next week and we are very keen to progress the matter but I cannot really tell him when it is going to go through, except that the Government is giving it priority.

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Hon. S M Figueras: Mr Speaker, I am conscious of what the Deputy Chief Minister has very helpfully said and I am grateful for his contribution.

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I am only going to ask, in the hope that there may be some general idea of whether we are talking weeks, months, years, in relation to this process. I am not going to pin him down to a specific timeframe but just a general idea would be very helpful at this juncture.

Hon. Dr J J Garcia: I think I can safely say, Mr Speaker, it is not going to be years. It is not going to take as long as that but I would not like to commit myself to weeks or months because I really do not know how long it is going to take. Sometimes you get other things and you have to, sort of, put this to one side. But I know there is a meeting set down for next week where we intend to look at some policy issues in the new legislation and, hopefully, once that meeting is over, we will have a clearer position of how far we have to go.

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Hon. S M Figueras: Well, in that case, Mr Speaker, will the Deputy Chief Minister be amenable to a request in writing for an update following that meeting in the next couple of weeks?

Hon. Dr. J J Garcia: Mr Speaker, I will be happy to update the hon. Member either in writing if he cares to write to me or, indeed, if he raises the question again at the next meeting of Parliament.

1430

Hon. D A Feetham: Yes, Mr Speaker, given the plethora of manifesto commitments in the GSLP / Liberal manifesto, in terms of capital projects, and in the light of the answer that he has given today, does he envisage that most of those projects will, in fact... the decision to proceed with those projects will be kick-started prior to this legislation being introduced, or does he envisage that, in fact, some of those commitments may be tested under this legislation?

1435

Because of course, the problem here is that he has already said that it is not going to be this year and, assuming that the Government wants to complete its many Government projects on time, it is going to

1440 have to kick-start them quite soon. So the legislation is not going to be this year but, at the earliest, next year. Is it not the case that the majority of those projects that are Government projects will not be tested in accordance with any new legislation?

1445 **Hon. Dr J J Garcia:** Mr Speaker, the answer I gave the hon. Member was that it was not going to take years, not necessarily that it would not happen this year. It may well happen this year, I cannot say at this stage.

1450 Obviously, I think it will be the case that some projects will be tested under the new legislation and others will not. It just depends on the timing of these projects. This is very much the same issue that faced them in Government, when they were confronted with the new Gibraltar Development Plan that came out in 2009, which included already some projects that they had in mind, which they had envisaged, but which had not actually happened. But in our view, I think I can safely say some projects will be tested under the new legislation and others will not, but it is difficult to say which will and which will not.

1455 **Hon. D A Feetham:** So, Mr Speaker, can he confirm, therefore, this is not a case where, effectively, the Government will attempt to proceed with some of these projects in advance of this new legislation to prevent those projects to be tested properly under its stated policy in the manifesto of full planning permission which, no doubt, will be the subject of the legislation when it is introduced to this House.

1460 **Hon. Dr J J Garcia:** Mr Speaker, the policy at present is that projects are going to Planning as soon as they are ready. That is what is happening at the moment.

Mr Speaker: Next Question.

1465 **Old Police Barracks block
Plans for redevelopment**

Clerk: Question 411, the Hon. S M Figueras.

1470 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Deputy Chief Minister say whether Government has any plans for the development of the area of the old Police Barracks block on Castle Road?

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

1475 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, a tender for the redevelopment of Police Barracks into residential accommodation was published in the media at the end of last year.

Mr Speaker: Next Question. Yes?

1480 **Hon. D A Feetham:** Yes, can the Government or can the Deputy Chief Minister, Mr Speaker, update the House in relation to where we are with that particular tender and those particular plans, please?

1485 **Hon. Dr J J Garcia:** Yes, Mr Speaker, the tender closed at the end of March and the Government is now considering the different submissions.

Hon. D A Feetham: Can he say how many tenders have been received by the Government in respect of this particular development?

1490 **Hon. Dr J J Garcia:** Mr Speaker, It would be helpful, I think, to the Government on this occasion not to give the number of tenderers. I would be happy to do so privately in the ante-Chamber if he wishes to have the information but it is a situation which arose also when they were in office, where they were faced with a particular number they did not want to disclose.

1495

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

1500 **St Michael's Cave
Contract works**

Clerk: Question 202, the Hon. D J Bossino.

1505 **Hon. D J Bossino:** Can the Minister for Tourism advise the House which companies carried out the works at St. Michael's Cave and whether these went to tender?

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

1510 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the following companies carried out the works at St. Michael's Cave – GJBS Limited, with Koda Creative as a sub-contractor; The Gibraltar Electricity Authority; Knightsfield Holdings. These did not go out to tender, as the contractor was GJBS.

1515

**Miami Convention
Identity and cost of Government delegation**

1520 **Clerk:** Question 203, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide details of who attended the Miami Convention as part of the Gibraltar Government delegation this year, together with a cost of such attendance?

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

1530 **Minister for Tourism, Commercial Affairs, Public Transport, and the Port (Hon. N F Costa):** Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

SCHEDULE TO QUESTION NO 203/2013

Miss Edwina O'Mahony of Gibraltar House in London attended the Seatrade Cruise and Shipping Convention in Miami.

The costs were as follows:

Flights	£1679.29
Accommodation	£1014.61
Subsistence	£255.52
Travel expenses	£155.25

Total £3104.67

Miss O'Mahony represented the Gibraltar Tourist Board on the Medcruise stand and there was no cost for this.

Miss O'Mahony has attended the convention in previous years.

1535 **Hon. D A Feetham:** Mr Speaker, may I return just to ask a supplementary in relation to the previous Question, the one about St. Michael's Cave, if that is at all possible. I appreciate your indulgence.

Mr Speaker: Yes.

1540 **Hon. D A Feetham:** Yes, Mr Speaker, is the Minister satisfied with the works that have been undertaken to St. Michael's Cave and in particular the frontage which was, in fact, the subject of a photograph in the *Gibraltar Chronicle* on 4th April 2013.

1545 The reason why I ask is there has been a lot of comment publicly by members of the public about this and certainly we do agree with some of the criticisms – with many of the criticisms – that have been made in relation to that particular frontage, that it really is not appropriate – (**A Member:** Aesthetically.) aesthetically pleasing, yes, thank you very much – and certainly not appropriate for that particular site. I just wonder whether, perhaps, the Minister has reconsidered, or considered, some of those criticisms and perhaps thought about revising or asking for further works to be done in order to improve that particular frontage which, quite frankly, does not appear to be what is required? It really is not something that is commensurate with that particular site.

Hon. N F Costa: Mr Speaker, has the hon. Gentleman actually been to visit?

1555 **Hon. D A Feetham:** Yes, Mr Speaker, I actually take my dog up the Mediterranean Steps and then I come down via the road outside St. Michael's Cave, so I have, yes.

Hon. N F Costa: Mr Speaker, in that case the hon. Gentleman surely will agree with me that the change to the entrance to St. Michael's Cave is certainly a far cry from the dilapidated and neglected state that it used to be before. I think we can share that across the floor of this House...

1560 It is not for me to obviously counsel the hon. Gentleman on how he asks his questions to me but he needs to be aware that the comments that were made by his supporters on Facebook only served to very much alienate and incense the hard workers of the GTB who spent a lot of time, effort, energy, hard work and dedication on the works that were conducted at St. Michael's Cave.

1565 Whereas he and I may say that perhaps the aesthetic front to the entrance of the cave was not what he or I may have chosen, had the picture been put before me, he has to agree with me that the works inside the cave are magnificent. In the first place, for the first time in our history, there is access to people with disability (*Applause*) so now people with disability can access the cave and enjoy the wonderful concerts and other events that take place in St. Michael's Cave. There is, of course, as well, the widening of the steps in St. Michael's Cave, which has allowed for a much better throughput and thoroughfare of the hundreds of people that come to these events. (*Interjection*)

1570 I am answering his question. He can then of course... I will give way before I finish the answer to the supplementary that he has just asked me.

1575 Also, we have increased the auditorium for 400 seats to 600 seats and the Azamara event was certainly testament to how well received the increase has been. There has also been the lengthening of the steps so that, when people walk in, there is a greater safety distance so all in all, I would say that the works at St. Michael's Cave are 9.5 out of 10 and whereas the aesthetics of the frontage may not have been the one that I personally would have chosen, had I been shown that, I definitely allowed the workers and the people that advise me and do the work for the GTB a full run to be able to exercise their judgements and their professional expertise.

1580 As I say, Mr Speaker, on the basis that we have spent almost, or a little over, £500,000 on much needed embellishments and repairs on St. Michael's Cave, if the only thing that I can be criticised for is the fact that I did not oversee the particular signage that comes just in front of the cave, I am happy to accept that criticism without failing to mention the incredible hard work of the GTB.

1585 Before I finish my answer I will give way, as I promised the hon. Gentleman.

Mr Speaker: I will allow another supplementary on this matter because, strictly speaking, we are getting outside the ambit of the Question, but I will allow another supplementary. Yes.

1590 **Hon. D A Feetham:** Not from the Leader of the Opposition...

Mr Speaker: We are getting out of... the Question is, which company has carried out the works, whether they went out to tender. That has been answered. You have asked a supplementary, which I have allowed, and I will allow another supplementary and then we move on.

1595 **Hon. D A Feetham:** Mr Speaker, thank you very much.

1600 Mr Speaker, the Hon. the Minister for Tourism really does not need to take the comments that I made personally. It was not a criticism of him. It was not a criticism of him personally. Indeed, I did prefix my question by the fact I did assume, in my question, that he had not in fact seen that particular frontage, or approved that particular frontage, before the work was actually undertaken. My question to the Hon. Minister was, now that he has seen that particular frontage and, given the criticisms, which I believe are entirely justified – and I do not think that the Hon. the Minister's comments about the comments made by

1605 members of the public, that all those comments are partisan, and neither can I accept that the comments made by so-called supporters of my Party are partisan comments... they are comments based on what is a pretty awful frontage, in the context of, *yes*, the excellent work that the Minister's staff and the rest of this particular company has done on the inside. I was not criticising the work on the inside and I have no hesitation in saying that there has been an improvement to the inside, in the same way as every Government in the history of Gibraltar always improves aspects of our tourist product and I have no hesitation in commending that.

1610 But, the question was, does he, in the light of the fact that he has seen this frontage and that, really, he agrees with me that it is not the frontage he would have chosen, that perhaps he might not go back to GJBS, or whoever it is that is in charge of this, in order to change that frontage because, in my view – and certainly it appears to be his view – it is letting down the rest of the excellent work that the Government has done in relation to this particular site?

1615 **Hon. N F Costa:** Mr Speaker, in the first place, simply to say that I welcome the fact that the Hon. the Leader of the Opposition accepts that it is excellent work because it is, in fact, excellent work.

1620 In taking the points that he makes in preface to the supplementary to the question, which I believe is a repetition of the first supplementary, he and I both know that the comments on Facebook were completely partisan. I can remember the names of GSD Executive members who were castigating me personally by name for having allowed that particular atrocity. Yes, if he goes to Gibraltar Politics he will see that there... and it was referred to me and printed for me and, of course, I immediately circulated it to the GTB so that they could see the sort of comments that were being made.

1625 Mr Speaker, if the hon. Gentleman wants me to believe that he was only criticising the frontage but that he thought the works were excellent, he would have prefaced his supplementary by saying 'notwithstanding the excellent work, the frontage is horrible'. But he did not say that, he just said 'the frontage is horrible: are you thinking of doing something about it?' So I cannot accept that as being an *honest* part of his answer and for his comments, which I am afraid I must take issue with, when he said that *all* previous Governments have done work on the Upper Rock, he knows that is a big, big lie.

1630 Let me tell him why it is not true to say –

Mr Speaker: On a Point of Order, would he withdraw the word 'lie', please.

Hon. N F Costa: I will withdraw the word 'lie', to say that it is not true.

1635 **Hon. D A Feetham:** Mr Speaker, there is –

Hon. N F Costa: Yes, I withdraw it and I will tell him why –

1640 **Hon. D A Feetham:** Mr Speaker, may I, just as a Point of Order –

Mr Speaker: Will both Members sit down: both Members sit down.
Now, on a Point of Order, I categorically ask the Minister to withdraw the word 'lie'.

1645 **Hon. N F Costa:** Yes, I have done it.

Mr Speaker: Then, when he has done that, he is going to continue to answer the supplementary question. So therefore the Leader of the Opposition does not have the floor. Is that clear? The Leader of the Opposition does not have the floor.

1650 The Hon. Minister is going to withdraw the unparliamentary language and then he is going to get on with answering the supplementary, which is the subject at the moment.

Hon. D A Feetham: Mr Speaker, I had a Point of Order. If you do not want to listen –

1655 **Mr Speaker:** Do you have a different Point of Order to the question of a 'lie'?

Hon. D A Feetham: It is a slightly different Point of Order.

Mr Speaker: Okay, what is your Point of Order?

1660 **Hon. D A Feetham:** I did not mention the Upper Rock. I mentioned the 'tourist product', not the Upper Rock. Now, you know, it may assist the hon. Member to recognise –

1665 **Mr Speaker:** Just a moment. That is not a Point of Order, it is a point of fact. It is nothing to do with Standing Orders, it is a point of fact and there are different opinions about fact.
It is not a Point of Order, so the Hon. the Minister.

1670 **Hon. N F Costa:** Yes, Mr Speaker, if the hon. Gentleman did say the tourist product the point that I was going to make remains exactly the same, which is as follows. He said that all past Governments have improved the tourist product. I will tell him why this is not the case.

If we go back just five financial years, over five financial years there was an allocation of funds of £925,000. We allocated, in one financial year, £1 million and we spent in one financial year almost that £1 million. So it cannot be true to say, Mr Speaker, that his Government, when they were in post, did in fact do a lot to improve the tourist product, when the figures speak for themselves.

1675 And, in order... (*Interjection*) Well, he did ask the supplementary in preference to the... (*Interjection*)

Mr Speaker: Minister, may I draw your attention – in my view, the word ‘true’ is also unparliamentary. It may not be... You can use a word like ‘correct’: it may not be ‘accurate’ to say: right... but not ‘true’ or ‘untrue’.

1680 **Hon. N F Costa:** Accurate. And to answer the supplementary question, the matter has been considered at meetings.

1685 **Mr Speaker:** We are going to move on to the next Question, because being the excellent lawyers that they are, they have just been scoring debating points and we are going to get on with the business.

Hon. Mrs I M Ellul-Hammond: Mr Speaker I have a supplementary that is relevant to the information that the Hon. Minister has, if I may. Thank you.

1690 Mr Speaker, the Hon. Minister mentioned the increase in auditorium capacity. Has there also been an increase in toilet facilities to cater for this?

Hon. N F Costa: I do not know the answer to hand, but I can certainly tell the hon. Lady that the toilets are now fit for purpose and before they were not.

1695 **Mr Speaker:** Next Question.

Clerk: Question 204, the Hon. D J Bossino.

1700 **Hon. D J Bossino:** Can the Minister for Tourism provide details of the Government’s cost of its recent attendance at the FIA WTCC in Morocco?

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

1705 **Hon. D J Bossino:** Mr Speaker, I am slightly confused (*Laughter*) and would request your assistance. I was happy not to ask any supplementaries in relation to Question 202 and then we moved on to 203 when I put the Question, but then I do not think I have been given the opportunity to ask supplementaries in relation to that Question and that is where the confusion lies.

1710 **Mr Speaker:** Yes, yes, so the hon. Member now wishes to ask a supplementary to Question?

Hon. D J Bossino: 203 –

Mr Speaker: 203. Very well, I will allow that.

1715 **Hon. D J Bossino:** – in respect of which the Hon. Minister handed over a schedule to me.

1720 I note, Mr Speaker, that there was only one attendee, a Miss Edwina O’Mahony of Gibraltar House in London. Is there any reason why the Minister himself did not attend? I understand, Mr Speaker, that the practice, when we were in office, was that the Minister would attend these conferences. I am not sure, I think he did attend the last Miami conference last year when he was already in office and the question to the Minister is simply to ask why it is that he decided not to attend. Was it cost-related or particularly, Mr Speaker, because of the emphasis that he has publicly laid on personal contacts and how he claims that this is bearing fruit?

1725 **Hon. N F Costa:** Mr Speaker, I am only surprised that the hon. Gentleman should have asked me the question because he was gracious and generous to come to see me in hospital at the time and he knows that I was unable to fly to Miami. But I will, of course, forgive the question because, as I say, he was very kind to have visited me at the time and I was in fact very touched by the gesture.

1730 As I have said in previous answers, it is not the objective of the Government to attend the event for the very simple reason that business is not conducted during the course of the event and what happens is that Government officials attend the week before, which allows the Government the opportunity to meet face to face with the top executives. Because, on this occasion, I was unable to attend, Mr Nicky Guerrero, the Chief Executive of the GTB and Mr Peter Canessa of Gibraltar House attended on my behalf and visited the very same people that I would have met, had I been able to attend – but that was before the convention, not during.

1735 **Hon. D J Bossino:** Mr Speaker, I did not forget that... I did not forget that he was, in fact, in hospital but I was not conscious of the dates, to be honest. But I suppose the question which arises is a question of Government policy: maybe he can confirm, and I can glean from his answer, that this is the case, that it is Government policy for the Minister to attend these pre-convention meetings in the future.

1740 **Hon. N F Costa:** Yes, Mr Speaker.

1745 **Hon. D J Bossino:** Mr Speaker, obviously the pre-convention meetings will carry a cost. I appreciate perhaps that the question would have to be slightly amended to take account of that cost so that the Minister can provide this answer to the House. I assume that the Minister would have no difficulty in providing that information to the House but is it the case that he has not provided this information because he has specifically answered the question, as specifically posed?

1750 **Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman is correct.
The reason for handing him over the schedule that I did, with the cost that I did, was because the Question related on the attendance of the Government to the event. I will have, of course, no difficulty whatsoever in handing over to the hon. Gentleman the costs, if he were to write to me, I will provide it to him immediately.

1755 I would avoid using the phrase ‘pre-convention meetings’. It is not as if there is a convention and there is a format whereby top cruise executives are available to meet. The way it works is that, six months before, we liaise with the top executives and the different cruise companies and therefore make our own personal arrangements in order to be able to meet with them. Everyone always agrees that the best time to go and talk to them is before the convention because, once the convention starts, in fact they go elsewhere because there really is no time to be able to conduct business during the event.

1760

FIA WTCC in Morocco Cost of attendance

1765

Clerk: Question 204, the Hon. D J Bossino.

1770 **Hon. D J Bossino:** Can the Minister for Tourism – oh, yes I have posed that question already, yes – provide details of – it was not particularly well phrased – the Government’s costs of its recent attendance at the FIA WTCC in Morocco?

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

1775 **Minister for Tourism, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I now hand over to the hon. Gentleman a schedule with the information requested.

SCHEDULE TO QUESTION NO 204/2013

MARRAKECH	£
SUBSISTENCE	1,345.02
HOTEL ACCOMMODATION	2,450.00
TRAVEL EXPENSES	1,970.00
RECEPTION ON STAND	391.00
MISCELLANEOUS	416.35
COURIER COSTS	2,519.28

Further costs detail, in relation to the Chief Minister and his party to this event, are already available on the Government's website.

1780 **Hon. D J Bossino:** Mr Speaker, I take it from the endorsement at the bottom of the table, where it reads 'Further costs detail, in relation to the Chief Minister and his party to this event, are already available on the Government's website', that what I have been provided does not provide the totality of the Government's cost of attendance at this event and what I would need to do is marry this information with the information which is provided on the website. Is that correct?

1785 **Hon. N F Costa:** Mr Speaker, to clarify, the information that I have provided to the hon. Gentleman relates to *my* party, that is to say myself and the persons from the Tourist Board who attended. The information in respect of the Chief Minister and *his* party are on the Government website.

1790 **Hon. D J Bossino:** Of course Mr Speaker, just as a point of clarification, the Question actually related to the Government's costs, not only in relation to the Hon. Minister's Department. But certainly, as a matter of practice, I do appreciate that there is a Standing Order in place that states that if there is information that is publicly available it is not necessarily to be provided in this House. But I think that the Speaker has said in the past that it would be helpful for Ministers to provide this information in a schedule so that one can have the totality of the information, the instant that I seek it from the hon. Member.

1795 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I think what you have said – and you said it in a manner that the Government has said that it agrees entirely – is that if something is *not* available on the Government website at the time that Questions are being asked then it should be provided here even if subsequently it has been put up on the Government website. But this is information which relates to something that happened some weeks ago and therefore would have been up on the Government website, I assume, for some weeks – and, in fact, it was confirmed to me by the hon. Gentleman that it was – so really it is a question of that being published information which he needs to marry to the information he has been given today.

1800 **Hon. S M Figueras:** Mr Speaker, two supplementaries from me in relation to the data that is available on the Government's website. The first is to ask the Hon. Minister whether it is expected that we will go through the list of each individual Minister's expenses to understand who attended the event and therefore what the global cost of the Government's attendance at an event was.

1805 **Hon. Chief Minister:** In answer to the first supplementary, Mr Speaker, the Hon. Minister said who it was who attended apart from him. It was the Chief Minister who attended, apart from him, and he will see there was a public statement at the time, saying that it was his Ministry and me that attended.

1810 **Hon. S M Figueras:** I see and I am grateful. I merely pointed it out because it strikes me that it would perhaps be more useful, if at all possible or practical, if the information in relation to the cost of an event globally were published on the website. I merely say it by way of suggestion as something that the Government may want to consider, moving forward.

1815 **Hon. S M Figueras:** I see and I am grateful. I merely pointed it out because it strikes me that it would perhaps be more useful, if at all possible or practical, if the information in relation to the cost of an event globally were published on the website. I merely say it by way of suggestion as something that the Government may want to consider, moving forward.

1820 However, having had an opportunity to quickly look at the travelling expenses of the Hon. the Minister for Tourism, as published on the website, there seems to be an inconsistency which perhaps he can address for me in that there is a trip to Marrakesh listed as at 4th to 8th April. Are these the same

dates? Is this the same event? Before I proceed, obviously, can the Minister confirm whether this is in respect of the same trip?

1825

Hon. N F Costa: Yes.

Hon. S M Figueras: Yes, great. Well, in that case, I am merely highlighting the anomaly that the accommodation in the schedule to the answer that the Hon. Minister has very helpfully provided this afternoon, this hotel accommodation is £2,450 and the published information online says that the accommodation is just £400, so there is a slight inconsistency there and there is also an inconsistency in respect of the subsistence as well. Perhaps he could just provide some further details on this.

1830

Hon. N F Costa: Mr Speaker, that is because that is the cost of *my* accommodation, the Minister's accommodation.

1835

The schedule that I handed over to the hon. Gentleman, as in the past always, that I have passed over information to the hon. Gentleman, relates to the Minister and his party but on the website, if you read it actually states, cites the Minister, so it is the cost of my accommodation.

1840

Mr Speaker: Does the hon. Member... Is that the two supplementaries you have asked?
The Hon. Mr Bossino...

Hon. D J Bossino: Yes, Mr Speaker, I am grateful.

Mr Speaker, if I can quote I think it is the Chief Minister in the *Gibraltar Chronicle* article of 11th April, which reported on this. He said: 'I believe we have reached a very wide audience indeed and that we will see real interest emerging from Morocco in Gibraltar's potential as a tourist, shopping and commercial destination.'

1845

In these circumstances although I appreciate it has only just gone one month I think since the Government attendance, has there been any such expression of interest, given my own area of responsibility and given that I am quoting that particular quote in the tourism sphere following that attendance?

1850

Hon. Chief Minister: Mr Speaker, I am delighted to inform the House that, last week, we received the 1,000th visitor from Morocco availing themselves of the visa waiver programme coming through the land frontier. I think that demonstrates that, in the six to eight weeks that this visa programme – (*Applause*) Thank you – the six to eight weeks that the visa programme has been in place, we have received 1,000 visitors that we would not otherwise have received. In particular, I think that we have not yet started the programme of advertising and promoting Gibraltar to the maximum possible extent, although the attendance at that particular event, which is a very high profile social event in Marrakesh, was one of the things that we have been advised we should be doing and I think is now reaping rewards.

1855

In fact, I am told by the Hon. the Minister for Tourism that, as at midnight last night, we had received 1,144 visitors from the Kingdom of Morocco, availing themselves of the visa waiver programme facilities. I think that, Mr Speaker, demonstrates an extraordinary success on the part of the Minister for Tourism in respect of this particular policy, one which I am delighted hon. Members opposite welcomed at the time that it was introduced by us.

1860

1865

Tourism Fair in China Government attendance

1870

Clerk: Question 205, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism confirm whether the Gibraltar Government attended a tourism or any fair related to any of his other portfolios in China and, if so, who attended together with the costs of such attendance?

1875

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

1880

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, I am very pleased to confirm that the Chief Executive of the Gibraltar Tourist Board and the Director of Gibraltar House in London very ably represented Gibraltar at the World Travel Market Vision Conference China and the China Outbound Travel and Tourism Market from 8th to 11th

1885 April. I myself was looking forward to attending again. Unfortunately, I was unable to do so but I take the opportunity, once again, to thank the hon. Gentleman for visiting me: I seriously was very touched!

The WTM Vision Conference brought together senior tourism officials and travel professionals from all around China and other parts of the World. The event included a VIP workshop and presentation.

1890 The China Outbound Travel and Tourism Market is the only travel trade B2B event dedicated to outbound travel from China. Many outbound tour operators and corporate travel organisers from China attended, with the Gibraltar stand receiving nearly 300 enquiries at the three-day event. Gibraltar featured in the event's daily newspaper and Nicky Guerrero carried out a short introduction to the destination for Chinese Television.

1895 Gibraltar had its own stand, featuring images of Gibraltar, noting the key attractions. These were written in Chinese, 1,000 brochures were printed for the event, with over 700 distributed. In addition, both delegates had bi-lingual business cards printed. The Visit Gibraltar website continues to be available also in Chinese.

1900 The feedback is that interest in Gibraltar was very strong, as Chinese tourists are seeking new destinations to explore whilst in Europe. Chinese visitors are not looking for beach destinations but require history, heritage and, as a list topper, a quality shopping experience – things, Mr Speaker, that Gibraltar rightly boasts of in abundance.

Much of the outbound tourism market from China remains in the luxury bracket, with most tourists having high levels of disposable income. Gibraltar's product makes it ideal for this market and can be sold as the perfect add-on to a trip to Europe.

1905 The costs for the event are detailed in the schedule that I now hand over to the hon. Gentleman.

SCHEDULE TO QUESTION NO 205/2013

WTM VISION CONFERENCE AND COTTM CHINA - COSTS

	£
SUBSISTENCE	737.57
HOTEL ACCOMMODATION	2,400.00
FLIGHTS	5,052.00
STAND/SPACE RENTAL	3,145.10
MISCELLANEOUS	862.00

1910 **Hon. D J Bossino:** Mr Speaker, just by way of confirmation, can the Minister confirm... I would ask him to confirm that there were two attendees at this event. Is that correct?

Hon. N F Costa: Yes, Mr Speaker.

1915 **Hon. D J Bossino:** Mr Speaker, I appreciate that the Minister did not attend personally, although he would have loved to: I am sure that is the case. But, the reports that he has received from these two gentlemen who did attend, are they positive enough to suggest that he will be attending next year? I assume this is an annual event and what is the Government's intention in relation to this event, whether it intends to attend on a future occasion?

1920 **Hon. N F Costa:** Yes, Mr Speaker, the importance of this event was, of course, to start breaking into the Chinese market. We have just spoken across the floor of this House about breaking into the Moroccan market and how we have been able to bring a certain number of visitors to Gibraltar. It will not be as easy to do that with China, of course, not merely because of the length and distance between Gibraltar and China but the reports have been very encouraging so far.

1925 As I said in the answer to the Question, the criteria for Chinese tourists seem to be quality, heritage, history and what they call the 'bragging effect', to be able to say: 'We have been to Europe, but you have not been to Gibraltar. We have!' Also luxury shopping which, again, plenty of that experience in our Main Street. We have been able to establish good contacts already.

1930 Had I been able to attend, I would have, of course, had the chance to perhaps have made some diplomatic contact then. I was unable to do so, but the tourist contacts that have been established, to my mind are good stepping stones, whereas it is the intention, to answer the question of the hon. Gentleman, to attend next year. The point now, and the objective now, is to work on these contacts to see how we can market Gibraltar effectively in a cost effective way and where in China we should be marketing – of

1935 course, given the size of the country – and how, in other words building a marketing strategy to be able to do so and bring Chinese tourists over.

Mr Speaker: Yes, any...

1940 **Hon. D A Feetham:** Yes, Mr Speaker, can the Minister for Tourism also say whether there is any communication between his Department – certainly himself and other Government Ministers – because it strikes me that China is not only an important market in terms of tourism, but it is obviously an important market in terms of inward investment into Gibraltar in other ways. Can he or somebody on the Opposition benches – sorry, on the Government benches – enlighten us as to whether there is going to be a holistic combined approach to China as a global market of investment to Gibraltar, not necessarily tourism?

1945

Chief Minister (Hon. F R Picardo): Mr Speaker, there is a holistic combined approach to China as a source of investment and tourism on the Government benches.

1950 **Hon. D A Feetham:** Thank you very much, Mr Speaker.

Can the Chief Minister perhaps provide us with some further information as to what other areas of investment the Government is looking at in relation to China as a market. We already know that it is being targeted from a tourism point of view. What other areas of investment does the Government hope to attract to Gibraltar from China?

1955

Chief Minister (Hon. F R Picardo): Mr Speaker, it would be premature at this stage to say more but there have been extensive contacts with a number of Chinese entities.

1960

**Tourist sites
Details of refurbishment programme**

Clerk: Question 206, the Hon. D J Bossino.

1965

Hon. D J Bossino: Can the Minister for Tourism advise this House whether the Government intends to continue with its refurbishment programme of tourist sites and if so provide details of what this will comprise?

1970

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

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, I can most certainly confirm that the Government intends to continue with its excellent refurbishment programme of tourist sites to make up for the many years in which there have not been.

1975

I will be happy to provide further details (*Applause*) – thank you – once the funding allocation for the proposed improvements has been confirmed after the Budget session.

1980

**Regeneration of Sandy Bay
Report and tenders for work undertaken**

Clerk: Question 207, the Hon. D J Bossino.

1985

Hon. D J Bossino: Can the Minister for Tourism advise whether the works for the regeneration of Sandy Bay went out to tender?

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

1990

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Mr Speaker, I will answer this Question together with Question 208.

Clerk: Question 208, the Hon. J J Netto.

1995 **Hon. J J Netto:** Mr Speaker, can the Government please provide to Parliament a copy of the extensive engineering studies report carried out in relation to the Sandy Bay work, as stated in the Government press release number 291/2013?

2000 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

2005 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the contract for the regeneration works at Sandy Bay has not gone out to tender because of the specialist nature of the works. The project has been awarded to Van Oord (Gibraltar) Limited, who are a major civil engineering contractor with extensive experience in coastal works both locally and internationally.

2010 Following a tender process, the Government engaged a specialist engineering consultant to undertake the necessary engineering studies and provide advice and recommendations on the works required at Sandy Bay up to conceptual design stage. This report has been used by the contractor for the works as the basis for the preparation of the final detailed design. The Government will not provide copies of the highly technical engineering reports as these are for internal use.

2015 **Hon. J J Netto:** Mr Speaker, I do take note of the fact that the Government will not be providing the copy but the reason why I asked my question is that, whilst accepting, on the one hand, that these are, to quote the Government press release, 'extensive engineering studies', it seems to me that those extensive engineering studies will be in line with the environmental issues or environmental information that goes hand in hand in the kind of assessment that the consultant has provided for and my view is that, whilst it contains environmental information, such environmental information should be made public, not just to Members of the Opposition but, indeed, to any member of the public. At the end of the day people – if we follow the European philosophy of providing environmental information – are entitled to find the particular information containing Government contracts or at least where consultants provided these studies for Government. So, in the context of that, I wonder whether the Hon. the Minister will rethink his position and provide a copy to the Opposition?

2025 **Hon. N F Costa:** Mr Speaker, in short the answer is that, no, I will not rethink my position, for a very simple reason. The environmental concerns, of course, will be undertaken at the EIA and that is a public document so any environmental concerns he may have would be published in due course so he can take a look at that and then ask any questions he deems appropriate. The engineering studies relating to coastal defences, of course, look at entirely different things.

2030 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may just make a suggestion to the hon. Gentleman. Can I suggest that he asks Question 209, which deals with a very similar subject, and the information he gets there may assist him in the formulation of further supplementaries on both subjects. I do not know if that is of assistance.

2035

Works at Sandy Bay Submerged groyne structures

2040

Mr Speaker: Question 209.

Clerk: Question 209, the Hon. J J Netto.

2045

Hon. J J Netto: Mr Speaker, can the Government say whether the recently announced works to be undertaken at Sandy Bay will include the provision of submerged groyne structures in order to reduce erosion of sand from the beach?

2050 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

2055 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the works at Sandy Bay *will* involve the construction of two curved groynes going out to sea and will be located at each end of the beach. The groynes will be marine structures with a crest height being slightly above mean sea level.

2060 **Hon. J J Netto:** I think, Mr Speaker, that I have seen some sort of visual of these particular groynes actually going out and they are, as I saw them, two sorts of piers which go sort of vertical in this 90 degrees on the edge of the waterfront going out to sea. But my question is a slightly different one to what I was trying to find out from the Minister whether, in addition to those particular two piers going out vertically from the front line of the beach whether there is another submerged groyne lying horizontally towards the edge of the actual beach itself. In other words, what I am trying to find out and perhaps using the opportunity the Chief Minister offered me previously, is whether there is some study being conducted, whether it is being done by the engineers themselves before, or whether it is being done separately, whether there is, sort of, any study being conducted so that, whether they have considered, in addition to those two external piers, a further one lying horizontally submerged in order to avoid the erosion of sand from the beach.

2070 **Hon. N F Costa:** Mr Speaker, the question that the hon. Gentleman... is now clear to me. If I read off the advice, the information provided to me by the Technical Services Department, it says that there is the option to construct a submerged break water connecting both ends of the curved groynes to provide greater protection if it is deemed necessary in the future. But their advice to us now is that the curved groynes that are jetting out onto sea will provide sufficient protection.

2075 **Hon. J J Netto:** Mr Speaker, can the Hon. Minister provide that advice to the Opposition?

Hon. N F Costa: I just have.

2080 **Hon. J J Netto:** No, no. The advice given to the Government. The full advice?

Hon. N F Costa: Mr Speaker, I have already said in the answer to the first question that he asked me on this subject that it is not appropriate to provide copies of studies. We are just following on the policy that they adopted during the time of the unfortunate rock fall where they said when they sat on this side of the House that to provide copies was not appropriate.

2085 **Hon. J J Netto:** Mr Speaker, I am not asking questions about rock falls. I am talking about questions in relation to the Government project which they have announced. My point of view...

2090 *[Interruption by a mobile phone ringing]*

A Member of the public: Sorry.

Hon. J J Netto: Shall I sit down and wait for...

2095 **Mr Speaker:** It was a member of the public. I think the mobile phone has been switched off. They have expressed their regrets. Thank you.

2100 **Hon. J J Netto:** Mr Speaker, as I was saying, I am not asking questions about rock falls. I am asking questions about a particular Government project and the point I am trying to labour on is that these are projects which in one way or another impacts on the environment and we are talking about environmental information and I am saying in the context of that, I think that the Opposition and the public in general, are entitled to find out what advice, in terms of studies that have been given to the Government, so that we can make the same assessment or different assessment to the advice that the Government is giving. So my question to him is whether he is willing to provide that advice or not?

2105 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, if I may assist here. The question of what kind of coastal protection is provided in Sandy Bay, I think is certainly being tackled now in a way that was not tackled before. We will recall that about two years ago a considerable amount of sand was placed in Sandy Bay which was washed away the next winter as I had predicted at the time. What is being done now is two groynes, I almost said grains, that is the sand. Mr Speaker, there are two groynes which do not quite go at right angles to the shore. They are actually, in what you describe as a pincer movement and do provide a certain amount of protection from the sea when it comes slightly from the south and slightly from the north. I think what my hon. Friend is saying is that the advice being given is that it may not be necessary to have a submerged groyne but it may become necessary depending on the effect after the first winter or during the first winter and that the option has remained open. So it is not the intention at the moment to do it but depending on the results of the proposals as they are planned at the moment, the decision will be taken as to whether a submerged groyne will be necessary in order to protect the sand further.

2120 **Hon. J J Netto:** Mr Speaker, my question is not what happened two years ago...

Mr Speaker: Could I please ask the Hon. Mr Netto. Given that the microphones are directional. I have just noticed that when the Hon. Mr Cortes moved the microphone, the loudness of his voice was considerably enhanced. So would he try to do the same thing. Direct it towards him more closely to see whether it will in fact improve the sound level.

2125 **Hon. J J Netto:** Okay. Thanks very much Mr Speaker. Is that better? Yes. Well Mr Speaker, as I was saying my question is not about what may or may not have happened two years ago. My question is what is happening now. I am talking about an issue where environmental consideration has been taken into account in relation to the project that is going to be undertaken and it may or may not in the future, the Government having to revisit this again to provide a further submerged groyne for avoiding an erosion of sand from the beach. That may not happen. But that has got nothing to do with my question. My question for the fourth, perhaps the fifth time now is, given that we are talking about environmental considerations which are part and parcel of the studies that have been given to the Government, will the Opposition be also entitled to have that environmental information? Yes or no?

2130 **Hon. Dr J E Cortes:** Mr Speaker, it is not a question of what may or may not have happened in 2009. It is a question of what did happen then and the sand did go as I predicted, explicitly, in various letters which were not replied to but that is history, Mr Speaker. The question as to whether the environmental information will be provided, I think we are talking about several things. We are talking about a very technical, structural, geological report which my hon. Friend has decided is not appropriate to make public and that is his decision and not mine and the environmental statement which I will be very happy to share with the Opposition. Mr Speaker, it will, in fact, be a public document. So the environmental information can be provided.

2145 **Mr Speaker:** Another supplementary.

Hon D A Feetham: Yes. Mr Speaker, the Hon. the Minister for Tourism I think in answer to one of his previous supplementaries or the supplementaries from my colleague Mr Netto, I think said that an EIA had to be conducted. Did I hear that correctly? Does it have to be conducted or has it already been conducted and has been taken into account in the production of a report because it strikes me that if the Government takes a decision to proceed with a particular project, unless...

[Technical Interruption]

2155 **Mr Speaker:** We need to stop a moment because there is a technical problem. The most convenient thing I think is to have a short recess. Okay. The House will now recess for a few minutes.

Chief Minister (Hon. F R Picardo): Mr Speaker, it is my intention to adjourn the House at 17.55 hrs in any event. We are in the middle of a supplementary. I do not know whether that might make Mr Speaker wish to recess and I can stay until we finish this question even if it is after 6 o'clock, but then I have to leave ...

Mr Speaker: So it is your intention to adjourn in a few minutes.

2165 **Hon. Chief Minister:** Exactly. Yes, but I am quite happy to come back if you want to finish with the supplementary ...

Hon D A Feetham: I do not mind asking... Well, the problem is Hansard. He understands the question, I do not mind continuing. The problem is of course Hansard. But, I do not mind continuing.

2170 **Mr Speaker:** Since we are very near to this stage when an adjournment was going to be made I now propose that we adjourn to tomorrow at 3.00 p.m. The House will now adjourn to tomorrow at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.07 p.m.

Gibraltar, Thursday, 16th May 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

Clerk: Sitting of Parliament, Thursday, 16th May 2013. Answers to Questions continue.

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TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

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Sandy Bay – Question 209/2013 Further supplementary questions

Clerk: Mr Speaker.

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Mr Speaker: We are at supplementaries arising from Question 209. I think yesterday evening the Leader of the Opposition was going to raise a supplementary.

Clerk: Sitting of Parliament, Thursday, 16th May 2013. Answers to Questions continue.

20 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I think we left it in my having to answer a supplementary from the Leader of the Opposition of the question of an environmental assessment at Sandy Bay, if I remember correctly. (**Mr Speaker:** Yes.)

25 If I may Mr Speaker, yes, I can confirm that indeed an environmental assessment has been carried out and the recommendations have been taken into account and are being carried out and I have asked my office to prepare a copy which I will very gladly have delivered to the Opposition to the Hon. Mr Netto.

Hon. J J Netto: Mr Speaker, could I just for the sake of clarification – and I am grateful to the Minister for what he has just said – could I also have it in electronic form, if this is at all possible?

30 **Hon. Dr J E Cortes:** Certainly, Mr Speaker, I will make arrangements for that to happen.

CHIEF MINISTER

35

Charities List allegedly discouraged by GSD

40 **Clerk:** We now move to the Questions which are being posed to the Hon. the Chief Minister. Question 412/2013, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Chief Minister say when he will be writing to me with the overdue list of charities the GSD allegedly discouraged the contributions and work of?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the letter has been sent to the hon. Lady today.

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Charities Government policy on annual grants

Clerk: Question 413, the Hon. Mrs I M Ellul-Hammond.

55 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can Government explain the policy of giving annual grants to individual charities and if so, from which Government Department's budget and which criteria are used to determine which charity is to receive a grant?

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

65 **Chief Minister (Hon. F R Picardo):** Mr Speaker, Government does not have an established policy or set of criteria when awarding grants. As has been the established practice with the previous Administration and probably even earlier, grants are awarded at the Chief Minister's discretion to cases identified as deserving of financial assistance. Grants are paid from the central vote for 'grants'.

Aviation measures Spain's withdrawal from Cordoba Agreement

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Clerk: Question 414, the Hon. P R Caruana.

75 **Hon. P R Caruana:** Mr Speaker, can the Chief Minister provide to the House an update on the position that has arisen as a result of Spain resiling from its commitments under the Cordoba Agreement in relation to not seeking Gibraltar's exclusion from new EU measures, and specifically the recent aviation measure in which the Gibraltar suspension language was included?

Clerk: Answer, the Hon. the Chief Minister.

80 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the whole House will agree with me that the unilateral withdrawal by the Kingdom of Spain from its obligations under the Cordoba Agreement is an entirely unacceptable manner of conducting international relations between governments.

85 For information, let me remind the House that on 1st December 2011, the European Commission adopted a proposal for the recast and replacement of Regulation 95/93 of 18th January 1993 on common rules for the allocation of slots at Community airports. That original 1993 Slots Regulation contains the pre-Cordoba suspension language.

90 Recital 29 and Article 1(2) of the Commission's 2011 Proposal contained the new post-Cordoba language. The proposal was discussed at Council Working Group level in October 2012. It was at that meeting that Spain sought to replace the post-Cordoba language with the pre-Cordoba suspension clause. After a heated debate the result was that neither the post or pre-Cordoba language would be contained in the replacement measure.

It is of course Her Majesty's Government of Gibraltar's position that any new aviation measure that is silent on its application to Gibraltar Airport is applicable to Gibraltar.

95 In similar vein, on Wednesday, 13th March 2013, the European Commission adopted a proposal for an EU Regulation amending the 2004 EU Regulation on denied boarding compensation and other passenger rights. The 2004 Regulation still contains the suspension clause. The proposal for the amendment does not seek to remove the suspension clause. Her Majesty's Government of Gibraltar considers this to be contrary to what was agreed at Cordoba. This is also the position of Her Majesty's Government of the United Kingdom.

100 **Hon. P R Caruana:** Well, Mr Speaker, I recognise from what the hon. Member says, not just a recital of the facts which are correct, but also a political position and a political judgement with which I, speaking for myself, from the lonely back benches, would fully subscribe to.

105 Mr Speaker, whatever might be the difference in language – in other words, Counsel decided not to include either the previous language or either the pre- or post-Cordoba language, but new language – I think it is true to say that nevertheless the effect of that language is suspension, and that Spain should be doing that is certainly unacceptable and perhaps capable of being categorised because it is Spain, but what of the EU Commission, Mr Speaker? Does the Government feel it will be able – through the UK obviously, I am not suggesting that this is something that the Gibraltar Government could do – to hold the Commission to the fact that it was notified of these agreements, Spain committed itself in a letter to the Commission not to seek exclusion language, the Commission accepted that, acted accordingly on a number of cases of which presumably the Government is aware, and in those circumstances has the Government been able to obtain any advice as to whether there may be any basis to pursue the Commission in law, not for Spain's behaviour, but for its own behaviour in terms of 'flip-flopping' between acceptance and not acceptance of things communicated to it?

Hon. Chief Minister: I am delighted to say that I share the Hon. previous Leader of the Opposition's attitude to 'flip-flopping' as being entirely unacceptable.

120 But if I can just go back to how he started his intervention, in case he misunderstood something I said, which I think it is important for him and the House to have clear: I did not say that there was new language included in that particular measure which does not contain the suspension clause, or the Cordoba clause; there was *no* language included – so neither the suspension clause nor the clause that Cordoba proposed should be included. Just that he said 'new language'; there is no language.

125 **Hon. P R Caruana:** So there is no suspension – I beg your pardon, Mr Speaker.

Hon. Chief Minister: There is no language, and therefore what I told the House was the attitude of Her Majesty's Government of Gibraltar and of the United Kingdom is that therefore that measure, absent language, applies to Gibraltar.

130 Now, he is absolutely right that there are a number of levels to this matter. There are the political levels and there are the legal levels and those apply also in relation to a number of different parties, the Kingdom of Spain and the Commission, and all of those matters are the subject of on-going discussion and negotiation – discussion and agreement with the United Kingdom and discussion and negotiation with the Commission.

135 With Spain, as the hon. Gentleman would expect, there is nothing but a position put in public, from which they are apparently refusing to budge, despite what that may say for what value one can put on the agreements entered into by the Kingdom of Spain.

140 This is not an attempt to re-negotiate a part of what was agreed at Cordoba; this is a unilateral withdrawal by one party, giving no notice to any of the others, other than a public statement to that effect and actions in the Commission... sorry not in the Commission; actions in the European Union discussion groups leading up to the presentation of a final directive.

The hon. Gentleman is right that it can create legal issues, not just against Spain, but also against other relevant parties that may assist in the conspiracy, if I can put it that way, to exclude Gibraltar once again from measures that clearly apply to Gibraltar.

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Hon. P R Caruana: If I may, Mr Speaker, is it implicit in what Spain has done and what he has seen more technically – I mean, I have only seen what has appeared in the press – but is it his assessment of what he has seen that Spain has done, that of course in resiling from the non-use of the suspension language from EU Directives affecting aviation, they have also resiled from the other elements of the Cordoba Airport Agreement, for example to link the terminal directly to the Spanish side through a so-called northern entrance.

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A Member started coughing.

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Hon. Chief Minister: I am conscious of how sensitive the ambient microphone is.

Mr Speaker, in answering the hon. Gentleman's question, let me give the House another piece of information, which may be useful for us all to be aware of. In a *Boletín Oficial del Estado* issued last week in Spain, which is the Spanish equivalent, as Members will know, of the *Gazette*, the Kingdom of Spain circulated as the measure giving effect to a measure on EU-US Open Skies which had been agreed during 2011, a document which shows that agreement and the effect of it, including the Cordoba language.

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Now, I believe, Mr Speaker, that that is because at the time that that agreement was negotiated and agreed between states, including the United States and the 27 Member States of the European Union, the Cordoba language was in it. So it is therefore impossible actually for the Kingdom of Spain to resile from that. So at the same time that Spain is putting one legal position in discussions with the Commission and other Member States in the EU on current measures, she is publishing in her *Boletín Oficial del Estado* an agreement with the United States containing the Cordoba language. I think it is important that the House should be aware of that.

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Now, the hon. Gentlemen will know from his time at No. 6, after Cordoba and after the Gibraltar Airport works were substantially completed and those adjoining the frontier were substantially completed, at least in terms of the infrastructure of the building, that both with a Socialist government in Spain and the months that he was in office, whilst there was a *Partido Popular* in office in Spain, the issue as to the building of that additional entrance into the building related more to who owned the land and how that transfer of land was going to happen to the relevant Spanish airport authority, which I think is AENA, rather than any desire to build or not build and of course the amounts available to build infrastructure projects of that sort available to the Spanish state, given the present circumstances.

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No notice has been given to the Government of Gibraltar, and I believe no notice has been given to the government of the United Kingdom at least none that has been communicated to us and we would expect it would be communicated immediately, that Spain is resiling from that aspect of the Cordoba Accords. It may simply be because the issue as to the land has not been resolved and there may be no intention of resolving it.

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The hon. Gentleman knows and I will not shy away from it, the policy of the Parties now in Government has consistently been that should that part of the agreement go ahead, our position is and I think this is where the important difference lies between the position of the Government of Gibraltar today and the position of the Government of Spain today, that we would seek to re-negotiate parts of that because although he was satisfied with what he negotiated, he knows our public position in respect of that. But we have received no notification that Spain is not going to proceed with that aspect of its obligations under the Cordoba Accords.

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He also knows, of course, Mr Speaker, that although Spain resiles unilaterally from its obligation in relation to the suspension clause relating to Gibraltar Airport, that Spain expects other parties to the Cordoba Accords to maintain their obligations and perform their obligations under those agreements. I think the most salient of those is the continued payment of Spanish pensions, which is an obligation of the United Kingdom as a signatory to those Accords and the United Kingdom keeps to its agreements. I think that is exactly how international state parties should approach international obligations.

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Hon. P R Caruana: But, Mr Speaker, would the hon. Member agree with me – and I am conscious that I do not want to encourage him to say anything publicly that he should not – but that the mutual obligations to release Gibraltar Airport from the then existing EU user restrictions, the applicability of EU Directives, the suspension of EU Directives to our terminal, to our Airport, was the *quid pro quo* for allowing them to connect directly to our Airport and that they could not have one without the other. In other words, they could not be, feel, entirely, and another thing is the Gibraltar Government may unilaterally decide that it is willing to allow it, but that is a matter of choice for the Gibraltar Government. Spain could not insist on being allowed to communicate directly with our terminal to the north, whilst at

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205 the same time not adhering to the *quid pro quo* which it gave in return for that, which was the release of Gibraltar Airport from EU suspension.

Hon. Chief Minister: Mr Speaker, I think that the hon. Gentleman, in making that intervention, highlights this issue, which I think is also important: we talk in shorthand about the Cordoba Accords, but of course the hon. Gentleman came back with a number of different agreements which were, if you might call it, in different silos. I spoke about pensions but of course that is in a different silo, so to speak, from the Airport. This particular part of the Agreement does include these issues of different access to the terminal, the suspension clause etc.

210 But may I just take the hon. Gentleman a step further and say this to the House: the suspension clause that had made its way into European legislation speaks not just of Spain's attitude in the late 1980s to Gibraltar Airport; it speaks to a much less virtuous period in British diplomacy's attitude to Gibraltar. The suspension clause, the hon. Gentleman will recall, was actually a measure agreed between the United Kingdom and Spain, in order to allow Directives to proceed without the argument on Gibraltar holding them back and therefore Open Skies proceeded and we were excluded from it, etc.

220 I think we are now in a much more virtuous place for British diplomacy. I think it is clear that the United Kingdom will not allow Spain to believe for one moment that there will be an agreement between them to insert a suspension clause, so that therefore measures that might not otherwise go forward will go forward. I am sure that he will agree with me that it is exactly right that that should be the position of the United Kingdom and it could not be otherwise.

225 **Hon. P R Caruana:** Yes indeed, Mr Speaker, subject only to another important change that has happened since and that is the advent of qualified majority voting, which does not mean that the UK veto can prevent that very eventuality from resulting.

230 **Hon. Chief Minister:** Or *vice versa*.

Hon. P R Caruana: Yes, but qualified majority voting means that the UK would have to gather enough support to defeat the measure because of Spain's insistence on the Gibraltar action.

235 Well, I am grateful, Mr Speaker, to the Chief Minister for bringing the House up to date on that and simply to repeat to him at a personal level that if he feels that the Government will benefit from any nuanced insight that may not appear from the papers that might help the Government that he thinks I can contribute, I am very happy to do so.

240 **Hon. Chief Minister:** Mr Speaker, I am very grateful for that offer from the hon. Gentleman. He knows I have taken him up on that offer in relation to a number of different matters and if it were to become necessary, of course I would call him to assist us in relation to any issues where we need to interpret anything that happened in his time and that is not clear from the documentation available.

245 But can I just address this issue of qualifying majority voting, Mr Speaker. In fact, QMV may be something that bites in the other direction as well. Of course, it depends how these measures originate from the Commission and what he must have been told and I am told and is obvious politically from simply following European politics is that it is sometimes harder to change a measure than it is just to keep a measure as it is. If the measures originate in the Commission without suspension language or with the Cordoba language, which is where I agree the Commission is obliged to set any measure relating to aviation with the post Cordoba language, then the exercise is to remove, and that is harder. To simply keep as it is, it is easier to garner votes and proceed in that context.

250 Mr Speaker, I do not think there is anything more I can usefully add, other than to thank the hon. Gentleman for his offer of assistance.

255 **Duty payable on bicycle parts and accessories**
Government policy

Clerk: Question 415, the Hon. S M Figueras.

260 **Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Chief Minister state the Government's policy in relation to duty payable on bicycle frames, components and accessories generally and, specifically, in respect of promoting local businesses engaged in the sale of these goods?

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

270 **Chief Minister (Hon. F R Picardo):** Mr Speaker, with your indulgence before I answer this question, I meant to say something before I started answering all of these questions, which I would be grateful to be allowed to say now. It is simply this: this is the first time that I answer questions in this House having had all of these answers prepared without the assistance of Marisa Dobinson, who was in charge of preparing parliamentary answers not just for myself, but for all others. It is a testament to how well she planned her succession that I have been able to do this month just with Julie Bruzon, the Chief Secretary and the whole of the rest of the team that prepare parliamentary answers for me and for the rest of my colleagues. I would like to thank her for the work that she did for the period that I have been Chief Minister and I am sure that the Hon. the previous Chief Minister would share my views.

275 Mr Speaker, import duty on bicycles is 0%. Import duty on bicycle parts and accessories is 12% . The Government is considering representations made in respect of these goods.

280 **Hon. S M Figueras:** I am grateful for the contribution, Mr Speaker. I have raised the issue in the context of representations that I myself have received from business owners dealing in these goods who allude to the fact that there is a difficulty or they are experiencing some difficulty in terms of competing with the on-line businesses that so many locals avail themselves of their services.

I am grateful for the contribution and I would end by asking the Hon. the Chief Minister whether this is something that he expects will be considered in time for the Budget session?

285 **Hon. Chief Minister:** Mr Speaker, that would be telling! I have to fall back on the Chief Minister's privilege of telling the House what the Budget measures will be on the day of the Budget; but I hear what he says.

290
**Hybrid/alternative energy vehicles
Registration in Gibraltar**

295 **Clerk:** Question 416, the Hon. S M Figueras.

300 **Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Chief Minister say how many hybrid/alternative energy vehicles have been registered in Gibraltar since the introduction of the Government's various fiscal measures designed to incentivise the purchase of said vehicles, detailing whether said vehicles have been purchased for private, commercial or Government use?

Clerk: Answer, the hon. the Chief Minister.

305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 417.

310
**Hybrid/alternative energy vehicles
Government incentivisation policy**

Clerk: Question 417.

315 **Hon. S M Figueras:** Can the Hon. the Chief Minister state the Government's policy in relation to the continued or enhanced incentivisation for the purchase and use of hybrid and other alternative energy vehicles in Gibraltar.

Clerk: Answer, the Hon. the Chief Minister.

320 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there has been one hybrid vehicle and three electric vehicles registered in Gibraltar since the introduction of the Government's fiscal measures.

The hybrid is a private motor vehicle. There are two electric mopeds and one electric private motor vehicle.

325 In order to promote the acquisition of hybrid vehicles, Government has reduced the import duty on these vehicles when imported via licensed motor vehicle dealers in Gibraltar. The duty will decrease from 8.25% to 6.25%, depending on cubic capacity, to a flat 2% across the board. He will recall that from the last Budget session.

330 Moreover, upon registration of a hybrid vehicle, the purchaser will receive £500 cash back. Therefore the purchase of a hybrid vehicle will result in a tax-cut and cash-back incentive to the consumer, as provided for in the GSLP/Liberal manifesto. Furthermore, Government is also looking at such vehicles for its own fleet to lead by example and hopes that this measure will encourage consumers to consider hybrid vehicles, not just because of the saving on fuels and the lowering of emissions but also because of the savings on import duty and the cash back on registration.

335 **Hon. S M Figueras:** Mr Speaker, perhaps the Chief Minister could just clarify for me because I did not quite get what he was referring to in relation to the reduction from 8.25% to 6.25%. That was in relation to which vehicles, sorry? I had always understood that the duty was 2% for hybrid vehicles across the board.

340 **Hon. Chief Minister:** Well it is now, Mr Speaker, but the position from which we changed – in other words, the position before the Budget – was that depending on the cubic capacity, the duty was either between 8.25% to 6.25%; and the change implemented in our first Budget was to reduce it to 2%.

345 **Hon. S M Figueras:** I am grateful, Mr Speaker.
Is it safe to say that given that the Hon. Chief Minister has kindly noted that it is the delivery of a manifesto commitment to come up with these incentives, which certainly this side of the House welcomes, that it is something that will continue for the foreseeable future, something that will, if reviewed, only be enhanced for further incentivisation?

350 **Hon. Chief Minister:** Mr Speaker, it would certainly be the case, until I assume we get to zero and there is little more we can do once we get to zero in terms of import duty. With zero import duty, I do not know how much cash back people would need in order to be incentivised to purchase the vehicles. There has to come a tipping point, where encouragement is given and cannot go further. But certainly the position has been to incentivise in a way that is quite dramatic compared to what it was before.

355 I sincerely believe that this is the technology of the future and I think it is actually coming by way of technology and less by way of an incentivisation of people, but there may be more things that we are able to do, in order to incentivise the use of such vehicles.

360 One thing that is certainly in my mind, and I do not want to be questioned about this in the future, if it has not happened in the next 35 days – so the hon. Gentleman, please note that I am not setting *any* time limit on when this could happen or how it could happen – but he will understand, like I do, that if you have got an electric vehicle, you need to charge it, so we need to start looking at how we provide for charging stations in public parking in Gibraltar, and one of the things to provide may be that the electricity may be provided at no charge for a particular period – something which may be electronically possible, given that when you plug in you need three hours to charge and you will get three hours of electricity and then the whole thing might switch off after that.

365 Those are the sorts of things that we can do, beyond simply touching the duty and touching the cash-back element.

370 **Hon. S M Figueras:** I am grateful for that contribution.
Perhaps the Hon. the Chief Minister will be assisted by my contribution in this context, because I was certainly coming to ask about incentivisation beyond pure fiscal measures, so I am grateful to the Hon. the Chief Minister for his indication in that regard.

375 Is the Government considering, or would it consider, the possibility of – in consultation with, say, the Electricity Authority and other relevant agencies – the requirement moving forward in respect of new builds for electricity infrastructure to be installed at parking level, because certainly in the use of electric vehicles, that, I believe, is more of a concern than having a charging station wherever you are going to charge your car, if you have been unable to charge it overnight in order to be able to use it in the morning. I wonder whether the Government can confirm if this is something that is on the radar or something that they will consider moving forward as a possibility.

380 **Hon. Chief Minister:** It is very much on the radar. It is a pity that recently completed developments do not already have that, but new developments will very likely incorporate measures to deal with these issues. Some existing developments will likely be retro-fitted and new public parkings are likely to provide for this.

385 But how it is going to be provided, in particular in public parkings, is an issue where you may have areas which are open to the elements. The other side of the coin, of course, is that in public parkings, it may be possible to set up what you might notionally call ‘solar charging stations’ and we are looking at that in detail, so that instead of displacing emissions by plugging a vehicle into the grid and the emissions would be much less than what the internal combustion engine produces – but there may be an element of

390 an emission, if you are relying on a power station, until of course that power station does not produce emissions, at least dangerous ones – then it may be that solar charging stations are a solution, especially in places with weather as privileged as the ones we enjoy here.

395 **Sunborn Floating Hotel Project
Establishment**

Clerk: Question 418, the Hon. S M Figueras.

400 **Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Deputy Chief Minister say whether the establishment of a floating hotel in Ocean Village Marina is a done deal?

Clerk: Answer, the hon. the Chief Minister.

405 **Chief Minister (Hon. F R Picardo):** Without being demoted immediately, I am delighted to take this question with the others that relate to Sunborn. Mr Speaker, I will answer this question together with Questions 419 to 423.

410 **Sunborn Floating Hotel Project
Wildlife habitats; contracts; infrastructure;**

415 **Clerk:** Question 419, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please state if, in the vicinity of where the floating hotel is to be sited, there are Ribbed Mediterranean Limpet and Spider Crabs' habitats?

420 **Clerk:** Question 420, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government state if there is any contractual relationship between the owners of the floating hotel and the Government and, if so, what is it based on?

425 **Clerk:** Question 421, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government state whether the infrastructure to accommodate the floating hotel is going to be paid by the Government, the owners of the floating hotel or the owners of the Ocean Village and what is the cost to any of these entities?

430 **Clerk:** Question 422, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government state if there is any agreement/contract in place between the Government, the owners of the floating hotel and the owners of the Ocean Village and if so, could the Government provide a date on which such an agreement or contract has been signed and give details of such?

Clerk: Question 423, the Hon. D A Feetham.

440 **Hon. D A Feetham:** Can the Chief Minister please provide details of (a) the costs already incurred by the Government and (b) the overall estimated cost to the Government of the Sunborn Floating Hotel project?

Clerk: Answer, the Hon. the Chief Minister.

445 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in order to encourage the relocation and establishment in Gibraltar of the five-star Grand Luxury Floating Hotel – the Sunborn, Gibraltar, I can confirm that the Government has committed itself to assist in any way that it can to make this project a reality.

450 This includes working with the owners of Ocean Village to ensure that the infrastructure in the area of the proposed berthing of the vessel is in place, such as any dredging work and sheet piling which is required to enable the vessel to be manoeuvred into position.

The Government is also working to provide the necessary infrastructure works to ensure adequate and sufficient provision to the five-star Grand Luxury Hotel of the required utility services. The municipal areas surrounding the hotel will also be beautified by the Government with greenery that is in keeping with what would be reasonably expected of a five-star Grand Luxury Hotel resort in Gibraltar.

455 I am aware that there are some concerns expressed by residents of the area and the ESG about some aspects of the infrastructure works to be carried out, as well as what the berthing of the vessel at Ocean Village may entail. I will be meeting the ESG on Monday to address their concerns and discuss with them how best to incorporate these into the plans.

460 Although some of these infrastructure works are to be paid for by the Government, as would be the case in respect of any development, the final cost of which has not yet been established, there is no direct contractual relationship between the Government and either the owners of Ocean Village or the owners of the floating hotel to provide these works.

465 Separately, I think it is fair to congratulate Ocean Village for having secured the agreement of Sunborn to berth what appears to be a magnificent vessel at their facility.

The cost incurred by the Government to date in connection with this project is £137,440. There is continuing discussion between the various parties on specific project items and it would not be appropriate to disclose estimated project costs to the Government until those discussions have been concluded and costs agreed.

470 Turning now, Mr Speaker, to Question 419, there are no Ribbed Mediterranean Limpets in the immediate vicinity of where the floating hotel is to be sited, although they do exist in some areas of rock revetments on the approaches to that location. For that reason, silt curtains will be deployed in areas to be dredged close to locations where Ribbed Mediterranean Limpets exist, to contain any suspended sediment and avoid any impact on said populations.

475 There are, however, a small number of Spider Crabs in this general area, but as part of this project, the Department of the Environment, in conjunction with appointed contractors, is currently surveying the area with divers and relocating any Spider Crabs that may be found.

480 Spider Crabs are also found in both western and eastern shorelines of Gibraltar, favouring the more sheltered areas. It should be noted that the population of Spider Crabs in Gibraltar has been maintained in a healthy state, as a direct result of the protection measures laid out in the Nature Protection Act 1991. Had this species not been protected, the current situation would have undoubtedly been very different, considering that this species is harvested commercially.

485 **Hon. D A Feetham:** Yes, Mr Speaker, therefore could the Chief Minister provide a simple answer – and I note the lengthy answer that he has provided, but a simple answer – to the question that my hon. Friend, Mr Figueras, has asked which is, ‘Is the floating hotel in Ocean Village Marina a done deal?’ because from what he appears to have said, indeed it is a done deal?

490 **Hon. Chief Minister:** Well, Mr Speaker, he should ask the people who appear to have done the deal: Ocean Village and Sunborn.

495 **Hon. D A Feetham:** Mr Speaker, can I take it therefore from the answer that he provided a few moments ago, his lengthy answer, the Government is wholly committed to this particular deal taking place here in Gibraltar and will do everything necessary in order to make it happen?

Hon. Chief Minister: Mr Speaker, I fear he did not hear what I said. I will read the first sentence of what I said to the House a moment ago:

500 ‘... in order to encourage the relocation and establishment in Gibraltar of the five-star Grand Luxury Floating Hotel – the Sunborn, Gibraltar, I can confirm that the Government has committed itself to assist in any way that it can to make this project a reality.’

505 **Hon. D A Feetham:** Mr Speaker, in relation to this question of Spider Crabs and also the Limpets, has an environmental impact study actually been undertaken and, if so, was it undertaken prior to the works having commenced, for example dredging works having been commenced in the area?

Hon. Chief Minister: Mr Speaker, I understand that if he looks at the documents that were filed before the DPC, the Government has confirmed that such a study is, has or is being undertaken.

510 **Hon. D A Feetham:** Well, Mr Speaker, that does not really answer the question. 'Has or will be undertaken' does not answer the question as to whether an environmental impact assessment has and did *in fact...* was in fact undertaken prior to the works in this area having been undertaken, for example, the dredging. Now, if he does not know what the answer is, perhaps the Minister for the Environment does.

515 **Hon. Chief Minister:** No, Mr Speaker, I am looking through the questions and the hon. Gentleman has not given notice of such a question.

If he wants an answer to a question like that, which is asking for a particular factual answer to be given, I am quite happy to get the information and provide it to the House, but he needs to give me notice of such a question.

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Hon. D A Feetham: Mr Speaker, can the Hon. the Chief Minister confirm that substantial dredging works have been undertaken in this particular area?

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Hon. Chief Minister: Mr Speaker, I can confirm that no dredging works have been undertaken in the area to date.

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Hon. S M Figueras: Mr Speaker, perhaps I can be of assistance to the House in saying that I have seen the papers filed with the Development and Planning Commission in respect of the infrastructural works – infrastructural works which were not listed as a Government project in the agenda of the meeting, but I understand were stated to be so at the meeting itself.

In those documents, though I do not have a copy of them with me, there is, in the application form, reference to an environmental impact assessment ongoing in the application form. However, I understand from my hon. Friend, Mr Netto, that during the meeting of the DPC at which this matter was discussed, it was decided that a screening process should be undertaken in order to determine whether a full-on environmental impact assessment should be conducted.

535

My question to the Hon. the Chief Minister is this: my understanding is that the vessel – and the value of the initiative of which is not in question in this House today, because we are talking about issues which are entirely distinct from that assessment – the vessel was already on its way at the time of that meeting of the Development and Planning Commission.

540

Mr Speaker: Question, please. You say 'my question is' – please get on with the question.

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Hon. S M Figueras: My question, Mr Speaker, is if that was the case is it not rather unnecessary to take a matter before the Development and Planning Commission, when it has already been decided that it is going to go ahead, no matter what?

Hon. Chief Minister: That was not the case, Mr Speaker.

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Hon. J J Netto: Yes, thank you, Mr Speaker.

I have got actually a number of questions, so I will try and keep it as short as possible and see what response I get from the Minister for the Environment.

The Chief Minister, in his contribution, made an over-optimistic assessment in relation to the Spider Crabs. Whether the Chief Minister likes it or not, it is an endangered species and this is why it is in the schedule of the Nature Protection Act. So the question is, Mr Speaker, given that we now know that someone has instructed people to remove the Spider Crabs from the location where the dredging is going to take place, can the Minister for the Environment please tell the Parliament, who actually gave those instructions and whether a licence was issued for that purpose?

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Hon. Chief Minister: Well, Mr Speaker, I am dealing with these questions and the hon. Gentleman, if he gives notice of the question, will have the information that he requests. That is not information that he has requested.

But, we have not talked about removing Spider Crabs, we have talked about – because that might suggest removal of them to the pot in which they are going to be cooked – they are being moved, in order to be able to continue in their protected existence.

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Hon. J J Netto: Well, I think, Mr Speaker, the Hon. Chief Minister simply does not know what he is talking about, hence the reason why I am directing the question to the Minister for the Environment who certainly knows what I am talking about.

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In relation to the removal of the Spider Crabs, does the Minister for the Environment not realise that we are at the moment in the spring bloom season, which means that female Spider Crabs are in the reproductive cycle, thereby any disturbance which we now acknowledge has taken place and probably

without a licence, as it should be done under the Nature Protection Act, has taken place, which will mean this endangered species will have a less reproductive season this year, as a result of the actions of the Government?

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Hon. Chief Minister: Mr Speaker, I have told the hon. Gentleman that if he wants information about when licences have been granted, etc he should give notice of the question or write to me and I will give him the information.

580

In the question that he has just put, he has said that no licences have been granted, when in fact, that is not the answer that I gave him.

Now, this is a Parliament where we are accountable for the actions of the Government, Mr Speaker. Of course, if there are issues which could affect the reproductive capability of Spider Crabs, it is an issue that would be relevant to the Government, because this Government *cares* about the environment and cares about how we do things.

585

That is why, Mr Speaker, the hon. Members had the opportunity of seeing these issues listed for the DPC. That is why, Mr Speaker, he is being told the Spider Crabs have been moved. That is why, Mr Speaker, we do so much of what we do.

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But, the hon. Gentleman should rest assured, there is no question of this Government doing something to endanger any endangered species which is actually doing so well, given the protection it was afforded under the 1991 Nature Protection Act. I am not going to say to him, Mr Speaker, that it appears that it is him that does not know what he is talking about, because I am actually trying to avoid that this debate should... or this question-and-answer session should descend to that level; but if he thinks that he scores some political points by starting his questions like that, it is a matter entirely for him.

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A Member: Hear, hear.

Hon. J J Netto: Mr Speaker, can I ask the Minister for the Environment whether he can confirm that a licence has been issued and if any licence has been issued, will he provide a copy to Parliament?

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Hon. Chief Minister: Mr Speaker, I have told the hon. Gentleman that the question about the licence is one on which we would require notice, and I am dealing with the questions in relation to this matter which, because it represents an investment of £150 million for the people who are bringing the vessel to Gibraltar, is an important issue affecting the macro-economic state of our economy.

605

Therefore, Mr Speaker, he has not been told he will not be given the information; we have told him that if he writes in or if he puts the question with notice, he will get the information, and the only additional element in what he has asked for now is whether he can have a copy of any such licence. Mr Speaker, giving him information or giving him a copy of the licence for me is exactly the same and he will be able to have a copy if he requests it.

610

Hon. D A Feetham: Mr Speaker, I understand that the company, Steel Mac is undertaking some work in relation to this particular preparatory work in relation to this particular project. I had understood that some of the work that they were undertaking was of a dredging nature; but can he enlighten the House as to what kind of work Steel Mac is undertaking in relation to this particular area, please?

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Hon. Chief Minister: Mr Speaker, I am afraid that the hon. Gentleman should not believe every rumour he hears on the street.

As far as I am concerned, there has been no dredging whatsoever. I know that Steel Mac is one of the companies that has tended to do work for the Government, but I do not know whether it has already been granted any works, because certainly in the information that I have been provided, there is nothing suggesting that the sort of work that they do has been undertaken in any way, to date.

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Hon. D A Feetham: Well, Mr Speaker, I do not –

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Hon. Chief Minister: But if he wants, I can try and find out. I am very happy to go back and find out whether perhaps some of the things that neither he nor I might associate with the work that Steel Mac does, and which has resulted in £137,000 already being incurred, has been done by that company. I am quite happy to check and give him the information when we next meet, which is likely to be on Monday.

630

Hon. D A Feetham: Well, I am very grateful for that.

No, I have not heard this particular rumour in the street; in fact when I was parking my car, one of the directors of Steel Mac actually told me himself that they were about to go and do some preparatory work for this particular project. That is exactly why I am asking the question! I had assumed that it related to some dredging work and I have been provided some information, unrelated to Steel Mac, that dredging

635 works had been undertaken in the area. But, if the Hon. the Chief Minister says that no dredging work has been undertaken in the area and that is confirmed as well, by the Hon. the Minister for the Environment, then I will accept it.

640 But, does the Hon. Chief Minister not agree with me that this appears to be a project that is being pushed through by the Government with really undue haste – it is a project that apparently is being ploughed ahead with in the absence of a full EIA, when we know that this is an area where there are Spider Crabs that are protected by the Nature Protection Act, and that is common ground across the floor, when we know that there are Ribbed Mediterranean Limpets, not in that area but in the vicinity that in fact may be, could be affected – I do not know, I am not an expert, but could be affected – by any dredging works that are conducted in the area; that we know also, because GONHS issued a press release, I think it was last year or the year before, that this area is a breeding ground for sea bass, which in fact was something that GONHS at the time were saying ‘What a great area we now have for the breeding of this particular fish’?

645 In the light of that and the fact that there are works that are being undertaken in the area, the absence of the EIA works in the area, this is a project that appears to be being pushed ahead by the Government with complete undue haste and with disregard for areas such as the environment, as my hon. Friend, Mr Netto, was asking about, without proper regard to those, just simply to get this particular project here to Gibraltar so that the Gibraltar Government can say, ‘We have brought £150 million of investment’ – good as that is for Gibraltar.

655 **Hon. Chief Minister:** Mr Speaker, I could not disagree with him more. It appears that when we move quickly on a project, we are proceeding with undue haste; when we do not move quickly enough, we are not going to fulfil the manifesto commitment and we are going to fail to deliver. Well, Mr Speaker, nothing could be further from the truth and the fact is that this Government is the one that is subjecting projects which it needs to undertake – infrastructure projects, or aspects of a project which it needs to undertake – to a planning process, where the Hon. Mr Figueras said, during the course of which, the environment was discussed and the work to be done in respect of environmental assessments, etc was considered and will be done.

660 The question is, Mr Speaker, is the hon. Gentleman saying to me, with a straight face, that we should not even do the things that do not affect the environment and the EIA? Perhaps he should say to me, ‘Are you satisfied that none of the things you have done to date are the sorts of things that need to be considered by the EIA and the screening?’ If he had asked me that question, Mr Speaker, I would say to him, I am satisfied, because of the advice that I have and the advice that the Minister for the Environment has, that none of the works done to date are the works that should be the subject of any aspect of environmental screening or an EIA. Therefore, I am very happy that the works done to date do not exclude any concerns that may be raised by an EIA.

670 Now, is he saying, or could he also be asking, ‘Is the Chief Minister satisfied that the results of an EIA will not prevent the vessel from coming and therefore that the money expended now will be thrown away?’ I am satisfied, from the advice that I have, that an EIA in detail or any other environmental screening process which may be undertaken – EIA, screenings, etc... All of those have a fixed meaning in law and let us talk about them generically. I am satisfied with the advice that I have that whichever one of those is pursued will not result in anything being put to the Government or resulting that would prevent the vessel from coming to the location where Ocean Village and Sunborn have agreed it should come, and that therefore the works which are preparatory and which do not require environmental assessment of any sort should proceed.

675 Now look, Mr Speaker, in those circumstances, what is it that the hon. Gentleman would have done if he was in Government – not move a muscle until he had the EIA? Well, I have to put it to him, Mr Speaker, that that would be completely contrary to the way that they have conducted themselves for the 16 years that they were in Government, and it would be completely contrary to what is reasonable, because Mr Speaker, although I believe that they acted without the concerns of the environment that they now appear to have, in many of the instances where they acted, where they have defended in this House, Mr Speaker, that Government projects should not go to the DPC, well, Mr Speaker, I put it to them that what is perfectly reasonable and is perfectly proper and I would have supported, if this had been what they had done, when they were...

680 **Mr Speaker:** I think the Chief Minister is in danger of widening the ambit of the debate considerably.

685 **Hon. Chief Minister:** In that case, Mr Speaker, I will move quickly just to answer my own question, which is this: (*Laughter*) it is very simple, it is absolutely right and proper, in the absence of an EIA or a screening assessment, to do the things which do not require an EIA or a screening assessment or any other such environmental requirement – the things which do not require it – and then awaiting the result of any such environmental process, progress with such other works as may be necessary, and if one is

advised, 'Look, this environmental assessment could go either way', well then you do not spend a penny and you wait. But if you are told, 'Look, the assessment has to be made, the results are likely to be either to do (a) or to do (b), but they are not going to be...' and this is what the environmental experts at official, technical and political level tell you, then you can progress to do the works which are preparatory.

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I think that in the interests of the macro-economic benefit of the community, that was exactly the right way to progress, and I will add this: in the 16 years, Mr Speaker, that the hon. Members enjoyed the benefit of governing our community, they sought extensively, rightly, to attract five-star hotel offerings to Gibraltar. Mr Speaker, we have achieved bringing one such five-star hotel offering to Gibraltar and I expect that at least this aspect of the proposal is welcomed by them. I am grateful that the hon. Gentleman has recognised that a project of £150 million is good for an economy that is going to benefit to the tune of approximately 150 jobs.

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Hon. D A Feetham: Mr Speaker.

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Mr Speaker: I will allow one further supplementary on this matter. (*Interjections*) That is my ruling.

Hon. D A Feetham: Mr Speaker, if it is your ruling and I cannot persuade you otherwise, that is fine.

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Mr Speaker: You are taking... Now both the Government and the Opposition are widening the aspect of this specific question to a debate about what one side or the other was doing in power. I am prepared to accept a supplementary question from each of the Members of the Opposition that have been asking questions on this issue. I will allow one from each of you, and then that is it.

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Hon. J J Netto: Mr Speaker, at the end of the day, whatever your ruling is your ruling is, but I do have quite a number of supplementaries.

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Mr Speaker: I will allow Mr Netto, who was asking the original question, to get on with supplementaries. I will try to be lenient with him: we will see how far it goes, but if the matter gets out of hand, I will then move on.

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Hon. D A Feetham: Yes, I will try for the matter not to get out of hand, but you see, Mr Speaker, can I ask the Hon. the Chief Minister this: that of course it was them that came into office promising a new dawn, and therefore it is not good for the Chief Minister to refer back to GSD practice, when they stand for change and a new dawn. What we are exploring here is the extent to which the party and the Chief Minister that placed so much emphasis on the environment, when he was Shadow Minister for the Environment, is now riding roughshod over the environment in order to get this project going and paying lip service to the planning process, when the whole thing is just simply a done deal.

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Now, Mr Speaker, what was the point of going to the DPC on a project like this, when the Government appears, for all intents and purposes – for everything that the Chief Minister has said today indicates and confirms that – that really it was a done deal and there is nothing that the DPC could have said to have actually altered the Government's course in relation to this?

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Hon. Chief Minister: Mr Speaker, to an extent, I am left wondering whether the hon. Gentleman actually did anything whilst he was in Government for four years. The hon. the back bencher who has just left was negotiating to use the plot which is known as the Old Yacht Club plot for a Hilton Hotel. I am going to explain this in stages, so that the hon. Gentleman understands it, because I do not think he quite understands the implications of what he has asked.

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The Government was negotiating to lease that plot to a group that would build a hotel, which would be called the Hilton. Hilton is an international hotel brand. The agreement would include an agreement with Hilton and the developers of the plot and financiers of the plot, for it to be used as a Hilton Hotel. The agreement would stipulate how many floors could be built. The agreement would stipulate how the hotel should be run and for how many years. The agreement would be entered into between the Government and the third party that acquired the plot and Hilton and the financiers. By the time the Government signed the agreement, the individuals in question would not even have made a public statement, except that it came out by chance, in something the previous Chief Minister said in the Budget. Once the agreement was signed, it would then have been taken to the DPC by those third parties. The DPC has a majority of Government Members on it. In those days, it was the Minister in the Government that would have done the agreement.

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755

Mr Speaker, is the hon. Gentleman saying that there was no point going to the DPC in respect of agreements done by the Government for buildings to go up in the centre of our city, because the person who would have ceded the land had a majority in the DPC?

760 Look, the reality, Mr Speaker, is that two parties have done an agreement: Ocean Village and Sunborn. In the context of that agreement being given effect to, the Government has to do works leading up to the area. In the context of the Old Yacht Club site or any site in Gibraltar where somebody is going to develop, 'infrastructure' implies the Government doing work, and therefore infrastructure is taken to the edge of the plot, right.

So in the context of this project, infrastructure involves taking services to the plot and, because we care about the environment – not just saying, 'Float it in, mate!', but actually looking at what has to be done, so that when it does float in, the environment is not disturbed.

765 If the hon. Gentleman was saying to me, 'How dare you go ahead with this project without removing the spider crabs, without protecting the limpets, without talking about an EIA! How dare you go about this project, as we would have, without taking it to the DPC!', then I would say, 'Look, fair enough. Although you would have done it that way, it is right that you say to us, because we have always said that we care about the environment and we will subject ourselves to the planning process for guidance, that how dare that we should do it that way.'

770 Well, we have not done it that way. That is why it is a new dawn. That is why these issues *have* been ventilated and considered in the DPC. That is why the environmental issues *are* being taken into consideration, and that is why this is being done properly. Properly done, it will *still* result in a £150-million investment for our community and 150 jobs.

775 I just wonder, although he is in a sedentary position, what the Opposition spokesperson for tourism thinks. I assume that he supports the fact that we are going to receive a five-star Grand Luxury Hotel in Gibraltar and, having heard our explanations, I also assume that hon. Members opposite will be satisfied that the new dawn has come, that the environment matters and that the DPC has had a look-in where otherwise it never would have.

780 **Mr Speaker:** The Hon. Mr Netto has a number of specific supplementaries arising from the questions which... three or four of them that he asked, which I think he is entitled to ask, and then I will allow Mr Figueras to come in.

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

Mr Speaker, the Hon. Chief Minister just said that things have been *properly* done. I think that is the word that he used. Well, Mr Speaker, if things are properly done and if the tonnage weight of the floating hotel is more than 1,350 tonnes, perhaps it may be – I am not a lawyer – that he is in breach of the European Directives in relation to environmental assessment.

790 If the hon. Members with an iPad looked at, very quickly, Directive 2011/92/EU on the European Parliament and of the Council of 13th December 2011 on the assessment of the effects of certain public and private projects on the environment – if he looks at that Directive and he goes to Article 2, where it says:

795 '1. Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects. Those projects are defined in Article 4.'

800 Article 4:

'1. Subject to Article 2(4), projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.'

805 If the hon. Gentleman goes to Schedule I, 'Projects referred to in Article 4(1)', it says:

'4. (a) Inland waterways and ports for inland-waterway traffic which permit passage of vessels over 1 350 tonnes;
(b) Trading ports, piers for loading and unloading connected with land and outside ports (excluding ferry piers) which can take vessels over 1 350 tonnes.'

810 So, Mr Speaker, my non-lawyer's reading of the Directive is that, at the Development and Planning Commission, when the Environmental Safety Agency said, 'Let's go for a full environmental impact assessment', and the Government said, 'No, we are not going along that route; we are going to have a screening process', what they should have done, in my opinion, is to abide by the European Directive. So perhaps the Minister for the Environment can say that.

815 And can the Minister for the Environment also say whether, prior to the meeting of the Development Planning Commission –

Mr Speaker: I do not think the hon. Member is making it very easy for anybody to answer a supplementary question where the preamble for the matters that he has raised...

820 Look, Question Time should be short, sharp and to the point! We really are widening the whole purpose of... We are getting into a debating situation, which is what hon. Members have been doing for many years and which they should *not* have been doing, because it is contrary to Standing Orders. I am here appointed by them to implement Standing Orders, and I not going to allow it, because you are now debating.

825 How does the hon. Member think that anyone can keep track of what he is reading in order then to answer what should be a supplementary question? I find it very difficult to follow and I may have to give a ruling on the matter.

830 He really has to make up his mind. I have told him before and I tell the other Members: short, sharp and to the point; if not, I will move on to another Question.

Hon. D A Feetham: Mr Speaker, as Leader of the Opposition, of course, I heed what Mr Speaker says and I will have a conversation certainly with my own Shadow Cabinet team on this side; but of course, surely it must also apply to the length of the answers and the...

835 **Mr Speaker:** Did he not hear me tell the Chief Minister that he was widening the aspect of the matter? Surely, he heard me say exactly that.

840 **Hon. D A Feetham:** Yes, Mr Speaker, in relation to... Mr Speaker is talking generally: Mr Speaker spoke about a ruling and...

845 **Mr Speaker:** If I may. I am speaking generally and it has arisen because of what is a supplementary question by the Hon. Mr Netto, which I think makes it very, very difficult for anybody, with all the best will in the world, to be able to answer and to deal with that matter. You really cannot do that. What you can do is to ask a series of short, sharp, specific supplementary questions, but not five minutes of preamble. I have told him that before and I repeat it.

850 The House cannot do business in this manner – this is not what Question Time is for. You know that. You have been told that beforehand and I have been enjoining upon Members that if they want to, this matter of the floating hotel could have been the subject of a debate. They could have brought a motion. Instead, they have preferred to bring five or six Questions and I have allowed half an hour on that already, but I am not going to be any more lenient than that.

Now that is my ruling and I hope Members will stick to that.

855 **Hon. J J Netto:** Yes, Mr Speaker, and definitely I will take your advice on board. So, could I ask two short questions to the Minister of the Environment.

860 Has the Minister for the Environment, in this particular case, had a meeting with the Nature Conservancy Council to determine the effect or likely effect that can happen on spider crabs and limpets as a result of the dredging. That is the first one, and the second one, is there a requirement to inform the European Commission as a result of having two endangered protected animals before any work commences?

Hon. Chief Minister: Mr Speaker, I do not think those are in the nature of a supplementary in any way arising out of the questions, but I want to deal with the issue that the hon. Gentleman raised in the beginning.

865 If he looks at the application for planning and building control approval, which is Form 1, and he looks at question 15 – environmental impact assessment – instead of ‘Yes’ or ‘No’ he will find that the words written in there are ‘currently being done’. So, Mr Speaker, although I do not accept anything he has said about the advice that he is giving the House about *his* interpretation of the Directive, which may be entirely wrong – and I have not read it but I rely on what I am told by those who advise me – then the form certainly sets out what the position that the DPC considered was.

870 Finally, can I say to him, Mr Speaker, that he had the benefit of attending the DPC meeting because it was not held in private, or in secret – another one of the manifestations of the new dawn, which brought the DPC into the public domain. I am quite happy Mr Speaker to allow the Minister for the Environment to deal with the other issue, if you think it is appropriate.

875 **Mr Speaker:** Does the Hon. Mr Netto have any other supplementary? If not, I will ask Mr Selwyn Figueras to come in.

880 **Hon. J J Netto:** I understand that the Minister for the Environment is going to answer some (**Mr Speaker:** O.K.) of those questions.

885 **Minister for Health and the Environment (Hon. Dr J E Cortes):** I just want to... I am aware that this discussion is going beyond the realms of a simple supplementary to a simple question, but I will answer that the Nature Conservancy Council has been consulted and, in fact, the Nature Conservancy Council is consulted regularly. I meet with them very regularly one every month or once every two months. I was a member of the Nature Conservancy Council during the time of the former administration. I no longer am, and I was never consulted – It is being consulted on this – not once. Well, perhaps for a couple of licences, but there was no consultation on any projects, and there has been no action and no planned action that requires the European Union to be informed at this stage.

890 As the Chief Minister has said, no action has taken place that would negatively impact the natural environment and those matters are subject to assessment and have been the subject of discussion with the Nature Conservancy Council and other experts in the field. And I think people who know me would know that I would work extremely hard to ensure that any impact of any such project is virtually negligible. **(Several Members: Hear, hear.) (Applause)**

895 **Hon. J J Netto:** Mr Speaker, can I ask just one more question to the Minister for the Environment? In relation to the contamination of the soil, perhaps can the hon. the Minister inform the House as to what type of contamination are we talking about, as to the threshold of the contamination we are talking about and the likely affect of any disturbance of any soil within the area.

900 **Hon. Chief Minister:** Mr Speaker, I am dealing with five, six questions here. Not one of them mentions contamination of soil – not one of them. I do not know how the hon. Gentleman thinks that a detailed question like that can be answered in respect of contamination when they have not raised the issue and we do not have the information before us, because it is a pretty detailed supplementary. He should just have put the question.

905 **Hon. J J Netto:** The only reason why I mention it is because this is public knowledge in the meeting of the Development and Planning Commission. Both the Government and the Chief Minister were there. All the officials were there from the beginning: it was said we have contaminated soil. It is not something I have invented.

910 **Hon. Chief Minister:** Mr Speaker, what I would say with respect to the hon. Gentleman, referring to your ruling, this is Question Time, this is not dissecting the DPC on what it discussed. This is Question Time.

915 **Mr Speaker:** The Hon. Mr Netto has been a Minister in Government before, as I have been, and he knows that when Questions are put to him here in Parliament his civil servants have prepared for him a number of supplementaries and matters that may arise, contingency matters and information that may arise in Question Time: in other words, a brief is prepared always for the Minister. There is a limit of what can be covered in any brief, humanly speaking, and sometimes the reality is that the information which is asked for in a supplementary is just not available at a particular moment.

Mr Selwyn Figueras.

925 **Hon. S M Figueras:** Mr Speaker, just one final supplementary. Can the Chief Minister, in the light of the fact that he has referred to it on a number of occasions, explain how in his assessment this represents an investment of £150 million in Gibraltar?

930 **Hon. Chief Minister:** Well, Mr Speaker, given the value of the vessel and the work that is going to be done by Ocean Village and the owners of the vessel to bring it up to the standard required for it to operate in Gibraltar, the number of jobs it is going to create and the activity it is going to create. So he needs to understand a £120 or £130 million vessel is floating into Gibraltar. That means a lot... *(Interjection)* Sorry, the hon. Gentleman wants to ask me another question – about what? *[Inaudible]* Right, so if somebody brings something worth £120 million to Gibraltar, does he think it is not worth £120 million in Gibraltar? It then starts to operate commercially as a hotel and creates 150 jobs... I mean, again, Mr Speaker, I assume that his spokesperson for tourism would be delighted with what is going to happen.

935 **Hon. S M Figueras:** Mr Speaker, I would have deferred my question to my hon. and Learned Friend but I am pretty sure it does not work that way, so I am grateful for the answer.

940 **Hon. D A Feetham:** Well, Mr Speaker, I do not know whether in fact the Minister for Employment agrees with the Chief Minister in relation to this, but you see there is a distinction and I do not want in any way, in what I am going to say, the question that I am going to ask him, to actually detract from the fact, which is our principal position, which is... look any investment, whatever the value, coming into

Gibraltar is a good thing. Our questions have been directed at a different... they come from a different angle, an angle of a Government saying one thing and doing another.

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But it is self-evidently not the same, you see. If in Gibraltar you build something worth £150, well maybe he could learn a lesson from me, I do not know. I know that he thinks he cannot but if you build something in Gibraltar worth £150 million, that is an investment of £150 million into the local economy. If you are bringing in a ship, whose value the Government says is £120 million but, in fact, that ship can leave Gibraltar tomorrow and there goes your £120 million investment, it is self-evidently not the same. Does the Chief Minister not agree with that?

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Hon. Chief Minister: Mr Speaker, of course if it is built here it means one thing and if it floats in it is another – but there goes your £150 million investment. I am afraid I am going to have to give him a short lecture in economics: it is not *our* £150 million investment and therefore it does not float away from us as *our* investment.

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So the hon. Gentleman, Mr Speaker, needs to think about what he says. And also, Mr Speaker, the hon. Gentleman says that they have come at this from the point of view of questions to demonstrate a Government that says one thing and then does another. I think, Mr Speaker, what is clear beyond peradventure at the end of this process, having heard the answer, is that this is a Government that has said one thing and it did exactly what it said it was going to do.

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Mr Speaker: Next Question.

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Hon. D A Feetham: Well, Mr Speaker? (**Mr Speaker:** Yes) May I just ask one question that is a simply ‘yes’ or ‘no’ answer, which I had as one of my list of supplementaries, and it is simply this. Has the Government agreed to provide, either in principle or otherwise, any soft loans in respect to this particular project?

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Hon. Chief Minister: Mr Speaker, I would need notice of that question. This is not any of the issues that have been raised in respect of this matter, so if the hon. Gentleman gives notice of that question for the next meeting I can try and find out exactly what the detail of anything related to soft loans might be, but I have no information with me today on that.

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Lobbyists and political consultants Government engagements and relationships

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Clerk: Question 424, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state who, other than his wife and Mr and Mrs Cortes, accompanied the Chief Minister to the Candlelight Dinner inauguration event in Washington earlier on this year?

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Clerk: Answer, the hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, assuming he does not mean the 10,000 other attendees, I will answer this question with Questions 425 to 429.

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Clerk: Question 425.

Hon. D A Feetham: Can the Chief Minister please state who procured the invitation to the Candlelight Dinner inauguration event in Washington earlier on this year?

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Clerk: Question 426.

Hon. D A Feetham: Will the Chief Minister provide to this House a list of all persons engaged by the Government as lobbyists and political consultants at public expense since 11th December 2011?

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Clerk: Question 427.

Hon. D A Feetham: Can the Chief Minister please state what, if any, consultancy or other arrangements does the Government have, or has had, with Mr Juan Verde either directly or indirectly through an entity in which he has an interest?

1005 **Clerk:** Question 428.

Hon. D A Feetham: Can the Chief Minister please state what payments have, to date, been made by the Government of Gibraltar to Mr Juan Verde or any company in which he has a direct or indirect interest in respect of any consultancy or other arrangements, identifying the payments on the dates they were made and the purpose for which they were made?

Clerk: Question 429.

1015 **Hon D A Feetham:** Can the Chief Minister please state whether Mr Juan Verde is a director or shareholder of any company (or the parent company of any such company) submitting any tender or offering to undertake any work or project for the Gibraltar Government?

Clerk: Answer, the Hon. the Chief Minister.

1020 **Hon. Chief Minister:** Mr Speaker, in relation to Question 426 on lobbyists and political consultants my answer remains, as my earlier answer to Question 1084/2012, namely that we will continue the practice of the previous administration and not provide a breakdown, what we give is in exactly the same form as it was given to us by Members opposite when they were in administration.

1025 In relation to all matters relating to the attendance by the Minister for the Environment and myself at various events in Washington DC and Mr Juan Verde, the answer remains as my earlier answers on this subject.

The hon. Gentleman has pressed me on this before and the Government has provided answers, in fact we can exchange many press releases as well. Continuing to press me will not elicit further public information beyond that already provided. I have told him, and I have said in interviews, that I do not believe sharing information of this nature publicly is in the public interest of Gibraltar.

I have also said that I intend to set up a status akin to that of the Privy Councillors in the United Kingdom, where information of this nature can be shared. That may even require legislation.

1030 He should, nonetheless, understand that his pressing and his Party's statement on this subject have been seized upon by our nation's political opponents in an attempt to damage our continuing and successful objective of advancing Gibraltar's cause internationally.

1035 **Hon. D A Feetham:** Yes, Mr Speaker, when in trouble always hide behind potential attacks on Gibraltar by those who are our detractors!

1040 **Hon. Chief Minister:** Can I have a Point of Order, Mr Speaker.

Mr Speaker: What is the Point of Order?

1045 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has suggested that I have misled the House by trying to hide behind something, suggesting that there is not something there which is real, and I therefore ask that he reconsider how he has phrased his preliminary remarks.

Mr Speaker: Is the Hon. Leader of the Opposition satisfied that his remarks are well motivated.

1050 **Hon. D A Feetham:** Mr Speaker, I am quite satisfied that my remarks are within what are acceptable by Standing Orders and are within the ambit of political comment that is common in this House and has been common in this House for decades.

1055 **Mr Speaker:** I would ask hon. Members to try to keep the temperature down, you know, not to make the kind of remarks which will just set the pot boiling, more than what is necessary. I think we are all grown up, we are all responsible people and we can conduct our affairs responsibly, and I think that it will stand to the credit of all hon. Members in this House if they do that.

1060 I told them when they gave me the honour of sitting in this Chair that I was determined to maintain the dignity of Parliament, but they have to have an important role in that, and I hope that they can keep a semblance of decorum so that people outside do not have to be continually complaining, as they do. I get very often approached by people saying that they do not like, they regret, what is going on in this house. They need to keep matters under control. So, I would please ask hon. Members to be sensible in this respect and now that we are inaugurating this wonderful new Chamber that it should be primarily to their credit because they are the Members of Parliament and nobody else – and that is what they get elected for.

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Hon. D A Feetham: Well, Mr Speaker, can I say that I am happy to associate myself with the motivational intent behind his statement.

1070 Mr Speaker will, I think – I hope – have noticed that, in fact, certainly from this side of the House, we have attempted, certainly since I have become Leader, and I am not suggesting that that was not the practice earlier, but we have made a conscious effort to try and dampen down temperatures in this House. But of course, Mr Speaker, in the cut and thrust of politics...

1075 **Mr Speaker:** May I add one thing, I will say this also to the Chief Minister, that the moment that I read the last paragraph of his answer – and I am going to read it out, ‘He should, nonetheless, understand that his pressing and his Party’s statements on the subject have been seized upon by our nation’s political opponents in an attempt to damage our continuing and successful objective of advancing Gibraltar’s cause internationally’ – the moment that I heard that I said, Mr Speaker, you now have a difficult job on your hands.

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Hon. D A Feetham: Well, Mr Speaker, may I continue with my supplementaries, if I may, and no doubt both myself and the Chief Minister will take your words on board very seriously indeed.

1085 Mr Speaker, if I may start with Question 426, which is a question about lobbyists and political consultants. I did, in fact, go back to *Hansard* and I did read the answer that he gave to my hon. and Learned Friend, the former Leader of the Opposition and Chief Minister, Mr Caruana, and what he said was this – and this is the reason why I asked the question – what he said was this: ‘Mr Speaker, the amount paid, the amount paid by the Government in respect of lobbyists and political consultants since 8th December 2011 amounts to a total cost of £170,221. The Government will follow the practice of the previous administration and give no further breakdown of that sum.’

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So the answer that he gave to that particular question, although I recognise the question actually went wider than that, because it was both a list of lobbyists and the amount, the answer that he gave was in relation only to the amount of money. So is the Chief Minister, therefore, satisfied that, or is the Chief Minister now effectively changing what was the position then of not providing particulars in relation to the amounts? I have not asked what amounts have been paid to whom, just for a list of those individuals that are under the employ, so to speak, or have an arrangement with the Government for political lobbying.

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Hon. Chief Minister: Mr Speaker, thank you for your remarks about the conduct of proceedings in this House with which this side of the House entirely associates itself. I note what you said about the last paragraph but you should also note, Mr Speaker, that I have said things similar to that in the past and the questions keep coming.

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Mr Speaker, what the Government is going to do is what hon. Members opposite used to do when they were in Government, and that is to give heads of expenditure but not give breakdowns, because if they did not give breakdowns then certainly they did not give names because they did not give breakdowns, and therefore the position is exactly as it was when I last answered the question in this House.

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Hon. D A Feetham: Mr Speaker, thank you very much.

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Mr Speaker, did Mr Juan Verde procure the invitation to the Candlelight Dinner inauguration event in Washington?

Hon. Chief Minister: Mr Speaker, I have answered questions similar to this, and I have answered the question in the answer I have given already. The hon. Gentleman does not say to me...

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

Mr Speaker: What is the Leader of the Opposition’s Point of Order?

1120 **Hon. D A Feetham:** The Point of Order is very simple. The Hon. the Chief Minister has made a statement saying that he has answered a question on this. Now, insofar as what he is saying, and I think that is what he is saying, that he has answered a question – this question – in this Parliament or anything related to Mr Juan Verde in this Parliament, that is clearly not the case.

1125 **Hon. Chief Minister:** Mr Speaker, in reply, I would refer you to the second paragraph of what I said, which was as follows: ‘In relation to *all* matters relating to the attendance by the Minister for the Environment and myself at various events in Washington DC and Mr Juan Verde, the answer remains as my earlier answers on the subject’. Then I went on to tell him that, however much he might press us on

those, I would not give further answers. Not giving an answer that a Member likes does not mean not having answered.

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Hon. D A Feetham: Mr Speaker he is obviously not going to answer that particular question.

Is he aware, Mr Speaker, that right up to a day or two after we issued our first communiqué in relation to the Washington visit, just before in fact, just two days, just before two days after we issued the communiqué, that Mr Juan Verde in his website, *www.juanverde.net*, included the following statement:

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‘Nowadays he acts as adviser and consultant for a large number of internationally notorious companies in both Europe and the United States. He is adviser for institutions like the International Advisory Board of the Government of Lithuania and the Government of Gibraltar’.

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Two days after we issued our press release, that statement was removed from Mr Verde’s website. Can the Government confirm that, indeed, prior to the removal – and also whether it continued after the removal of that statement from the website – that Mr Juan Verde was, in fact, an adviser for the Government of Gibraltar?

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Hon. Chief Minister: Two supplementaries are contained in that question, Mr Speaker. The first is was I aware of the statement of Mr Verde’s website and the second, a different one, about the status of Mr Verde’s relationship with the Government of Gibraltar. On the first, of course, the answer is yes, because it has formed the subject of public statements that the hon. Gentleman’s party have issued on the subject. And on the second, Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

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But Mr Speaker, let me put it to him in explicit terms. The work that he and his Party have done on this subject has resulted in diplomacy at the highest levels of the Spanish Government, raising an issue with diplomacy at the highest levels of the Government of the United States, asking that Gibraltar no longer be assisted. Mr Speaker, is it that he cannot join the dots? Well, Mr Speaker, if he can, and I assume that he can, why does he want to join the dots for those who want to attack us?

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Hon. D A Feetham: Mr Speaker, I will obviously, in the light of the statement that you made, shy away from my original statement, when he first made that particular point, about the Hon. the Chief Minister hiding behind that particular argument in order not to answer any questions.

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Mr Speaker, moving on to Question 428 – and I really, with Mr Speaker’s indulgence, need to take the Chief Minister back over *Hansard* before I actually ask my question – in November 2012 my hon. Friend, Mr Figueras, asked the Minister for the Environment to provide a full account to this House of expenses incurred by the Government in the hosting of the Thinking Green Conference in October. The Thinking Green Conference is connected to this because, of course, it is common ground that payments have been made to Mr Juan Verde, who was a speaker in relation to that particular conference. Now, so, the question was ‘full account of expenses incurred’, and in answer the Minister for the Environment then provided a schedule, and in that schedule he said that the total cost was £215,000 and that the contractual payment to Chrand Limited was £166,351.

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Then, in supplementaries, my hon. Friend, Mr Figueras, asked how much of that 166 referred, or related to – £166,000 – related to the speakers, and the answer was €150,000 and, in fact, that is reflected in a table which is Government-awarded contracts over £2,000 by direct allocations since the General Election, which is Table GC1 of 2012, and there we see the figure of €200,000, which roughly equates to £166,000, which was the answer the Hon. the Minister of the Environment gave to Mr Figueras.

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Then, in February of this year, Mr Figueras asked about a further notice, GC6, which is Government-awarded contracts over £2,000 by Ministerial application – by Ministerial application – and in relation to Chrand there is €100,000. Now, in total, that is €300,000, (1) in relation to contracts by direct allocation €200,000, and €100,000 by direct Ministerial allocation. Mr Figueras asked, well, what does this €100,000 relate to and the answer was it was two equal payments of €50,000: it was for the organisation and management of the conference, including security services for the guest speakers and fees for both speakers. That was the answer. Can he confirm, if he can, whether that answer is, in fact, an accurate answer. I am not suggesting that he has given it attempting to mislead the House, but I found it an odd answer, and I am just asking the Chief Minister to confirm it, in the light of the fact that there are two notices, one allocating a contract by direct allocation – €200,000 – and then, later on, direct ministerial allocation, what appears to be a further €100,000, in the light of the answers to the questions that my hon. Friend Mr Figueras received in November of last year.

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman starts in very pejorative terms, referring once again without pretending not to refer to it, to his argument that the Government is somehow ‘hiding’ and that is a pejorative term, behind something. Mr Speaker, you have made a ruling on that and therefore the

1190 hon. Gentleman should try and stick to it because otherwise every time he talks about not being in favour of 'Punch and Judy' politics, the argument to him should be well then stop punching.

Mr Speaker, I do not have notice of the question that he has given. He has given me a whole list of figures, referred to a Hansard and to a Table. I have had a quick conversation with the Hon. the Minister...

1195 **Mr Speaker:** May I ask the Leader of the Opposition what was the date of that Question, the *Hansard*. The date please.

1200 **Hon. D A Feetham:** Mr Speaker, the date of the Question about the €100,000, the previous Questions were in November of last year, the previous questions. The one about the €100,000 that I found odd in the light of the answer to the previous Question, and both Tables that appear to indicate an aggregate contract for €300,000 was in February of this year.

1205 **Hon. Chief Minister:** Mr Speaker, I do not have that information with me but, having quickly spoken to the Minister for the Environment, he seems to consider that those are exactly right. It may be that in a Table something has been doubled up but I do not have information in front of me to be able to give him, in respect of those figures, the confirmation that he is seeking – but I am quite happy, if he writes to me, to let him have that information. But, he should not under-estimate, however much he might want to politically try and deal with the point in this House, he should not under-estimate the political importance of what I have told him has happened as a result of their press release.

1210 I ask him, Mr Speaker, and I appeal to any statesman-like qualities that he may have, to consider very carefully what I have said and the effect of what they have done.

1215 **Hon. D A Feetham:** Mr Speaker, of course I consider very seriously the effect of everything that I do. What I am not going to do is shirk my responsibility and my duties as Leader of the Opposition in the desire to keep the Government and to bring the Government to account because there are other issues which I am not now going to discuss – not appropriate, because Mr Speaker would intervene. There are other issues that actually impact on this, of a local nature but, of course, Mr Speaker, he knows – because he practised at the firm of which we were both partners for many, many years – what the number of Hassans is and, of course, it is perfectly possible for him to pick up the telephone and to phone me and to brief me, or to tell me what is on his mind because it is a little difficult for me to accept some of the bare statements that he has made today.

1220 **Hon. Chief Minister:** Mr Speaker, I know that he...

1225 **Mr Speaker:** If the Chief Minister has nothing new to add...

Hon. Chief Minister: I do have something, Mr Speaker. I do.

Mr Speaker: You do?

1230 **Hon. Chief Minister:** Mr Speaker, I know that he does not want to believe the things that I say but he should take it from me that what I tell this House on this subject is clear and unequivocal and true. Of course, he must bring the Government to account but with what I have told him in mind.

1235 Mr Speaker, I have to say I have been a partner of Hassans for many, many years. I think he has been a partner of Hassans for enough years that you can count on the fingers of one hand. Of course, I could phone Hassans but what I have said repeatedly, Mr Speaker, is that if they want the information, they should feel free to contact me and I am quite happy to give them a briefing.

1240 I have talked about the Privy Council-style status. I do not think I can over-estimate that. What I am saying, Mr Speaker, is a complete departure from the way in which we have run our affairs before. I am saying there is information that I sincerely believe it is in the national interest that the Government and the Opposition should share and that we should set up a process for that information to be shared which is watertight. I have said that will happen and it will.

1245 But I have said, across the floor of this House – and the hon. Gentleman needs to go back and look, given what he has just said – if you want the information, call me and I will share the information with you, I will give you the information behind the Speaker's Chair and the offer was flatly rejected in relation to this particular issue, lobbyists. Now it may be that the hon. Gentleman does not recall that. I am happy to sit down with him to give him this information, Mr Speaker. I am talking about *Hansard* so he can go back: I am not suggesting this has happened off the record and they have said no. I am suggesting to him that he should check *Hansard*. I do not know whether it was him or the previous Leader of the Opposition, the offer was made during the course, I think, of this year or the end of last year
1250 and it has been rejected out of hand. If he has got a different attitude, which I would welcome, I am

delighted to give him a briefing on that and, when I give him the briefing, on the other matters that I have agreed to give him a briefing on. But he cannot expect me to pick up the phone and call the firm of which I have been a partner for many years, to speak to him, to give him information that he has said, or his party has said, they do not want in private.

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Mr Speaker: Next Question.

Hon. D A Feetham: Well, Mr Speaker, I have one more supplementary.

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Mr Speaker I am not going to prefix this supplementary with any political points, tempted as I am to do so but, Mr Speaker, I note that Mr Juan Verde is stated on the Presidential Inauguration Committee website to have made three donations – they are very transparent in the United States – three donations to the Presidential Campaign. One was for \$600, another for \$600 – three for \$600 on three separate dates – and one for \$50,000, which roughly equates to about €50,000. Can the Hon. the Chief Minister categorically state to this House that he has absolutely no knowledge that that donation from Mr Juan Verde to this particular committee has come from the proceeds of any monies that have been paid by the Gibraltar Government directly or indirectly to Mr Juan Verde?

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Hon. Chief Minister: Not only can I confirm it, Mr Speaker, but if he goes back and sees the answer I gave when they first started asking questions about this, I categorically denied it. Mr Speaker, he says that he does not want to make political points but then he goes on to say that the United States is transparent and tries, by a sideline, to suggest that somehow here we are not.

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Look, Mr Speaker, he has made all the points that they have made in their press releases, now again in this House. All the old points made again. Mr Speaker, look we are all bi-lingual so we will understand what it is that I mean by this, but one just wonders whether they are just green with envy that it was this Chief Minister that had his photograph taken with the President of the United States.

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Hon. D A Feetham: Well, Mr Speaker, just on that final statement that he has made, if I may...

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Mr Speaker: But, the last one. If the Chief Minister now replies to you, I will not allow you to stand up again to ask another question.

Hon. D A Feetham: Perish the thought, Mr Speaker!

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Mr Speaker, well on that point of the photograph, I was not going to bring it up myself but, given that he has brought it up, we are very curious, certainly on this side of the House, as to whether he can answer this. Does that cropped photograph with the President of the United States... was Mr Juan Verde cropped out of that cropped photograph with the President of the United States?

Hon. Chief Minister: Mr Speaker, I fear that the hon. Gentleman is afflicted with the malaise that I suggested that he was afflicted... Look, Mr Speaker, that is not a cropped photograph, it is a photograph and I have told the hon. Gentleman everything that I am going to say about that event.

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I would put it like this to him, just to end the debate because, unfortunately, it has become a debate. If whilst they were in office they had been offered the opportunity to have the Chief Minister of Gibraltar exchange views with the President of the United States and be photographed with him, would they have taken the decision not to go ahead with that if it did not mean having to pay a penny, as I have already confirmed was the position for Gibraltar?

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Mr Speaker: Next Question.

1300

**Libel action by Ministers
Government policy**

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Clerk: Question 430, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister state whether it is Government's policy to fund all libel claims brought by a serving Government Minister against a media publication?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no, sir.

1315 **Hon. D A Feetham:** Well, Mr Speaker can he provide this House with information as to what is Government policy, or the criteria forming Government policy, for the funding of libel claims by Government Ministers, not only against media publications but anybody else?

1320 **Hon. Chief Minister:** Mr Speaker, I would have thought it was obvious. When somebody is insulted by virtue of their office and what they have done in their office and defamed for that reason, then it is absolutely, in our view, appropriate that the cost of any such libel action should be borne by the taxpayer.

1325 There should be very few circumstances when it arises, Mr Speaker, for example where newspapers publish remarks made by Members of the Opposition which have been made clearly without thought or understanding the consequences of what they are saying: like, for example, comparing something that a Government Minister might say to things that might be said by somebody as contemptible as Mr Jean-Marie Le Pen demonstrates that the person who makes the comparison has not got a clue what Mr Jean-Marie Le Pen stands for and how quite contemptible and defamatory it is to be compared to them.

1330 Mr Speaker, there are circumstances when one in politics needs to have broad shoulders, a broad back and just keep going and ignore the ignorance of those who might make such remarks and those who report them have no fault in simply reporting them. But there are circumstances where things are said which are so highly defamatory of people who have been acting in the conduct of their offices, that it would be appropriate for the taxpayer to fund such claims and there are circumstances where things may be said where it would not be appropriate, even if it is defamatory and actionable, for the taxpayer to foot the bill of such action because the remarks may be of a more personal nature or in the context where the person has not been exposed to the criticism as a result of their office but more as a result of their conduct unrelated to their office.

1335 I would have thought it was pretty obvious, Mr Speaker, but I am quite happy to explain it to him in those terms.

1340 **Hon. D A Feetham:** Mr Speaker, what is the Government's policy, for example, on funding libel claims by former Government Ministers in relation to allegations made about that former Government Minister in the conduct of work that he has undertaken whilst he was a Government Minister?

1345 **Mr Speaker:** No, I am not allowing that supplementary because the original Question is very clear: 'Can the Chief Minister state whether it is the Government's policy to fund only libel claims brought by a *serving Government Minister* against a media publication?' A retired Minister is not a *serving* Government Minister and therefore that supplementary is outside the ambit of the original Question, so I am not allowing that supplementary.

1350 **Hon. D A Feetham:** Mr Speaker, I will bring the ... all it is doing is for me then to bring a question on notice next time round.

Now the reason why I am, if I may Mr Speaker – and I am trying not to be as reasonable as possible in relation to this – the reason why I am bringing up this particular point, is of course, one can envisage circumstances Mr Speaker whereby a former Government Minister, the day after he leaves office, is defamed in exactly the same way as the Chief Minister has just described with a serving Minister.

1355 **Mr Speaker:** I agree with...

Hon. D A Feetham: Therefore, I would say, well, what is the difference?

1360 **Mr Speaker:** If I may. I agree with him. It could happen in the case of someone who was serving in a Government twenty years ago.

Hon. D A Feetham: Exactly.

1365 **Mr Speaker:** Right, but I do not think that it is fair, under the ambit of this Question, to expect the Chief Minister to stand up and give a considered answer.

I think the matter can be raised formally. I invite the Hon. the Leader of the Opposition to put a Question on the Question Paper on the Agenda for the next time, asking what would happen to the present Speaker if someone were to libel him because of something that he is supposed to have done twenty years ago and perhaps the Chief Minister will give a considered reply.

1370 **Hon. D A Feetham:** Mr Speaker I am quite content to give notice in relation to that question although I suspect that the Chief Minister probably knows what the answer to that question is.

May I then move on to another supplementary? Obviously, if the Chief Minister is right, I do not know if he has done libel claims, I certainly have done libel claims in my time professionally, there is

1375 always going to be a judgement that is going to be made in relation to these things, because we are in politics, the cut and thrust of politics being as it is there are going to be things said about us and there have been things said about all of us, quite nasty things, that are possibly libellous but that you just simply take in your stride and you just take it as being part of the job.

1380 But my question to the Chief Minister is, how does the Government intend to decide where on what side of that particular equation the facts fall?

1385 Is this a decision, for example, that is taken just simply by Government Ministers or, in the formulation of that policy, is it the Government's policy to effectively outsource, if I can use that word – it is probably the wrong word – a recommendation to somebody else that may not be Government Ministers – for example, I do not know, the Chief Secretary or somebody else – because otherwise we are left with a situation where, effectively, it is Government Ministers deciding to use taxpayers' money to fund libel claims against third parties.

Hon. Chief Minister: Mr Speaker, it is certainly not a case of that, it is certainly not a case of that.

1390 Of course, if anybody who was a serving officer of the Government were libelled as a result of something he has done as a serving officer of the Government – he has given the example of the Chief Secretary. Of course it would extend, in my view, to them but it is that I have answered his question and his question is about Ministers.

1395 **Hon. D A Feetham:** He has not understood my question, my supplementary.

Hon. Chief Minister: No, no, no. In giving the answer that I gave, I gave it about Ministers because it was asked about Ministers.

1400 **Hon. D A Feetham:** He has not understood my supplementary.

Hon. Chief Minister: No, I have understood your supplementary. I have said of course it extends to people who are not Ministers. It extends to other officers of the Government...

1405 **Hon. D A Feetham:** But I have not asked...

Hon. Chief Minister: Well, then, why did you refer to the Chief Secretary?

1410 **Hon. D A Feetham:** I have not asked whether it extends to other Members of the Government. What I have said is that, in the decision as to whether to fund a particular libel claim – you yourself referred to the fact that there are some serious libel claims, others less serious, and I agree with that, that is what I am saying – but of course somebody has got to make the decision. Somebody has got to make the decision as to whether taxpayers' money is used to fund a libel claim. Presumably, that is obviously going to be the Government of Gibraltar but if the Government is making that decision and it is not – I use the word 'outsourced' – seeking advice from somebody else as to whether it would be appropriate in the circumstances to use taxpayers' money to fund libel claims... That is the context that I used the Chief Secretary, whether it is the Chief Secretary who advises the Government.

1415 Look, in this particular case, given these guidelines that we have here, I believe that it would be reasonable for the Government to fund a libel claim against a third party and what I am saying is, does the Government have that kind of safeguard, that kind of third party input, into the decision to fund libel claims against a third party – hence my reference to the Chief Secretary.

1420 **Hon. Chief Minister:** Well, Mr Speaker, let me then deal with a number of issues. First of all, it does extend, not just to protecting serving Ministers, it extends to protecting other members of the Government and that would include officers like the Chief Secretary, which is how I thought that he was bringing him into the equation.

1425 Indeed, Mr Speaker, there is an argument that anybody who is libelled in the conduct of their profession is covered by the liability of the employer and I am grateful that Mr Speaker has said I do not have to answer the question about past Members but, intuitively, I think I know what the answer is but I will take advice on it if the hon. Gentleman puts the question.

1430 Mr Speaker, Government policy – the hon. Gentleman is asking about Government policy, he did not ask me about the *mechanics* of how we deal with that, he asked me about Government policy – Government policy, as he must know, is the policy of the ten people who sit round this table, therefore Government policy is determined by the Ministers. But, whether, then, that Government policy can be implemented in the Westminster system of Government that we have, also requires that the Civil Service gives effect to it. Of course, in the way that I handle Government affairs, I work very closely with the Chief Secretary in the implementation of Cabinet decisions and Government Policy. It is the role of the

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1440 Civil Service not to roll over and say ‘Yes, Minister’, it is the role of the Civil Service to say ‘Minister, in this situation, I do not think it is appropriate for you to engage with public finances in this way.’ And, of course, that would involve, Mr Speaker, an element of interaction with the Chief Secretary and others who may be relevant in terms of mechanics and the way things are done.

1445 **Hon. D A Feetham:** So in relation to the recent, for example, the recent libel claim that the Hon. the Minister for Employment brought, the mechanics just in relation to that is there is a collective decision made by the Cabinet as to whether to fund that particular libel claim, as to whether it is meritorious – it has got to be considered by somebody – and then that decision by the Cabinet is then referred to the Chief Secretary, on a bilateral basis between the Chief Minister and the Chief Secretary, and if the Chief Secretary says, ‘Yes, this is appropriate’, then it goes ahead and that is, in fact, what happened in the libel claim with the Minister for Employment?

1450 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is now asking me about specifics, not about Government policy. I am going to go back in my mind, I think it is almost six months, to tell him that that is exactly the sort of way that I believe we handled the matter at the time. He will be delighted to see that things have changed quite considerably and that the Civil Service has an important role to play in the administration of Gibraltar’s affairs now.

1455 **Mr Speaker:** Next Question.

1460 **Government rental estates
Refurbishment costs**

1465 **Clerk:** Question 431 is to be answered by the Chief Minister in conjunction with Question 341, so we are now going to go to 341 and the question is for Mr Reyes, the Hon. Mr Reyes.
Questions 341, the Hon. E J Reyes.

1470 **Hon. E J Reyes:** Mr Speaker, further to Government’s recent announcements can the Minister for Housing – in this case, it is going to be the Chief Minister – make available to this House, details of the scope of works and cost in relation to all refurbishment works which are to be carried out in Government rental estates, including details of which companies have been awarded which specific contracts?

Clerk: Answer, the Hon. the Minister for Traffic, Housing and Technical Services.
Question 341.

1475 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** The answer to this Question will be answered with Question 431.

Clerk: Question 431, the Hon. D A Feetham.

1480 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister please provide the estimated costs of the refurbishment works to Laguna, Moorish Castle and Glacis Estates?

Clerk: Answer, the Hon. the Chief Minister.

1485 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand the hon. Member a schedule containing the information requested in Question 341 and can confirm, Mr Speaker, that the estimated costs of the refurbishment works to Laguna, Moorish Castle and Glacis Estate is in the region of £51 million.

Answer to Question 341

Summary Of Jobs

Laguna , Glacis and Moorish Castle Estates major projects

Generally, detail scope of works are compiled from standard technical documentation and publications. However, an overall description of the works to be carried out comprises the following:

1. The recladding/insulation of the residential blocks – together with the replacement of windows (doubled glazed windows) will improve the energy and acoustic performance of the buildings and address any water penetration problems via the façade.
2. The construction of mono-pitched roofs to Laguna Estate, Moorish Castle Estate and the low-level building to Glacis Estate – to address the current roof problems.
3. The provision of lifts to each block, where possible – to lessen the burden of stairs to the existing flats.
4. The provision of defined individual clothes drying areas – in order to conceal what can amount to a necessary but untidy practice impacting on the first impression of the estate.

Contractor: GJBS

Contract Sum: £51,000,000 (includes Housing Works Agency Contingency £3,168,765)

Varyl Begg Estate

Refurbishment of internal areas and entrances to the four 9-bay blocks. These are Valiant House, Royal Sovereign House, Alert House and Repulse House.

- Work entails
- 1) New entrance ramps from street level.
 - 2) Repairs to spalling concrete around the internal corridors and staircase.
 - 3) Cleaning and repainting of railings to corridors and staircases.
 - 4) Repairing and painting of duct doors.
 - 5) Painting of internal corridor areas of soffits to slabs.

Contractor: GJBS

Contract Sum: £130,385

CONTD ANSWER TO QUESTION 431

Contd Answer to Question 341

Sandpits House

Refurbishment of external elevations to the block.

- Work entails 1) Repairs to all defective concrete areas, surface render and window ledges.
2) Fitting insulated wall cladding system to all elevations.
3) Forming new access hatch to roof area from stairwell.

Contractor: GJBS
Contract Sum : £183,146

St Joseph's Estate

Refurbishment of communal areas within the estate.

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- Work entails 1) Lifting of sunken floor areas due to subsidence, compacting and laying new paving tiles and rainwater drainage channels.
2) Replacement of old chain-link fencing with new.
3) Repairs to all staircases and modifying gradients to some.
4) Repairs to retaining walls and parapet walls.
5) Replacement of old public benches.

Contractor: GJBS
Contract Sum: £151,287

Kingsway House, Alameda Estate

Refurbishment of Kingsway House.

- Work entails 1) Hacking off all surface render and redoing with new coloured acrylic render system.
2) Redoing all flat roof/terrace areas with 3-layer felt and quarry tiles.
3) Replacement of original timber/steel frame windows.
4) Repairs to structural steel columns where possible.

Contractor: Profield Contractors Ltd
Contract Sum: £1,272,833

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Hon. D A Feetham: Mr Speaker, can the Chief Minister provide some details to this House, or an idea of how the £51 million is going to be funded? Is it going to be funded by borrowing or is it going to be funded through Government surplus?

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Hon. Chief Minister: Mr Speaker, we are already seeing on the Order Paper the fact that the Appropriation Bill has been published. The Appropriation Bill will be debated, I am happy to tell Members as they might expect during the course of the next sitting of Parliament in June and I do not think it is appropriate for me to go into spending matters at this stage. He will have an opportunity of seeing details during the course of that debate.

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

I see that in the part relating to the Glacis Estate, point number three says a provision of lifts to each block, where possible, to lessen the burden of stairs to the existing flats. Am I being over-ambitious, Mr Speaker, in reading into that... I have some tenants who, sort of, wish to have their fears calmed down, that the lifts may not actually reach to the level of the landing of a particular floor but will be sort of at mezzanine level, half way between one floor and another and, therefore, there will be the use of stairs necessarily involved. Is that, perhaps, the way the Government at this particular stage is able to answer when he says 'where possible to lessen the burden'? Will this still require, in some cases, the use of stairs in order to get into or out of the lift to their own flats?

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Hon. Chief Minister: Mr Speaker, in some instances the lifts may be on a mezzanine level. They may not be on the absolute flat, but somebody who has gone up six flights of steps may only have to go up half as a result.

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I assume, Mr Speaker, that that fear has arisen from the way that *they* installed lifts in Glacis Estate, which was on the mezzanine level, not for a bad reason, Mr Speaker, because in some instances it was feared that if the lifts went down to the ground level, children, in particular those blocks that are closest to the schools, might be tempted to be interfering with the lifts all the time. So what *they* did, which was to fit the lifts in a way that only got to the mezzanine level, is maybe what we have to do in some instances, but not all. But it will certainly lessen the burden of six flights of steps if somebody only has to go up half – obviously the judgement that *they* made and not one with which we disagree.

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

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I do not know whether the Hon. the Chief Minister may have at hand the information I am requesting now. In relation to the same point, point number three on the question of the installation of lifts and with the qualification ‘where possible’, I assume by now he must have had some kind of a technical report as to where this is possible from an engineering point of view and where it is not possible, whether it is in Moorish Castle or Laguna Estate.

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Does the Chief Minister have that information available, as to which particular blocks or the number of blocks, say, in Laguna and the number of blocks, say, in Moorish Castle will be installed with a lift and how many will not because there are good reasons from an engineering point of view that they cannot be installed?

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Hon. Chief Minister: I have the information, Mr Speaker, broadly. I do not have the information in detail because he has not given notice of the question but I am happy to tell him that there appears that there may be no blocks that will not have lifts installed, except that there may be some difficulty in the way that the lifts are installed in one particular block at Moorish Castle Estate. One particular block, but I understand that in all others there should be very few, if any, real engineering difficulties and therefore that information I can give him.

1540

Queen’s National Theatre project Cost to Government

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Clerk: Question 432, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister please provide details of the overall estimated cost to the Government of the Queen’s National Theatre project?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, there is no overall estimated cost at this stage, given that Government is being advised by the Committee appointed to consider what should be included in the project. There is a budget, of course, but it would be inappropriate to present such a budget at this stage, as this would influence the value of tenders for the works.

1560

New permanent power station Update on Government plans

Clerk: Question 433, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, this is a question that I lodged with Parliament and, on the same day a notice appeared, an official notice appeared in relation to the –

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Mr Speaker: Yes, but we are not going to go into that, are we? You are going to ask a question and you are going to get an answer.

Hon. D A Feetham: Yes, Mr Speaker, I was explaining why.

1575 **Mr Speaker:** What I am saying is that we are not going to debate... We are not going to debate the question of the official notice that came out, that is what I am saying.

Hon. D A Feetham: Mr Speaker, absolutely not. I am just explaining why I am asking the Question when a statement has already been made. That is all, because listeners may find it odd, but Mr Speaker promised that he would allow me leeway in relation to supplementaries.

1580 Can the Chief Minister please update the House as to where the Government is with its plans in respect of a new permanent power station for Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

1585 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am delighted to inform the House that the tender advert in respect of the new power station was published on 8th May 2013.

Hon. D A Feetham: Thank you very much.

1590 Mr Speaker, has the Government made a firm decision in relation to the location of the new power station and is that decision reversible in any way or is the decision firm and the Government really intends to go ahead with the location of the power station in that area?

1595 **Hon. Chief Minister:** Well, Mr Speaker, it is as firm as it can be at this stage. In other words, the location is based on the advice that we have as to the types of engines that we expect people will tender to provide, the type of fuel we believe can be used, the way that that can be made completely and entirely safe and the way that the emissions and the noise can be dealt with to such an extent that there will be no noise whatsoever which would cause any ambient concerns for people living anywhere near the area or even working anywhere near the area – and that there are no emissions that would cause any concern to anyone.

1600 Because the *huge* step forward we are going to take by having not proceeded with the previous plan and proceeded with *this* plan is such that we will have a modern installation, as long as the tenders comply with what we are advised they can comply with and, therefore, Mr Speaker in the event that none of the tenderers were to come up with the proposals that we expect, given the specification we have set out in the tender, well look, then it might be that we would have to go back to the drawing board. We certainly do not expect that to be the case and we will be able to give satisfaction to anybody who might live anywhere near the area – and ‘near’, let us face it, includes anywhere in Gibraltar – that they will suffer no noise whatsoever and that they will have absolutely no danger to them from emissions that may come from the generating sets that are used. I think that is an important issue to always constantly remind the community of.

1610 Should it be that we do not get offers for the types of sets that we have set out with the advice that we have had in respect of what those sets do in terms of noise and emissions, then it would be back to the drawing board. I sincerely doubt that we will ever find ourselves in that situation.

1615 **Hon. D A Feetham:** Yes, well, Mr Speaker, just in relation to that, can I take it that the Government has already had conversations, without revealing who they are, but can I take it that the Government has already had conversations with people that might be interested in this particular project and that, in fact, the Government has already discussed the potential location and whether it is do-able?

1620 **Hon. Chief Minister:** The Government has discussed what could happen in relation to power in Gibraltar with a myriad number of entities that were in contact with the Government as a result of our announcing that we were not proceeding with the previous power station. We have discussed internally with those that advise the Government technically of where the best option for a power station should be. We have looked at the options that were looked at by the previous administration and why they were looking at those options and we have discussed with some of the parties that have raised the issue with us, some of the locations that *they* put to us and when they have asked us, some of the locations that were under consideration by the Government.

1630 **Hon. D A Feetham:** Mr Speaker, in its press release in relation to, which closely follows the actual official notice that came out, the Government talks about a land reclamation that would be necessary, in order, as part of this particular project. Can he tell me whether the land reclamation is to the north of the North Mole, or is it to the west of North Mole or both?

Hon. Chief Minister: To the west of the North Mole.

1635 **Hon. D A Feetham:** Mr Speaker, is he satisfied that this particular project is in no way going to be interfering with the approach flights for planes that are landing on Gibraltar Airport. Obviously, that is something that must have been considered but is that an imponderable or a variable that could potentially affect whether the Government goes ahead with this particular project or not?

1640 **Hon. Chief Minister:** Mr Speaker, as he would expect, we have satisfied ourselves of the fact that it will not interfere with a flight path, nor limpets nor spider crabs. *(Laughter)*

Hon. D A Feetham: I will follow Mr Speaker's ruling and attempt to keep the temperatures down.
1645 Mr Speaker, does the Hon. the Chief Minister have a timeline in relation to the construction of the power station beyond the actual awarding of tenders later on this year. How long is it likely to take to build this particular project, which is obviously going to be a substantial one?

Hon. Chief Minister: Mr Speaker, I am tempted to refer the hon. Gentleman to the notice. The notice does set out what the period should be and that is eighteen months. If he has not seen it, it is in paragraph 1650 three of the notice.

Hon. D A Feetham: So the answer is eighteen months from the time that the tenders are awarded, not eighteen months from the notice. If the notice is clear in relation to that, I had not unfortunately seen it but I would appreciate clarification from the Chief Minister in relation to that.

1655 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman should know how these things work. The closing date for the submission of tenders is 1st August 2013. The eighteen months do not run from then, they run from the awarding of the tender and the agreed mobilisation date, which is the completion process. In other words, when we agree that works must start, the clock starts to tick for eighteen months.

1660 **Hon. D A Feetham:** So then I have to, I am afraid, come back to my original question: it is eighteen months from the award of the tender. Can he tell me, more or less, from when he expects that eighteen month timeline to actually run? We know that close of tenders is in August. This can, of course, be quite a complicated process. I mean, it is a major, very substantial investment, certainly would have been the single biggest investment when we were in Government. I think the cost was about £150 million, the cost 1665 of the power station that we were proposing. So I am just really looking to see whether the Government expects to complete this power station prior to the next General Election or after the next general election, obviously, if elected.

Hon. Chief Minister: Mr Speaker, well that is much clearer.
1670 The aim of the Government is to complete before the next General Election but, of course, it is within the gift of the Chief Minister to call an election sooner than contractors might expect and therefore I hesitate to put them on notice but it could happen at any time.

1675 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Chief Minister provide this House with an indication of how the addition of the power station west of the North Mole will interact with the cruise liner business at, effectively, the same location?

Hon. Chief Minister: It will not cause any difficulty whatsoever in respect of that matter, in the same way that we have ensured that the crustaceans that I referred to earlier have been considered and the flight 1680 path. Obviously, the issue of cruise ships has also been considered.

Hon. D A Feetham: Is the Chief Minister, just for the benefit of my hon. Friend, Mr Netto, is the Chief Minister saying – because I thought that he was just simply jesting – but is the Chief Minister saying that, in the context of the reclamation that might be undertaken on the west side of North Mole, 1685 that the Government has also taken into account, or conducted some form of environmental study as to the impact on, crustaceans and limpets and that sort of marine life.

Hon. Chief Minister: Mr Speaker, we have considered all of these issues. We have not yet done the studies necessary because when we consider them we have the benefit, in the inter-Ministerial 1690 Committee, of the man who *would* have carried out the assessment. We think we have a pretty clear idea of what the result will be. But, of course Mr Speaker, this, like all other Government projects will go – because there is a new dawn, and we do what we say we do – to the DPC. Therefore, of course, all of those issues will also be considered there and in public, Mr Speaker, not in private, as used to be the case before.
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1700 **Hon. D A Feetham:** Mr Speaker, how realistic is it for the Development and Planning Commission, in an application, or even if it is advice and guidance in relation to this particular project, that it is capable of influencing this particular project? Really, you know this is – and we accept – a project of immense importance to this community and, again, it is a project that the Government appears to be committed to delivering for Gibraltar. At the end of the day, what I am concerned with here is about not paying just simply lip service to the Development and Planning Commission when the reality of the situation is that the Government really wants to pursue this particular project but, quite rightly, because it is important to this community, in the same way as it wants to proceed and plough ahead with the floating hotel.

1705 **Hon. Chief Minister:** Very realistic, Mr Speaker, because you see whereas, before, the project would not have gone to DPC, the decisions in respect of the project would have been made by the Government without going to the DPC, and the DPC then was private and would not be public, this will go to an open DPC meeting for guidance. Therefore, Mr Speaker, it is very likely that the DPC will, as usual, make important and relevant points because, you see, Mr Speaker, being inclusive and being prepared to listen to what the DPC says and what the public says does not mean that one has to abandon a project.

1710 You see, it is not if you go to DPC this is delay and this means there is no project... DPC meetings occur very often, the input provided from the Chairman down and the public, is positive, it informs the Government when it carries out projects. The projects do not have to stop: they progress and are better as a result of that process. That is why I commend to the hon. Gentleman that, now he has become Leader of the Opposition, he should change the policy of his Party, as set out by the previous Leader, and embrace the concept of a public planning process to which the Government should submit itself, at least initially, for guidance and subsequently to be bound, and eschew that the policy they pursued previously, and which was defended by the previous Leader of the Opposition, of going back to a less than open planning process which would not bind the Government... Mr Speaker, I think that the hon. Gentleman is in time to make that change, do the *volte face*. It will work wonders for him!

1715 **Hon. D A Feetham:** Well, Mr Speaker, does he not agree that perhaps it is preferable to adopt this approach, which is to accept that politics is about making and defending decisions and that you cannot be all things to all men? And does he not agree with me that this and, indeed, the other example, the floating hotel, is just precisely an example of that, of the Government really wanting to be all things to all men, when the reality is that people out there would respond to the fact that the Government would say ‘Look, this is a decision we are taking because it is in the best interests of Gibraltar and therefore it does not have to go to Planning because it is in the best interest of Gibraltar. So be it.’ But this is a half-baked, half-cooked procedure of going to the Development and Planning Commission for advice and guidance when no-one in Gibraltar actually believes that they will have any influence at all on the ultimate decision. Is that not correct?

1720 **Hon. Chief Minister:** No, Mr Speaker, it is not and I will tell him why it is not. The hon. Gentleman talks about being all things to all men but let me show him why that every time he says that it reflects on him.

1725 You see, Mr Speaker, they come here and they say it is very wrong that the *Sunborn* is a done deal and you should have gone through the process that you say that you subject yourself to and it is only a rubber stamp. Then they say you should make a decision and you should see it through. Well, Mr Speaker, we are doing exactly what we said we would do and we commend our policy to them but I am very heartened to see that I was wrong to think that the Party would move when the leadership changes. It is still exactly where it was.

1730 **Hon. Chief Minister:** Being all things to all men, Mr Speaker, is saying that a Party is such a broad church that it involves right wingers and people on the centre left and people on the left. Mr Speaker, that is what led me to have to say to him at the last budget session, when he was not even Leader of the Opposition then, that he should re-evaluate his politics of left, right, left, right, because that will not ever get him anywhere.

1735 **Portable T60 turbines**
Cost of lease to the taxpayer

1740 **Clerk:** The Chief Minister is going to be answering Question 434, together with Question 245, which was posed by the Hon. Mr Netto yesterday.

1745 Question 434, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state what the total cost has been so far to the taxpayer of the portable T60 turbines, or temporary power station, which the Government is leasing from Energy International?

1760 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer with Question 245.

1765 **Hon. J J Netto:** Mr Speaker, can the...

Clerk: That question was posed yesterday and the Chief Minister needs to answer, as in the prepared answer.

1770 **Hon. Chief Minister:** Mr Speaker, the relationship with Energy International is as set out in the publicly available Government Press Release 740/2012. Although that is publicly available information and I have no need to bring it to the House, for the hon. Gentleman's ease of reference, I now provide a copy of that press release to Members opposite.



**HM GOVERNMENT OF GIBRALTAR
PRESS OFFICE
No.6 Convent Place
Gibraltar
Tel:20070071; Fax: 20043057**

PRESS RELEASE

No: 740/2012

Date: 8th November 2012

Security of Electricity Supply: The Short Term Solution

- **New North Mole Temporary Power Station Announced.**
- **Immediate Reduction in Noise & Emissions in South District and Waterport.**
- **Oesco and MOD Power Stations to be shut down in silent hours.**
- **Waterport to reduce activity by up to two thirds in silent hours.**
- **Plans for a Permanent New Power Station to be announced in Next Quarter.**
- **Consultation on-going with relevant unions.**

In order to ensure security of electricity supply, HM Government of Gibraltar has entered into a two year arrangement (with the option to extend to three) with Energy International Inc of the USA for the supply of temporary electrical power using rental turbine power, dual fire generating sets that will allow the servicing of existing generating plant to be undertaken whilst increasing the resilience of the installed generating capacity. The units will be fuelled with diesel.

The turbine units will be installed at the north western end of the North Mole, away from residential areas.

These units operate on proven technology and are extremely reliable. They also incorporate "SoLoNox Low Emission Technology" which is considerably more environmentally-friendly compared to the diesel engine technology that has been used in Gibraltar for power generation for the last eighty years. The new temporary units will each provide up to five mega watts of generating capacity and are designed to run twenty four hours a day. The twelve skid generators imported by the previous administration (eight rented and four bought outright) were capable only of one mega watt generating capacity each and were not designed to be run continually. These skid generators may soon become surplus to requirements.

The Government envisages that the new temporary power plant will be fully operational by mid December 2012. This is just before the winter peak demand. The new facility will enable Government to improve security of supply during peak demand periods when power cuts have previously occurred as a result of a lack of generating capacity.

The advent of the new temporary power station will also, importantly, permit for variations in the operating regimes of all three existing power stations in Gibraltar resulting in an

overall lowering of emissions. In particular NOx emissions are predicted to reduce by 40 % per mega watt generated by the new temporary power plant immediately.

The aim is also to reduce the operational running of the power stations in the South District and in the Waterport area whenever demand allows during the silent hours, without comprising the security of supply. This will immediately massively lower the emissions and reduce the noise levels in these areas during these periods.

The Government of Gibraltar is also continuing to identify alternative ways of further reducing the emissions arising from the production of electricity in Gibraltar. To this effect Government is already working with Energy International on the fitting of Catalytic Reduction technology (known as "Scrubbers") to these turbines. The fitting of such scrubbers will further reduce emissions by another 97%. These will, however, have to be fitted at a later date due to design and availability issues that need to be resolved. The Government's first priority, however, has been to secure the reliability of electrical supplies for the winter peak demand and to service the existing engines to improve their reliability and performance, which in turn further increase security of supply and reduces emissions.

The Government of Gibraltar continues to engage with main players in the energy industry exploring alternative technologies to determine a permanent solution to Gibraltar's electrical needs. This solution must provide secure supply and massively reduce Gibraltar's carbon footprint.

1775

Chief Minister, Fabian Picardo, said: "As I have said previously, security of Gibraltar's electricity supply is one of the most important issues for my Administration. We have been working tirelessly on this issue in the past eleven months in an Inter Ministerial Committee and with our electrical, technical, environmental and financial experts. We are now ready to announce this excellent temporary solution that is designed to ensure security of supply – something which the previous administration's one mega watt skid generators demonstrably did not do. We have actually engineered a solution that gives this security whilst also reducing emissions hugely at first and even more so (almost to 1% of current emissions from the existing facilities) with "scrubbers" fitted."

"The good news is that the noise nuisance and pollution from all existing power stations in the South District and Waterport will be eliminated or very significantly reduced during silent hours and also to a lesser extent during the day."

"We are also working with the unions so that employees of these facilities are not victims of these changes or of the permanent solutions to be finalised shortly – but participants in it."

"The next step is to finalise our determination on the long term solution by the decision on what permanent power solution is to be chosen. Again environmental, noise and cost issues will be relevant alongside security of supply in the final determinations we have to make in this respect. At the same time, we are at a very advanced stage in the introduction of renewable energy sources from different types of technologies. These are the right decisions for our community and I am delighted to have led the Committee in its deliberations to date and going forward to the stage when we announce the permanent solution for power generation for the future."

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The total cost incurred to date in connection with the temporary power station from Energy International has been £1,698,445.93. In addition, costs totalling £258,000 have been incurred by the Gibraltar Electricity Authority in the preparatory site civil works, purchase of materials and high voltage grid reinforcement. Members should note that we are not 'leasing' a temporary power station, as the question implies, just the turbines.

1785

Hon. D A Feetham: Mr Speaker, can he just repeat the figure, what has been incurred so far, the £1 million, I just did not quite catch that £1 million and something?

Hon. Chief Minister: £1,698,445.93.

1790

Hon. D A Feetham: Yes, can the Chief Minister tell me how much of that actually relates to relocation of these particular engines to Gibraltar and how much this actually relates to the rental element of it, because presumably there must have been a cost in terms of relocation of the turbine engines to Gibraltar. I will tell you what I am trying to do. I am trying to calculate, eventually, project what the cost might actually be in terms of the rental over the period of time that it will take the Government to build the new power station.

1795 **Hon. Chief Minister:** Mr Speaker, I do not have that information in detail, with me, and in fact I believe that the contract does not envisage that there should be a cost other than the leasing cost, but there may be a mobilisation cost which is absorbed as part of the lease.

1800 I refer the hon. Gentleman to the answers I have given in this House before, I do not have them with me. I think I gave, either to the House or perhaps at the time that I was interviewed by the local media, an estimate of what the costs would be to run these sets per year and how that cost would change depending on how they were fuelled, whether they were fuelled with diesel or whether they were fuelled with gas and what the savings overall would be when they were fuelled with gas. He may want to refer to those if that is the information that he is seeking. It may be that it may have been something I said when he was not in the House at the time. I think this goes back to either the December, January or February session I believe I was answering questions from Mr Figueras but it may be that I was answering questions from an interviewer that same day.

1810 **Hon. D A Feetham:** Yes, Mr Speaker, I think that, I believe, that there is a fixed rental amount per month, and then there is a variable rental amount that depends on the actual usage. If I write to the Chief Minister, can he provide, because, of course... I am not sure whether the Government has actually disclosed what the fixed amount is per month, but will he disclose that if I write to him, and will he disclose the amounts that have been incurred per month, if I were to write to him? Is that something that he is prepared to provide me, or is it something that he considers to be of a commercial nature that he is not prepared to provide?

1815 **Hon. Chief Minister:** I do not consider it to be of a commercial nature and if the hon. Gentleman wants to write to me, then I can give him the information and see whether it is made up as he suggests it is, or not. Why is it that he thinks it is made up like that?

1820 **Hon. D A Feetham:** Because the same people that used to inform him now inform us in the Opposition. I am pretty sure that, in fact, that is the way that the arrangements are operating. If it does not, then it does not: he will say to me that is not the way that it is operating... But I am grateful to the Hon. the Chief Minister for informing me that he will provide the information if I write to him.

1825 **Hon. Chief Minister:** Thank you very much, Mr Speaker.
Certainly if he writes to me I will give him the information, and I shall tell the people that used to inform me to stop informing him! *(Laughter)*

1830 **Mr Speaker:** Any other supplementary?
Yes, the Hon. Mr Netto.

1835 **Hon. J J Netto:** Thank you, can I ask the Chief Minister whether, in terms of the contractual relationship, is it one which is direct between the Government and Energy International or if there is any intermediate company between the two?

Hon. Chief Minister: There is an intermediary between the two, Mr Speaker.

Hon. J J Netto: And the name of the intermediary company?

1840 **Hon. Chief Minister:** Gibraltar Mechanical & Electrical Services Company Limited, which is GMES, the Government wholly-owned company.

Hon. J J Netto: And is this a company that employs a number of people at the moment, or is it not?

1845 **Hon. Chief Minister:** Yes, Mr Speaker, he will recall that I talked to him about it yesterday. It is the company that was set up by his administration when the ISGS, which is what we call the MOD power station, was passed on to the control of the Gibraltar administration. It employs a considerable number of local people.

1850 **Mr Speaker:** Next Question.

1855

**Airport runway tunnel
Update on Government plans**

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Clerk: Question 435, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister update the House on the Government's plans either for a tunnel under the runway or any alternative?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the re-design of the road and tunnel project is now complete. Preparation of the supporting tender and contract documents is ongoing. We are already at the pre-qualification stage of the tender process. The project team have also been involved in preparing the Government's case for the OHL litigation, as he might know.

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Hon D A Feetham: Mr Speaker, has the Government made a decision as to whether to continue with the plans for the tunnel under the runway or is the Government considering an alternative to, effectively, what were our intended plans?

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Hon. Chief Minister: Mr Speaker, the Government has gone out to tender to complete the tunnel, and I have said this to the House on a number of occasions and before he presses me further I think he should speak to the previous the Leader of the Opposition because he and I had a discussion about these issues and why it was relevant that he should not press me further.

1880

Hon. D A Feetham: Well, Mr Speaker, perhaps the Hon. the Chief Minister and myself can have the same discussion rather than just for myself to go to Mr Caruana.

Mr Speaker: Next Question.

1885

Hon. Chief Minister: Delighted to have that discussion, Mr Speaker. I did not realise that they were not on such fluid speaking terms as they might have been before, but I realise the previous Leader of the Opposition is engaged in his private practice now.

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Mr Speaker: Next Question.

**Bizzy Bee Limited
Provision of services to Government**

1895

Clerk: Question 436, the Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister please state whether Bizzy Bee Limited has been engaged, or is to be engaged, by the Government to advise it on construction, road works and machine hire?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has neither engaged, nor does it presently have any intention of engaging, Bizzy Bee Limited to provide any such advice to the Government. If the hon. Gentleman is referring to the copy of the *Chronicle* that suggested they did, it jumped out of the page at me and I immediately asked who on earth these people were and why it was that they felt they needed a trade licence to advise the Government.

1910

Hon. D A Feetham: Well, yes, it did, I have to say, jump out at me as well, that they were applying for a trade licence solely in order to advise the Government of Gibraltar on construction, road works and machine hire. I, in fact, then conducted a company profile search on this particular company and certainly one of the shareholders, I know, is a GSLP member, but I am not making any allusions in relation to that. What I am going to ask is so the Chief Minister can confirm that, in fact, there had been no discussions at all between any branch of the Government or any Government Department and this particular company in relation to the provision of advice to the Government on construction, road works and machine hire, and

1915

that it was just simply a moment of supreme optimism by this particular company to apply for a trade licence to do precisely that.

1920 **Hon Chief Minister:** Mr Speaker, I can confirm that entirely, and I will tell him more. What has happened after 8th December, is that the identity of people, whether it is of people who are supporters, members or activists of the GSLP or members, supporters or activists of the GSD, or of the PDP or of any other political party or persuasion is completely irrelevant to the consideration that the Government may make to whether they get contracts or not. So, the hon. Member likes to make allusions and then say he is making no allusions, he should rest assured that he need not make those allusions, although I can see exactly where he is going in the next Question.

Mr Speaker: Next Question.

1930 **Hon D A Feetham:** But I have not finished.
Yes, was the Chief Minister aware that, in fact, in today's *Gazette* this particular company has now widened its application for a trade licence to include other things that were not restricted to advising the Government, because, of course, if this particular company had done anything other than advise the Government on any of those matters it would have been in breach of its trade licence? Is the Chief Minister aware that today, on the day that I am asking this particular question, there is a notice in the Gazette widening the ambit of the application for a trade licence by this company?

1935 **Hon. Chief Minister:** Not only am I aware of it, Mr Speaker, I have a copy of it, and the hon. Gentleman might like to know that, as a result of that advertisement that appeared and the enquiries that I made, the people who had placed the advertisement were told by the Trade Licensing Department that they had got it completely wrong, and I think the Trade Licensing Department gave them the advice that they needed in order to be able to advertise their services adequately, Mr Speaker.

1940 He will be delighted to know that the Trade Licensing Department is so proactive in the pursuit of ensuring that people comply with their obligations under the law, whatever political persuasion they may be from.

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**Government and Public Service employees
Details since 10th December 2011**

1950 **Clerk:** Question 437, the Hon. D A Feetham.

1955 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister provide a list of (1) Civil Servants (2) GDC employees (3) Statutory Agency and Authority employees and Government Company employees that have, since December 2011, been transferred from the post that they occupied on 10th December 2011, giving a breakdown by entity, employee, post occupied on 10th December and the post transferred to?

1960 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer this Question together with Questions 438 and 439.

1965 **Clerk:** Question 438.

1970 **Hon. D A Feetham:** Can the Chief Minister provide a breakdown in respect of the number of (1) Civil Servants (2) GDC employees (3) Statutory Agency and Authority employees and (4) Government Company employees that have been employed in posts in those entities since 11th December 2011, excluding Future Job Strategy trainees?

Clerk: Question 439, the Hon. D A Feetham.

1975 **Hon. D A Feetham:** Will the Chief Minister give details of all persons, if any, employed by, or promoted to a more senior position within the Government, the GDC, or any Government Company, Agency or Authority without a public advertisement of vacancy followed by a selection board in 2012 and 2013?

Clerk: Answer, the Hon. the Chief Minister.

1980

Chief Minister (Hon. F R Picardo): Mr Speaker, I now hand the hon. Member the schedules with the information requested.

ANSWER TO QUESTION NO. 437

CIVIL SERVICE

EMPLOYEE	GRADE	FROM	TO
1	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
2	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
3	TG1	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
4	HEO	EX MINISTRY OF JUSTICE	NO.6 CONVENT PLACE
5	PERSONAL SECRETARY	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
6	DIRECTOR OF CIVIL AVIATION	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
7	PERSONAL SECRETARY	EX MINISTRY OF JUSTICE	NO.6 CONVENT PLACE
8	SUPPORT GRADE BAND 2	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
9	SEO (EX GDC)	NO.6 CONVENT PLACE	EDUCATION FINANCIAL SERVICES GAMING TELECOMMUNICATIONS AND JUSTICE
10	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
11	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
12	MARKETING CO-ORDINATOR (EX GDC 3)	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
13	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
14	PTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL

Cont....

CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
15	EO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
16	CLERK / WORD PROCESSOR	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
17	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
18	SEO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
19	TG1	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
20	SPTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
21	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
22	ASSISTANT BUSINESS SUPPORT OFFICER (EX GDC 2)	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
23	SEO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
24	EO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE

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CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
25	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
26	AO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
27	PERSONAL SECRETARY	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
28	CLERK / WORD PROCESSOR	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
29	TYPIST	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
30	AO / TIMEKEEPER	HOUSING WORKS AGENCY	GHA
31	PTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
32	TYPIST	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
33	EO	FINANCE	PUBLIC TRANSPORT AND COMMERCIAL AFFAIRS
34	PTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
35	SEO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PUBLIC TRANSPORT & COMMERCIAL AFFAIRS
36	HPTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
37	SPTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL

Cont....

CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
38	LEGAL ADVISOR	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
39	SPTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
40	SUPPORT GRADE BAND 1	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
41	SUPPORT GRADE BAND 2 (EX GDC 1)	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	MINISTRY OF EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS & JUSTICE
42	PTO	MINISTRY OF ENTERPRISE, DEVELOPMENT, TECHNOLOGY & TRANSPORT	DEPARTMENT OF PLANNING AND BUILDING CONTROL
43	SEO	NO.6 CONVENT PLACE	FINANCE
44	AO	INCOME TAX	POST OFFICE
45	AO	MARITIME	GHA
46	HEO	HUMAN RESOURCES	GHA
47	AO	CULTURE	MARITIME
48	AO	INCOME TAX	CULTURE
49	AO	GIBRALTAR COURTS SERVICE	HUMAN RESOURCES
50	AO	GHA	HUMAN RESOURCES
51	HEO	GHA	MARITIME
52	AO	POST OFFICE	GIBRALTAR COURTS SERVICE
53	EO	TREASURY	YOUTH
54	AO	POST OFFICE	CULTURE
55	EO	PUBLIC TRANSPORT AND COMMERCIAL AFFAIRS	GIBRALTAR COURTS SERVICE
56	SO	NO.6 CONVENT PLACE	HUMAN RESOURCES
57	AO	GHA	INCOME TAX
58	AO	GHA	POST OFFICE
59	AO	TREASURY	GHA

Cont....

1985

GIBRALTAR PARLIAMENT, THURSDAY, 16th MAY 2013

CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
60	AO	GIBRALTAR COURTS SERVICE	HUMAN RESOURCES
61	EO	EDUCATION	TRAINING
62	AO	EDUCATION	TRAINING
63	AO	GHA	PARLIAMENT
64	EO	NO.6 CONVENT PLACE	GIBRALTAR COURTS SERVICE
65	EO	HOUSING	E.U.I.D
66	EO	GIBRALTAR COURTS SERVICE	MINISTRY FOR TOURISM, PUBLIC TRANSPORT AND THE PORT
67	WORKS SUPERVISOR	HOUSING WORKS AGENCY	ENVIRONMENT
68	AO	GHA	HUMAN RESOURCES
69	WORKS SUPERVISOR	HOUSING WORKS AGENCY	EMPLOYMENT
70	AO	DSS	HUMAN RESOURCES
71	SEO	RGP	PROCUREMENT
72	ENVIRONMENTAL MONITOR	ENVIRONMENT	CULTURE
73	AO	YOUTH	MARITIME
74	AO	HOUSING	GHA
75	PERSONAL SECRETARY	DSS	GHA
76	AO	DSS	GIBRALTAR COURTS SERVICE
77	AO	GIBRALTAR COURTS SERVICE	HOUSING
78	AO	HOUSING	MARITIME
79	PERSONAL SECRETARY	CULTURE	HUMAN RESOURCES
80	TYPIST	NO.6 CONVENT PLACE	E.U.I.D
81	SGB1	TREASURY	E.U.I.D
82	AO	GIBRALTAR COURTS SERVICE	PRISON
83	SEO	PROCUREMENT	PUBLIC TRANSPORT AND COMMERCIAL AFFAIRS
84	SGB2	HUMAN RESOURCES	INCOME TAX
85	AO	GIBRALTAR COURTS SERVICE	TREASURY
86	CLASSROOM AIDE	CARE AGENCY	EDUCATION

Cont....

CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
87	CLASSROOM AIDE	CARE AGENCY	EDUCATION
88	AO	FINANCE	PUBLIC TRANSPORT AND COMMERCIAL AFFAIRS
89	AO	TREASURY	POST OFFICE
90	AO	TREASURY	HUMAN RESOURCES
91	AO	POST OFFICE	TREASURY
92	PRIVATE PRINCIPAL SECRETARY TO THE CHIEF MINISTER	MINISTRY FOR EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE	NO.6 CONVENT PLACE
93	EO	NO.6 CONVENT PLACE	ENVIRONMENT
94	EO	DSS	GIBRALTAR COURTS SERVICE
95	EO	GHA	PROCUREMENT
96	EO	BUSINESS SUPPORT UNIT	EMPLOYMENT
97	AO	TREASURY	NO.6 CONVENT PLACE
98	AO	RGP	ENVIRONMENT
99	AO	GHA	MARITIME
100	HEO	CSRO	NO.6 CONVENT PLACE
101	EO	EMPLOYMENT	GIBRALTAR COURTS SERVICE
102	SGB1	NO.6 CONVENT PLACE	EMPLOYMENT
103	AO	INCOME TAX	GHA
104	AO	TECHNICAL SERVICES	GHA
105	EO	TREASURY	EMPLOYMENT
106	EO	DRIVING AND VEHICLE LICENCING	TREASURY
107	SEO	EMPLOYMENT	HUMAN RESOURCES
108	HEO	NO.6 CONVENT PLACE	PROCUREMENT
109	CLERK / WORD PROCESSOR	ENVIRONMENT	GHA
110	AO	INCOME TAX	ENVIRONMENT
111	AO (F/F)	DSS	DRIVING AND VEHICLE LICENCING
112	AO (F/F)	DSS	MARITIME

Cont....

CONTINUED ANSWER TO QUESTION NO. 437

EMPLOYEE	GRADE	FROM	TO
113	EO	HUMAN RESOURCES	DSS
114	EO	EMPLOYMENT	DSS
115	AO (P/T)	RGP	GHA
116	AO	NO.6 CONVENT PLACE	TREASURY
117	PERSONAL SECRETARY	HUMAN RESOURCES	EMPLOYMENT
118	HEO	POST OFFICE	EMPLOYMENT
119	EO	HUMAN RESOURCES	TREASURY
120	EO	EMPLOYMENT	MINISTRY FOR EQUALITY, SOCIAL SERVICES AND THE ELDERLY

1990

CONTINUED ANSWER TO QUESTION NO. 437/2013

GIBRALTAR DEVELOPMENT CORPORATION

EMPLOYEE	GRADE	FROM	TO
1	IV	Ministry of Enterprise, Training and Employment	Post Office
2	II	Ministry of Enterprise, Training and Employment	Ministry of Culture
3	V	Ministry of Enterprise, Training and Employment	Treasury
4	III	Ministry of Enterprise, Training and Employment	Care Agency

STATUTORY AGENCIES

Housing Works Agency

EMPLOYEE	GRADE	FROM	TO
1	5 Craftsman/Painter	Housing Works Agency	GDC - Health & Safety Officer
2	6 Zoneworks Supervisor	Housing Works Agency	GDC - Health & Safety Officer
3	5 Craftsman/Plumber	Housing Works Agency	GDC - Grave Digger (48 hours)
4	6 Zoneworks Supervisor	Housing Works Agency	GDC - Cemetery Keeper (Acting)

Care Agency

EMPLOYEE	GRADE	FROM	TO
1	Counsellor	Care Agency	Employment Service

Borders and Coastguard Agency

Nil return

Culture and Heritage Agency

Nil return

(Cont...)

CONTINUED ANSWER TO QUESTION NO. 437

STATUTORY AUTHORITIES

Gibraltar Electricity Authority

Nil return

Gibraltar Health Authority

Nil return

Gibraltar Port Authority

Nil return

Gibraltar Regulatory Authority

Nil return

Gibraltar Sports & Leisure Authority

Nil return

GOVERNMENT COMPANY

EMPLOYEE	GRADE	FROM	TO
1	Chief Executive Officer	Gibraltar Air Terminal Limited	Gibraltar Tourist Board
2	Lorry Driver	Gibraltar General Support Services	Gibraltar Industrial Cleaners
3	Lorry Driver	Gibraltar Cleansing Services	Gibraltar Industrial Cleaners
4	Labourer/Refuse Collector	Gibraltar Cleansing Services	Gibraltar Industrial Cleaners
5	Labourer/Refuse Collector	Gibraltar Cleansing Services	Gibraltar Industrial Cleaners
6	Labourer/Refuse Collector	Gibraltar General Support Services	Gibraltar Industrial Cleaners
7	Labourer/Refuse Collector	Gibraltar General Support Services	Gibraltar Industrial Cleaners
8	Labourer/Refuse Collector	Gibraltar General Support Services	Gibraltar Industrial Cleaners
9	Labourer/Refuse Collector	Gibraltar General Support Services	Gibraltar Industrial Cleaners
10	Labourer/Refuse Collector	Gibraltar General Support Services	Gibraltar Industrial Cleaners

1995

ANSWER TO QUESTION NO. 438/2013

<u>ENTITY</u>	<u>NO. OF PERSONS EMPLOYED SINCE 11 DECEMBER 2011</u>
CIVIL SERVANTS	193
GIBRALTAR DEVELOPMENT CORPORATION	4

STATUTORY AGENCIES

Borders and Coastguard Agency	27
Care Agency	62
Culture and Heritage	1
Housing Works Agency	Nil

AUTHORITIES

Gibraltar Electrical Authority	8
Gibraltar Health Authority	143
Gibraltar Port Authority	2
Gibraltar Regulatory Authority	2
Gibraltar Sports & Leisure Authority	8

GIBRALTAR COMPANY

Gibraltar Bus Company	7
Gibraltar Strand Management Company	1
Gibraltar Defence Estates and General Services Limited	1
Gibraltar Air Terminal Limited	1
Gibraltar Industrial Cleaners	4 *

* 1 Employee terminated October 2012

ANSWER TO QUESTION NO. 439/2013

CIVIL SERVANTS

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Senior Executive Officer	Senior Officer	
1	Senior Executive Officer	Assistant Human Resources Manager	
1	Personal Secretary	Senior Personal Secretary	
1	TG1	PTO	
1	TG1	PTO	
1	Fire Fighter	Head Mechanic	
1		Administrative Grade (re-engaged)	
1		Assistant Training Centre Manager	
1	New Entrant	Music Instructor (Part Time)	
1	Qualified Teacher	Educational Psychologist	
1	Library Resources Assistant		Library Resources Assistant
1	Supply IT Technician		Supply IT Technician
7	Female Prison Officer		Female Prison Officer
3	Postal Worker		Postal Worker
2	Supply Classroom Aide		Supply Classroom Aide
1	Executive Officer	Higher Executive Officer	

GIBRALTAR DEVELOPMENT CORPORATION

Nil return

STATUTORY AGENCIES

Borders and Coastguard Agency

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	SBCO		Training Manager
1	BCO	SBCO	

(Cont....)

2000

CONTINUED ANSWER TO QUESTION No. 439/2013

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
3	Craftsman Grade 5	Zoneworks Supervisor Grade 6	
1	Zoneworks supervisor Grade 6	Transport Equipment & Stores Manager Grade 7	
1	Storekeeper Grade 3	Stores Officer Grade 6	
1	Craftsman Grade 5	Transport Plant & Tools Officer	
1	Administration & Finance Officer	Administration & Finance Executive Officer	
1	Clerk Wordprocessor	Administration & Finance Officer	

Care Agency

Nil Return

Culture and Heritage Agency

Nil Return

AUTHORITIES

Gibraltar Electricity Authority

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Building Services Supervisor	Building Services Officer	
1	Technical Services Technician	Building Services Supervisor	
1	Electro Technical Technician	High Voltage and Protection Officer	
1	Distribution Officer	Customer Services Engineer	
1	Senior Engine Room Operative	Systems Engineer	
1	Technical Services Operative	Technical Services Technician	

Gibraltar Port Authority

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Port Officer	Senior Port Officer	
1	Seaman Mechanic	Coxswain	
1	VTS Operator	Port Officer	
1	Receptionist		Administration & Finance Officer

(Cont...)

CONTINUED ANSWER TO QUESTION No. 439/2013

Gibraltar Regulatory Authority

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Head of Regulation	Deputy CEO	
1	Radiocommunications and IT Manager	Head of Operations	
1	Head Of Satellite Services	Head of Satellite and Postal Services	
1	Accountant	Finance and HR Manager	
1	Electronic Communications Officer	Broadcasting and Regulatory Manager	
1	Co-ordination Administrator	Broadcasting Regulatory Officer	
1	Administration Officer	Postal Services Regulatory Officer	

Gibraltar Sports & Leisure Authority

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
2	Supply Admin. Assistant		Admin. Assistant
1	Vocational Trainee		Sports & Leisure Assistant
1			Assistant Pool Manager
3			Pool Operatives
1			Part-time Cleaner

Gibraltar Health Authority

Nil return

(Cont...)

CONTINUED ANSWER TO QUESTION No. 439/2013

GIBRALTAR COMPANIES

Gibraltar Bus Company Limited

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Admin	Manager	
1	Charge Hand	Manager	
1	General Operative	Admin	
1	Driver	Charge Hand	
1	Admin	Senior Admin	
1	Driver	Inspector	

Gibraltar Car Parks Limited

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Highways Enforcement Officer	Senior Highways Enforcement Officer	

Gibraltar Air Terminal Limited

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	Chief Operating Officer	Chief Executive Officer	

Gibraltar Mechanical and Electrical Services Limited

NO. OF EMPLOYEES	GRADE	PROMOTED TO	APPOINTED TO
1	D Grade (MMCO)	C2 Grade	

2005

Hon. D A Feetham: I will analyse it in due time, Mr Speaker, so we can move on to the next Question.

2010

**Gibraltar companies
Use of Government addresses for registration**

2015

Clerk: Question 440, the Hon. D A Feetham.

2020

Hon. D A Feetham: Can the Chief Minister please provide a list of companies that have first had, since 11th December 2011, No. 6 Convent Place, or the address of any other Government Department as their registered address, and no longer do so, identifying the following in respect of each of them: (a) name of the company, (b) registration number, (c) registered address, (d) name of directors and shareholders, and (e) the date of incorporation?

Clerk: Answer, the Hon. the Chief Minister.

2025

Chief Minister (Hon. F R Picardo): I will answer this Question together with Question 441.

Clerk: Question 441.

2030

Hon. D A Feetham: Can the Chief Minister please provide a list of companies that, since 11th December 2011, have been, or are currently using No 6 Convent Place, or the address of any other Government Department as their registered address, identifying the following in respect of each of them: (a) the name of the company, (b) registration number, (c) registered address, (d) name of directors and shareholders and (e) the incorporation date?

2035

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I now pass the hon. Gentleman schedules with the information requested.

ANSWER TO QUESTION 440

Companies originally incorporated at No 6 Convent

Place:

First Gib Scaffolders Co. Ltd.
Construction & Maintenance Co. Ltd.
S J Builder Co. Ltd
Sparks Company Ltd
Sarah Jane Construction Co. Ltd.
Economic Development & Employment Co. Ltd
W & N Works Co. Ltd.
Supported Employment Co. Ltd
Garcia & Perez Construction Co. Ltd
Rutherford Construction Co. Ltd
Dream Homes Construction Co. Ltd
Abilio Rodriguez Electrical Co. Ltd
Construction Training Co. Ltd

2040

Companies originally incorporated at 31 Town

Range:

N C S Construction Co. Ltd
J S Building Ltd
Leisure Construction & Maintenance Company Ltd
Leisure Centre & Management Company Ltd
Rock Cleaning Services Ltd
Liberty General Construction Limited
ibuild Building Solutions Limited

ANSWER TO QUESTION 441

Company name	Regd Office	Directors	Shareholders
Gibraltar Investment (Holdings) Limited Company No. 33160 Incorporated 23 August 1989	206-210 Main Street	D D Tirathdas E Gomez	Government of Gibraltar Gibraltar Development Corporation
Brympton Co-Ownership Company Limited Company No. 46323 Incorporated 16 September 1992	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Residential Properties Limited
Gibraltar Commercial Property Company Limited Company No. 22184 Incorporated 20 May 1988	206-210 Main Street	D D Tirathdas E Gomez J Collado	Gibraltar Land (Holdings) Ltd
Gibraltar Community Projects Limited Company No. 58924 Incorporated 20 August 1996	206-210 Main Street	M Pecino E Gomez W Crisp D D Tirathdas	Gibraltar Investments (Holdings) Ltd
Gibraltar Co-Ownership Company Limited Company No. 45007 Incorporated 25 March 1992	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Residential Properties Limited
Gibraltar Industrial Cleaners Limited Company No. 35844 Incorporated 8 December 1989	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Investments (Holdings) Ltd
Gibraltar Information Bureau Limited Company No. 28467 Incorporated 24 January 1989	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Investments (Holdings) Ltd
Gibraltar Joinery & Building Services Limited Company No. 25860 Incorporated 28 September 1988	206-210 Main Street	M Estella W Crisp E Gomez D D Tirathdas	Gibraltar Investments (Holdings) Ltd
Gibraltar Land (Holdings) Limited Company No. 33181 Incorporated 23 August 1989	206-210 Main Street	D D Tirathdas E Gomez J Collado	Gibraltar Investments (Holdings) Ltd
Gibraltar Residential Properties Limited Company No. 41007 Incorporated 31 October 1990	206-210 Main Street	D D Tirathdas E Gomez J Collado	Gibraltar Land (Holdings) Limited
Gibraltar Bus Company Limited Company No. 89331 Incorporated 25 September 2003	206-210 Main Street	D D Tirathdas E Gomez D Garcia	Gibraltar Investment (Holdings) Limited
KIJY Parkings Limited Company No. 54236 Incorporated 30 January 1995	206-210 Main Street	E Gomez W Crisp D D Tirathdas	Gibraltar Land Holdings Limited
Westside Two Co-Ownership Company Limited Company No. 45483 Incorporated 27 May 1992	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Residential Properties Limited
Europa Incinerator Company Limited Company No. 73609 Incorporated 14 March 2000	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Investment (Holdings) Ltd
Gibraltar Defence Estates and General Services Limited Company No. 97963 Incorporated 30 January 2007	206-210 Main Street	C Victory D D Tirathdas E Gomez	Gibraltar Investment (Holdings) Ltd
Gibraltar Mechanical & Electrical Services Limited Company No. 99257 Incorporated 3 August 2007	206-210 Main Street	D D Tirathdas M Gil M Alecio E Gomez	Gibraltar Investment (Holdings) Ltd
Kings Bastion Leisure Centre Company Limited Company No. 99436 Incorporated 12 September 2007	206-210 Main Street	D D Tirathdas J Hernandez E Gomez	Gibraltar Commercial Property Co Ltd
Gibraltar Strand Property Company Limited Company No. 99706 Incorporated 31 October 2007	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Commercial Property Co Ltd
Gibraltar Car Parks Limited Company No. 100204 Incorporated 30 January 2008	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Commercial Property Co Ltd

2045

Giblaundry Company Limited Company No 103826 Incorporated 25 March 2010	206-210 Main Street	D D Tirathdas M Gil E Gomez	Gibraltar Investments (Holdings) Ltd
Gibraltar Cleansing Services Limited Company No 103990 Incorporated 22 April 2010	206-210 Main Street	M Pecino W Crisp D D Tirathdas E Gomez	Gibraltar Investments (Holdings) Ltd
Gibraltar General Support Services Limited Company No 103991 Incorporated 22 April 2010	206-210 Main Street	M Pecino E Gomez W Crisp D D Tirathdas	Gibraltar Investments (Holdings) Ltd
Gibraltar Air Terminal Limited Company No 103377 Incorporated 2 December 2009	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Investments (Holdings) Ltd
GCP Investments Limited Company No 104101 Incorporated 17 May 2010	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Commercial Property Co Ltd
Waterport Terraces Management Company Limited Company No 101441 Incorporated 22 September 2008	206-210 Main Street	D D Tirathdas E Gomez J Collado	N/A
Cumberland Terraces Management Company Limited Company No 103763 Incorporated 12 March 2010	206-210 Main Street	D D Tirathdas E Gomez J Collado	N/A
Bayview Terraces Management Company Limited Company No 105455 Incorporated 15 February 2011	206-210 Main Street	D D Tirathdas E Gomez J Collado	N/A
Nelsons View Management Company Limited Company No 105456 Incorporated 15 February 2011	206-210 Main Street	D D Tirathdas E Gomez J Collado	N/A
Gibraltar Strand Management Company Limited Company No 105589 Incorporated 10 March 2011	206-210 Main Street	D D Tirathdas P Canessa E Gomez	Gibraltar Strand Property Company Ltd
Gibraltar Facilities Management Limited Company No 105588 Incorporated 10 March 2011	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Investments (Holdings) Limited
GRP Management Company Limited Company No 107262 Incorporated 27 January 2012	206-210 Main Street	J Collado D D Tirathdas E Gomez	Gibraltar Residential Properties Limited
Economic Development & Employment Company Limited Company No. 107981 Incorporated 11 June 2012	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Development Corporation
Supported Employment Company Limited Company No. 108060 Incorporated 27 June 2012	206-210 Main Street	D D Tirathdas E Gomez	Economic Development & Employment Company Limited
Graduate Research Development Company Limited Company No. 107147 Incorporated 10 January 2012	206-210 Main Street	D D Tirathdas E Gomez	Economic Development & Employment Company Limited
Employment Training Company Limited Company No 107146 Incorporated 10 January 2012	206-210 Main Street	D D Tirathdas E Gomez	Economic Development & Employment Company Limited
Gibraltar General Construction Company Limited Company No 102795 Incorporated 03 August 2009	206-210 Main Street	D D Tirathdas E Gomez	Economic Development & Employment Company Limited
Construction Training Company Limited Company No 108622 Incorporated 11 October 2012	206-210 Main Street	D D Tirathdas E Gomez	Economic Development & Employment Company Limited
Credit Finance Company Limited Company No 107372 Incorporated 17 February 2012	206-210 Main Street	D D Tirathdas C Victory E Gomez	Gibraltar Development Corporation Gibraltar Savings Bank
Gibraltar International Bank Limited Company No. 109679 Incorporated 23 April 2013	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Development Corporation
Gibraltar National Exploration of Minerals, Gas and Oil Company No. 109680 Incorporated 23 April 2013	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Development Corporation
Gibraltar National Mint Limited Company No. 109681 Incorporated 23 April 2013	206-210 Main Street	D D Tirathdas E Gomez	Gibraltar Development Corporation

There was a short pause.

2050

Hon. Chief Minister: Does he have it?

Hon D A Feetham: Yes, thank you.

2055 **Hon. Chief Minister:** Right. Mr Speaker, he will see that, in answer to Question 440, we have not been able to give registration number, registered address, name of directors and shareholders and the date of incorporation, because many of those companies are no longer with us at Government Offices but there are three which I draw his attention to, Economic Development & Employment Company Limited, Supported Employment Company Limited, and Construction Training Company Limited. Those are actually Government companies so we are able to give him the details of those. I have got company profiles here to give him of those three companies. He can have copies of them if he wishes, but I have only got one copy myself.

2060 **Hon. D A Feetham:** Mr Speaker, he said Economic Development & Employment Limited, Supported Employment Company Limited and –

2065 **Hon. Chief Minister:** Construction Training Company Limited.

Hon D J Bossino: Mr Speaker, I have a supplementary. Mr Speaker? (**Mr Speaker:** Yes.)
2070 The three companies that the Hon. the Chief Minister has identified as being Government companies, can he confirm that these are all companies that participate in the Future Job Strategy Scheme. I recognise one, which is the Supported Employment Company Limited, I think is one, but I am not sure about the other two.

Hon. Chief Minister: They do participate in the FJS, Mr Speaker.

2075 **Hon. D A Feetham:** Mr Speaker, there are thirteen companies, or companies originally incorporated at No 6 Convent Place, and then there is a further seven companies originally incorporated at 31 Town Range.

The first supplementary is, 31 Town Range: can you just remind me, is that the annex to No. 6?

2080 **Hon. Chief Minister:** No, Mr Speaker, the annex to No. 6, I think is another address. This is opposite the annex to No. 6.

2085 **Hon. D A Feetham:** Sorry, is that the new offices now of the Minister for Employment or the old offices of the Minister for Employment?

Hon. Chief Minister: Mr Speaker, I would hardly describe it as new. Anybody who has seen the state of it would see that it is hard to describe as a new anything, but it is a place where the Minister for Employment and Inward Investment does some of his work, but it is not the ETB.

2090 **Hon. D A Feetham:** Mr Speaker, in relation to all these companies – seventeen – leaving aside Economic Development, Supported Employment and Construction Training Company Limited, are all these companies... do all of them continue to have a registered office at No. 6 Convent Place, or which ones of these continue to hold offices at No. 6 Convent Place? Does he have the information as to which ones continue? Or alternatively 31 Town Range?

2095 **Hon. Chief Minister:** As I understand it, Mr Speaker, the three that will continue to have No. 6 as a... well, in fact, not even No. 6 206-210 Main Street, Gibraltar, are the three I have referred him to, Economic Development & Employment Limited, Supported Employment Company Limited, and Construction Training Company Limited. The others either have 31 Town Range or are in the process of being moved out of 31 Town Range. None of them have No. 6 as their registered address at the moment.

2100 **Hon. D A Feetham:** Well, of course, we brought into the public domain Construction & Maintenance Company Limited, which was first, when it was incorporated, called ETB One, Now that was, until a month ago, at No. 6 Convent Place. It has since been moved out of No. 6 Convent Place, is what the Hon. the Chief Minister is saying and that the others have been moved out? Have the others been moved out subsequent to the exchange of press releases between the Government and the Opposition or was it before? Does he have that information?

2110 **Hon. Chief Minister:** That one, and the others, were in the process of being moved out before the exchange with the Opposition, as a result of my having seen that No. 6 was used as the address for the incubator and that my view was that it should not actually be No. 6 that was used as the address for the incubator.

2115 **Hon. D A Feetham:** Just so that I get this right, they have been moved out of No.6 Convent Place – the Chief Minister says that was in the process prior to the exchange – but they have been moved out of No. 6 Convent Place subsequent to the exchange of press releases. Correct?

2120 **Hon. Chief Minister:** No, Mr Speaker. I said what I said – before and after the exchange of press releases.

Hon. D A Feetham: Does he have the information as to how many before and how many after?

Hon. Chief Minister: No.

2125 **Hon. D A Feetham:** Can he at least tell me whether the majority was before or the majority after.

2130 **Hon. Chief Minister:** No, because I do not have the information. He has not asked me on what dates they moved. If he had asked me on what dates they moved, I might have tried to get the information, but it may not be possible for me to get the information because that may require a full search at Companies House and may not appear on the profile. He will know that profiles tell you what registered addresses are but it does not actually tell you when the registered address was changed. That would require a search of the file, which is something that is available to the general public.

2135 **Hon. D A Feetham:** Mr Speaker, can the Hon. the Chief Minister tell me whether it was his idea to use No. 6 Convent Place as the registered address of these so-called incubators, or was it the idea of the Minister for Employment?

2140 **Hon. Chief Minister:** It was the idea of neither, Mr Speaker. The idea of the Party that won the election – the Parties that won the election – and put in their manifesto was as set out in the press release in which we answered the issues set out by hon. Members opposite, that there should be an incubator and, in the process of incorporating these companies for the incubator, *somebody* in the process of incorporation put down No. 6 Convent Place. He will see that, even when the Government incorporates companies, we do not actually use for Government companies No. 6 Convent Place as the address, it is 206-210 Main Street, but I assume that he supports the policy of assisting companies in this way and getting business back to work, as they used to say in another place, about a similar policy.

2145 **Hon. D A Feetham:** Yes, Mr Speaker, I do not accept for a moment that this has anything to do with incubating companies, I am afraid, and that that is a political excuse that the Government has come up with because it has been rumbled after our press release exposing ETB One as being one of the companies that was registered at No. 6 Convent Place. But can he identify, Mr Speaker, whose idea was it to register these companies at No. 6 Convent Place and whose idea was it to register a further seven companies at the ministerial address of the hon. Member to his left?

2155 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman says he does not want to make political points, then he talks about ‘not accepting’ that something that the Chief Minister has said – in other words suggesting it is not true – and talking about people being ‘rumbled’ which, of course, pejoratively, means that you are doing something which you should not be doing and are found out. Then he says, Mr Speaker, that he does not believe in Punch and Judy politics! As I told him before, Mr Speaker, if he does not believe in Punch and Judy politics, he should stop punching.

2160 But, anyway, Mr Speaker, it was neither the idea of the Chief Minister nor of the Minister for Employment and Inward Investment to use No. 6. I have explained to him what the circumstances of No. 6 being used were. The press release which was issued on the subject talked of ‘an administrative error’, but it *was* the idea of the Chief Minister and of the Minister for Inward Investment and Employment to use 31 Town Range, because we believe, contrary to *their* view, Mr Speaker, that it is right to incorporate these companies using a Government address, and to create that incubation process and to give life to people who wish to create companies in order to become self-employed and be able to work in their professions.

2165 Mr Speaker, we make absolutely no apology for it. It is the policy of this party. It is the policy of this Government. We think it is the right policy to put people in a position where they can carry out their professions in circumstances where they are not able to fund the incorporation of companies. In fact, Mr Speaker he might find that there are many governments that are doing exactly the same things, or very similar things, around the world and this is a very positive step forward.

2175 **Hon. D A Feetham:** So, Mr Speaker, the Chief Minister of Gibraltar does not think that there is anything right and, indeed, he believes... (**Hon. Chief Minister:** Wrong.) Is wrong, I beg your pardon –

wrong – and he believes that it is entirely consonant with principles of good governance to have private companies, owned effectively by private individuals, registered at the address of Government Departments, with the provision of effectively nominee shareholders who are public servants acting as nominee shareholders – and I mean I do not know whether in relation to any of these companies, there is also the provision of nominee directors – he thinks there is absolutely nothing wrong with that? One supplementary.

The second supplementary, which is my last: he does not think that there is anything politically, remotely politically, suspicious about the fact that Construction and Maintenance Company Limited, which is a company that was incorporated over a year ago, continued to have public servants as nominee shareholders and continues to be registered at No. 6 Convent Place – over a year – and that no-one knew about this particular incubator scheme until we raised it in our press release and the Government responded?

Hon. Chief Minister: No, Mr Speaker, I do not think that there is anything remotely politically suspicious but I am given to believe, Mr Speaker, that those who accuse of paranoia being on this side of the House continue to suffer the same sort of paranoia on the other side of the House.

Mr Speaker, the principles of good governance that we stand for are the ones that we demonstrate in everything that we do every day, much better than the previous incumbents, for this reason, Mr Speaker, in the time that we have been in office, we have not funded a party political newspaper to the tune of £150,000. In the time that –

Mr Speaker: This is really a matter which I consider to be irrelevant.

Hon. Chief Minister: Mr Speaker, in the context of answering points which are party political and are made thrusting at the Government and our good governance record, in every parliament in the world I believe it is proper to reply with points which relate to when hon. Members were in government. But, if you would rather I did not, then I will not. I will not refer to their abysmal record on good government and will continue just with the bare answer on this point.

What has happened, Mr Speaker, is that companies have been incorporated and for the period of incorporation have had a Government registered office and Government officers as shareholders. The minute that they are handed over to the person for whom they have been incorporated as part of the incubator process, they are then taken over by those individuals. In some cases, Mr Speaker, we are not dealing with individuals who deal with companies every single day of their lives and some administrative oversights have occurred.

Mr Speaker, what is it that they think that they have ‘rumbled’? They have rumbled nothing. This is a good policy for our community. This is the right policy to get people to work, Mr Speaker, but as usual, hon. Members’ opposite seem to be against anything which reduces unemployment and which gets people to work. Well, we stand by what has happened. We believe it is the right policy. It will continue to happen for many years. When he carries out searches he might find that the people who he sees are behind these companies might even surprise him, Mr Speaker, and I commend to him another *volte face*, that he should adopt this policy as the right policy for our community. Not only is there nothing wrong with it, it is absolutely the right policy and it is in line with the clear view that this Government has of what is good government, adhering to internationally accepted principles – something which, if he would care to have the debate and put the motion, I would be delighted to debate with him with more cut and thrust than, perhaps, Mr Speaker is minded to allow, and perhaps rightly, during the course of Question Time.

Hon. D A Feetham: Yes, Mr Speaker, can I ask the Chief Minister this: when was the scheme, this incubator scheme, actually announced so that people out there could take advantage of this very generous offer that the Government is making of incorporating companies, providing public shareholders? When was this incubator scheme announced publicly and can he point me in the direction of that publication, please?

Hon. Chief Minister: Mr Speaker, I may not be able to give him the exact date because I cannot remember on what date we actually released our manifesto but I think it was roughly two weeks before the last General Election and then, of course, the minute that we were elected, the information was available in the ETB. He himself has referred to when these companies were incorporated and the information has been available there, certainly from 9th December, when we got our feet under our desks and the Minister for Employment and Inward Investment was at work. He will be delighted to know that even if he were to turn up now and seek to establish himself in a trade for which he may not be yet known – he may be a great carpenter, for all I know – he would be assisted also.

2240 **Hon. S M Figueras:** Mr Speaker, I have a supplementary which relates directly to the matters raised in Question 440 and that is that the original Question requested information in relation to directors, registration number, date of incorporation and shareholders information, which I cannot glean from the schedule that has been provided.

2245 **Hon. Chief Minister:** I fear the hon. Gentleman was not listening when I was giving the oral answer to that question.

I told him, Mr Speaker, that we are unable to give that information without ourselves carrying out profile searches at Companies House because, you see, these companies are no longer registered at these addresses and therefore we would have to be able to give that information because the companies are with us. They have now passed on to third parties, who may have changed shareholdings from what they originally told us they were going to change it to. We would have had to go to Companies House and obtain profiles and that is an exercise that hon. Members can do now that they have the company names. It is not information which, in order to be accurate, we can give you.

2250
2255 It may be – but I do not know – that we might be able to give the names of shareholders and names of directors that we were asked to put down when the companies were transferred but that may not be the names of the directors or the shareholders today. Therefore, I refer the hon. Gentleman to the service available from Companies House so that if they obtain profiles they will be able to see which of these are some of them may still be in the process of the changeover.

2260 **Hon. S M Figueras:** Mr Speaker, will the Hon. the Chief Minister be happy to provide the information that they had available at the time when these companies were incorporated at either No. 6 Convent Place or 31 Town Range, for what that may be worth to the Opposition, upon request?

2265 **Hon. Chief Minister:** Well, Mr Speaker, when they were incorporated they were very likely just to have a Government address, a Government officer, and a Government shareholder. Does he mean when they first moved out?

2270 **Hon. S M Figueras:** Mr Speaker, when the Opposition first became aware of the information in relation to ETB One, I believe it was, the director was, in fact, *not* a Government officer and, for what it may be worth, if it is not too much hassle, then would the Government be able to provide us with that information, upon request, when they receive it.

Hon. Chief Minister: If we have it, Mr Speaker, but what I am telling him about ETB One, which he was told in our press release was that that was an administrative error, that somebody changed a director but not the rest of the information which had to be changed.

2275 The hon. Gentleman laughs! I do not know why it is that he laughs: he seems to have really a mind which imputes the worst to everyone. I trust that he does not want us to impute the worst to him, but perhaps one wishes to be dealt with as one deals with others.

2280 If we have the information, and the hon. Gentleman puts the question, then I will be delighted to give it to him but it may be that we do not have the information. That is what I am saying to him. We certainly do not have the information of what they are today with any level of accuracy.

Hon. S M Figueras: Mr Speaker, the Opposition will formulate the Question for the next session of Parliament in that specific respect and if the information is available, then it is. If it is not, then we will make enquiries as to why not.

2285 **Hon. D A Feetham:** Mr Speaker, just in relation to the last statement of the Chief Minister, it does really remind me of the words of Oscar Wilde: ‘Simply because I am paranoid it does not mean that they are not out to get me.’

2290 **Hon. Chief Minister:** Yes, Mr Speaker, except that I did not realise this was a poetry lesson and that the hon. Gentleman was supposed to get up to ask questions.

I am absolutely out to get him. He is absolutely right. I do not think he should ever become Chief Minister of Gibraltar and I will continue politically to strive to ensure that this Party remains here and he never makes it. But that is life!

2295 **Mr Speaker:** I take it that the Hon. Mr Bossino has a supplementary and not a clever remark (*Laughter*).

Hon. D J Bossino: Mr Speaker, a supplementary question and that relates to the scheme which the Hon. the Chief Minister has referred us to in this Parliament, where he says that all the information is

2300 available at the ETB. I raise this and would ask the question is whether he can confirm that all the details of the policy are available and whether, if I write, perhaps, to the Minister for Inward Investments and Employment, he will provide me with the detail of the policy because he also refers us, Mr Speaker, to what is in the manifesto and, I will quote. It is actually very basic information: it is only one paragraph and it reads:

2305

‘Investments will be made in small workshops and business units with admin support and tax/social insurance breaks to help encourage and nurture the setting up of new businesses. This will help foster entrepreneurship at all levels of our economy.’

2310

So you can understand that the detail which appears to be now unravelling before us in this Parliament – that the Government is actually providing incubator services with a registered office and directorships and shareholders – is not set out in the manifesto and I would ask him to confirm the information which I am asking him to confirm in this question.

2315

Hon. Chief Minister: Mr Speaker, this sets out the policy. What he is now talking about is how the policy has been implemented and I am delighted to be able to share that with him. In fact, I am working with the Federation of Small Businesses on exactly those issues and with the Minister for Inward Investment so, if he writes to me, I will be delighted to let him have the details.

2320

And again, I mean *he* actually, in my view, is a very talented lawyer but if he has other talents and wants to set up a small business then I would be delighted to recommend him to the Minister for Inward Investment, who knows him well enough himself to know he would make a good job of most things he turns his attention to.

2325

Adjournment

Mr Speaker: The Chief Minister.

2330

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

2335

Mr Speaker: I now propose the question, which is that this House do now adjourn until Monday, 20th May at 3.00 p.m.

I now put the question which is that this House do now adjourn until Monday, 20th May at 3.00 p.m.
Those in favour? (**Members:** Aye.) Those against? Passed

This House will now adjourn until Monday, 20th May at 3.00 p.m.

The House adjourned at 6.07 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 6.10 p.m.

Gibraltar, Monday, 20th May 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*]

Clerk: Sitting of Parliament, Monday 20th May, 2013.

Mr Speaker: Before we proceed with Questions, the Chief Minister has asked leave to make a Statement.

5 The Hon. the Chief Minister.

Writ of Election Statement by the Chief Minister

10

Chief Minister (Hon. F R Picardo): Mr Speaker, with your permission, I rise to deliver a Statement of Information to the House.

15

Mr Speaker, a few moments ago I met with His Excellency the Governor, at the Convent, and advised him to issue a writ for an election to fill the seat vacated by the death of the Hon. Charles Bruzon. I advised His Excellency to issue the writ for that by-election to be held on 4th July. Importantly, Mr Speaker, the business of Government and of this Parliament will continue whilst the by-election process is under way.

20

That will, no doubt, make huge demands on the staff of the Parliament, because although this is not a general election we are now meeting monthly as a Parliament and that timetable will not be abated by the calling of this by-election. I understand that the timetable will require candidates to have signed nomination papers before noon on Thursday, 13th June.

I believe, Mr Speaker, that this is a historic occasion. With all the surviving Chief Ministers, elected

25 Members of this House today, or you as a Member of this House today, I believe it is true to say that this is the first time that a Chief Minister has come to this House from the Convent, having convened an election for a vacant seat, in the history of the by-elections held in our democracy. In doing so, Mr Speaker, I believe I am demonstrating that, where possible and relevant, the Government will seek to make statements of national importance in this Parliament.

30 Mr Speaker, an election, whether for one seat or for all of the seats in this Parliament, in other words whether a by-election or a general election, is an important democratic opportunity to test ideas, to consider political performance and to hear the voice and will of our people.

35 I trust that, in particular, given the tragic circumstances which give rise to *this* election, all those who contest the seat will do so in the spirit of presenting their policies and ideas to the electorate genuinely and honestly, presenting their respective visions for the future of our nation with tenacity but with respect and presenting always the best of each of themselves.

Our nation is an established and respected democratic tradition which, once again, comes to the fore today because, however tragic the cause of this election, the cause of democracy requires that we press on to hear the will and voice of the people of our nation.

40 Mr Speaker, I confirm that the Gibraltar Socialist Labour Party, which I lead, will in coalition with the Liberal Party present a candidate to fill the seat presently vacant. The selection process within the GSLP will start tonight at our AGM and our candidate will be presented to the electorate at the end of that process.

45 Finally, Mr Speaker, when I arrived this afternoon I found that the Clerk has facilitated to me a note from Mr Faulds in the Tynwald in the Isle of Man, who do our *Hansards*. In an email from him he says this: 'In noting the changes to the technical way in which we record our proceedings, may I say that the Hansard team has been shocked to hear of the sudden death of Mr Bruzon' and then he goes on to say 'who invariably managed to sound polite and understanding even during difficult debates.'

Mr Speaker, thank you for your indulgence in allowing me to make this Statement.

50

Questions for Oral Answer

55

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

GibiBike parking stations

Potential safety hazard

60

Clerk: Answers to Questions continue.
Question 210, the Hon. J J Netto.

65 **Hon. J J Netto:** Mr Speaker, is the Government aware that some of the parking stations for bicycles belonging to the Gibraltar Bus Company in various areas around Gibraltar have exposed electricity cables and metal rods lying on the ground, and that this is likely to be a safety hazard and if the Government is aware of this, when will it take steps to deal with this potential danger?

70 **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 areas the hon. Gentleman refers to have already been made safe.

75 **Hon. J J Netto:** Mr Speaker, I am grateful to the hon. Member for that particular answer because, obviously, the sooner the potential hazard is removed the better to avoid any particular action, but could I quickly ask the hon. Member, because I am informed that at the particular bicycle station which is sited in the Port area next to the Coviran run supermarket that considerable members had seen on Saturday – Saturday 11th May at 10.00 o'clock at night – two particular workers, working with a van called Site Trading Limited, actually go to the bicycle station, put their headlights on and then started removing the cables and metal rods. Once they had finished all that particular work, they actually laid a concrete slab to finish the particular job.

80

Why do this kind of work on a Saturday at 10.00 o'clock? Has the Hon. Minister got an answer for that?

85 **Hon. N F Costa:** Mr Speaker, the specificity of that question would require notice. I would have no idea why a particular company would proceed to do works in a particular way at a particular time. Surely, the hon. Gentleman should be satisfied that having brought to my attention the fact that there were certain areas of Gibraltar that may not have been particularly safe, I moved immediately to make them safe?

90

**Bus advertising contract
Details of tenders**

95 **Clerk:** Question 211, the Hon. S M Figueras.

Hon. S M Figueras: Yes, Mr Speaker, good afternoon.

100 Can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port provide this House with details of the offers of revenue made by tenderers for the advertising contract in respect of the buses prior to the award of the contract to Big Publications Limited during 2012?

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

105 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will answer this question together with Question Nos. 212 and 213.

Clerk: Question 212.

110 **Hon. S M Figueras:** Can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port provide this House with details of the level of advertising revenue being generated by Big Publications Limited to the Government since it secured the contract for administering advertising on the buses in 2012?

115 **Clerk:** Question 213.

Hon. S M Figueras: Can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port confirm the purpose for which a payment of £15,000 was made to Big Publications Limited in December 2012, described as, and I quote, 'Provision for Bus Advertising'.

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

Hon. N F Costa: Mr. Speaker, I will answer this question together with Questions 211 and 213.

125 **Clerk:** You now need to answer Question 21...

Hon. H F Costa: Yes, Mr Speaker, I will now hand over to the hon. Member a schedule in answer to Question No. 211/2013.

ANSWER TO QUESTION 213

ANSWER TO QUESTION NO 211

130

	Big Publications	FotoGraphiks	Sign- IT	ColorWorks
Offers of Revenue	Estimated maximum income to Bus Company	Estimated maximum income to Bus Company	Estimated maximum income to Bus Company	Estimated maximum income to Bus Company
	<u>£122,034.00</u>	<u>£54,000</u>	<u>£54,880.00</u>	<u>£86,400</u>

Mr Speaker, it is not appropriate for me to disclose, across the floor of the House, the specific profits or losses of a private company, even if that company has been contracted by the Government to provide a particular service. I will, of course, one year from the date that the Government entered into the contract

135 with Big Publications, be more than happy to indicate whether or not the Government has received the expected revenue as indicated in answer to Question 212/2013.

In answer to Question 213/2013, I confirm that upon commencement of the agreement Big Publications Limited received the sum of £15,000 to cover initial costs relating to the productions and installations of the advertisements. These costs have been paid back in full to the Gibraltar Bus Company Limited, as stipulated in the agreement.

Hon. S M Figueras: Thank you.

140 Mr Speaker, in relation to the point that the Hon. Minister makes about disclosing information about profits or losses, with respect to the Hon. Minister it is not what the question is requesting. It is requesting information in relation to the offers of remuneration, effectively, that the tenderers in the process had made to the Government, which are the basis of Question 211. I would ask the Minister whether their decision in that respect has precluded him for reviewing that particular information?

150 **Hon. N F Costa:** Mr Speaker, in respect of the question that he asked me as to the offers of revenue, I have answered the hon. Gentleman by providing him the schedule. I see that he accepts that I have... Therefore, in answer to the second supplementary, I am not sure whether he withdraws it in the light of the schedule that he has now seen?

155 **Hon. S M Figueras:** Mr Speaker, indeed I am happy to withdraw the supplementary. I had not actually noticed that the schedule dealt with specifically that information.

Another supplementary in relation to 211 was whether the Minister had been able to check if the process of procuring the services, the renewal of the contract or the awarding of a contract to Big Publications Limited, had been or the process as a whole, had been as a result of the termination of the existing contract. I will remind the Hon. Minister, to assist, that in a discussion with my hon. and Learned Friend Mr Bossino, the question had been asked and the Minister at the time was unsure of whether that had been the case, and he undertook to check that for this House.

160 **Hon. N F Costa:** Mr Speaker, *Hansard* will reflect that I did ask for specific notice of that question. It is not a question that has been asked. If he does ask, I will answer the question, but that is not the information that I have before me.

165 **Hon. S M Figueras:** Not to be petty, Mr Speaker, but I have a copy of the *Hansard* and he did not request notice of the question, particularly given the fact that it was a relatively straightforward matter. Be that as it may, Mr Speaker, it is something that I will pursue with the Hon. Minister after this session.

170 In relation to the payment of £15,000 that was made to Big Publications, I note the answer of the Hon. Minister that the £15,000 has now been paid back in full and that it was a payment to assist in relation to the initial start up costs of that entity. Can the Minister say whether this had been the case or whether the Government had had to provide any kind of financial support to the previous contractor, before the award of the contract to Big Publications Limited. (*Interjection*)

175 Yes, Mr Speaker, I will just repeat the supplementary. Could the Hon. Minister say whether his Government had needed to contribute financially to the contractor that was in place before Big Publications Limited in relation to the production of the advertising?

180 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman knows that if I have the information before me I always give it to him, but I do not know the answers to questions in relation to previous contracts entered into by the last administration. If he asks me the question, I will be more than happy to give it to him. If he writes to me or if he gives me notice of the question. I can answer questions about the current contract but I am afraid that I cannot enter into the specifics of the last contract.

185 **Hon. S M Figueras:** I am grateful to the Hon. Minister for his contribution. I will review the answer and the schedule and revert, if necessary, at the next session. I am grateful.

190 **Hon. D A Feetham:** Mr Speaker, I have the schedule in front of me – the answer to Question 211 – and it says ‘estimated income to the Bus Company’. Can the Minister explain how that is calculated as I understand with this particular answer there is no guaranteed income to the Bus Company. This was an estimated maximum income by each of the tenderers, but can he explain to the House how the income to the Bus Company is going to be calculated, in relation to the successful tenderer, please?

195 **Hon. N F Costa:** Yes, Mr Speaker, with pleasure.

Each of the tenderers had submitted the amount that they would charge per advert, where it is on the rear of the bus or on the side. The only tenderer that had submitted different prices depending on the

200 location of the adverts, differently to the other tenderers, from the supplementary information that I have
before me, related to Big Publications. Without giving the name of any particular tenderer, there was one
tenderer that cited, for instance, bus rear advert £300 per month – which came up to £3,600 a year – and
side windows £250 per month – which amounted to £3,000 a year. In relation to Big Publications, which
was the company that was awarded the contract, you had a much more sophisticated pricing structure: for
instance, bus rear advert, £4,000; bottom side banner, £1,000; top side banner, £1,000; entrance mat,
205 £750; entry doors, £1,000... and it carries on and catalogues how the company intends to charge and
therefore generate the revenue for the Bus Company. Of course, like the hon. Gentleman rightly says, it is
an estimate of maximum revenue annually for the Bus Company.

210 **Gibraltar Bus Company withdrawal of court action
Compensation paid to Mr Sardeña**

Clerk: Question 214, the Hon. S M Figueras.

215 **Hon. S M Figueras:** Yes, Mr Speaker, can the Hon. the Minister for Tourism, Commercial Affairs,
Public Transport and the Port say whether any compensation has been paid to Mr Peter Sardeña in respect
of the Gibraltar Bus Company's withdrawal of its defence in respect of his unfair dismissal claim.

220 **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 claim has not progressed to a final hearing.

225 **Hon. D J Bossino:** Mr Speaker, I think the position is that it is the compensatory element of the claim
which still requires determination by the Industrial Tribunal. Perhaps the Minister can confirm whether
that understanding is, in fact, correct. Secondly, Mr Speaker, I would like to ask the Minister whether he
has any indication from the Government lawyers as to when they expect that the hearing will take place.

230 **Hon N F Costa:** Mr Speaker, on the last occasion that, or perhaps not the last, but the second last
occasion, when the hon. Gentleman asked me questions about this case, I particularly made the point that
the matter is *sub judice* and that I will not be entering into the realm of answering *any* matters relating to
the case.

235 As to when the case will be heard, there is a tentative date of when the next hearing will be, but I am
not in a position to tell him what exactly the matters are that will be determined.

Hon. D A Feetham: Mr Speaker, but surely it is a matter of public record that, in fact, the
Government withdrew its defence to the unfair dismissal claim so that, therefore, without going into any
of the facts of the case – we are not asking that – what we are asking is, is it not the case that all that
needs to be determined is just simply the quantum of any damages and compensation payable. Nothing
240 else, that is the...

245 We are not asking, with respect, the Hon. the Minister to actually overstep the line into any discussion
of any of the details of the case. All that has been asked is whether just simply quantum of damages and
quantum of compensation needs to be determined and a timeframe in which the Minister believes that that
will be, in fact, be determined.

Hon. N F Costa: Mr Speaker, as I already mentioned, the matter was fully ventilated during the
course of a question and answer session, as to when I expect the matter to conclude, hopefully during the
course of this year.

250 **Hon. S M Figueras:** Mr Speaker, one final supplementary.

Just for the sake of clarification, can the Hon. the Minister say whether his first answer – I will give
the Hon. Minister the opportunity to listen to the supplementary – could the Hon. Minister say whether
his first answer means that no payment has been made to Mr Peter Sardeña?

255 **Hon. N F Costa:** Mr Speaker, the Question specifically asks whether there has been, and I shall read
it, so as not to make a mistake: 'whether there has been any compensation paid to Mr Peter Sardeña as a
result of the unfair dismissal claim'. The answer is that the matter has not yet progressed to a final
hearing, so surely it is implicit in my answer what the answer is. But the matter is *sub judice* and he

260 should not be asking me any further questions.

Hon. S M Figueras: Mr Speaker, subject, of course, to what the Hon. Minister is saying about the matter being *sub judice*, I have to disagree with him that the answer that he has provided actually answers the question, and that is whether any compensation has been paid, whether on an interim basis or otherwise. The answer that the Hon. Minister has given is that the matter is yet to go to hearing, and whilst the Hon. Minister may say that it is implicit in the reply that no payment has been made, I am asking the Minister the question for his confirmation in explicit terms.

Hon. N F Costa: Mr Speaker, I practised employment law humbly for nine years and never once have I ever heard of an interim payment being made before a final adjudication on quantum.

Hon. S M Figueras: Sorry, but can the Hon. Minister confirm that no payment has been made, then?

Hon. N F Costa: I have already exhausted the answer to the Question, Mr Speaker.

275

Gibraltar bus fleet Update on replacement

280 **Clerk:** Question 215, the Hon. S M Figueras.

Hon S M Figueras: Yes, Mr Speaker, can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port provide this House with an update in respect of the replacement of Gibraltar's bus fleet?

285

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 Procurement Office Tender Board met recently to consider the tender for the procurement of eco-friendly buses. At present the tender is at stage two. Buses are being tested for suitability throughout the Gibraltar road network and an evaluation process is ongoing.

290

Hon. S M Figueras: I am grateful to the Hon. Minister for his answer in that regard. I wonder whether perhaps the Minister might be able to give us an indication as to how long he might anticipate the process to take from this stage. I understand that it will be subject to a number of factors, but any indication at this stage would be helpful.

295

Hon. N F Costa: Well, Mr Speaker, I will provide him with the supplementary information that was provided to me by the Tender Board and that may assist us both in making an educated estimate. The Procurement Office has met on various occasions, the last time being on 29th April, to decide on the tests to be undertaken by the buses that have been brought over to date.

300

The tender procedure is still ongoing and, of course, as I have said in the answer, the Government is testing potential vehicles.

A prospective vehicle was tested last week, last week as at the date that the answer was drafted, and other vehicles are expected to be tested within the next couple of months. After all the vehicles have been tested, an expert technical report is submitted. The Procurement Office will then make a recommendation to Government.

305

310

GPS-enabled tracking device on taxis Update on installation

Clerk: Question 216, the Hon. S M Figueras.

315

Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port say whether the installation of a GPS-enabled tracking device on Gibraltar's taxis has now been completed and how the Government expects that this will alleviate the issue of availability of taxis at Gibraltar Airport at peak times?

320

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

325 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the installation of the new meters, which incorporate a GPS tracking device, has been almost entirely completed, although they are not yet in service, pending completion. The meter will be fully operational once the calibration service that has been tailor made to meet Gibraltar's requirements is complete.

330 Due to the fact that these newly incorporated taxi meters are a modern and reliable dispatch system, Government is confident that good communications between the vehicle and a central office will go a long way to alleviate the availability of taxis not only to the Gibraltar Airport but all around Gibraltar.

For instance, this booking system is optimised to automatically assign jobs to the nearest vehicle. It even looks into the future, by analysing each vehicle's job queue: the system is capable of determining which vehicle will be closest at the scheduled time of pick up.

335 Moreover, the installation of these newly incorporated taxi meters will also allow all the vehicles' job details to be tracked.

Hon. S M Figueras: Yes, Mr Speaker, I am grateful to the Hon. Minister for that.

340 I have a number of supplementaries that I am going to be asking, but they are going to arise in the context of other Questions along the Order Paper and it would probably be best to take it in the next Question.

345 **PSV access to airport/border
Alternative during peak times**

Clerk: Question 217, the Hon. S M Figueras.

350 **Hon. S M Figueras:** Yes, can the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port say whether the Government is exploring access options for public service vehicles to the area of the airport/border for use during peak times as an alternative to the current runway crossing?

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

360 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Government is considering a number of such options.

Hon. S M Figueras: Can the Hon. Minister say how far along in this exploration of options the Government is, and is he at liberty to provide this House with some details of what it is that they are looking at.

365 **Hon. N F Costa:** Mr Speaker, at this point I would only like to say that there has been some extensive consultation with different operators, different interested parties, Gibraltar Federation of Small Businesses, the Chamber of Commerce: they all, of course, have an input and a stake into considering this matter. I would not at this point like to give any details because the matters discussed have been extensive and we are not in a position to firm up any of the options that have been discussed.

370 Perhaps, if the hon. Gentleman wishes to ask me this question in a couple of sessions' time, we may be able to be more accurate or fuller in the answer.

375 **TRAFFIC, HOUSING AND TECHNICAL SERVICES**

**User and trip survey
Timetable for completion of Mott Macdonald Report**

380 **Clerk:** Question 318, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical

Services say whether the Government has established a timetable for the completion of the Report by Mott Macdonald following the conclusion of the user and trip survey underway in Gibraltar?

385

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the first draft of the sustainable traffic, transport and parking plan is expected to be completed in late 2013 for internal review. It is expected that the final version of the plan will be ready during the first quarter of 2014.

390

Hon. S M Figueras: Mr Speaker, can the Hon. Minister confirm whether the Report will be published?

395

Hon. P J Balban: Mr Speaker, the Government will publish the Report once it is completed.

Hon. S M Figueras: In relation to the survey that is currently underway, some concerns have been expressed to us by constituents about the manner in which it is being conducted. The comments have been limited to saying that constituents have been pulled over when they were on their way to work and that they were, and I quote, 'being harassed' in respect of the survey. Is the Minister able to say whether this, in fact, has been the case or what the MO has been in that context during the survey?

400

Hon. P J Balban: What people feel when they have been pulled over is very much up to the individual, whether they feel harassed by having been pulled over or not. Obviously, the actual surveys have been conducted in the way that the consultants conduct the surveys world-wide, as to the best practice, and people are not obliged to have to give any information if they do not wish to.

405

All that happens is that they are briefly pulled over to one side, some of which do not even say 'Look, I am in a rush and continue.' You know, the survey literally takes minutes – in fact, it takes a minute! As to being harassed, personally I sincerely think not.

410

Hon. S M Figueras: I would say to the Hon. Minister that it is only in relation to the fact that they actually do get pulled over first thing in the morning when they are heading to work, that they consider they are getting harassed.

415

More generally in relation to the survey, is that now complete or is that still underway?

Hon. P J Balban: The survey phase is programmed to be finished the first week of June.

Mr Speaker: Next Question.

420

Hon. D J Bossino: Mr Speaker, just to understand this: in terms of the stages, by the first week of June, the user and trip survey is expected to be finalised and the Minister has advised this House that he expects to receive, internally, the Report in October of this year, I think he said, or at the end of this year. Are there any stages, anything else, any activity which needs to be undertaken by the Government between the closure of the user and trip survey and the production of the report internally to the Government?

425

Hon. P J Balban: Mr Speaker, now begins the process of actually taking all that data that has been collected, which is a vast amount of data that has been collected by different methods of survey, and all that data will then be used to collate the Report. So now we come into the biggest part of the process, if you so wish, which is the sorting out of data and from there preparing a recommendation as to where we go from here.

430

Hon. S M Figueras: One final supplementary, Mr Speaker, if you will allow it.

435

I have personally in this House commended the Minister in respect of the initiative in relation to the traffic lights at the junction of Europort and Queensway, as an initiative taken by the Government outside the scope of the user and trip survey and my question to the Hon. Minister is this: given that there is some time still for the completion of this survey and certainly eventually for the implementation of whatever plan may arise from it – are the Government's plans for development and infrastructural implementation of solutions that they are aware may be relevant today, are those plans on hold pending completion of this survey and the plan that will follow it?

440

Hon. P J Balban: Mr Speaker, things that are seen as urgent have been tackled as, for example, the lights in question. There are other things like speed ramps perhaps that could be considered urgent and

445 they will not wait for the outcome of the plan itself. But, obviously, to have contracted consultants to give
us advice and for us not to wait to be able to heed their advice before we progress in the bigger light of
things, I think that would not be recommended. So, as I said, the plan will give us ideas and give us a way
forward generally but the actual consultants review will not stop us from continuing with what we are
450 doing at present if we feel it is urgent or necessary.

Mr Speaker: Next Question.

455

**Improving road safety for cyclists
Advanced stop lines and riding in non-pedestrian areas**

Clerk: Question 319, the Hon. S M Figueras.

460

Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical Services state the Government's policy in relation to the use of advanced stop lines for cyclists on our roads to improve safety for the growing number of cyclists on our roads?

465

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this Question together with Question 320/2013.

470

Clerk: Question 320.

475

Hon. S M Figueras: Can the Hon. the Minister for Traffic, Housing and Technical Services state the Government's policy in relation to the use of bicycles on non-pedestrian sections of Main Street and Irish Town during off peak periods and at weekends to improve the safety and incentivise the adoption of cycling as a means of alternative transport as well as a leisure activity.

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

480

Hon. P J Balban: Mr Speaker, the sustainable traffic, transport and parking plan will look at ways of encouraging alternative forms of transport, including cycling. It is, however, too early to say what Her Majesty's Government policy will be in this respect and what measures will be necessary to implement these.

485

Hon. S M Figueras: Mr Speaker, a number of non-Governmental organisations – one in particular springs to mind in town without my car – has, over the years, made certain recommendations in relation to advancing the use of bicycles as an alternative form of transport in Gibraltar. Can the Minister say whether there are any red lines in the sand beyond which they will not go, whether there are any initiatives which they will simply not entertain, whether they are recommended or not – in particular, whether either of these two falls within that category?

490

Hon. P J Balban: Mr Speaker, in terms of cycling, the Government, as we know, are very keen on encouraging a shift towards alternative forms of transport and the Government will look at different ways of making this possible and go beyond simply just ordering and placing bikes on stands and no more. We will be looking at every method possible to encourage the decreased use of cars and other forms of vehicles that produce emissions and, obviously, cycling is one of these that we are keen to look at.

495

Hon. S M Figueras: I am grateful for that but can the Minister limit himself to saying whether either of the two initiatives mentioned are off the cards, so to speak?

500

Hon. P J Balban: Mr Speaker, until we get the results from the traffic plan the consultants have been briefed as to where the Government wants to go and, as I have said already, the Government wants to encourage a shift in transport to other more environmentally friendly methods, inclusive of cycling. So it is not until we get a full idea back from the consultants we will be in a position to actually state where we go from here. Needless to say, the Government is looking at different ways of making the cycling experience more enjoyable and safe in Gibraltar.

505

**Trafalgar Interchange
Possibility of pedestrian crossings**

510 **Clerk:** Question 321, the Hon. S M Figueras.

Hon. S M Figueras: Can the Hon. the Minister for Traffic, Housing and Technical Services say whether the Government is contemplating the installation of pedestrian crossings within the Trafalgar Interchange?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the sustainable traffic, transport and parking plan will carry out a comprehensive assessment of Gibraltar's transport network and consider what improvements can be made. It is too early to say what these will be but the possibility of introducing new pedestrian crossings in the Trafalgar interchange area cannot be discarded.

525 **Car parking spaces at Commonwealth Parade
Number prior to work on Commonwealth Park**

530 **Clerk:** Question 322, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical Services say how many car parking spaces were available at the site of the Commonwealth Parade prior to works on Commonwealth Park commencing?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, there were a total of 342 existing car parking spaces at the site of the Commonwealth Parade prior to works on Commonwealth Park commencing.

540 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister tell us how far along the Government is in delivering its Manifesto commitment to doubling that number of parking spaces?

545 **Mr Speaker:** Will the hon. Member ask that question again, please, because I am not sure whether it really does arise from the written Question.

Hon. S M Figueras: Mr Speaker, yes, I am happy to ask the question again. The number of car parking spaces –

550 **Mr Speaker:** You have asked how many car spaces...

Hon. S M Figueras: – there were before the start of Commonwealth Park – correct – and that is relevant, Mr Speaker, because there is a Manifesto commitment to *double* the number of parking spaces available.

555 **Mr Speaker:** And you have been told that there were 342.

Hon. S M Figueras: Correct, and my supplementary was –

560 **Mr Speaker:** I understand the question now. Your supplementary.

Hon. S M Figueras: Is how far along is the Government in delivering its Manifesto commitment of doubling the number of car parking spaces?

565 **Mr Speaker:** I am sorry, I will pull that supplementary out. It does not arise from the Question. I have brought the Members' attention to the rules. A supplementary question must not introduce matter not included in the original Question. That is not included. You have asked a specific Question: how many car spaces were there, and you have been given the answer, 342. Now you are introducing

570 something which is new. It is not in your original Question, therefore I rule it out.
Next Question.

Hon. S M Figueras: Mr Speaker, with respect I could re-phrase the Question and that may help to –

575 **Mr Speaker:** I will let you try to re-phrase the question. Yes, go on.

Hon. S M Figueras: Mr Speaker, could the Hon. Minister provide this House with details of the number of car parking spaces that have been provided in the alternative, having lost those parking spaces to the commencement of works on Commonwealth Park.

580 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I am asked precisely that question in one of my questions further down in the order paper.

Mr Speaker: Next Question.

585

**Parking at Catalan Bay
Additional spaces for bathing season**

590 **Clerk:** Question 323, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Traffic, Housing and Technical Services say whether additional parking for Catalan Bay is planned to be provided before the start of the bathing season?

595

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

600 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, there are currently no plans to provide additional parking at Catalan Bay over and above those which existed last year.

**Highways Enforcement Agency
Role in traffic and parking management**

605

Clerk: Question 324, the Hon. S M Figueras.

610 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic, Housing, Health & Safety and Technical Services state the Government's policy on the Highways Enforcement Agency's continued role in assisting the relevant authorities in the management of parking and other road traffic issues today and in the future?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the Highways Enforcement Agency has for some time been seconded to the RGP and is a key component in traffic management.

620 Working singly and alongside RGP officers, they perform a whole host of services, including enforcement of the Traffic, Parking and Waiting Order, enforcing the Traffic Act, clamping and towing away of vehicles, including abandoned and derelict. In addition, they assist the RGP with traffic control at both public events and with the border queues. Their future role will be reviewed in line with the recommendations arising from the Government's Traffic Survey, which is in the process of being compiled.

625

630 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his answer. Perhaps he can provide some clarification to report... I have not seen official press releases on the subject but I am given to understand that part of the review, or a review, had already been conducted that had seen some changes affected to the Agency. If this is not the case, I am happy to be corrected certainly and if it is, then I would be grateful for some details of that review, if it has happened.

Hon. P J Balban: Mr Speaker, I must clarify that the actual... the hon. Gentleman is asking about the Highways Enforcement Agency.

635 The Highways Enforcement Agency does not exist: there is no such Agency. These are Highways Enforcement Officers who came under Gibraltar Car Parks Limited and now they are seconded to the Royal Gibraltar Police. The Royal Gibraltar Police are in charge, or responsible, for the officers and they are briefed and conduct duties as given by the RGP and not by Gibraltar Car Parks.

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

640 That is, in fact, what I was referring to and, yes, the use of the term 'Agency' was accidental. So the officers have now been seconded to the Royal Gibraltar Police, as the Hon. Minister has told us. As a result of what initiative or factors was this change effected?

645 **Hon. P J Balban:** Mr Speaker, they have in fact been seconded for quite a while, I believe it was sometime in June last year that they were seconded. The idea behind it was to try to actually combine all, to have the enforcement of traffic under one umbrella, as opposed to having the parking management on one side, RGP on the other, so we thought it was a much more effective way of running management under one umbrella.

650 **Hon. S M Figueras:** Mr Speaker, I potentially run the risk here of having my supplementary overruled as inadmissible but I will ask it and take Mr Speaker's guidance on it. Were there any changes to terms and conditions associated with this re-allocation to the Royal Gibraltar Police of the officers?

655 **Hon. P J Balban:** Mr Speaker, this is a secondment, so the terms and conditions have remained identical.

Hon. D J Bossino: Mr Speaker, other than the secondment, can the Minister advise this House whether there were any other features which distinguish what was GSD policy when we were in Government?

660 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, we assume that we know what GSD policy was, based on what was public, but we do not know what it was that the thinking behind the creation of those Highways Enforcement Officers was, other than what was made public.

665 But there is a major difference in policy, Mr Speaker. We believe in one unified command of traffic and that comes under the RGP, not that there should be two diversified centres of command of traffic.

Mr Speaker: Next Question.

670 **Frontier traffic management
Response to Spanish policy**

Clerk: Question 325, the Hon. S M Figueras.

675 **Hon. S M Figueras:** Yes, Mr Speaker, can the Minister for Traffic, Housing and Technical Services say whether the Government is exploring, or has explored, in conjunction with the Royal Gibraltar Police and Highways Enforcement Officers the possibility of developing a system or protocol to divert queue traffic and/or streamline the deployment of the third lane in the area of the frontier/runway crossing/Winston Churchill Avenue to enable a quicker response to the now well-documented strategy employed by Spanish frontier officials of freezing traffic going through the border without warning.

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

685 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, a tried and tested traffic diversion is in place to deal with the impact of traffic fluidity created by the border queues. The diversion is subject to a staged response and this is dependent on the volume of traffic on our roads and the restrictions in place at the frontier. The three phases are designed to seamlessly interlink and maximise traffic fluidity towards the frontier while catering for local traffic.

690 Phase 1 consists of the implementation of the third lane up to the Sun Dial Roundabout. This phase can be implemented in a very short time period with signage permanently available at the frontier. Queuing can take place across the runway but only when the Airport is closed.

Phase 2 consists of diverting Spain-bound traffic along Devil's Tower Road with a single carriage

way being dedicated to this. In this phase, traffic is asked to turn around at the Ariel Farm Roundabout.

695 Phase 3 incorporates the use of holding areas in the East Side. Season permitting, the diversion
extends to make use of the reclamation area and Eastern Beach Car Parks. Clearly, this cannot be used
during the summer season and, therefore, following a consultation and feasibility process between the
RGP and Government Technical Services Department, a plot of land situated on the southern side of the
700 reclamation area by the approaches to Catalan Bay has been identified as a holding area. It is envisaged
that this area has the capability of accommodating approximately 600 vehicles and works are scheduled
within the next week and the area should become operational within a fortnight after this.

705 **Dudley Ward Way tunnel**
Protection of pedestrians

Clerk: Question 326, the Hon. S M Figueras.

710 **Hon. S M Figueras:** Mr Speaker, can the Minister for Traffic, Housing and Technical Services say
whether the Government is considering strategies to protect pedestrians in Dudley Ward Way tunnel?

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

715 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the
Government is currently not considering any strategies to provide pedestrian access along Dudley Ward
Way tunnel. In this respect, the tunnel remains exactly as on 8th December 2011.

720 **Hon. S M Figueras:** Mr Speaker, the Question is asked in the context of being aware that no
pedestrian access is allowed in Dudley Ward Way tunnel. Certainly, the signs have been there, and have
always been there, since the tunnel reopened.

725 However, the reality is that pedestrians do access the tunnel and, in that context, it may well be that
the Government's answer to the supplementary is 'Well, the pedestrians that do access the tunnel in
contravention of the rules, which are clearly set out, take their lives into their own hands.' But I would be
grateful if the Minister could tell this House what the Government's policy is in relation to protecting
those pedestrians who do, in a way, take their own lives into their own hands in the tunnel.

Hon. P J Balban: Mr Speaker, the situation is exactly the same as it was prior to 8th December 2011.

730 **Hon. S M Figueras:** Mr Speaker, that was then. This is now. Can the Minister tell this House whether
today's Government of Gibraltar is planning, or is considering, taking any steps to protect pedestrians
who access Dudley Ward Way tunnel?

735 **Hon. P J Balban:** Mr Speaker, the tunnel was opened by the previous administration and obviously I
would have thought that they would have been, you know, should have been just as concerned about the
safety of pedestrians who were then also not allowed to walk through the tunnel and it was by way of
signage that they were advised not to.

At the present moment this sign still exists, the tunnel is in exactly the same position as it was then
and people are adverted that the tunnel is not a place where they should be walking and it is not safe to do
so. Those that decide to walk through do so with that in mind but it is not something that we will change.

740 **Mr Speaker:** Next Question.

Gibraltar's roads
Large-scale resurfacing

745 **Clerk:** Question 327, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Minister for Traffic, Housing and Technical Services say
whether the Government is planning any largescale resurfacing of Gibraltar's roads?

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the physical condition of our road network is such that investment in its repair is considered necessary by Government. As stated in my 2012 Budget Speech, it is this Government's intention to accelerate the annual planned works on our roads over the next three years to correct this.

755

Hon. S M Figueras: Mr Speaker, has the acceleration taken place already?

Hon. P J Balban: Mr Speaker, the roads in question are being assessed at present and, obviously, this will start pretty soon. We will need to correct and put right what has been left to go to pot for many, many years, so it is this Government's intention to actually start fixing our roads, as promised within our Manifesto and in my last year's Budget Speech.

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765

**Government motor vehicles and plant
Details of acquisitions during 2012-13**

Clerk: Question 328, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Government provide this House with a list of all motor vehicles and plant acquired by the Government during the financial year 2012-13, detailing the following information in respect of each of them – make and model; field type – petrol, diesel, hybrid, electric, other; emissions; efficiency ratings, the identity of the dealer from which it has been purchased, the process by which the vehicle was acquired – tender or other; the Government Department to which it is assigned and the use to which it will be applied.

770

775

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

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

780

Answer to Question 328

	Vehicle/Plant	Quantity	Make	Model	Fuel type	Emission level	CO2	Purchase Source	Purchase Process	Govt Dept	Use
1	Vehicle	1	Renault	Trafic	Diesel	Euro 5	190g/km	Europa Enterprise	Open local Tender	Tourist Board	General Transport
2	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	Borders & Coastguard	General Transport
3	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	HR	General Transport
4	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	Dept of Environment	General Transport
5	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	GCPL	General Transport
6	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	GHA	General Transport
7	Vehicle	1	Renault	Kangoo	Diesel	Euro 5	129g/km	Europa Enterprise	Open local Tender	Port Dept.	General Transport
8	Vehicle	1	Land Rover	Defender	Diesel	Euro 5	295g/km	AM Capurro	Open local Tender	City Fire Brigade	General Transport
9	Vehicle	2	Volks Wagon	ITU Ambulance	Diesel	Euro 5	213g/km	Rock Motors	EU Tender - Restricted	GHA	Patient Transport
10	Vehicle	2	Volks Wagon	Local Patient Ambulance	Diesel	Euro 5	213g/km	Rock Motors	EU Tender - Restricted	GHA	Patient Transport
11	Vehicle	1	Volks Wagon	Long Distance Ambulance	Diesel	Euro 5	213g/km	Rock Motors	EU Tender - Restricted	GHA	Patient Transport
12	Vehicle	1	Ford	Transit Minibus	Diesel	Euro 5	207g/km	Lucas Imossi	Direct Purchase	Bus Company	Bus
13	Vehicle	2	Toyota	Dyna	Diesel	Euro 5	236g/km	Bassadone	EU Tender - Open	Dept of Environment	Refuse Collection
14	Vehicle/Scooter	1	Yamaha	Cygnus 125cc	Petrol	n/avail	n/avail	Autosport	Open local tender	Borders & Coastguard	General Transport
15	Vehicle/Scooter	1	Yamaha	Cygnus 125cc	Petrol	n/avail	n/avail	Autosport	Open local tender	GHA	General Transport
16	Vehicle/Scooter	1	Yamaha	Cygnus 125cc	Petrol	n/avail	n/avail	Autosport	Open local tender	MEFS	General Transport
17	Vehicle/Scooter	2	Yamaha	Xmax 250cc	Petrol	n/avail	n/avail	Autosport	Open local tender	RGP	General Transport
18	Vehicle/Scooter	1	Yamaha	YBR 125cc	Petrol	n/avail	n/avail	Motorcycle Pitstop	Direct Purchase	Licensing Authority	General Transport
19	Vehicle/Scooter	1	Honda	Vision 110cc	Petrol	n/avail	n/avail	Motorcycle Pitstop	Direct Purchase	Licensing Authority	General Transport
20	Plant/Column Lifts	4	Somerstotal kare	S6ng/7.5t	Elect	n/applicable	n/applicable	Somerstotalkare	Direct Purchase	TSD/Garage & Workshop	Garage use
21	Plant/Bandsaw	1	Saws (UK)	Alligator HD 360LR	Elect	n/applicable	n/applicable	Saws (UK)	Direct Purchase	TSD/Garage & Workshop	Workshop use

785

Mr Speaker: In order to make progress, may I suggest that we carry on with the next Question which is down to the Hon. Mr Reyes and then, if the Hon. Mr Netto wishes to ask a supplementary arising from his perusal of the schedule, he can do so.

**Proposed housing developments
Update to Table PC1 and details**

790

Mr Speaker: Question 329.

Clerk: Question 329, the Hon. E J Reyes.

795

Hon. E J Reyes: Mr Speaker, can Government provide updated details pertaining to Table PC1 which was last updated on their website in January 2013 and, in particular, can the Minister for Housing furnish this House with a breakdown of details in respect of proposed housing developments, thereby indicating to whom and when these payments were made, together with the purpose or purposes for which these consultancies were required.

800

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

805

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, the information requested by the hon. Member pertaining to Table PC1 is contained in a schedule which I now hand over to him, together with a breakdown of details in respect of the proposed housing developments.

Amount Paid	To whom	When	Purpose
£ 5,032.50	WSRM	10-7-12	Conceptual designs for use in Devil's Tower Road housing tender document
£ 5,207.00	WSRM	10-7-12	Conceptual designs for use in Europa Point housing tender document
£ 2,850.00	WSRM	10-7-12	Conceptual designs for use in North Gorge housing tender document Option 2
£ 8,900.00	D M Orfila Associates	11-7-12	Conceptual designs for use in Coach Park housing tender document
£ 4,400.00	D M Orfila Associates	11-7-12	Conceptual designs for use in Bishop Fitzgerald car park housing tender document
£ 7,000.00	AKS Architects and Engineers	23-8-12	Conceptual designs for use in North Gorge housing tender Option 1
£ 9,000.00	AKS Architects and Engineers	23-8-12	Conceptual designs for use in Aerial Farm housing tender document
£ 28,900.00	Belilo's Limited	12-2-13	Preparation of tender package for Government housing schemes for four sites
£ 8,500.00	Belilo's Limited	10-4-13	Preparation of Tender package for Government housing scheme
£ 10,467.50	JLC Consulting Ltd	23-4-13	Assessment of tenders and tender reports for Aerial Farm and Bishop Fitzgerald sites

Table.PC.1

Number of private consultants engaged by Government, 2013

Consultant Areas	Value (£)
Project management and supervision of various site projects	£4,175.00
Preparation of Tender package for Gov Housing Scheme-.Coach Park Project	£8,500.00
Review of tender reports ref Bishop Fitzgerald & Aerial Farm	£10,467.50
Project management and supervision of various site projects	£4,175.00

Updated 8 May 2013

Sources:
Ministry for Tourism, Public, Transport and Port
Office of the Chief Technical Officer

810

Mr Speaker: In view of the fact that the next Question also is probably going to have a schedule attached to it, may I ask the Hon. Mr Reyes to ask Question 330.

815

**Reallocation of empty homes
Update to Table H48 and details**

Clerk: Question 330, the Hon. E J Reyes.

820

Hon. E J Reyes: Can Government provide updated details in respect of expenditure incurred as from December 2012, which is the latest available date shown in Table H48 on the Government's website, in respect of contracts awarded for making empty homes suitable for reallocation, stating to whom payments were made, how much has been paid and indicating if they were for repairs or cleaning?

825

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

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

ANSWER TO QUESTION 330

CONTRACTOR	Jan-13	Feb-13	Mar-13
A & K GENERAL BUILDERS	£0.00	£7,710.00	£10,535.00
S J BUILDER	£770.00	£2,063.00	£3,271.46
SA CONSTRUCTION LTD	£0.00	£9,845.04	£21,430.05
C.I.A.P CONSTRUCTION CO LTD	£0.00	£7,800.00	£6,790.80
SFA TOTAL REFURBISHMENTS	£14,815.58	£1,620.00	£17,739.00
W & N WORKS LTD	£6,825.90	£0.00	£7,358.00
ABEGON FITTERS	£0.00	£20,151.00	£13,017.24
ENVIRONMENTAL SUPPORT SERVICES LTD	£33,835.14	£0.00	£15,776.78
GARCIA & PEREZ CONSTRUCTION CO LTD	£0.00	£0.00	£13,120.00
SARAH JANE CONSTRUCTION CO LTD	£0.00	£9,314.00	£5,844.32
R RUTHERFORD CONSTRUCTION CO LTD	£900.00	£4,240.00	£2,250.00
501 CONSTRUCTION LTD	£16,473.39	£0.00	£11,057.92
ACE PLUMBING	£0.00	£0.00	£9,950.00
ERNEST LOPEZ & SONS	£0.00	£0.00	£12,251.49
KOALA	£40,468.43	£13,941.39	£0.00
XL SCAFFOLDING	£700.00	£0.00	£0.00
NO 1 LIMITED PROPERTY MAINTENANCE	£2,697.18	£0.00	£0.00
AVANTI	£0.00	£5,900.00	£4,000.00
DESOISA BUILDING & WORKS	£0.00	£3,787.00	£5,230.20
BRIGHT COMPANY LTD	£0.00	£37,582.00	£0.00
SITE TRADING	£0.00	£7,900.00	£0.00
LEED TRANSPORT	£0.00	£340.00	£1,915.00
GREENARC	£0.00	£0.00	£700.00
LC GROUNDWORKS	£0.00	£0.00	£1,500.00
A.J.R WINDOWS	£0.00	£0.00	£2,741.00
PLUMRITE	£0.00	£0.00	£1,630.00
ACE PLUMBING	£0.00	£0.00	£1,500.00
PW CONTRACTING GIB LTD	£0.00	£0.00	£28,790.87
INCHARLAH GARDENING	£0.00	£0.00	£300.00
CLIVE CHICHON SERVICES	£0.00	£0.00	£6,637.60

All works involves repairs with the exception of Greenarc and Incharlah which were involved in cleaning.

830

Mr Speaker: We are now back to Question 328.
Are there any supplementaries arising from the answer to that Question?

Hon. J J Netto: No, Mr Speaker.

835

Mr Speaker: I will give the hon. Mr Reyes, or any other Member of the Opposition, an opportunity to study the schedules in case they have any supplementaries.

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

840

On the table provided for Question 329, the third item from the bottom lists £28,900 paid as preparation for tender packages for Government Housing Schemes for four sites. I see that, previous to that, the sites that these were indicated by location. Does the Hon. Minister have any indication of location for those four sites?

845

Hon. P J Balban: Mr Speaker, would the hon. Gentleman repeat the supplementary, please.

850 **Hon. E J Reyes:** Yes, Mr Speaker. I was noting that, in the first set of information provided – for example, No. 1 says conceptual designs for use in Devil’s Tower Road housing – so we have an actual location. On the third one from the bottom the expenditure relates to preparation of tender packages and it refers to four sites but no indication what those sites are. Therefore, I have no idea if they refer to the same sites as the ones before. Am I wrong in assuming it is Devil’s Tower, Europa, North Gorge and Bishop Fitzgerald, or is it something else? Could it be different sites? That is what I am asking.

855 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am handling, as the hon. Gentleman knows, an element of these projects at No. 6. That is a generic package for the four of the estates which will be for affordable co-ownership.

I think he will be able to determine from the information that he already has that Bishop Fitzgerald, for example, is not going to be a co-ownership estate, it is going to be for elderly residents and, therefore, the remaining sites will be the ones to which this generic package applies.

860 **Hon. E J Reyes:** Yes, Mr Speaker, on the lower part, referring to Table PC1, where it says ‘number of private consultants’, the £10,467.50 there is a mixture of – am I right in assuming? – co-ownership would be the Aerial Farm and yet Bishop Fitzgerald is a rental... Are those two inter-linked and not therefore separate rental and co-ownership?

865 **Hon. Chief Minister:** Mr Speaker, what the final entry that the hon. Gentleman is referring to, relates to, is an assessment of tenders. That is both in relation to co-ownership and in relation to non co-ownership estates. It is an assessment of the tenders submitted to build. It has got less to do with the documentation that would follow which is what the other one, the tender package, related to.

870 **Hon. E J Reyes:** Mr Speaker, those private consultants engaged by the Government, is it possible to have an indication who these private consultants are?

875 **Hon. Chief Minister:** Well Mr Speaker, it is who it says they are, JLC Consulting Limited is a company and Belilo’s Limited is a company. I think, in both instances, the names of the companies represent the names of the individuals who are behind them.

Hon. E J Reyes: That does clarify that one, Mr Speaker.

880 **Clerk:** Question 331, the Hon. E J Reyes.

Hon. E J Reyes: Sorry, Mr Speaker, I thought the Clerk was going to prompt us if there were any supplementaries in respect of 330. May I?

885 **Mr Speaker:** Yes.

Hon. E J Reyes: Thank you, sir.

The final words of my Question 330 asked for an indication if they were for repairs or cleaning. Can the Minister guide me that the information has been provided and guide me a bit through the table. It is a bit too much to digest in just a few seconds.

890 **Hon. P J Balban:** Mr Speaker, at the bottom of that table it says ‘All works involve repairs, with the exception of Greenarc and Incharlah, which were involved in cleaning’.

895 **Hon. E J Reyes:** Thank you for that clarification, Mr Speaker. Therefore especially seeing that, in some cases, the repairs being carried out are much bigger sums than others, does the Minister have an indication as to the number of properties that it refers to? Is it just one particular flat or does it refer to half a dozen of them and so on?

900 **Hon. P J Balban:** Mr Speaker, the cost is indicative of the state of the property. Obviously, a property which is in a close to derelict state would cost more than a property requiring minor works.

905 **Hon. E J Reyes:** Yes, Mr Speaker, thank you for that but it still does not say whether each one of those sums just refers to... For example, if I may perhaps explain myself further, in January 2013 there is a payment of £40,468. Is that just in respect of one flat or could it be that there is more than one home involved in that sum?

Hon. P J Balban: Mr Speaker, to give a precise reply to that question I would have to ask but the way

910 I see it, the way I believe it is, is that each of these refers to either a flat or one building and whether the building could have three flats, or whether it is a flat on its own, it refers either to a flat or a building that could contain more than one flat. But to give you a precise reply based on that I would have to find out for him.

915 **Hon. E J Reyes:** I accept, Mr Speaker, that the Minister wants to make certain he has the correct information. Could it be possible for him to pursue that information for me and pass it on, if possible, during the tenure of this particular sitting or session? If not, as soon as possible thereafter he can forward it to me by correspondence or whatever.

920 **Hon. P J Balban:** Mr Speaker, if the Gentleman would care to write to me, I will happily provide him with the information he is requesting.

Mr Speaker: If the hon. Member writes, the Minister can deal with the matter sooner than if he waits for the *Hansard*.

925 **Hon. E J Reyes:** Not my experience with all the Ministers on that side of the House, Mr Speaker!

Hon. Chief Minister: Or, Mr Speaker, indeed, ours when we used to write and perhaps not ever get a reply!

930 **Mr Speaker:** Next Question.

**Ministry for Housing and Housing Works Agency
Details of comprehensive review**

935 **Clerk:** Question 331, the Hon. E J Reyes.

940 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question 886/2012, can the Minister for Housing now provide this House with details of the comprehensive review which Government is undertaking of the Housing Works Agency and the Ministry for Housing?

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

945 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, this matter remains a subject of consideration by the Cabinet.

**Co-ownership of residential property
Procedure for returning Gibraltarians**

950 **Clerk:** Question 332, the Hon. E J Reyes.

955 **Hon. E J Reyes:** Can the Minister for Housing explain what procedures should be followed by Gibraltarians who, after having co-owned a residential property in Gibraltar but then subsequently sold and moved to reside in Spain, in order to be once again eligible to either rent or repurchase on a co-ownership basis back in Gibraltar?

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

965 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, irrespective of whether a person who sells a co-owned or an unrestricted property goes to live in Spain or not, the sale of a property in Gibraltar is governed by the 5(d) Clause introduced on 5th August 2005. Hence a previous home owner is not eligible to become an applicant for Government Housing again unless they can satisfy either of the requirements (a) and (b), as follows:

(a) If the sale is as a result of a separation, then the Deed of Assignment of separation or divorce papers need to be provided. The Housing Allocation Committee will consider the case and recommend it to the Housing Authority, the acceptance of the application for Government Housing or otherwise

(b) If the sale of the property was not as a result of a separation, then a financial assessment must be

970 completed as at the time of sale, together with supporting documentation. The result of this financial assessment is referred to the Housing Allocation Committee who, in turn, recommend to the Housing Authority if the application for Government Housing may be accepted.

975 Reference a previous home owner repurchasing within a co-ownership estate, consent for such purposes are directed via LPS. Gibraltarians would require proof of residence for one year in order to qualify.

980 **Hon. D A Feetham:** Mr Speaker, I realise that the policy is a policy that we instituted when we were in Government, but does he not agree with me that the policy perhaps ought to be reviewed to actually make it more flexible?

I will give him an example of somebody who came to see me recently, who I felt had a genuine case for inclusion within the Government Housing List. This is a couple who effectively sold their property here in Gibraltar and then bought a property in Spain. They have gone through financial hardship in Spain – well, financial hardship in their lives – they have had to sell their property in Spain and lost everything that they made here in Gibraltar on the sale of their property. Now, because they sold a property here in Gibraltar, it means that they are not allowed onto the Housing waiting list. In that kind of situation, they have been told that they are not eligible to go onto the Housing waiting list.

985 Now, that is the kind of example where I believe that the Housing Department ought to be more flexible and ought to look at the individual circumstances of the case and see whether it is a genuine case. Does the Minister not agree with me or, indeed, the Chief Minister, that perhaps that particular guideline ought to be looked at in order to give the Housing Department a little bit more flexibility to look at the individual facts of each case in a little bit more detail?

990 **Chief Minister (Hon F R Picardo):** Mr Speaker, in fact the Housing Allocation Committee is the one that, initially, is charged with looking at the enforcement of these rules. This is the famous Clause 5(d) that was introduced by hon. Members when they were in Government. There are a number of discretions which can be engaged in the right case. The hon. Gentleman probably understands that there are many cases which may be deserving at first blush but that there is a hierarchy of deserving cases and that not all cases can be considered as deserving in present circumstances. I am not going to make much of this but the hon. Member knows – and I am sure he accepts this is a factual issue – that on the day that we were elected, there were 1,500 people on the Housing waiting list. That causes a number of different problems because, of course, the circumstances that he explains, which we may all agree are the sort of circumstances that should engage the discretion, also ignore that there are much more deserving circumstances than those. That is not to say that, in the hierarchy of deserving circumstances, there are not all those on that list who might feel that theirs is the most important case but, as his predecessor will know and I, unfortunately, am now more than aware of, there are some very, very deserving cases in Gibraltar where discretions have to be exercised. It is sometimes incumbent on the persons who have to make these decisions, to tell people that, although they may be uncomfortable in their present circumstances, they should actually be grateful that they are not in the *most* deserving cases when things have to be moved, sometimes overnight, to deal with issues – because there are some very, very serious issues that his predecessor and the Housing Allocation Committee have come across, where it is necessary to have the ability to act in a moment.

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1005
1010 Now, Mr Speaker, in circumstances where, hopefully, the Housing Waiting List will be eradicated, it will be possible to look at these issues all over again and, therefore, before the end of the lifetime of this Parliament, I trust that people who are in such circumstances will be able to be accommodated by the changes we hope to introduce to the way these lists are compiled. It is not, I am sure, Mr Speaker, either under their administration or our administration that somebody whose case is deserving is not assisted, but there has to be that hierarchy of deserving cases, unfortunately.

1015
1020 **Hon. D A Feetham:** Mr Speaker, I fully realise that there has to be a hierarchy of deserving cases and, indeed, the issue here is not that the rules are changed so that somebody can actually skip the queue and go at the top, or near the top. The issue here is that, because that particular individual had a home that was owned under co-ownership terms and they sold, in order to buy a home – in the particular circumstances that I am referring to, a home in Spain – they have lost all their money, they have lost everything that they have made, as a consequence of the situation, the property market in Spain. Indeed, there may be other circumstances: one of the issues that we had to also grapple with when we were in Government were a number of debates, internal in relation to 5(b), was whether 5(b) operates unfairly, for example, to somebody who is a father in a divorce situation and does not have the children. It is one of the reasons, actually, that motivated me to introduce and to push quite heavily this question of joint parental responsibility and joint residence in relation to family cases, because once there is a joint residency order, then that joint residency order can then be taken to the Housing Authority and, of course, on that basis, then instead of being granted for example a one bedroom or a studio flat, they can take into

account that the person has a number of children as well that not only belong to his wife but belong to him. They are his children.

1035 Now what I am saying to the Hon. the Chief Minister, it is not about skipping the queue, it is about opening that particular Clause 5(b) which I always felt could have harsh consequences if one was really bookish about the way one operated that Clause, and it is there for everybody to see, to introduce an element of discretion so that not that anyone skips the queue but that, in appropriate circumstances, you allow somebody in, if necessary obviously at the bottom of the queue on the Housing waiting list.

1040 **Hon. Chief Minister:** Mr Speaker, it is not 5(b), it is 5(d). It is 5(d).

Mr Speaker, I think it is worth reading the clause to the Parliament: it is two sentences. The relevant part is this:

1045 'People who have been home owners and have chosen to sell their homes'

– the words 'have chosen' are important –

1050 'to sell their homes shall not be entitled to go on the public waiting list unless, in the judgement of the Housing Allocation Committee, the sale was genuinely necessary or there is some justification for being admitted. No other person shall be allowed to earn over-crowding points when people move into his home after having sold their own home unless the Housing Allocation Committee rule that the sale was genuinely necessary.'

1055 There are, in that sentence, Mr Speaker, a number of discretions that can be engaged. The first is a judgement about whether somebody has *chosen* to sell a home or not. In the example that the hon. Gentleman has given, there is a clear choice. In the examples where there is a marital breakdown issue, or where there is another reason why a couple *have* to sell their home, then the first limb of that section is not engaged. There is no choice there.

1060 Then, Mr Speaker, the question of the judgement of the Housing Allocation Committee comes in, as to whether the sale was genuinely necessary or – and this is the wider discretion, Mr Speaker – where there is *some* justification for being admitted. So, Mr Speaker, we have considered very carefully whether this clause should change. But our determination has been that there are three gateways through which the discretion of the Housing Allocation Committee can be engaged, should they consider that there are reasons why, in deserving cases, people should be allowed to go back on the Housing waiting lists.

1065 What I am saying to him, Mr Speaker, is that in the circumstances of a waiting list which, on 9th December, was 1,500 people, the Housing Allocation Committee has been very reticent to ensure that it allows those discretions to engage only in circumstances which are the most deserving. There are deserving cases where people have not, in my view, been able to persuade the Housing Allocation Committee, perhaps harshly, and people have not been allowed back on the list.

1070 Now, in the context of a Housing waiting list that is more manageable – and there are changes to the way that the Housing waiting list is compiled, all of which we have said we are looking at in the context of housing everybody who was on the Housing waiting list on the 9th December – I believe it will be possible to be much more amenable to allowing individuals in circumstances such as the ones that he has described to come back on to the public waiting list. But that is not because there are not already discretions that can be engaged to allow registration of people in genuinely deserving cases. But I think that the way those discretions have been exercised at the moment reflects the dire circumstances that we inherited.

1075 **Mr Speaker:** Any other supplementary?

1080

**Government Housing Rental Estates
Details of contract cleaning**

1085 **Mr Speaker:** Question 333, the Hon. E J Reyes.

1090 **Hon. E J Reyes:** Can the Minister for Housing provide details in respect of all contracts to carry out cleaning of communal areas in Government Housing Rental Estates, inclusive of the names of companies contracted and cost?

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

Minister for Traffic, Housing and Technical Services (Hon P J Balban): Mr Speaker, three contracts will be awarded to clean the communal areas, El Turno, on a yearly basis, as follows:

1095 The company contracted: ESSL at a total contract sum per month of £10,816.
The company: JFM Shine at a contract sum per month of £3,328.
The company contracted: MCS with a contract sum per month of £2,392.
At present they have been engaged on a trial monthly contract.

1100 **Hon. E J Reyes:** Mr Speaker, were these contracts awarded as a result of a tender process, or how did they come about to contracting these?

1105 **Hon. P J Balban:** Mr Speaker, the contracts were actually... following a tender and, in each case, it was the cheapest of the companies that were the cheapest price were the ones that were contracted.

Mr Speaker: Question 334, the Hon Mr –

1110 **Hon. J J Netto:** Mr Speaker, could I ask a supplementary question perhaps on Question 333. Obviously, the Government – and I take on board the fact that it is the type of work that goes out to tender and the company will provide the services, so therefore there is no interference between Government and the company how to run the services as such, but I have heard some constituent people say that, in the context of Laguna Estate, there are just two cleaners doing El Turno, so to speak, for the whole number of blocks that there is. Putting such an amount... a volume of work on just two particular persons to do such a vast area is a huge demand, which probably takes, I do not know, all day probably. Is there any relationship, you know... I know the Government does not intervene in what the company does, but is there any relationship that, perhaps, too much work is being placed by the company on too few individuals to do this type of work?

1120 **Hon. P J Balban:** Mr Speaker, the Government will be looking into this.
This is, as I said, a trial so it is happening on a monthly basis on a trial basis. At the end of the day, as you rightly say, it is the company that decides, you know, how many cleaners they have per estate... and the Government does not interfere with that. Needless to say, if the job is seen that it is not being well done, or the Government sees that other things could be better, the company will be told and if it is not to their satisfaction then, obviously, we would have to review this in the future.

1125 **Hon. E J Reyes:** May I, Mr Speaker – sorry sir – seeing that the contract awarded to one of the companies is thrice that given to the others, is the Minister able to provide information of which of these companies cleaning contract pertains to which particular housing area?

1130 **Hon. P J Balban:** Mr Speaker, yes, the first company, it is thrice because they have thrice the amount of work.

1135 ESSL is responsible for the Estates, Mid Harbours, Glacis, Laguna and Varyl Begg Estates, whereas JMF Shine is responsible for Alameda Estate and MCS does Moorish Castle Estate, Edinburgh and Chilton Court.

Homes and residential properties Sale details

1140 **Mr Speaker:** Question 334, the Hon. Mr Edwin Reyes.

1145 **Hon. E J Reyes:** Can the Minister for Housing provide details, if any, in respect of homes or residential properties sold to persons or companies other than by those sold by an Official Public Tender process or to ‘Sitting Tenants’ since January 2012?

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

1150 **Mr Speaker:** Just a moment: that Question – was it 334, or 335?

Hon. E J Reyes: 335.

1155 **Mr Speaker:** Have we dealt already with 334, or have we jumped it?

Hon. E J Reyes: We have left it out, Mr Speaker, sorry.

**Government rental properties
Details relating to use of scaffolding**

1160 **Mr Speaker:** Right, Question 334 then, the Hon. Mr Edwin Reyes.

Hon. E J Reyes: Yes, Mr Speaker, whilst I ask that Question, seeing that the Hon. Minister said there was a schedule, can we anticipate the time, because you normally then have to allow me a few seconds... Perhaps one of the ushers can start to –

1165

Mr Speaker: Yes, I will allow the schedule to be circulated because we make better progress that way, so let us go back to 334 now. The Hon. Mr Edwin Reyes.

1170

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

Question 334: can the Minister for Housing provide this House with an updated list of all Government buildings used for rental accommodation which, since 6th March 2013, have had scaffolding erected, indicating the dates when the scaffold was first erected, the companies contracted to erect these, cost incurred and estimated date of dismantling?

1175

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

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

ANSWER TO QUESTION 334

Location	Date Erected	Estimated Removal	Cost to Date	Company
Wilson's Ramp	12/12/2009	Pending	£386.25	A&M Scaffolding & Cradles Ltd
Bado's Building	12/01/2010	Pending	£22,596.36	Gibfirst Scaffolding
Sandpits House	22/11/2012	August 2013	Cost Included In Contract	A&M Scaffolding & Cradles
Danino's Ramp (14)	29/10/2012	Pending	£3,451.43	Gibfirst Scaffolding
Renown House	28/10/2012	Pending	£650	Gibfirst Scaffolding
Royal Sovereign House	16/04/2013	Pending	Cost included in Contract	Gibfirst Scaffolding
Seaview House, 5	12/03/2013	Completion Date Pending	Cost included in Contract	Gibfirst Scaffolding
Hargrave's, 9	08/04/2013	Completion Date Pending	Cost included in Contract	Gibfirst Scaffolding
Willis's House	13/03/2013	Completion Date Pending	Cost included in Contract	Gibfirst Scaffolding
Crutchett's Ramp	13/03/2013	18/03/2013	£440	Gibfirst Scaffolding
Scud Hill House	15/03/2013	18/03/2013	£325	Gibfirst Scaffolding
Genoa House	11/04/2013	17/04/2013	£120	Gibfirst Scaffolding
Renown House	09/04/2013	29/04/2013	£200	Gibfirst Scaffolding
Crutchett's Ramp	17/04/2013	24/04/2013	£120	Gibfirst Scaffolding
MacMillan House	04/05/2013	08/05/2013	£600	Gibfirst Scaffolding
Crutchett's Ramp	07/05/2013	Completion Date Pending	£240	Gibfirst Scaffolding
Tarik House	06/05/2013	13/05/2013	£1,100	Andy Holdings
GBC – Broadcasting	27/04/2013	Completion Date Pending	£800	Avanti
Archbishop Amigo	25/02/2013	15/03/2013	£1,100	Sarah Jane Construction Co Ltd
Renown House, 20a	03/05/2013	13/05/2013	£1,000	SA Construction
Tankerville House, 33	09/04/2013	29/04/2013	£480	W&N Construction
King's House	22/04/2013	16/05/2013	£1,400	LC Groundworks
Portmore House	13/02/2013	08/03/2013	£3,680	Sarah Jane Construction Co Ltd
Custom Recreation Club	15/03/2013	Completion Date Pending	n/a to date	501 Construction Ltd

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**Homes and residential properties
Sale details**

1185

Mr Speaker: I will call out again Question 335, the Hon. Mr Edwin Reyes.

1190

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

I will re-read the Question, can the Minister for Housing provide details, if any, in respect of homes or residential properties sold to persons or companies other than those sold by an Official Public Tender process or to 'Sitting Tenants' since January 2012?

1195 **Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

Hon. Minister for Traffic, Housing and Technical Services (Hon P J Balban): Mr Speaker, no homes or residential properties have been sold to persons or companies during the period January 2012 to date, other than those sold through an Official Public Tender process or to 'Sitting Tenants'.

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**Government rental homes
Details of lift repairs**

1205 **Mr Speaker:** Question 336, the Hon. Mr Edwin Reyes.

1210 **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. 152/2013, showing (a) Location of lift requiring repairs; (b) Date and time when the lift breakdown was first lodged; and (c) Date and time when the lift was duly repaired and, therefore, fully functional?

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

1215 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

ANSWER TO QUESTION 336

LOCATION	DATE & TIME REPORTED	DATE & TIME REPAIRS COMPLETED	CONTRACTOR
CONSTITUTION HSE	08/02/13 11:10:00	08/02/13 11:32:00	OTIS
VALIANT HSE	09/02/13 17:00:00	09/02/13 17:48:00	OTIS
REFERENDUM HSE	10/02/13 09:05:00	10/02/13 17:48:00	OTIS
PENNEY HSE	13/02/13 17:40:00	13/02/13 17:52:00	OTIS
CONSTITUTION HSE	14/02/13 15:15:00	14/02/13 15:42:00	OTIS
REPULSE HSE	14/02/13 16:00:00	14/02/13 16:16:00	OTIS
WAVE CREST HSE	14/02/13 16:25:00	14/02/13 16:39:00	OTIS
ORSOVA HSE	18/02/13 15:45:00	18/02/13 15:55:00	OTIS
REFERENDUM HSE	19/02/13 19:20:00	19/02/13 19:31:00	OTIS
CONSTITUTION HSE	19/02/13 19:00:00	19/02/13 19:23:00	OTIS
CHUSAN HSE	20/02/13 18:15:00	20/02/13 19:03:00	OTIS
REFERENDUM HSE	21/02/13 20:30:00	21/02/13 20:49:00	OTIS
CHUSAN HSE	25/02/13 13:00:00	25/02/13 16:23:00	OTIS
AQUITANIA HSE	26/02/13 20:30:00	26/02/13 21:10:00	OTIS

CONTD ANSWER TO QUESTION 336

SEA WAVE HSE	01/03/13 10:30:00	01/03/13 10:40:00	OTIS
ARCHBISHOP AMIGO HSE	02/03/13 14:00:00	02/03/13 16:54:00	OTIS
PICTON HSE	02/03/13 16:15:00	02/03/13 16:58:00	OTIS
GEORGE DON HSE	08/03/13 08:30:00	08/03/13 08:44:00	OTIS
ALAMEDA HSE	07/03/13 13:30:00	07/03/13 14:05:00	OTIS
ROSS HSE	07/03/13 16:50:00	07/03/13 17:13:00	OTIS
CHUSAN HSE	07/03/13 19:55:00	07/03/13 20:34:00	OTIS
BLUE WAVE HSE	07/03/13 20:17:00	07/03/13 20:34:00	OTIS
ROSS HSE	08/03/13 12:00:00	08/03/13 12:20:00	OTIS

CONSTITUTION HSE	08/03/13 10:30:00	08/03/13 10:40:00	OTIS
ARCHBISHOP AMIGO HSE	12/03/13 10:05:00	12/03/13 10:24:00	OTIS
IRONSIDE HSE	14/03/13 08:27:00	14/03/13 08:32:00	OTIS

CONTD ANSWER TO QUESTION 336

ARCHBISHOP AMIGO HSE	14/03/13 08:30:00	14/03/13 08:37:00	OTIS
MAURETANIA HSE	14/03/13 12:45:00	14/03/13 13:00:00	OTIS
REFERENDUM HSE	15/03/13 13:50:00	15/03/13 14:03:00	OTIS
KINGSWAY HSE	14/03/13 17:00:00	14/03/13 19:43:00	OTIS

MAURETANIA HSE	15/03/13 15:00:00	15/03/13 21:45:00	OTIS
BLUE WAVE HSE	16/03/13 12:15:00	16/03/13 12:44:00	OTIS
WHITE WAVE HSE	18/03/13 12:20:00	18/03/13 12:41:00	OTIS
OCEAN WAVE HSE	19/03/13 20:40:00	19/03/13 20:52:00	OTIS
BLUE WAVE HSE	19/03/13 20:20:00	19/03/13 20:44:00	OTIS
CANTON HSE	21/03/13 15:50:00	21/03/13 16:18:00	OTIS

CARMANIA HSE	21/03/13 19:10:00	21/03/13 19:46:00	OTIS
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CONTD ANSWER TO QUESTION 336

ROYAL SOVEREIGN HSE	21/03/13 19:50:00	21/03/13 20:11:00	OTIS
ARCHBISHOP AMIGO HSE	22/03/13 19:40:00	22/03/13 20:09:00	OTIS
CATHAY HSE	22/03/13 20:15:00	22/03/13 20:47:00	OTIS
BLUE WAVE HSE	24/03/13 17:10:00	24/03/13 17:17:00	OTIS
IRONSIDE HSE	25/03/13 13:00:00	25/03/13 13:19:00	OTIS
REFERENDUM HSE	25/03/13 20:55:00	25/03/13 21:15:00	OTIS
CONSTITUTION HSE	25/03/13 20:10:00	25/03/13 20:51:00	OTIS
CONSTITUTION HSE	26/03/13 13:20:00	26/03/13 18:01:00	OTIS
BARHAM HSE	27/03/13 13:50:00	27/03/13 14:05:00	OTIS
BOW WAVE HSE	28/03/13 15:30:00	28/03/13 17:02:00	OTIS
SEA WAVE HSE	30/03/13 16:15:00	30/03/13 17:00:00	OTIS
OCEAN WAVE HSE	31/03/13 09:20:00	31/03/13 10:03:00	OTIS

CONTD ANSWER TO QUESTION 336

CARMANIA HSE	01/04/13 14:15:00	01/04/13 14:44:00	OTIS
GEORGE JEGER HSE	02/04/13 10:10:00	02/04/13 10:40:00	OTIS
IRONSIDE HSE	02/04/13 13:30:00	02/04/13 14:38:00	OTIS
CATHAY HSE	02/04/13 15:20:00	02/04/13 16:11:00	OTIS
REPULSE HSE	02/04/13 19:30:00	02/04/13 21:46:00	OTIS
CATHAY HSE	03/04/13 11:00:00	03/04/13 13:36:00	OTIS
ALAMEDA HSE	05/04/13 15:50:00	05/04/13 16:18:00	OTIS
CONSTITUTION HSE	05/04/13 17:45:00	05/04/13 18:22:00	OTIS
REFERENDUM HSE	05/04/13 17:00:00	05/04/13 17:38:00	OTIS
REPULSE HSE	06/04/13 13:00:00	06/04/13 14:51:00	OTIS
CONSTITUTION HSE	06/04/13 10:45:00	06/04/13 14:52:00	OTIS

CONTD ANSWER TO QUESTION 336

REFERENDUM HSE	06/04/13 23:45:00	06/04/13 00:08:00	OTIS
CARMANIA HSE	07/04/13 13:10:00	07/04/13 14:33:00	OTIS
BLUE WAVE HSE	07/04/13 20:55:00	08/04/13 08:32:00	OTIS
WHITE WAVE HSE	08/04/13 13:44:00	08/04/13 14:13:00	OTIS

GOVERNORS MEADOW HSE	07/04/13 20:45:00	07/04/13 21:01:00	OTIS
REFERENDUM HSE	08/04/13 18:45:00	08/04/13 20:19:00	OTIS
SEA WAVE HSE	08/04/13 20:15:00	08/04/13 20:20:00	OTIS
GOVERNORS MEADOW HSE	09/04/13 11:50:00	09/04/13 12:00:00	OTIS
OCEAN WAVE HSE	09/04/13 13:55:00	09/04/13 14:31:00	OTIS
KINGSWAY HSE	09/04/13 18:15:00	09/04/13 20:51:00	OTIS
REFERENDUM HSE	09/04/13 22:50:00	09/04/13 23:38:00	OTIS

CONTD ANSWER TO QUESTION 336

KINGSWAY HSE	10/04/13 09:55:00	10/04/13 10:36:00	OTIS
WHITE WAVE HSE	10/04/13 13:00:00	10/04/13 13:18:00	OTIS
REFERENDUM HSE	10/04/13 12:00:00	10/04/13 14:57:00	OTIS
ROSS HSE	11/04/13 12:40:00	11/04/13 13:01:00	OTIS
REPULSE HSE	11/04/13 20:15:00	11/04/13 21:08:00	OTIS
KINGSWAY HSE	11/04/13 21:30:00	11/04/13 22:05:00	OTIS
OCEAN WAVE HSE	12/04/13 15:45:00	12/04/13 17:29:00	OTIS
SEA WAVE HSE	12/04/13 21:30:00	12/04/13 22:23:00	OTIS
GOVERNORS MEADOW HSE	12/04/13 20:30:00	12/04/13 21:15:00	OTIS
CONSTITUTION HSE	13/04/13 13:50:00	13/04/13 14:18:00	OTIS
GEORGE DON HSE	15/04/13 17:40:00	15/04/13 18:15:00	OTIS
KINGSWAY HSE	18/04/13 09:00:00	18/04/13 12:17:00	OTIS

CONTD ANSWER TO QUESTION 336

REFERENDUM HSE	22/04/13 17:50:00	22/04/13 17:56:00	OTIS
CANTON HSE	22/04/13 12:30:00	22/04/13 12:58:00	OTIS
ALAMEDA HSE	22/04/13 19:30:00	22/04/13 21:08:13	OTIS
ROSS HSE	22/04/13 21:00:00	22/04/13 21:46:00	OTIS
IRONSIDE HSE	24/04/13 10:15:00	24/04/13 10:30:00	OTIS
REFERENDUM HSE	25/04/13 10:45:00	25/04/13 11:15:00	OTIS
CONSTITUTION HSE	25/04/13 19:00:00	25/04/13 19:40:00	OTIS
GEORGE DON HSE	25/04/13 20:30:00	25/04/13 21:55:00	OTIS
REFERENDUM HSE	25/04/13 20:00:00	25/04/13 20:31:00	OTIS
KINGSWAY HSE	27/04/13 08:50:00	27/04/13 09:34:00	OTIS
BARHAM HSE	28/04/13 17:50:00	28/04/13 18:04:00	OTIS

CONTD ANSWER TO QUESTION 336

ROYAL SOVEREIGN HSE	29/04/13 15:50:00	29/04/13 16:24:00	OTIS
PENNY HSE	29/04/13 18:50:00	29/04/13 19:44:00	OTIS
PENNY HSE	30/04/13 10:45:00	30/04/13 11:26:00	OTIS
PICTON HSE	30/04/13 11:25:00	30/04/13 11:59:00	OTIS
ORONSAY HSE	30/04/13 13:00:00	30/04/13 13:21:00	OTIS

SEA WAVE HSE	01/05/13 14:00:00	01/05/13 14:49:00	OTIS
PENNY HSE	01/05/13 16:50:00	01/04/13 17:31:00	OTIS
PENNY HSE	02/04/13 11:15:00	02/05/13 12:35:00	OTIS
SEA WAVE HSE	05/05/13 15:00:00	05/05/13 15:58:00	OTIS
VICTORIA HSE	05/05/13 21:10:00	05/05/13 22:16:00	OTIS
REPULSE HSE	06/05/13 21:00:00	06/05/13 21:26:00	OTIS
ROSS HSE	06/05/13 19:45:00	06/05/13 20:54:00	OTIS

CONTD ANSWER TO QUESTION 336

REPULSE HSE	07/05/13 16:40:00	07/05/13 17:19:00	OTIS
BISHOP CANILLA HSE	15/03/13 18:15:00	15/05/13 18:25:00	EMBARBA
BISHOP CANILLA HSE	08/04/13 10:23:00	15/05/13 10:55:00	EMBARBA
ALBERT RISSO HSE	25/03/13 14:55:00	25/03/13 15:17:00	FAIN
ALBERT RISSO HSE	29/04/13 10:35:00	29/03/13 10:58:00	FAIN
ALBERT RISSO HSE	03/05/13 10:11:00	03/05/13 10:33:00	FAIN

Mr Speaker: This is a rather lengthy schedule. I would like to call the next Question, if I may.

1220

**Government rental homes
Details in respect of outstanding repairs**

1225

Mr Speaker: The Hon. Mr Edwin Reyes, Question 337.

1230

Hon. E J Reyes: 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 assigned a home during 2012 are still waiting for repairs to be completed, stating if these works are to be carried out by the Housing Works Agency or by contractors, stipulating which contractors, if any, will carry out the works, and the cost?

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

1235

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, none of the 288 applicants who were allocated a home during 2013 are awaiting repairs to be completed. All 288 have signed the Tenancy Agreements and have taken the key to their property.

1240

Hon E J Reyes: Mr Speaker, because, last time, the Minister in his answer said that there was a difference between assignation and allocation, I have purposely used in my Question the 288 applicants who were 'assigned'. I note that the Minister, in his reply, has used, instead, '288 allocated'. Can I, therefore, Mr Speaker, try to explain myself? Are there any applicants who were assigned homes and are still waiting for those to be fully repaired and so on, and therefore that is why things when they become allocated... if I understood in the last Parliamentary session the Minister correctly?

1245

Hon. P J Balban: Mr Speaker, I should have said in that Question who were 'allocated', not 'assigned', but if you look at the reply once again, it says clearly all 288 have signed the Tenancy Agreement and have taken the key to the property. So, regardless of whether it was allocated, the persons have taken the keys to the property.

1250

Hon. E J Reyes: Because, if I may, Mr Speaker, it therefore follows that they have now accepted the key and are now, therefore, eligible to pay full rent and so on and there is not that lead-in period, yes? I have understood it correctly?

1255 **Hon. P J Balban:** Mr Speaker, that is right. When the person takes the key, it is because he has accepted the property and that is when the tenancy begins.

1260 **Government rental homes
Details in respect of urgent decanting**

Mr Speaker: Question 338, the Hon. Edwin Reyes.

1265 **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. 149/2013, indicating the reasons why, the dates when said decanting became necessary and the dates when these tenants were able to return to their homes?

1270 **Mr Speaker:** Answer, the Hon. the Minister for Traffic, Housing and Technical Services.

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

ANSWER TO QUESTION 338

A total of five tenants have required urgent decanting. The reasons why, the dates when said decanting became necessary and the dates when these tenants were able to return to their homes, is as follows:

	Reason	Date decanting became necessary	Date when tenant returned home
Tenant 1	Severe water ingress as result of storm	22/2/13	10/4/13
Tenant 2	Remedial works necessary	8/4/13	22/4/13
Tenant 3	Major works	1/3/13	Permanent decanting
Tenant 4	Govt projects	5/3/13	Permanent decanting
Tenant 5	Govt projects	5/3/13	Permanent decanting

1275 **Mr Speaker:** Now the schedule here is quite short, so we will pause for a few moments to allow hon. Members of the Opposition to ask supplementaries before we move on to Question 339.

1280 **Hon. E J Reyes:** May I, Mr Speaker... Can the Minister provide a little bit further information: the tenants, numbers 4 and 5, the reason for decanting says 'Government projects' – can he enlighten us with a bit more detail in that respect?

1285 **Hon. P J Balban:** Mr Speaker, may I ask the hon. Gentleman to repeat the question. I was absorbed by the coughing.

1290 **Hon. E J Reyes:** Yes, Mr Speaker, sir, I was saying that, from the schedule, tenants numbers 4 and 5, the reason for the decanting means Government projects. I am imagining from there that it does not necessarily follow that it was because the house needed major repairs or major works, like I am interpreting tenants 1, 2 and 3 were. So can he explain what the 'Government projects' were and that might clarify the matter?

1295 **Hon. P J Balban:** Mr Speaker, with regard to tenants 4 and 5, those two were decanted as a result of the ongoing decanting – started by the previous administration – of police barracks. With these two families, the decanting of the building is now complete.

Hon. E J Reyes: Is it similar with tenant number 3? Does the Minister have any additional information?

Hon. P J Balban: Mr Speaker, the third family decanted was as a result of major works required to

1300 the roof of the property.

Hon. E J Reyes: Yes, but I see, Mr Speaker, that the Minister has listed that one as being a permanent decanting, so if that roof is being repaired is the Government not willing to offer that family the opportunity to return back to that home?

1305

Hon. P J Balban: For more specific... I would need to ask my staff but the actual supplementaries that were prepared for me state that... I mean, no doubt, I would think that the works required were so great that the family was permanently decanted, either because they just... I do not know the reasons why it was permanent. I would just assume that the works were too great to have them back. I would need to find out.

1310

If the hon. Gentleman writes to me, if he is very keen to know the particular details of that family in question, well, that circumstance in question, to let me know and I will find out the specifics.

1315

**Assigned Government rental homes
Required repairs: details of allocations and assignments**

1320

Mr Speaker: Question 339, the Hon. Mr Edwin Reyes.

Hon. E J Reyes: Mr Speaker, sir, can the Minister for Housing provide details as to how many of the rental homes assigned so far in 2013 still require repairs to be undertaken, indicating how many will be repaired by: (a) the Housing Works Agency; (b) sub-contractors; and (c) the assigned tenants themselves?

1325

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

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, I will answer this Question together with Question 340.

1330

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

Hon. E J Reyes: Can the Minister for Housing provide details in respect of how many rental homes have been; (a) allocated; and (b) assigned since the answer provided to Question No. 147/2013, showing the room composition of the respective homes?

1335

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

Hon. P J Balban: Mr Speaker, I will now hand the hon. Member a schedule containing the information requested.

1340

ANSWER TO QUESTION 340

Answer to Question 339

A total of 10 flats have been assigned so far in 2013. The repairs are to be undertaken by the following:

- (a) Housing Works Agency - 1
- (b) Sub-contractors - 6
- (c) The assigned tenants themselves - None.

The other three flats were, at the time the answer was provided, accepted. We are in the process of assigning them either to the Housing Works Agency or to a sub-contractor.

1345

Answer to Question 340

A total of 63 rental homes have been allocated and/or assigned as follows:

ALLOCATED	
1RKB	2
2RKB	12
3RKB	30
4RKB	9
5RKB	0
TOTAL	53

ASSIGNED	
1RKB	0
2RKB	1
3RKB	7
4RKB	2
5RKB	0
TOTAL	10

1350 **Mr Speaker:** Does the Hon. Minister have any supplementaries – the hon. Member, sorry – have any supplementaries?

Hon. E J Reyes: Yes, Mr Speaker does the Minister have information pertaining to, in the first part of his answer, under (b) sub-contractors, there are six of them, does he have any information in respect of who these sub-contractors are?

1355 **Hon. P J Balban:** Mr Speaker, no, unfortunately not.

1360 **Hon. E J Reyes:** Would the Minister accept, Mr Speaker, that if I wrote to him, he will he give me the details of the six sub-contractors and I will throw in, as well, an indication of the estimates costs that will entail. Can we come to that gentleman's agreement, sir?

Hon. P J Balban: Mr Speaker, yes, if the hon. Member cares to write to me, I will provide him with the names of those six sub-contractors.

1365 **Hon. E J Reyes:** Mr Speaker, so that it is for the future record, and especially on *Hansard*.

I accept the note that the other three flats were, at the time the answer was provided, accepted. Then they are in the process now of assigning them either to the Housing Works Agency or to a sub-contractor. In order that we have updated information... perhaps the Minister, once he knows exactly they are going to be the Housing Works Agency or sub-contractor, or in what ratio between the two of them, how can we get that information and therefore it becomes part of the Parliamentary record?

1370 **Hon. P J Balban:** Mr Speaker, yes, I was very careful, when actually preparing the questions. Obviously, I was preparing these questions some time back and things can change so he can either pose the same question next month and we can give him an update or he can write to me and we can update that, if necessary, if there has been a change. There might not have been.

1375 **Clerk:** In writing to the Hon. Minister, that information will not be recorded in *Hansard*, so I think perhaps you might wish to consider asking the Question again next time.

1380 **Hon. E J Reyes:** Yes, Mr Speaker, thank you for that advice. I was conscious of that, which was why I looked with my school child type of smile for guidance for those who have been here far longer than I have. Yes, I shall consider that, Mr Speaker, and then take a decision whether I wish to write or to pose it in the next parliamentary session.

1385 **Clerk:** Question 341 has already been answered in a previous sitting, so we are now going to proceed to Question 385, and those are Questions which are going to be posed to the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.
385.

1390 **EDUCATION, FINANCIAL SERVICES, GAMING, TELECOMMUNICATIONS AND JUSTICE**

**Companies Registry
Number of company incorporations in 2012-13**

1395 **Clerk:** Question 385, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Education, Financial Services,

1400 Gaming, Telecommunications and Justice say how many new companies were incorporated in Gibraltar by the Companies Registry in 2012 and 2013?

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

1405 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the new companies incorporated in Gibraltar by the Companies Registry in 2012 and 2013 are as follows: 2012 – 1,912; 2013 up to the end of April of this year – 170.

1410 **Mr Speaker:** Any supplementary? No.

**Companies Registry
Number of company liquidations in 2012-13**

1415 **Clerk:** Question 386, the Hon. S M Figueras.

1420 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice say how many Gibraltar companies (a) commenced liquidation proceedings and (b) were liquidated in 2012 and 2013?

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

1425 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, in answer to part (a) of the Question, 228 Gibraltar Companies commenced liquidation proceedings in 2012, and 65 companies commenced liquidation proceedings in 2013 – so far in 2013. That is January to April. Part (b), 146 companies were liquidated in 2012 and 50 companies have been liquidated in 2013, again January to April.

1430

**Financial Services Commission
Company / Investment Fund statistics for 2012-13**

1435 **Clerk:** Question 387, the Hon. S M Figueras.

1440 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice say how many new Gibraltar companies or entities were licensed by FSC in 2012 and 2013 (excluding the extension of licences of existing licensed companies) providing a breakdown by class (i.e. professional trustee, insurer, bank)?

1445 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker I will answer this Question together with Questions 388, 389, 390, 391 and 392/2013.

1450 **Clerk:** Question 388.

1455 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many Gibraltar companies or entities surrendered their FSC licences in 2012 and 2013?

Clerk: Question 389.

1460 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many FSC regulated companies or entities ceased trading but are not subject to liquidation or bankruptcy proceedings in 2012 and 2013?

Clerk: Question 390.

1465 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many FSC regulated companies or entities were subject to liquidation or bankruptcy proceedings in 2012 and 2013?

Clerk: Question 391.

1470 **Hon. S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice please provide a list to this House of investment funds liquidated in 2012 and 2013?

Clerk: Question 392.

1475 **Hon S M Figueras:** Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice state how many investment funds surrendered their authorisation or licence in 2012 and 2013?

1480 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Hon. G H Licudi: Mr Speaker, the statistical information requested by the hon. Member is set out in the schedule that I now hand to him.

SCHEDULE TO QUESTION 392/2013

FINANCIAL SERVICES LICENCES

Summary	2012			2013		
	Q387 Granted	Q388 & Q392 Surrendered	Q390 & Q391 Liquidation	Q388 Granted	Q388 & Q392 Surrendered	Q390 & Q391 Liquidation
Audit Firms	1	2	0	1	0	0
Statutory Auditors	7	13	0	2	5	0
Representative Offices (banks)	0	2	0	0	0	0
Banks	0	1	0	0	1	0
E-Money Firms	2	0	0	0	0	0
Consumer Credit	3	2	0	0	0	0
Collective Investment Scheme Operators	1	1	0	0	0	0
Experienced Investor Funds	24	16	0	7	8	0
Sub-Funds	31	23	0	9	4	0
EIF Directors	11	11	0	1	2	0
Insurance Companies	3	1	0	1	2	3
Insurance Intermediaries	5	1	0	2	3	0
Insurance Managers	1	0	0	0	0	0
Company Managers	12	20	0	13	15	0
Professional Trustees	0	2	0	0	2	0
Bureau de Change	1	1	0	0	0	0
MIFID	3	2	0	3	3	0
MIFID Branches	2	1	0	0	0	0
Pension Schemes	0	0	0	0	1	0
	107	99	0	39	46	3

1490 With regard to Questions 389 and 390, the Government is not able to say how many FSC regulated companies or entities ceased trading or were subject to liquidation or bankruptcy proceedings in 2012 or 2013 *after* they surrendered their licences. Perhaps I should explain a little bit more about that last remark.

1495 Mr Speaker, the hon. Member – and I see that he is getting the schedule now – if the hon. Member looks at the schedule, there is a column which is headed ‘liquidation’, and at the last column of that schedule – 2013 – the hon. Member will see three companies in liquidation – that relates to insurance companies – and these are companies that commenced liquidation proceedings without surrendering their licences. What happens *after* they surrender their licence we are not able to say.

Perhaps we can assume, and it is only speculation and an assumption, that if an entity, all it does is FSC-regulated activity, and it surrenders its licence then that entity or that company ceases to trade.

1500 There are some... for example, in the headings, the hon. Members will see ‘EIF Directors’. The fact that an EIF Director surrenders a particular licence, as an EIF Director, does not mean that that person ceases trading altogether. Equally, we are not able to say, *after* they cease trading, which of the companies have actually commenced liquidation proceedings.

1505 The hon. Member will have had, in answer to an earlier Question, the numbers which have
commenced liquidation proceedings and the numbers liquidated in 2012 and 2013. It is not possible to
correlate those numbers with a surrender of licences unless we went through each particular file, looked
at each company that had commenced liquidation proceedings or had been liquidated, checked whether
they had been an FSC-regulated entity and surrendered their licence and then I would be able to give that
list. So that is why I have qualified the answer by saying that we are not able to say how many of these
companies, *after* they surrender their licences, actually cease trading or are subject to liquidation
proceedings.

1510

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

1515 One particular number that stands out in relation to what has gone off 2013... and that is the column of
company managers in relation to Question 388 and 392 surrendered, and that is 15. It is a significant
number and I wonder whether, perhaps, the Minister can offer some indication of why that number is
quite so significant. I am certainly not aware of reasons for that, and if he is not and he requires notice of
it, then I will be happy to provide him with it at the next session.

1520 **Hon. G H Licudi:** Mr Speaker, I am not aware of the *specific* reasons, but what I have looked is at the
trend over the last few years, and the fact that the numbers that stand out are company managers is a case
in point in 2009, 2010 and 2011. In 2010, for example, there were 20 company managers licences granted
and 38 surrendered, so that seems to be a common trend over the years, but if the hon. Member wants
more specific information about these particular company managers, I will be happy provide it if he were
to write to me or give me notice.

1525

Mr Speaker: Any other supplementary arising from those numerous questions?
Next Question.

1530

**ECJ ruling on Jyske Bank
Implications for financial sector**

Mr Speaker: Question 393, the Hon. Mr Figueras.

1535

Hon. S M Figueras: Thank you, Mr Speaker.

Can the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and
Justice set out the Government's assessment of the impact of the recent ruling by the European Court of
Justice in the Jyske Bank matter, case C-212/11, for local banks and other financial services providers?

1540

Mr Speaker: Answer, the Hon. the Minister for Education, Financial Services, Gaming,
Telecommunications and Justice.

1545 **Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice**
(Hon. G H Licudi): Mr Speaker, this matter is still the subject of proceedings in the Spanish Courts. An
assessment of the impact of the ruling will be made once those proceedings are concluded. I will,
however, be happy to give the hon. Member the Government's initial assessment but I am hesitant to do
so publicly, given that there are ongoing proceedings. There are, in fact, live issues in those proceedings
still.

1550

Hon. S M Figueras: I am grateful for the Hon. Minister's reply in this context and I am alive to those
issues.

I will happily take him up on the offer of the discussion behind the Speaker's Chair. I am grateful.

1555

**IOSCO Multilateral Memorandum of Understanding
Government legislation to enable signature**

1560

Mr Speaker: Question 394, the Hon. Selwyn Figueras.

Hon. S M Figueras: Yes, Mr Speaker, can the Hon. the Minister for Education, Financial Services,
Gaming, Telecommunications and Justice say if the Government is now in a position to pass relevant
legislation and thereby procure Gibraltar's removal from the IOSCO list of non-signatories to the

1565 Multilateral Memorandum of Understanding as soon as possible?

Mr Speaker: Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1570 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government expects to be in a position to publish a Command Paper with a draft of the relevant legislation soon.

1575 **Hon. S M Figueras:** Mr Speaker, can the Minister say when he expects... he has just soon, before he rises to repeat the answer. Is he in a position to say when, whether there is a timeframe in mind for this?

Hon. G H Licudi: Mr Speaker, I expect that to be within a matter of weeks.

1580 **Sex Offenders List
Number of individuals**

Mr Speaker: Question 395, the Hon. Mrs I M Ellul-Hammond.

1585 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Justice say how many individuals are on the Sex Offenders List?

1590 **Mr Speaker:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, there are currently three persons on the Sex Offenders Register.

1595 **Rehabilitated sex offenders
Monitoring in the community**

1600 **Mr Speaker:** Question 396, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Justice say what monitoring or spot checks are carried out on those who have served a sentence for sexual offences and are back in the community?

1605 **Mr Speaker:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1610 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, under Part 13 of the Crimes Act 2011 and subject to the provisions contained therein, in particular section 306, persons convicted of a sexual offence set out in Schedule 3 of the Act are liable to be placed on the Sex Offenders Register.

Persons on the Register become subject to a monitoring and visitation regime combining, at the RGP's discretion, pre-arranged visits and checks conducted without prior notification to the registered sex offender.

1615 The regularity of these visits and checks is determined by the assessed risk that the registered sex offender poses to the community. The risk assessment is undertaken by trained RGP officers, acting as designated Risk Managers at the time the individual is put on the Sex Offenders Register. Designated Risk Managers will put together a risk management plan. Those involved in the management of sex offenders may include, apart from the RGP, the Prison Service, the Care Agency, the Probation Service and the GHA.

1620 Persons who have been convicted of sexual offences, who have served their sentence and are back in the community, that do not meet the section 306 registration criteria may, nevertheless, become subject to inclusion in the RGP's Integrated Offender Management Programme, which incorporates all criminality. This is a new programme by the RGP which will be commenced shortly.

1625 As with the management of sex offenders, the Programme is based on risk assessment. Persons

assessed by Designated Risk Managers to pose a risk to society are approached by police, who may then recommend their inclusion in the Integrated Offender Management Programme. If the offender consents, they may then enter into an agreed programme designed to manage the risk of their re-offending. This is voluntary but the UK experience on which this programme is based shows a good proportion of engagement between offenders and the police service.

1630

In addition, there are provisions in the Crimes Act to deal with convicted sex offenders who are not captured by section 306 of the Act, provided that the offence for which they are convicted is included in Schedules 3 or 4 of the Act. Under section 326 of the Act, I, as Minister with responsibility for Justice, may direct the Attorney General to make an application to the Magistrates' Court for a Sexual Offences Prevention Order.

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The making of a Sexual Offences Prevention Order will lead to the individual being placed on the Sex Offenders Register and may include other conditions and restrictions.

The monitoring regime pursuant to a Sexual Offences Prevention Order is similar to the one for registered sex offenders, although frequency and intrusiveness may increase.

1640

It should be noted that Sexual Offences Prevention Orders can also be applied for in respect of sex offenders registered under section 306 of the Act when it is assessed that additional restrictions are required in order to protect the public or any particular member of the public from serious sexual harm.

Furthermore, under section 341 of the Act, which deals with sexual activity or sexual communications with children, I, as Minister with responsibility for Justice, may direct the Attorney General to make an application to the Magistrates' Court for a Risk of Sexual Harm Order.

1645

Here again, the monitoring regime pursuant to a Risk of Sexual Harm Order is similar to that exercised in respect of registered sex offenders and is designed to protect children from harm from the defendant.

Applications for a Sexual Offences Prevention Order and a Risk of Sexual Harm Order can be made, provided that the statutory criteria is satisfied, regardless of the date when the offence was committed, whether it was committed before or after the coming into force of the Act and whether the offence was committed in Gibraltar or abroad.

1650

Hon. D A Feetham: Mr Speaker, the Hon. the Minister for Justice has broken it down into various categories and, broadly speaking, one of those categories are offenders that may be subject to the Crimes Act, but then, of course, there are offenders that because the Crimes Act came into operation subsequent to them, for example, leaving H M Prison, many of these provisions – I think all of them, but I will be corrected if I am wrong, I have not actually looked at whether some of these Prevention Orders actually apply retrospectively – may I please – regardless of the legislative changes that the Government made, in order not to make the Sexual Offenders Register retrospective last year.

1655

He may recall that, of course, the Crimes Act has only become operational towards... it was sometime – November of last year, thank you very much. Prior to that, of course, the Government had taken the decision not to make the Sexual Offenders Register retrospective and, as part of the arguments that the Government then deployed justifying that, the Government said well, the Police do monitor these people.

1660

Now, I note that in the answer you said that there is going to be a programme of monitoring for those who are not covered by the Crimes Act, shortly, but what is the position in relation to monitoring of those individuals at the present moment prior to the new policy being introduced? Because, of course, it was that very same argument, the fact that these people are monitored anyway, the argument that was deployed by the Government in order to justify amending the legislation so as not to make the Sexual Offenders Register retrospective.

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1670

Hon. G H Licudi: Mr Speaker, the premise upon which the hon. Member asked the supplementary is completely mistaken. He started by saying many of these provisions and these orders do not apply retrospectively before the coming into force of the Act.

1675

The hon. Member had heard the last couple of sentences, or indeed the last sentence of the answer that I gave and I will repeat it for his benefit. Applications for a Sexual Offences Prevention Order and for a Risk of Sexual Harm Order can be made, provided that the statutory criteria is satisfied, *regardless* of the date when the offence was committed, whether it was committed before or after the coming into force of the Act and whether the offence was committed in Gibraltar or abroad. This deals with the issue that I know the hon. Member raised in press releases at the time, when we were having this discussion, and we even considered this matter in this House, as to whether these Orders were available or whether there was any protection from people coming from abroad and whether anything could be done to protect the public from harm in respect of offences committed prior to the coming into force of the Act.

1680

These Orders are available where the Royal Gibraltar Police assesses, through the designated Risk Managers, assesses that there is a risk in respect of *any* type of criminality. This does not just apply to sexual offences. It applies to offences in Schedule 3, which are the sexual offences and Schedule 4, which are wider offences, as the hon. Member will know. If there is a risk of sexual harm or sexual offences

1685

1690 being committed, then an application can be made and I, as Minister for Justice, can direct the Attorney General to make that application and that application, as I have said, can be made regardless and is completely unaffected... The provisions that I have quoted in respect of these type of Orders are completely unaffected by the amendment that the Government made, I seem to recall it was last year, in relation to these provisions. Those amendments only affect the issue of automatic notification.

1695 The second part of the supplementary talks about monitoring. What we said last year was that persons who have been convicted of offences previously are known to the Police. If the Police, therefore, assess that people who are known to the Police involve any kind of risk which justifies an application to the Court, we have the statutory mechanism for the Police, after having assessed that risk, to advise me and, if I am satisfied that an application needs to be made to the Court, then I will direct the Attorney General to make that application to the Court. Therefore we consider that all the bases are covered.

1700 The hon. Member has mentioned that the Integrated Offender Management Programme is due to be commenced shortly but that is a separate issue. That is a specific programme which is modelled on what exists in the UK and it affects all types of criminality and that involves engagement with the offender. It involves coming to an agreement with the offender for the monitoring in the future of that offender and that involves monitoring for the purposes of reducing any risk of re-offending. It is part of a rehabilitation process of the offender and I am sure the hon. Member will be glad that such a programme will be put into place and will wish the RGP generally every success in reducing the risk of re-offending and the rehabilitation provisions which they are intended to address.

Hon. D A Feetham: Mr Speaker, of course I do and I think that it is a worthwhile programme indeed.

1710 But, with respect, he has not really answered the question. I quite understand what you are saying, that last year it was possible for the RGP to advise you that there is a particular individual who is particularly dangerous and therefore ask you to make an Order, actually, as from November of last year – that is when we introduced the Crimes Act, sorry, the Crimes Act was brought into force, it was obviously introduced by us when we were in Government. I quite understand that the RGP advises you to make an application, you then make an application, but that is not the substance of the question that I am asking.

1715 What I am asking is... well, you decided to amend the legislation in order not to make the list retrospective and one of the arguments that you deployed in relation to that was, well, these people are sufficiently monitored now, anyway, without the Crimes Act. They are sufficiently monitored because this was pre-Crimes Act. They are monitored by the Police. Now the hon. Lady has asked a question about monitoring – what monitoring or spot checks are carried out and, of course, it appears to me, that actually until you introduce your very worthwhile scheme, the position in terms of monitoring continues to be the position in terms of monitoring that existed last year, save that, now, post- the Crimes Act, what you can have is a situation where the Police ask you to make an application.

1720 But I am not asking about applications, I am asking about monitoring because it is important to the community. What monitoring is actually taking place now and what monitoring was taking place last year to justify the Government's policy in terms of not making the list retrospective?

Hon. G H Licudi: Mr Speaker, it seems that the hon. Member is quite intent on re-opening the debate, notwithstanding that the debate, which we had last year, we have already had in Parliament and which was based on a full –

1730 **Mr Speaker:** Yes, and I must remind Members that they cannot go back to matters which have been debated here in the House within a given period.

1735 **Hon. D A Feetham:** Mr Speaker, this is not about me opening the debate on the amendment to the Sexual Offenders Register, it is the fact that the Government spoke about monitoring: she has asked the question, the hon. Lady has asked the question, about what monitoring takes place. We received an answer in relation to – which I have described as a very worthwhile initiative by the Government – as from the next few weeks they are going to up the monitoring structure or scheme for these types of individuals, but what monitoring actually takes place now, or took place a year ago? That is nothing to do with the debate that we had.

1740 **Mr Speaker:** Let us see if we can have an answer to that question.

1745 **Hon. G H Licudi:** Mr Speaker, let me say, first of all, that this is an initiative by the RGP. This is not something that the Government itself has looked at. It is certainly a laudable and worthwhile initiative but it is an initiative by the RGP.

The hon. Member says that last year we spoke about monitoring... I do not have the record of what we talked about last year but my recollection is that it was felt that the people who have committed offences previously are sufficiently known to the Police for the Police to be able to assess as and when they

1750 consider necessary, in respect of any type of criminality, whether or not those persons *should* be included
 in the Sexual Offences Prevention Order. So the only thing that has changed is that the *automatic*
 notification procedure in respect of previous offenders is not automatic, it is subject to the RGP making
 1755 an assessment of that risk, advising me of that risk and I, being satisfied of that risk, giving a direction to
 the Attorney General. So the automatic notification procedure has simply been changed to an assessment
 of risk procedure and an advice given to me and then an application is made to the Magistrates Court. We
 consider that that is the right approach, that that is the way to proceed, and I am not sure whether it is too
 early to say, but the system seems to be working.

1760 **Hon. D A Feetham:** Can the Minister for Justice allay any concerns that there may be in the
 community in relation to this and confirm to this House that this new scheme that is going to be
 introduced in order to, effectively, assess and monitor – and I think it is very worthwhile that one has a
 scheme that involves not only input from the Police but also from Social Services and any relevant
 service that may be able to provide any worthwhile contribution in relation to these types of offenders –
 1765 that this will also apply not only to offenders that are subject to the notification procedures – I think it is
 Section 306 – but also to those that the Government took off the Sexual Offenders Register when it
 changed the law? And that the scheme is going to be operated not only in relation to those individuals, the
 ones that have been removed, not only in relation to individuals that the RGP thinks may be a risk and
 advises the Minister to make an application, but also at a lower level because, Mr Speaker, in fact in order
 1770 to properly assess whether people pose a risk, you have obviously got to do a risk assessment? Therefore,
 my question is can the Minister confirm that this is going to be applicable across the board, whether you
 are on the Sexual Offenders Register or you are not on the Sexual Offenders Register?

1775 **Hon. G H Licudi:** Mr Speaker, let me correct, first of all, what the hon. Member has said in
 suggesting that the Government took certain people off the Sexual Offenders Register. Let us not forget
 that there was nobody on the Sexual Offenders Register when we came into office. The legislation had
 been passed but *they* decided not to commence it and, therefore, not to start a Sex Offenders Register
 before they left office. Even though they passed legislation in June, I seem to recall, by December that
 had still not been commenced. So we certainly did not take anybody off the Sexual Offenders Register.
 1780 What we have done is commence the provisions which have now led to certain people being included in
 the Sex Offenders Register.

And I can confirm, Mr Speaker, as the hon. Member has asked me to do, that this is a scheme that
 applies across the board. As I stated in the answer to the original question, it applies to all criminality and
 it does not depend on when a particular person was convicted. It certainly applies across the board, as the
 hon. Member suggested it should. It certainly does.
 1785

1790 **Hon. D A Feetham:** Thank you, and the Minister is absolutely satisfied, is he, that none of the
 amendments that he made last year in relation to the Sexual Offender Register provisions of the Crimes
 Act, in order so that list is not made retrospectively – let us not forget the effect of that amendment was
 that it took out, from the scope of the legislation, some 24 individuals would have been within the scope
 of the legislation, had he not made the amendment that he brought to this House – is he satisfied that none
 of the amendments that he made last year to the Crimes Act will have a negative impact on the ability of
 the RGP to actually require these individuals to go through that kind of assessment which, of course, is a
 very intrusive assessment? My gut feeling, in relation to something like that, is that it may require some
 sort of statutory underpinning to allow it. But I am just asking the hon. Gentleman whether he is satisfied
 1795 that there is no impact.

1800 **Hon. G H Licudi:** Well, Mr Speaker, I am entirely satisfied that the statutory provisions which are in
 place and which were enacted by the hon. Member, and commenced by us, are sufficient in order to
 provide the protection which is necessary.

In respect of the persons that the hon. Member has indicated, if there are any of those individuals that
 are assessed by the Royal Gibraltar Police as posing any particular risk, such that certain restrictions
 should be included – and let us not forget that this is not just about inclusion on the Sexual Offenders
 Register, because the tools which are available now are tools to go to Court and include *restrictions* in
 respect of what an individual can do or cannot do – and therefore I am entirely satisfied that those tools
 1805 are available to the RGP, to myself as Minister for Justice, to the Attorney General, to make that
 application to the Court. Therefore, there is absolutely no need for any concern.

The hon. Member talks about concern in the community. It seems to me the only persons creating that
 concern are the hon. Members. There is no concern because the tools are there and can be used
 effectively.
 1810

Mr Speaker: Any other supplementary?

**Adults working with children
CRB checks in voluntary sector**

1815 **Clerk:** Question 397, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Justice explain what the process is for adults to be able to work with children in the voluntary sector. Do they require a licence to do so and how are Criminal Records Bureau, or CRB, checks conducted in Gibraltar?

1820 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1825 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, there is currently no statutory provision requiring adults who wish to work with children in the voluntary sector to be licensed or formally vetted. The process of vetting adult volunteers is determined by the practices and policies of the organisation in question.

1830 It is open to an organisation to require the adult volunteer to provide a certificate of good conduct from the RGP or from the Criminal Records Bureau in the UK, or to authorise the organisation to vet the volunteer through RGP checks or to provide references. But the law does not expressly require them to do so.

1835 This is a gap in our legislation which has been identified by the Government. The Government is, therefore, already looking at the introduction of statutorily mandated vetting of adult volunteers who work with children and vulnerable adults.

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

1840 I know that the Care Agency conducts checks – obligatory checks – on its staff. Can the Minister confirm that, at present, the Education Department, GHA and other Government Departments where staff are in contact with children, also conduct obligatory checks?

Hon. G H Licudi: Mr Speaker, I am not sure whether the hon. Member is asking the question in respect of the same... I am not taking a Point of Order in respect of this; I just want to understand the question. The question was originally about those who work with children in the *voluntary* sector. The hon. Member has talked about people who work for the Care Agency.

1845 The Care Agency certainly conducts all those checks, as do all other Government Departments and authorities in respect of any person who is going to be engaged to work with children or vulnerable adults. That is a process that the Government always goes through.

1850 **Hon. D A Feetham:** Mr Speaker, the Minister, no doubt, is aware that, in the UK – and we did take this into account but we decided that we should keep them for the time being separate but open to review in the future – the UK has actually moved from having various lists, for example, a Sexual Offenders List and a list of people that are unsuitable to work with children. We have a list, we introduced a list of people who are unsuitable to work with children as part of the Children's Act and, of course, we passed the legislation through Parliament in relation to the Sexual Offenders Register...

1855 Is it part of the Government's future plans to consider whether to have one database, one list, kept in one central databank in relation to these issues or is that something that the Government is not considering?

1860 **Hon. G H Licudi:** Mr Speaker, this is the administration of the scheme that would be introduced and certainly the Government, in looking at the legislation, will look at how it should be administered and what the most effective way is.

1865 I am grateful for the comment on the possibility of one list and integrated database or the possibility of different lists. All those things will certainly be considered as part of the legislation that the Government is considering, in terms of what is the most effective way of putting that into practice.

**Transport for educational and sporting needs
Increased provision**

1870 **Clerk:** Question 398, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education provide details of what plans the Government has to

1875 increase provision of transport for educational and sporting needs?

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

1880 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Department of Education has a dedicated twenty-two seater bus which is used for the schools' education and sporting needs. Additional transport facilities are provided whenever necessary, either by private operators or by the Gibraltar Bus Company. Arrangements with the Gibraltar Bus Company involve an extra bus which is operated during term time to take children from the Mid Harbours area to Sacred Heart School, an extra bus from Catalan Bay and an extra bus from the South District. On top of this, changes to bus route No. 1, which runs between Market Place and the Upper Town, means that the bus also picks up and drops off children from Mid Harbours.

1885 The Government considers that the current arrangements are adequate but will continue to monitor this and will increase transport facilities if this is thought to be necessary.

1890 **Hon. E J Reyes:** Mr Speaker, can the Minister confirm if, by now, we already have in place the driver for this twenty-two seater bus which, in previous answers, he said they were in the process of completing the selection procedure?

1895 **Hon. G H Licudi:** Mr Speaker, in respect of the specific person to be engaged as a driver, the selection process has been completed, a person has been selected and the information I had last week is that the appointment was simply subject to a medical. The person has already gone to the medical check-up and the Government is awaiting the results, or rather Human Resources Department is awaiting the results, simply to finalise the arrangements.

1900 I should say that, although that process has taken longer than perhaps I would have liked, we have had a driver available, both somebody who is employed by the Education Department and, when necessary, we have been able to call upon drivers employed in the Government's garage section.

Therefore it is not as if the bus has been idle all along but that selection process is almost complete and I very much hope that the driver will be engaged at the earliest possible opportunity.

1905

National Institute for Adult Continuing Education Plans and timescale

1910 **Clerk:** Question 399, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education say what plans and timescale this Government has to establish a National Institute for Adult Continuing Education as per their Manifesto commitments?

1915 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1920 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the position remains as stated in the answer to Question 900/2012.

Mr Speaker: Any supplementary?
Next Question.

1925

Old St Bernard's Hospital Conversion to school use

1930 **Clerk:** Question 400, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education confirm if any section or sections of the old St. Bernard's Hospital will be converted into a school or schools in order to cater for the replacement of the present St. Bernard's First and/or Sacred Heart Middle Schools?

1935 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming,

Telecommunications and Justice.

1940 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the Government is working on plans for the old St. Bernard's Hospital site and an announcement will be made soon.

Hon. E J Reyes: Therefore, Mr Speaker, there are no concrete plans yet that the Minister could inform us in respect of the future for St. Bernard's First and Sacred Heart Middle Schools.

1945 **Hon. G H Licudi:** Mr Speaker, I expect to be in a position to make an announcement on this very soon, certainly before the House next meets.

1950 **Old St Bernard's Hospital
Demolition of ex-Sisters' quarters**

Clerk: Question 401, the Hon. E J Reyes.

1955 **Hon. E J Reyes:** Can Government confirm if they have any plans to knock down the ex-Sisters' quarters at the old St. Bernard's Hospital and, if so, provide details of such plans.

1960 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government does not plan to knock down the ex-Sisters' quarters at the old St. Bernard's Hospital.

1965 **School drop-out rate
Academic year 2012-13**

1970 **Clerk:** Question 402 the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education state how many 15-year olds have dropped out of school so far during the academic year 2012-13, providing a breakdown by school?

1975 **Clerk:** Answer, the Hon. the Minister for Education, Financial Services, Gaming, Telecommunications and Justice.

1980 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, fourteen 15-year olds have dropped out of school during the current academic year, ten from Bayside and four from Westside.

1985 **Countering tax evasion
Formal mechanisms**

Clerk: Question 403, the Hon. P R Caruana.

1990 **Hon. P R Caruana:** Mr Speaker, can the Government say whether it will enter into a FATCA agreement with the United States of America?

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

1995 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, I will answer this Question together with Questions 404 and 405/2013.

Clerk: Question 404.

2000 **Hon. P R Caruana:** Mr Speaker, can the Government say what is the formal mechanism by which Gibraltar is subscribing to the G5 pilot multilateral automatic exchange of tax information with the United Kingdom, France, Germany, Spain and Italy and when will its provisions become binding on Gibraltar?

2005 **Clerk:** Question 405.

2010 **Hon. P R Caruana:** Mr Speaker, in its Press Release No. 289/2013, dated 2nd May, the Government said that 'the other element in eliminating any remaining hiding places is to improve the availability of information on beneficial ownership' and that the Government was committed 'taking this agenda forward'. Can the Government say what measures it envisages to take this agenda forward?

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

2015 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, on 2nd May 2013 the Government issued a press release entitled Eradicating Tax Evasion in which, *inter alia*, it stated that Gibraltar was committed to entering into a FATCA agreement with the United States of America. In that press release the Government also announced that it has committed to being part of the pilot multilateral automatic exchange of tax information with the UK, France, Germany, Spain and Italy. The manner in which that pilot will come into effect is still not finalised. The Government will be having further discussions with the UK on the formal mechanism by which Gibraltar will subscribe to the pilot, as well as on the timing of the implementation of the pilot.

2020
2025 The Government has also committed to taking forward the agenda on the availability of information on beneficial ownership in the context of the fight against tax evasion and fraud. It is right that criminals should not be able to hide behind structures to evade their responsibility to pay tax. The whole agenda on transparency and on exchange of information for tax purposes is based precisely on that premise. Gibraltar will continue to take such measures as may be necessary as part of a global strategy against tax evasion. Gibraltar will therefore continue to negotiate and sign Tax Information Exchange Agreements to build on the twenty-six TIEAs which have already been signed. Gibraltar will continue to work with, and assist, the OECD in Phase 2 of the peer review, which is expected to commence in 2014.

2030 It will be recalled that the report following Phase 1 of the review was, to a very significant extent, favourable to Gibraltar. There were several recommendations made which Gibraltar has not only taken on board but has passed the necessary legislation in the form of amendments to the Companies Act, the Trustees Act and the Partnership Act. These amendments create statutory requirements in relation to the keeping of proper books of account and the maintenance of records identifying settlors, trustees and beneficiaries of trusts. The legislation also abolishes share warrants to bearer.

2035 In addition, the Government introduced legislation earlier this year to transpose the new Mutual Assistance Directive – that is, EU Directive 2011/16. As confirmed to us by the OECD, this includes TIEA-equivalent provisions with all EU States. This is in addition to the bilateral TIEAs which we already have with some EU States. It is thus now open to all EU States, including Spain, to make a TIEA or TIEA-equivalent request to Gibraltar. This legislation also provides for some automatic exchange of information as from 1st January 2015.

2040 Gibraltar thus complies with all international standards and requirements and is at the forefront of the global fight against tax evasion. We will continue with this agenda as we have shown with our commitment with a FATCA agreement with the US, a FATCA style agreement with the UK and being part of the pilot on automatic exchange of information with the EU G5 countries.

2045 Gibraltar is a part of a group of nations setting the standards for the eradication of tax evasion. In doing so, Gibraltar has emphasised the fundamental importance of maintaining a level playing field in the international financial services area and the need to take firm enforcement action against non-compliance. The Government is equally committed to act in consultation with the financial services industry in Gibraltar when addressing all of these issues.

2050 **Hon. P R Caruana:** Well, Mr Speaker, there is no doubting the international political momentum behind the campaign to eradicate what the Hon. Minister refers to as illegal activity and I think it is right that Gibraltar should not be left in any sort of exceptional category in that and that was certainly my policy when I had the ministerial responsibility that he now has for Financial Services and I am sure that the Hon. Minister was not intending to suggest, when he says that the signing up to the public availability of information on beneficial ownership, reflected any desire that Gibraltar should not be a place where criminals can hide their ill-gotten gains or words that he may have used to that effect.

2060 We have not had such a regime in the past and, of course, much as we are willing to subscribe to
 changing international consensuses, by the same token we are not recognising that the last fifty years of
 our financial services industry has been based on ‘harbouring criminal activity’. The fact that the
 international community changes the goalposts is not to suddenly and retrospectively criminalise what we
 2065 were all doing at a time that the international community had not yet moved the goal posts to cover it. I
 think it is important that, as we move along with the times, we do so in terms that does not signal, sort of,
 historical unacceptable behaviour.

But can I just ask the hon. Member by way of supplementary – and I apologise for that long preamble
 – a supplementary in relation to Question 403, whether the hon. Member is able to give the House any
 2070 assurance that, having committed to a FATCA agreement with the US, whether the Government will
 insist on this being a direct arrangement, a direct agreement, between the Gibraltar Government and the
 United States Government and that it will be signed by the Gibraltar Government and it will not be
 Gibraltar having extended to it the UK’s Agreement with the United States on FATCA?

2075 **Hon. G H Licudi:** Mr Speaker, I entirely agree with the preamble which the hon. Member has
 indicated, has set out, which suggests that these are not new measures which in any way signal that
 Gibraltar was something different in the past, that in Gibraltar, ill-gotten gains could be hidden away
 because that is something that Gibraltar has not played a part in for many, many years. But there is, as the
 hon. Member has again alluded to, a global agenda on this. There are things which are moving at a pace
 2080 and which Gibraltar is a part of, so there are new initiatives being taken as part of the agenda which
 Gibraltar has already put in place in respect of our own provisions on anti-money laundering, on anti-
 terrorist financing and all the measures that we have taken previously to make sure that tax evasion has
 absolutely no place in a jurisdiction such as ours, such as Gibraltar.

With regard to the FATCA Agreement, I can confirm to the hon. Member that the contact we have
 2085 had in relation to FATCA has been direct with the United States. In fact, the first contact where we had a
 discussion was in South Africa, where I attended the OECD Global Forum on Transparency and Tax
 Information Exchange, where the US Representative was there and made a presentation and a speech in
 relation to FATCA and we had an engagement with the US Representative directly at that time. It was
 followed by a press release, I seem to recall, the following week by the United States, which
 2090 acknowledged that it was already engaging in discussions with Gibraltar in relation to this. So it is
 certainly our intention to continue to have these discussions with the United States, to finalise the terms of
 the arrangement, and to sign up directly with the United States and not in the form of any kind of
 extension to any existing Agreement. That is certainly Gibraltar’s intention and it is Gibraltar’s
 commitment, as well, to do it in that particular way.

2095 **Chief Minister (Hon. F R Picardo):** If the hon. Gentleman will just allow me to say something in
 respect of how he couched his preliminary remarks.

The hon. Gentleman said that Gibraltar was not in an exceptional category, or should not be seen to be
 in an exceptional category, but I think he will agree with me that Gibraltar, to a very great extent, *benefits*
 2100 from being in one particular exceptional category and that is that we are the only one of the Overseas
 Territories that, as a member of the European Union, has been complying with obligations emanating
 from Brussels from the moment that we were required to comply with them.

If he will just allow me this comment, if he looks at exactly what it is that is *behind* the agenda today,
 it is almost the G8 and the rump of the 27 Member States requiring that others play by the rules that they
 2105 have set for themselves. And I think the exceptional category that Gibraltar is entitled to say it belongs to,
 in respect of Overseas Territories financial services centres, is that we are the only Overseas Territory
 financial services centre that has complied with the rules that have applied amongst the 27 Member States
 of the European Union from the moment that we were required to comply with them. We are, therefore,
 in a different category to those other territories that are now signing up to much of what we have been
 complying with for some time.

2110 Of course, he knows and he will have seen, that a lot of what is being played out in the press, if I may
 say so, is about the tax avoidance agenda, but when he looks at the detail of what it is that we are looking
 at in terms of these agreements etc., it is the tax *evasion* agenda. There was a very salutary intervention
 last week in the UK Parliament by one of the heads of HMRC, who told a Select Committee of MPs that
 they need to understand that tax avoidance is actually complying with the rules that are laid down by the
 2115 national Parliaments as to what it is that a particular individual or company needs to pay in respect of tax.

I think, Mr Speaker, it is important to have those things in mind when we look at where Gibraltar is on
 the radar in respect of all those issues and where Gibraltar can expect to sometimes be seen as a class
 apart. It is sometimes unfortunate when we are listed just with other Overseas Territories and I am sure
 2120 his battle when he had the hon. Member’s portfolio and my portfolio for Finance, was very often actually
 to *show* that Gibraltar was *apart* and not just one of the list of Overseas Territories that deals in financial
 services.

2125 **Hon. P R Caruana:** Well, of course, Mr Speaker, the exceptional category I was describing was the negative one, in other words that we should not be in an exceptional, out of the mainstream... and thought to be non-compliant. Of course, I do welcome what the Hon. the Chief Minister has now said, that Gibraltar, having complied with a certain number of EU-related measures over the years, should indeed welcome a re-levelling up of the playing field in our favour, so to speak, by bringing others into a net where we have been for some time: that is true. Whether this G5 European version of FATCA amounts to no more than bringing others up to speed with where we already are, or whether it will take us all, including us, further forward than where we currently are, in other words amount to *additional* measures, 2130 restrictions, disclosures, transparency, of course remains to be seen and takes me, if I may, to my first supplementary to the Hon. Minister – I am grateful to the Chief Minister for his explanations to me in that respect – whether the Hon. Minister is aware whether the UK Government has shared with him, what will be the process for establishing the detailed content of the European version of FATCA. Is it identical to the US version so, if we look at the US FATCA model agreement, is that what is going to emerge as the intra-European version? Is there just a borrowing of the concepts but the detail may be very different and, if it is the latter, is there a process now going to take place and has the Gibraltar Government been offered, or promised or going to be allowed, any contribution, albeit through the UK, into that process? 2135

2140 **Hon. G H Licudi:** Mr Speaker, it is our clear and firm understanding that what we are talking about in relation to the pilot on Automatic Exchange between those G5 EU countries is essentially a European FATCA, so it is to be modelled on the European FATCA... (*Interjection by Hon. P R Caruana*) Well, the American FATCA, on which the UK FATCA-style arrangement is also going to be modelled. So we are starting with the US FATCA, that is being transformed into a FATCA-style arrangement with the UK on the same basis and it is that which is also being used, as we understand it, as the model for the pilot with the G5 countries. 2145

Yes, Mr Speaker, perhaps I should also add that, as I mentioned in the original answer, we already had provisions in the Mutual Assistance Directive, which we have already transposed, which involve automatic exchange of information as from 1st January 2015. So, in a way, what has been proposed at a European level with these G5 countries is an acceleration, on a pilot basis, of measures which we already have in place in our legislation. 2150

2155 **Hon. P R Caruana:** Finally, on this one, Mr Speaker, is the hon. Member able to tell me whether it has been shared with him whether there is any intention that there should be an element of retrospection to the European version of FATCA? I have in mind a situation where, for example, we just need to be careful where countries like Liechtenstein, having negotiated an agreement, for example, with the UK that allows UK taxpayers who have arrangements in Liechtenstein to sort of regularise them, if I can just use a neutral phrase, in a way that avoids them being criminalised as a result, that we should find ourselves in a worse position: in other words, that customers of Gibraltar financial services should suddenly find themselves, that the guillotine comes down one day without an opportunity to regularise, for example by the application of retrospective measures, without the same opportunity to regularise your affairs ahead of incurring criminal sanction, that customers of Liechtenstein, by bilateral agreement, will have had the opportunity to do. 2160

There is a, sort of, tension there, indeed, I read – and the Hon. Minister may not have seen it, he may be interested to know of it – I read the other day on an aeroplane some clever tax planner actually suggesting, in the context of all these initiatives of European FATCA, that the escape route for clients of the Overseas Territories and Crown Dependencies was actually to now transfer their business to Liechtenstein so that they can exit to the UK from Liechtenstein, rather than from Jersey, Guernsey or Gibraltar because, in that way, they can take advantage of the Liechtenstein cleansing arrangements, if I can call them that. 2165

2170 Would the hon. Member consider raising this issue with the United Kingdom Government to see if such a buffer period, or buffer arrangement, can be written into our arrangements with the UK and with other European countries through the G5 pilot as well? It is not right that Liechtenstein should have an advantage in that respect.

2175 **Hon. G H Licudi:** Mr Speaker, it is certainly true that *no* country should have an advantage over us in any type of arrangement and that is why we say in both our press release and the answer that I have given today that Gibraltar needs to be part of a group of nations and that there must be an international level playing field of which Gibraltar forms part.

2180 Specifically on retrospection, let us not forget, Mr Speaker, that we are simply talking about exchange of information, not the creation of new criminal penalties retrospectively and there is a general consensus that, in respect of *criminal* investigations, there should be some retrospection, some element of retrospection. The hon. Member may recall that we passed legislation, or we brought in legislation, recently because we had a gap in respect of our TIEA requests which did not provide for the passing of

2185 information retrospectively in respect of a criminal investigation – that was a gap which we cured following a particular request. But it is *certainly* an issue that we will be raising with the United Kingdom and it is *certainly* an issue that we will be alive to and we will *certainly* not want any particular jurisdiction to have any kind of advantage over Gibraltar when Gibraltar forms part of these arrangements.

2190 **Hon. P R Caruana:** Mr Speaker, I have one supplementary to ask in relation to Question 405 but, just before I move to that, I mean this is an important issue, I appreciate that we are talking just about exchange of information and not the creation of offences but the question that will be pressing people who are suddenly caught out by a new initiative is, alright, if I decide to be compliant *as of now*, will
2195 information about me from five years ago be subject to being disclosed under this arrangement. Now there is a difference there between the case where there is a specific request in the context of a criminal investigation which is undertaken – which is the case that he is referring to, where retrospection... there is a very big difference between that and *automatic* exchange of information, as a matter of wholesale compulsion, in respect of everybody, going back five years. In other words, here is everybody's banking
2200 information in relation to Gibraltar for the last five years, French Finance Minister. You know, that is a wholly different situation and that is where Liechtenstein has got... Liechtenstein's deal with the UK allows, in respect of the past, people to extricate themselves from any uncomfortable place in which they may find themselves without the sanction of criminality, provided that, for the future, they do... and that is the disadvantage.

2205 But in respect of Question 405, can I just ask the Hon. Minister, I do not know if the hon. Member is aware – this is the question about... 405, as you will recall, is the question about the beneficial ownership transparency... The hon. Member may be aware that the internet is a-buzz today, online news about letters that the Prime Minister is alleged to have written to all the Overseas Territories, including our own, telling us to get our house in order and that transparency means, basically, that the beneficial ownership
2210 of every company should be known. I think those words are actually quoted on the BBC website. My question was whether the hon. Member... I mean, alright, we know that the Government has signed up to transparency on this – and I know just how Governments come to sign up to these sorts of things: I have been there, I have got the T-shirt! – the hon. Members are now being made to wear the T-shirt and I hope they enjoy it more than I did. This is an inexorable direction of travel, and I acknowledge the difficulty involved in one jurisdiction resisting or, indeed, I do not agree that it is sensible that we should resist
2215 in terms of the opprobrium that comes with it.

That said, is the hon. Member able to shed any light upon what form that will take? There are various models. There could be... the Prime Minister might have meant that the information of beneficial
2220 ownerships of companies and trusts, I think they said, might just be available through private enquiry from one regulator, from one authority to the other, or I have also heard mooted the idea of a more public arrangement, a public register of these things. Is the Government aware yet of what may be involved, what sort of ideas are being mooted and is there anything that he can say to the House at this stage about this?

2225 **Hon. G H Licudi:** Mr Speaker, we are certainly aware of the letter that the hon. Member has referred to. The Chief Minister has received that letter and we have seen that letter.

As the hon. Member says, one of the important issues is that beneficial ownership should be known and that is absolutely right. Beneficial ownership –

2230 **Hon. P R Caruana:** I have not said that...

Hon. G H Licudi: Well, no, the quote, (**Hon. P R Caruana:** I see.) the apparent quote that the hon. Member said: beneficial ownership should be known. There should not be situations where structures are set up, either with financial services providers in Gibraltar or other kind of arrangements and that
2235 beneficial ownership is not known... (*Interjection by Hon. P R Caruana*) Of course, people, yes, and we provide... (*Interjection by Hon. P R Caruana*) No, (*Laughter*) I am not talking of publicly. Beneficial ownership clearly needs to be known. One of the issues that we dealt with quite recently was the abolishing of bearer shares... That is a case in point, where it is important that that should be the case and beneficial ownership should be known.

2240 The hon. Member says that there are various possibilities being mooted. There is a possibility mooted of a central register, there is a possibility mooted of a public register, but these are just possibilities. I mean, Gibraltar will certainly be examining those possibilities with the United Kingdom but, in respect of the fundamental premise that everybody who deals with a corporate structure or trust structure should know where the beneficial interests in that lie and, therefore, if information were to be required to be
2245 made available under whatever arrangement we make – whether it is a pilot, the UK FATCA, or the US FATCA – that the information should be known to that entity, then that is absolutely right. But, in terms

of where we are going to get to about those various possibilities, that is still clearly a matter that is being considered and there is nothing concrete at this stage.

The Chief Minister may want to add to that.

2250 **Hon. Chief Minister:** Mr Speaker, yes, I am grateful to the hon. Member for giving way.

2255 The hon. Gentleman is right that this letter that has been sent to all Overseas Territories leaders raises this issue of beneficial ownership and how that is somehow going to be reflected and he will know from the agenda that was set out, I think, two or three weeks ago, which led to a press release also by us and by H M Treasury and some of the other Overseas Territories, where Gibraltar was actually specifically taken out of the list of all the other Overseas Territories and put in a paragraph on its own that dealt with all the issues that Gibraltar already complied with. This question of the beneficial ownership was already on the radar.

2260 I am happy to tell the hon. Gentleman that I have not detected anything, in the letter from the Prime Minister to me, that concerns me about where that agenda may be going because I agree that we – and that is how the Prime Minister put it – do need to know who is the beneficial owner of companies doing business, or trusts that own companies that do business, from each of our particular jurisdictions.

2265 Of course, this is where Gibraltar has already got the upper hand, because since 1994 when the anti-money laundering Directive first became an issue on the agenda, Gibraltar practitioners have had an obligation to know who the beneficial owners behind the structures that they are dealing with are. The question is whether we now take a further step and take that information as to beneficial ownership out of the hands exclusively of the practitioners and put it in some sort of central registry, but accessible *only*, accessible only to law enforcement agencies and tax enforcement agencies in the context of tax claims, and tax claims in that context would mean claims for tax due. In other words, somebody who has not managed to avoid a tax liability, has incurred a tax debt and there is now an attempt to understand where that individual has beneficially parked that potential tax liability in cash somewhere else.

2270 In that context, I think that a lot of this, Mr Speaker, is about finally levelling the playing field for Gibraltar and requiring many of the other Overseas Territories to do things that Gibraltar has not yet done and that further step of considering, because we are not being told that this is something that the G8, or that the European Union, has yet determined *must* happen, that the information as to beneficial ownership should pass from the hands of the practitioners into a central registry – but, even then, certainly not on the basis of automatic exchange. That is not where the agenda is at the moment. (*Interjection by Hon. P R Caruana*) I hope that is useful.

2280 **Hon. P R Caruana:** Yes, it is, and even more useful if he could answer this final question.

2285 Can I safely interpret, can the House safely interpret, what he has just said as meaning that he is not aware of any plan to make this information about beneficial ownership which passes, as he has described it, from the practitioners to this central law enforcement – if it happens – but that he is not aware of any proposal or discussion to make it the subject matter of either public inspection ability or of automatic exchange, automatic and spontaneous supply at the end of the year like, for example, FATCA-style information?

2290 **Hon. Chief Minister:** Mr Speaker, I think it is fair to say that there are groups of countries that would wish to see that be automatic and groups of countries that do not necessarily agree that it should be an automatically accessible register. But, Mr Speaker, he will no doubt agree with me that this raises issues beyond tax.

2295 We have got to understand that the United Kingdom and the Overseas Territories and the Crown Dependencies are not Civil Law jurisdictions and, therefore, the concept of equity exists in our law, where people have rights of ownership that are not recorded in writing. Now, is it that the United Kingdom is saying that it is going to do away with centuries of law as to equitable ownership? I think that is also an issue to be flagged up when understanding how this could work. If it were to be made to work in a Civil Law-style system where everybody needs to have written down what their legal entitlements may be, this is then very easy to transpose to a register because the information exists elsewhere. He will know, as well as I do, Mr Speaker, that there are very complex trust arrangements which are often set up for reasons completely unrelated to taxation. Some of them may be set up for business purposes unrelated to taxation, complex ownership structures; some of them may be related to families and inheritances etc. and, of course, the very concept of the secret and the semi-secret trust of the United Kingdom – which had nothing to do with tax in the 19th century and had more to do with whether a particular individual had more than one mistress and more than one illegitimate child – you know, complexities beyond tax...

2300 Now, I do not see that the United Kingdom is saying we are going to do away with the concept of equity and that *all* beneficial ownership must be recorded. What I do see is that that which jurisdictions like Gibraltar have been doing, for the purposes of ensuring that *crimes* are not committed using companies and trusts as fronts – and, therefore, we have recorded the beneficial ownership behind those

2310 types of vehicles for those purposes – will now simply put that information either in the public domain, or very easily accessible, when there is no need, because of a tax claim being met, in a central register, or that that is even possible in all instances because of the concept of equity sometimes complicating the principle of beneficial ownership.

2315 The hon. Gentleman will have seen, as I have, that there have been articles in the press in the United Kingdom, they have been very critical of one particular device, which is that idea that you might designate a charity as the beneficiary of a trust, simply for the purposes of hiding those who might be the real ultimate beneficial owners, or the parties the trustees may wish to see, or trustees may be required to benefit, by settlors.

2320 That, I think, has created a lot of opprobrium in the United Kingdom, because charities' names have been taken in vain. The charities do not even know that they are named as beneficiaries of trusts. They sometimes do not even receive a benefit before they are removed, and all of this, I think, is playing to an agenda where, you know, where austerity is an issue in many Member States, and the rich or big companies are being seen to 'get away' with not paying their tax liabilities.

2325 Now, in everything that I have seen there are two types of approaches. One of which is: you will be able to access this information when the claims are made, because there is evasion, which is a criminal offence or fraud. And then there is another agenda that comes from some European countries, which is to say we should have *free* access to that information.

2330 He will know, as I do, and all practitioners in this field will know, that if there were to be registers of beneficial ownership available for free access by States whose taxes may have been *avoided*, not evaded, as a result of particular structures being used, then those registers will only show States how their laws have been avoided. In other words, not that any crimes have been committed, just that their laws are deficient by allowing particular structures to be set up to avoid taxation being paid.

2335 There is a tension there, but I do not see that the United Kingdom is *yet* of the view that this should be automatically available for exchange. Will the United Kingdom move towards that before the G8 meeting? Will it move towards that after the G8 meeting? These are issues that we all need to keep under constant review, always remembering that Gibraltar has been complying with the same obligations as the United Kingdom, as members of the European Union now, for the better part of 40 years.

Hon. P R Caruana: It will not escape him, of course, that the –

2340 **Mr Speaker:** Could I ask the hon. Members to endeavour to bring these very interesting exchanges to a conclusion.

Hon. P R Caruana: Well, my contribution will be that I will not ask my last supplementary.

2345 **Mr Speaker:** No, no, please do. Please do.

2350 **Hon. P R Caruana:** Yes, does the hon. Member acknowledge that the danger for us in particular is that, albeit that a register might only show that a law has been... French law, for example, has been successfully *avoided*, the danger is, for us, that because some countries regard Gibraltar, wrongly, as a tax haven, they automatically disregard *any* structure located in a tax haven, so then the distinction between evasion and avoidance is lost. Because they say if you are set up in Gibraltar or in the Channel Islands, I am not interested: it is yours. That is the danger.

2355 The hon. Member's analysis, shed of prejudices about places, is fine, but *coupled* with the prejudice about certain places, which is, to boot, reflected in some national laws – Spain's for example – puts us in a position where we are not free to argue the distinction, and clients here will not be free to argue the distinction that he has intellectually, correctly, made, but which, in practice, will not avail them.

2360 **Hon Chief Minister:** Yes, Mr Speaker, we are alive to those issues and that is why I told him that there are Civil Law countries that do not understand the concept of beneficial ownership in the same way that we do. Of course, he is right to add the layer that there are – and I think it is principally Civil Law – countries that also do not appreciate the distinction between evasion and avoidance, and simply have a view that, if you are *located* in a particular jurisdiction, then you are to be regarded as having been involved in something which cheats their exchequer. Those issues are all live issues, he will be happy to know.

2365 The letter from the Prime Minister does not look quite like the articles about the Prime Minister's letter. I am sure he has had that experience, as well. It is actually an invitation to be involved in a conference about these issues, to consider these matters further.

2370

**Financial Services Commission CEO
Local appointment**

Mr Speaker: Question 406, the Hon. Mr Feetham.

2375

Hon. D A Feetham: Mr Speaker, is the Government's policy with regard to appointment of the new FSC CEO, that it would be desirable for the individual to be local?

2380

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

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government's position is that the person found to be most suitable for the job should be appointed as the new Chief Executive Officer of the FSC.

2385

Hon. D A Feetham: Mr Speaker, can the Hon. the Minister for Financial Services and Gaming perhaps update the House on where we are with the recruitment of a new CEO for the Financial Services Commission?

2390

Hon. G H Licudi: Mr Speaker, as the hon. Member knows, it is the Commission that appoints, subject to the approval of the Minister with responsibility for Financial Services. As the hon. Member will know from public pronouncements, a UK firm has been engaged to assist in this process. The closing date, I cannot remember offhand, I seem to recall was the 17th May, so we have either just passed the closing date or are very close to the closing date for applications. So those who are now looking at this particular firm in the United Kingdom, will now be assessing and analysing the applications that will be made, or have been made, in order to make their recommendation to the Commission initially.

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2400

**Company gaming licences
Number granted and surrendered in 2012-13**

Mr Speaker: Question 407, the Hon. D A Feetham.

2405

Hon. D A Feetham: Mr Speaker, will the Government state how many new companies were issued with gaming licences by the Minister as licensing authority in 2012 and 2013?

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

2410

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, in 2012, 4 new...

Mr Speaker: You were going to answer together with 408.

2415

Hon. G H Licudi: Mr Speaker, I apologise, I will answer this question together with Question No. 408/2013.

Clerk: Question 408.

2420

Hon. D A Feetham: Mr Speaker, will the Government state how many existing Gibraltar gaming companies surrendered their licences or ceased trading in 2012 and 2013?

Clerk: Could I ask the hon. Member to repeat the Question again, please?

2425

Hon. D A Feetham: Will the Government state how many existing Gibraltar gaming companies surrendered their licences or ceased trading in 2012 and 2013?

2430

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

Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon G H Licudi): Mr Speaker, in 2012 four new companies were issued with a total of five remote gambling licences, and one existing licensed company was issued with one additional remote gambling licence.

2435 One new company has been issued with one licence in 2013.

Two companies surrendered two licences in 2012. One was surrendered as part of a company restructure, which resulted in a new company being issued two licences. The other licence was surrendered as a result of the licensee selling the company to a new operator, which was issued with a new licence.

2440 In 2013, one company surrendered two of its four licences for operational reasons, and one other company ceased trading in Gibraltar.

Hon. S M Figueras: Mr Speaker, alive as I am to potential sensitivities, I wonder whether perhaps the Minister can say which licensee ceased trading. It was the last part of his answer in 2013?

2445

Hon. G H Licudi: Mr Speaker, the company that surrendered its licence was Partouche. Partouche is a French, mostly land-based casino operator. They obtained their licence in 2008 in anticipation of providing a French-focused operation. The reality is that the operation never took off and they never had more than a handful of employees in Gibraltar, and they have now decided... In fact, I am not sure whether... I did not actually say that the company 'surrendered' its licence: the company ceased trading. It simply did not renew its licence when it came up for renewal. So it did not actually surrender the licence.

2450

2455

**Financial and Gaming Sector
Details of conference attendances**

Clerk: Question 409, the Hon. D A Feetham.

2460

Hon. D A Feetham: Mr Speaker, can the Government please provide a list of all conferences, seminars and events attended by Government (including Ministers) in the Financial and Gaming Sectors in 2012 and 2013, listing each one, who attended at Government expense and the cost involved?

2465

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

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

ANSWER TO QUESTION 409

2012			
Date	Event	Attendees	Costs
23 - 27 January 2012	International Casino Exhibition and Conference (ICE) in London	The Hon Gilbert Licudi QC, Gambling Commissioner (Mr P Brear) and Gambling Division staff (Mrs L Britto, Mr N Macias, Mr P Fox and Mr D Montegriffo)	£4,626.00
21 - 24 February 2012	Finance Centre Event - attending presentation in London and meeting journalists	The Hon Gilbert Licudi QC and Finance Centre Director (Mr J Tipping)	£3,622.27
14 - 21 April 2012	European Commission seminars in Brussels - Gaming	Gambling Commissioner (Mr P Brear)	£972.00
19 - 30 April 2012	Attending Las Vegas and San Francisco (GiGse)	The Hon Gilbert Licudi QC and Gambling Commissioner (Mr P Brear)	£12,264.28
16 - 19 May 2012	Vienna - 2nd annual meeting dialogue and cooperation for change	The Hon Gilbert Licudi QC	£747.18
22 May 2012	OGIS Welcome Reception at the Garrison Library	The Hon Gilbert Licudi, Mr Guy Canessa, Mrs Nyoka Catania, Mrs Sabrina Rammage and Mrs Maite Mir Parody	£940.00
22 - 25 May 2012	iGaming Conference in Dublin	Gambling Division staff (Mrs L Britto and Mr N Macias)	£1,638.00
12 - 17 June 2012	Gambling Regulators European Forum (GREF) in Portugal	Gambling Commissioner (Mr P Brear)	£1,910.00
18 - 19 June 2012	Monaco - Financial Services GAIM conference. Leading hedge fund and alternative investment management event.	The Hon Gilbert Licudi QC and Finance Centre Director (Mr J Tipping)	£18,885.10
08 - 13 September 2012	Canada - World Lottery Summit	Mr C Riddell	£3,111.07
9 - 12 October 2012	Invest '12 Forum in Geneva	Mr James Tipping	£1,892.93

Cont....

CONTD ANSWER TO QUESTION 409

14 - 16 October 2012	Gib Day in London and Financial Services Lunch / MEFS Interview with Bloomberg TV, MEFS Presentation at a GFIA Breakfast Seminar and MEFS Interview with UK Journalists	The Hon Gilbert Licudi QC, Finance Centre Director (Mr J Tipping), Mr J Baldachino, Mrs S Ramagge and Mrs M Parody	£38,672.43
16 - 17 October 2012	EiG Barcelona (European iGaming Conference)	The Hon Gilbert Licudi QC	£1,861.76
16 - 27 October 2012	EiG Barcelona (European iGaming Conference), International Association of Gaming Regulators and International Association of Gaming Associates in Singapore	Gambling Commissioner (Mr P Brear)	£4,944.00
12-15 November 2012	European Captive Forum 2012 in Luxembourg	Mr James Tipping, Mrs Nyoka Catania and Mrs Joanne Martinez	£5,680.15
27 - 29 November 2012	European Commission seminars in Brussels - Gaming	Gambling Commissioner (Mr P Brear)	£1,145.00

2013			
Date	Event	Attendees	Travelling Costs
04 - 08 February 2013	International Casino Exhibition and Conference (ICE) in London	Gambling Commissioner (Mr P Brear) and Gambling Division staff (Mrs L Britto, Mr N Macias, Mr P Fox, Mr D Montegriffo)	£4,725.00
05 - 08 February 2013	I.C.E. And Fonds Exhibition and Conference Zurich	The Hon Gilbert Licudi QC	£2,018.49
30 January - 01 February 2013	India Wealth Forum in London	The Hon Gilbert Licudi QC, Finance Centre Director (Mr J Tipping), Mr M Aston and Ms Edwina Omahony	£4,586.20
05 - 08 February 2013	Fonds Exhibition and Conference in Zurich	Mr James Tipping, Mrs Maite Mir Parody and Mrs Joanne Martinez	£6,921.35

Cont...

CONTD ANSWER TO QUESTION 409

11 - 13 February 2013	Captive Live Exhibition and Conference in London	Mr Michael Ashton, Mrs Nyoka Catania and Mrs Nadiuska Segovia	£11,200.88
12 - 14 February 2013	Round Table AIFMD Presentation in London	Mr James Tipping	£1,232.98
14 - 22 March 2013	Brazil - Hedge Fund Forum	The Hon Gilbert Licudi QC and Finance Centre Director (Mr J Tipping)	£17,393.42
17 - 18 March 2013	GamCare presentation in London	Gambling Regulator (Mr N Macias)	£441.00
23 - 25 April 2013	Hedge Fund Start-up Exhibition and Conference in London	Mr James Tipping, Mr Paul Astengo and Ms Edwina Omahony	£7,680.12
07 - 08 June 2013	European Commission Seminars/MEP Meeting in Brussels	Gambling Commissioner (Mr P Brear)	£1,369.00

2470

Mr Speaker: This is a rather lengthy schedule. I will allow hon. Members of the Opposition to study it and raise supplementaries subsequently.

I think we can now move on to the next Question because it involves another Minister. Question 343.

2475

Chief Minister (Hon. F R Picardo): Mr Speaker, if it is of any use, I am going to move the adjournment now so hon. Members may wish to come back with supplementaries when we return.

2480

Mr Speaker: We are on supplementaries, then, arising from Question 409.

Hon. G H Licudi: Mr Speaker, I understand that my microphone was not on when I read out the answer. Perhaps I can just answer it again and this is to 409.

The information requested by the hon. Member is set out in the schedule that I now hand to him.

2485

ADJOURNMENT

2490

Chief Minister (Hon. F R Picardo): Mr. Speaker, I move that the House do now adjourn to Thursday, 23rd May at 2.30 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 23rd June (**Hon. Chief Minister:** May.) 23rd May at 3.00 p.m. (**Hon. Chief Minister:** 2.30 p.m.) At 2.30 p.m.

2495

Hon. D A Feetham: Mr Speaker, did you say Thursday 23rd?

2500 **Mr Speaker:** Yes. I now put the question, which is that this House do now adjourn to Thursday, 23rd May at 2.30 p.m.

Having confirmed that Thursday is 23rd May, (*Laughter*) I now put the question, which is that this House do now adjourn to that date at 2.30 p.m.

Those in favour? (**Members:** Aye.) Those against? Passed

The House will now adjourn to Thursday, 23rd May at 2.30 p.m.

2505

The House adjourned at 6.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.30 p.m. – 6.10 p.m.

Gibraltar, Thursday, 23rd May 2013

The Gibraltar Parliament

The Parliament met at 2.30 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

Clerk: Mr Speaker. Sitting of Parliament, Thursday 23rd May, answers to Questions continue.

Commonwealth Park Cost of consultants, alternative parking and soil contamination

5 **Clerk:** Question 246/2013, the Hon. J J Netto.

10 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment confirm the total amount of money paid to consultants since 9th December 2011 in relation to the Commonwealth Park, indicating the dates of individual payments and their corresponding amounts and say whether the Minister thinks that further work by the consultant is required. Further, can the Minister provide this Parliament with an executive summary of the salient points contained within any and all reports prepared by the said consultants?

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

15 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this Question together with Question Nos. 247 and 248/2013.

Clerk: Question 247.

20 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide Parliament with a timeline for the completion of the Commonwealth Park, highlighting the specific timeframes within which the main construction elements of the project will be undertaken, as well as the number of alternative parking spaces that will be provided as a result of the loss of parking spaces at Commonwealth Parade and the site or sites for alternative parking?

25 **Clerk:** Question 248.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please say if the soil at the Commonwealth Park is contaminated?

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

Hon. Dr. J E Cortes: Mr Speaker, as I have stated before, the works at Commonwealth Park are programmed for completion in Spring 2014. The construction of the main elements are subject to change as works progress, other than for the planting of trees which must take place in Autumn.

35 The parking spaces from Commonwealth Parade have been re-provided at the new Queensway Car Park, adjacent to the King's Wharf development. These total 365 in number and represent an increase of 23 when compared to those at Commonwealth Parade.

The soil at the site is not contaminated.

40 The information requested by the hon. Member in relation to payments made to consultants since 9th December 2013 is contained within the table which I now hand over. The consultants engaged shall be involved until the completion of the project.

Mr Speaker, let me just add that I cannot provide a summary of reports as we have had no reports: the consultants have been mainly involved in design and we have plans, but not reports as such.

ANSWER TO QUESTION 248

Answer to Question 246

Commonwealth Park Consultants

Entity	Payment	Date	Comments
Gib Botanic Gardens	£ 5,830.00	20.11.12	All payments in respect of services by Landform Ltd
	£22,712.19	05.02.13	
	£ 7,299.31	28.03.13	
JLC Consulting Ltd	£2,500.00	27.11.12	All payments in respect of project management services
	£2,500.00	03.01.13	
	£3,000.00	15.01.13	
	£3,000.00	19.02.13	
	£3,000.00	26.03.13	
	£3,000.00	19.04.13	
Comofco Consultants	£7,000.00	05.12.12	All payments in respect of mechanical and electrical services
	£5,600.00	11.02.13	

45 **Tercentenary Hall, Dr Giraldi Home and Tangier Views
Details in respect of solar panel installation**

Clerk: Question 249, the Hon. J J Netto.

50 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what are the surface areas of the Tercentenary Hall, Dr. Giraldi Home and Tangier Views, where solar panels are going to be installed, and state the amount of energy produced individually by these sites?

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

55 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this

Question together with Question 250/2013.

Clerk: Question 250.

60 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state the name of the company installing the solar panels at the Tercentenary Hall, Dr. Giraldi Home and Tangier Views, the contractual arrangement that exists, if any, and whether these works went out to tender?

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

Hon. Dr. J E Cortes: Yes, Mr Speaker. Firstly, I would just like to clarify that the systems to be installed are solar thermal and not photovoltaic. Therefore, they will be producing hot water and saving energy, rather than producing electricity directly. The surface areas for each building are as follows:

70 Dr. Giraldi Home – roof area 976 m²; Tercentenary Hall – roof area 204 m²; note this is only part of the flat roof and Tangier View – roof area 391 m²

75 It should be noted, Mr Speaker, that this is the available surface area for each building, not all of which will necessarily be covered by the solar thermal panels. The exact area to be used will depend upon the contractor's proposal, which has not yet been awarded. The tender specifications aim to meet the hot water system load over 70% of the year. To aim for 100% would over-specify the system, with a need to reject energy in the hot summer months and would introduce inefficiency.

80 These tenders for the design and build of solar thermal installations were sent to the Official Journal of the European Union on 14th March 2013. As per EU procurement rules, the tender remained open for fifty-two days, with the closing date being 7th May 2013. The Tender Board for this project has not yet been convened and the contract has not been awarded.

85 **Hon. J J Netto:** Mr Speaker, I take on board what the Minister said, that the contract had not been awarded but could perhaps the Minister provide some information whether a contractor has already been selected and, if so, whether there is a tentative date as to when the commencement of the works might commence?

90 **Hon. Dr. J E Cortes:** No, Mr Speaker, I believe that, as I said, the tender process is still on-going. The closure for the receipt of applications was 7th May 2013. My information, when my officials drafted this response, is that the Tender Board has not yet been convened. I have not been informed that it has since. I do not think it has: I have no information on that but we have not awarded this to any contractor because I do not even know who has applied, Mr Speaker.

95 **Solar panels on Government properties
Rolling programme and timetable**

Clerk: Question 251, the Hon. J J Netto.

100 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment please state if there is a rolling programme to install further solar panels in Government properties and, if so, could the Hon. Minister provide the corresponding timetable, citing the buildings and the timing for installing the panels?

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

105 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, there is no rolling programme for this. However, Government continues to investigate possible opportunities for the installation of these systems on Government buildings in order to increase the percentage of energy in Gibraltar produced from renewable sources and in order to encourage private initiatives of a similar nature, by leading by example.

110

115 **Government buildings
Renewable energy feasibility studies**

Clerk: Question 252 the Hon. J J Netto.

120 **Hon. J J Netto:** Mr Speaker, has the Government conducted any studies, either in-house or extended, to determine the suitability and location to install renewable energy products on Government buildings and, if so, state whether this has been done by a company, stating the name and cost to Government.

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

125 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, Government relies on the in-house expertise of its technical officers to determine potential locations for the installation of renewable energy systems. A preliminary exercise has been conducted to identify buildings which might be suitable for such works. This was done in-house at no additional cost to Government.

130

**Marine electricity generation
Feasibility for Gibraltar**

135 **Clerk:** Question 253 the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please say if electricity generation using marine currents has now reached a stage where it is commercially feasible in our own environment?

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

145 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, our understanding is that this technology continues to be at a prototype stage, with different models still being tested and further work commencing on the installation of arrays of marine turbines. The industry believes that commercial deployment of marine ocean current technology remains fifteen to twenty years away. However, we continue to be engaged with a number of entities in order to determine what possibilities exist in Gibraltar.

150 **Hon. J J Netto:** Mr Speaker, can the Hon. the Minister for the Environment say whether, in relation to the contact they have with these entities to determine how feasible this is within our own marine environment, whether the Government is proceeding on the basis of putting some of these prototypes... to determine whether it is viable or not depending on the currents available in certain locations around Gibraltar?

155 **Hon. Dr. J E Cortes:** Mr Speaker, we have not yet signed any agreement with any entity but we are talking to several entities – I am not exactly sure, it may be two, but I would not like to commit myself to that – looking at the possibility of prototypes in Gibraltar. Clearly, the arrangements where this might or might not happen will be specified when we reach some kind of understanding. We are, at the moment, at the discussion stage.

160

**Department of the Environment
Details of environmental contracts**

165 **Clerk:** Question 254, the Hon. J J Netto.

170 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide copies of the contract between the Department of the Environment and the Gibraltar Veterinary Clinic, Wildlife Gibraltar Limited, GONHS and the Helping Hand Trust to the Opposition.

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

175 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, it is not our policy, as in fact it was not the Opposition's when in Government, to make copies of such contracts public. In any case, Mr Speaker, all these contracts are the same contracts as those left when the Opposition was in Government and have not been altered in any way since 9th December 2011.

Hon. J J Netto: Mr Speaker, I hear that the Hon. Minister says that it is not their policy to provide Parliament with copies of the contract and that they are basically just maintaining the position, as he

180 alleges, of the GSD Government when in Government. My view, Mr Speaker, is that these contracts do
have, within the contract, environmental information as to the services that they provide within the remit
of the contract and, therefore, will the Minister not agree with me that the contracts providing the
environmental information... it is information that should be made available, either to Parliament or,
185 indeed, perhaps to members of the public if they wish to obtain such environmental information within
the contract.

Hon. Dr. J E Cortes: Mr Speaker, a number of observations there, if I may.

190 These contracts were all prepared at the time of the former administration. I have said there have been
no changes at all to any of those contracts. In fact, at least one or two, the hon. Member opposite and I
discussed them and agreed them together, so there is nothing mysterious or secret or nothing that the hon.
Member opposite is not aware of. There was no attempt or intention or willingness I think at the time, for
the Government of the time, to make these contracts public, whether or not they contained environmental
information.

195 As to whether they contain environmental information, I think I would need to seek legal advice as to
whether it is the sort of environmental information that would come under the definition of that sort of
environmental information to which the public have a right of access. Basically, they are schedules which
define what a contractor has to do as part of its duties. I think there is a danger if contracts of any type are
made public, that this could prejudice negotiations between Government and different entities when they
are discussing contracts. So I do not agree with the hon. Member opposite. I am willing to take legal
200 advice on that but I do not think I can support that request.

Hon. D A Feetham: Mr Speaker, of course the contracts have been concluded: there are no
negotiations with other entities therefore it cannot possibly prejudice any such negotiations. I understand
what the hon. –
205

Hon. Dr. J E Cortes: Mr Speaker –

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

210 **Hon. Dr. J E Cortes:** A point of fact, yes.

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

215 **Hon. Dr. J E Cortes:** Yes, if I may, Mr Speaker. I just wanted to point out that the precedent of
releasing these contracts could mean that other entities in discussion could have the concern that they
might be made public. That is the point that I made, not that these are under discussion.

Hon. D A Feetham: Yes and I accept that the Government has taken the policy decision on not
disclosing these contracts and certainly, on this side of the House, we accept that. But will he agree with
me – and I am asking about Government policy in the future – will he agree to, if there is a change in the
scope of the services that are provided by any of these entities under the contracts, will he agree to
provide that change or some information in relation to the change of the scope, should the question be
asked in the future?
220

225 I can tell the hon. Gentleman that the disclosure of contracts will not be the subject of questions in the
future. You have made your position clear and we are not going to ask you to alter that again, but if there
is a change in the scope of the services provided, then surely, of course, that is something that we are
entitled to know, should we ask about it in the future.

230 **Hon. Dr. J E Cortes:** Mr Speaker, the Hon. the Leader of the Opposition is asking whether
Government may change its policy on this particular point. I do not make Government policy. I am a
Member of the collegiate Government and therefore it is not something that I could say myself at this
point in time. It would need to be discussed with my colleagues.

235

**Seagull culling
Details since 2008**

240 **Clerk:** Question 255, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please provide statistics of seagull

culling since 2008 on a yearly basis, broken down monthly and stating whether the culling was done by employees of GOHNS or by any other contracted entity to the Government?

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

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

Answer to Question 255/2013

**Figures for Culling by
GOHNS**

	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>
250	2303	4562	4075	3491	3391

**Figures for Culling by
FERA**

	-	3812	5508	5708	2694
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Mr Speaker: It is a matter for judgement but may I suggest that, where a schedule is as short as this one, that perhaps it should become an inherent part of the answer.

255 **Hon. Dr. J E Cortes:** Mr Speaker, would you like me to read it out?

Mr Speaker: Yes, please.

260 **Hon. Dr. J E Cortes:** Very good.
 Figures for culling by GOHNS 2008 – 2,303; 2009 – 4,562; 2010 – 4,075; 2011 – 3,491; 2012 – 3,391.
 Figures for FERA, which is the UK agency contracted since 2009. Clearly, there are no figures for 2008. 2009 – 3,812; 2010 – 5,508; 2011 – 5,708 and 2012 – 2,694.

265 **Hon. D A Feetham:** Mr Speaker, do I understand this correctly that, in 2009, therefore, there are two separate sets of culling by two separate sets of entities, so it is GOHNS 4,562 and then FERA 3,812?

270 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, this was an initiative of the former administration who, at considerable expense, brought over a group of shooters from the United Kingdom to carry out a cull over four years. It was a four year agreement which finalised last year.

275 **Hon. D A Feetham:** Mr Speaker, obviously there has been a considerable amount of culling over this period of time, all the way to 2012. We see that there are still a considerable number of seagulls in Gibraltar. Does the Government envisage any kind of change of policy in relation to its approach to seagulls and can the Hon. the Minister please provide some details in relation to that?

280 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, we are looking – I think I may have mentioned this in last year’s Budget Speech but I may not have – at increasing the, shall we say, resources put into culling and I will be referring to this in the debate on the Appropriation Bill as part of my Budget Speech. I will be giving details then.

285 **Hon. D A Feetham:** Yes, but Mr Speaker, the emphasis in my question was slightly different. The answer really is that it is a continuation of the policy of culling, but is there any variation? In other words, does the Government envisage anything else other than culling in order to control the seagull population? I know that, for example – a number of years ago we had spoken about this because it interests me at a personal level – GOHNS introduced a number of foxes in the Upper Rock. Unfortunately, we do not know what has actually happened with those foxes that were introduced and I think the hon. Gentleman told me that perhaps they are no more, sadly. But are there initiatives of that sort in order to help control the seagull population?

290 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, there are. A number of possibilities are being discussed and I hope to have details available shortly, but I do not have them yet because we have not finalised what

295 those arrangements might be. I know, Mr Speaker, that the Hon. the Leader of the Opposition, being a resident of the Upper Rock, would love to see all sorts of animals, as would I, but it is complicated. One needs permits and so on and I am not in a position yet to confirm that. I am sorry.

300 **Hon. D A Feetham:** Mr Speaker, I am not asking for the hon. Gentleman to confirm what decision has been taken, I am asking the hon. Gentleman to just give us a flavour of the types of initiatives that the Government is currently considering. I do not want to steal his thunder for his Budget Speech. I understand that, but if he could give us a flavour I would very much appreciate it and very much welcome it.

305 **Hon. Dr. J E Cortes:** It does include very much the flavour that the Leader of the Opposition has alluded to, but I do not think I can really go further because it involves other people we are discussing with and I am not in a position to say anything at this stage. I think I have answered my question, though: I have provided the figures and a little bit more.

310 **Mr Speaker:** And the Speaker has been very liberal because this is a Question purely about statistics and now we are dealing with policy. I think the matter has been aired sufficiently.

315 **Barbary Macaques on Upper Rock**
Optimum numbers, population, culling, management and control

Clerk: Question 256, the Hon. J J Netto.

320 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what is the optimum number of Barbary Macaques that either the Hon. Minister or the professionals advising the Government think is adequate to maintain the biological integrity of the population in the Upper Rock Nature Reserve with minimal conflict levels with the neighbouring humans?

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

325 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this Question together with Questions 257 to 265/2013.

Clerk: Question 257.

330 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment provide the population of Barbary Macaques between 1988 – 2012 on a yearly basis?

Clerk: Question 258.

335 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if there has been any colonisation of built-up areas of Macaques on a permanent or semi-permanent basis in the last sixteen months and if so, where?

Clerk: Question 259.

340 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say when the new immunological contraceptive method for female Macaques started, how many females have been treated so far and provide details of how this programme will be implemented over the next few years, in order to arrive at the optimal number of Macaques envisaged?

345 **Clerk:** Question 260.

350 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment state the method of contraception used between 1988 – 2012 and the number of female Macaques provided with such contraception on a yearly basis?

Clerk: Question 261.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please say whether during 2013

355 there has been any culling of Barbary Macaques and if so, how many?

Clerk: Question 262.

360 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if he is now in a position to state whether the Government has entered into agreement with other authorities for the purpose of exporting Barbary Macaques and if so, could the Hon. Minister inform Parliament of the countries and numbers involved?

365 **Clerk:** Question 263.

370 **Hon. J J Netto:** Mr Speaker, following the lecture given by Professor Agustin Fuentes in the Elliott Hotel on 3rd March 2013 he stated in answer to a question from me that ‘many of the management measures have already been implemented in the new management plan for Macaques locally’. Therefore, could the Minister for the Environment say what measures in the new management plan have already been implemented and when?

Clerk: Question 264.

375 **Hon. J J Netto:** Mr Speaker, following the visit of Professor Agustin Fuentes and the representative of the National Geographic to Gibraltar, can the Minister for the Environment provide Parliament with a copy of the report submitted to the Minister with regard to observations, findings and recommendations?

Clerk: Question 265.

380 **Hon. J J Netto:** Mr Speaker, can the Minister for Environment please provide Parliament with a copy of the Gibraltar Macaques Management Plan?

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

385 **Hon. Dr. J E Cortes:** Mr Speaker, as it is a slightly lengthy answer and I have one schedule, I think what I will do is I will hand the schedule over now and the Members of the Opposition can peruse it as I deal with the rest of the Questions.

ANSWER TO QUESTION 265

Answer to Question 257

Barbary Macaques population list

Year	Population Estimate
2000	126
2001	153
2002	176
2003	205
2004	223
2005	214
2006	242
2007	241
2008	241
2009	212
2010	182
2011	175
2012	183

390 Mr Speaker, now to the answer. The marketing plan of two decades ago recommended a population of 180 Macaques on the Rock. This has, through the years, served as an approximate guide to the preferred numbers. However, as with everything in nature, one cannot be exact as, in the context of conflict with humans, five monkeys in the wrong place would be worse than 1,000 not in the wrong place. The precise number will, therefore, depend on the structure and location of the groups, as well as on the management regime. Therefore, although the figure of 180, which is close to the present population, remains in the background, there could be a variation in both directions.

395

400 There is no population list available that goes back to 1988. The Gibraltar Government only took over the management of the Macaques through Sites Management from the MOD in the early 1990s – it may have been the late 1980s, but I think it is the early 1990s. MOD records have not been located nor have Sites Management records and that is a pity, Mr Speaker, because obviously there is gap in what we know about the history of our Macaques.

405 The Gibraltar Ornithological and Natural History Society took over the management of the Macaques in December 1999, from when figures are available, and that is the schedule that I have handed over to the hon. Member.

410 Colonisation of any area, built up or otherwise, by Barbary Macaques is not a one-off process; it will involve exploratory and quite natural movements which may lead, if resources such as food and shelter are located, in a more or less gradual shift in home range centred around these resources. Whilst some such movements have occurred, as they always do, there has been no colonisation of any built-up area on a permanent or semi-permanent basis in the past sixteen months.

415 Regarding contraception, no immunological contraception has yet been carried out. However 21 Macaques were ‘contracepted’ last year through hormonal implants, as opposed to the 21 in the previous five years together, or an average of about four a year. The figures are 6 in 2007; 3 in 2008; 5 in 2009; 4 in 2010; 3 in 2011 and 21 in 2012. Contraception over the next few years will involve identification of matriline, that is the female lines, within packs, then specific females will be identified and implanted. This will not only slow population expansion but specifically expansion of family groups within packs. The end result of this is that packs will be more contained and less likely to split. Previously, this has not been possible due to the lack of resources available.

420 Government is also looking to invest and allow the permanent surgical contraception of females whose genetic material is already heavily represented within the population. This will, therefore, negate the need to trap females so regularly.

During the past year, six Macaques have unfortunately been put down for veterinary and behavioural reasons.

425 Mr Speaker, discussions continue with a number of entities with a view to exporting Macaques, although no agreements have been finalised. Professor Agustin Fuentes of Notre Dame University gave, if I may say, a fascinating explanation of the research being carried out on the Macaques. This presentation was his, as an independent scientific authority, and therefore I cannot know exactly what measure he was thinking of when he replied. I can, however, report on the following aspects of the plan that have already been acted upon, together with the season when they commenced on the ground – (a) Increased research effort, in Spring 2013; (b) Remote monitoring of Macaque movements, Spring 2013; (c) Production and distribution of information leaflets, Winter 2012/2013; (d) Measures to reduce access to refuse bins, Winter/Spring 2012/2013; (e) Clearing of vegetation on the Upper Rock, Autumn 2013; (f) Increased human resources, Autumn 2012; (g) Increased used of contraception, Autumn 2012; (h) More proactive management of groups, Winter 2011/2012.

435 These measures have been introduced gradually over the past sixteen months and they represent a new philosophy in management. The visit of Professor Fuentes, Dr Lisa Jones-Engel and the National Geographic Team was very recent. I would like to point out that this visit was funded by National Geographic and other US Institutions and not by the Gibraltar Government.

440 No report as such is expected; rather, the results will appear in the forthcoming scientific publications, which take time to produce. I have, in fact, Mr Speaker, been able to put my hands on a publication which covered an earlier visit in 2008, which referred to the extraordinary fact that the Macaques in Gibraltar are almost totally free of disease and I have, for the benefit of the hon. Member, made a copy that he might be interested in.

445 Mr Speaker, Parliament will, indeed, be provided with a copy of the Gibraltar Macaque Plan, which is currently being prepared for publication. It is expected to be launched within the next eight to ten weeks during Professor Fuentes next visit to Gibraltar.

450 **Hon. J J Netto:** Mr Speaker, if I may, I am grateful to the Minister, first of all, for the information but he has just completed by saying the report – the new management plan – will be ready for publication, I think he said, in about eight weeks from now. Can I ask the Minister, then, whether despite not being ready for publication purposes, whether I can get a copy right now, preferably in electronic form?

455 **Hon. Dr. J E Cortes:** Mr Speaker, yes, the Macaque Plan is, for all intents and purposes, completed as the hon. Member opposite will know because I used to do a lot of drafting for his Department. I would like to look at it again so a few words may change, but I will certainly endeavour, over the next few days, to facilitate a copy.

Hon. D A Feetham: Mr Speaker, I thought I heard the hon. Gentleman say that, under the management plan, I think it was, that the optimum amount of Macaques that were envisaged was 180. I

460 note that from the figures here that, in 2011, it was 175 and in 2012 it is 183. So at the moment, it is more or less the numbers that are envisaged as optimum under that report. What figure below this 183 figure does the Government envisage that it wants to reduce the population of Macaques, given his statements to this House in the past and why that effective discrepancy between what the report says and effectively...?

465 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, as I introduced the subject of the optimum number, I did say that five monkeys in the wrong place is worse than 1,000 not in the wrong place. It really depends on what the monkeys are doing. If we had one particular group that was, shall I say, in an awkward situation, then we could have 50 Macaques but then we would have to do something about that. That is why I said
470 180 is a figure that has been presented in the past: the actual figure that could be stabilised could be more or could be less, depending on what the groups are doing at that given point in time. That is where we are now in trying to determine not exactly numbers, but the location of the groups.

I am not sure if I have explained myself properly but what I am saying is there can be flexibility in both directions. It is where they are, not how many they are.

475 **Hon. D A Feetham:** Mr Speaker, no, I understand that entirely. I am just trying to reconcile that with statements that the hon. Gentleman has made both in this House and outside this House. Because the hon. Gentleman outside this House, and here as well, has said, that the Government is actively looking to exportation of apes in order to reduce the numbers. Either you have already made an assessment that there are packs in Gibraltar in relation to certain areas that are problematical and, therefore, the only way that
480 you can deal with those, bar culling, is by exporting them, in which case the Government is therefore accepting that there is a problem present at the moment or, alternatively, you say well we have not made the decision because we do not know what are the optimum numbers. Therefore, we cannot... how on earth did the Government come to the decision that it wants to export all these monkeys to Africa?

485 **Hon. Dr. J E Cortes:** Yes, Mr Speaker, what I am saying is that it depends on what the situation is at any particular point in time. At the moment there are probably two groups that I can think of that we could do without them being where they are. Therefore, if we had an agreement tomorrow to export animals, those would be the groups targeted.

490 But if the agreement is in a month's time and by that time, because of management or because by natural movements they have moved away from that area and another group has come in, we would have to re-assess which is the one that we would have to take. What I am saying is that we have to be flexible because we are dealing with natural systems but I take the hon. Member's point.

495 **Hon. D A Feetham:** What effectively, therefore, you are saying – and just correct me if I am wrong – you are accepting that there are a couple of populations that are problematical at the present moment, but that you hope that you will be able, through measures that you are introducing, to make them non problematical. In other words, to push them up to the nature reserve, but if that is not possible therefore you are looking at exportation because culling is out of the question.

500 Now do you... if that is the position I would appreciate it if he would confirm it and, if it is, what is the timescale for exportation of these apes because, of course, if they are problematical – and the hon. Gentleman appears to accept that they are being problematical, – it is a problem for the people that live in these areas.

505 **Hon. Dr. J E Cortes:** Yes, of course, and we are trying to make them less problematical.

Our prime need is to ensure that the human population does not feel uncomfortable or stressed in any way. So, yes, the main thrust will be to try and control where they are but, at this point in time, there are a number of discussions still on-going and I cannot give a timeframe. No, I just cannot give a timeframe.

510 **Hon. D A Feetham:** Mr Speaker, if those talks – and the hon. Gentleman and I again have spoken about this, we share an interest in this, quite apart from the politics... this is not easy, the question of exporting these animals to North Africa. He knows that and I know that. If it becomes an impossibility of exporting these animals to Africa and they continue to be problematical to those areas, will this hon. Gentleman give an undertaking to this House that the party opposite will grasp the nettle and will consider culling as a proper management tool?

515 **Hon. Dr. J E Cortes:** Mr Speaker, that is a hypothetical question.

Mr Speaker: Which, may I say, was asked in February as well, exactly the same question.

520

**Upper Rock Nature Reserve
Wildlife Wardens**

525 **Clerk:** Question 266, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment say when will the Department of the Environment employ the Wildlife Wardens for the Upper Rock Nature Reserve that the Hon. Minister, when not in Government, so vociferously advocated for?

530

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, when I was not in Government I did many things, most quite gently, actually, and not vociferously, and while I advocated Wildlife Wardens, this is not something that I was particularly vociferous about.

535

Mr Speaker, the preparation of the management plan for the Upper Rock Nature Reserve is in progress. This is considering the need for Wildlife Wardens specifically for the Upper Rock. However, it must be remembered that wildlife wardening is not just required on the Upper Rock and the whole question of such wardening is currently under consideration.

540

Hon. J J Netto: Mr Speaker, does the hon. Member think that, during the course of this year, we will be able to see the Wildlife Wardens being established, whether it is in the Upper Rock Nature Reserve or within the whole of Gibraltar?

545

Hon. Dr. J E Cortes: Mr Speaker, this will depend on the outcome of the work that we are doing at the moment. I cannot confirm or deny the possibility.

550

**Western Beach
Compliance with EU swimming standard**

Clerk: Question 267, the Hon. J J Netto.

555

Hon. J J Netto: Mr Speaker, can the Minister for the Environment say whether, come this summer, the quality of the water at Western Beach will satisfy the mandatory EU Standard for swimming for beachgoers?

560

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, it is impossible to predict water quality in this scenario. If trends from previous years continue, we expect to see a marked improvement in water quality in coming weeks. Relevant Government Departments are monitoring the water quality at Western Beach very closely.

565

Hon. J J Netto: Mr Speaker, if I do not remember badly, when this question has been raised in the past, the Government I think has alluded to the fact that if they were to see no improvement on the Spanish side from La Línea in relation to dealing with the discharges from the sewage drain waters, that they would take legal action – I think it says in relation to European Union. Could the Minister perhaps update the House on this front?

570

Hon. Dr. J E Cortes: Mr Speaker, this is something that I would rather discuss with the hon. Member opposite behind the Speaker's chair.

575

**Jellyfish increase
Method of control**

580

Clerk: Question 268, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, further to Question number 742/2012, can the Minister for the Environment say if he is now in a position to state what were the proposals that were being considered

585 last September by the various Ministers in relation to the increasing number of jellyfish in our waters, particularly during the summer season, and what measures, if any, are going to be put in place this year to minimise the extent of this problem for beachgoers?

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

590 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the increased occurrence of jellyfish in the Mediterranean region is expected to continue. As stated in my answer to Question No. 742/2012, this is a result, among other factors, of over-fishing and climate change.

595 The proposals considered last year largely revolved around the use of nets to minimise the number of jellyfish reaching our beaches. The Gibraltar Tourist Board, in close consultation with the Department of the Environment, have purchased special nets known as jellyfish booms that are designed to keep jellyfish out of bathing areas and allow relatively safe bathing.

Specific areas in our beaches have been identified and designated for this purpose. These nets are tailor made to suit the physical characteristics of individual beaches and may vary in size. The nets and areas will be surveyed by the beach lifeguards on a daily basis.

600 However, the public is still urged to be cautious, as the nets cannot be 100% effective, especially in heavy seas.

605 **Hon. D J Bossino:** Mr Speaker, can the Minister advise that it is Government's intention to protect *all* of the beaches. Is that the case? I think he mentioned certain areas. I would like him to confirm whether the Government's policy is, in fact, to protect all of the beaches.

610 **Hon. Dr. J E Cortes:** Mr Speaker, subject to confirmation by the Hon. Minister for Tourism, who is, in fact, leading on this, my understanding is that the intention is that areas in all of the beaches, or at least most of the beaches, will be so done.

I cannot recall which the first area was going to be, but the intention, subject to confirmation – I am sure we can confirm it later – is that most of the beaches will have at least an area with jellyfish booms.

615 **Hon. D J Bossino:** Mr Speaker, maybe this is not the place – Gibraltar's Parliament – to ask the Hon. Minister this question, but I do not understand exactly how, what the mechanics are, how this actually works...

Mr Speaker: Will the hon. Member please depress the microphone so that it is more directly...

620 **Hon. D J Bossino:** The question, Mr Speaker, is what the mechanics of this are, yes, in relation to the jellyfish nets, if I can put it in those terms, as I do not know what the exact term is.

625 **Hon. Dr. J E Cortes:** Mr Speaker, is the hon. Member asking how the nets work? How they work? Right, well it is a net that is suspended in the water floating, which hangs down to the sea bed, and therefore, in relatively calm waters will stop most jellyfish from coming in, because the mesh is so small the jellyfish cannot come in, but as I said in heavy seas there will be movement and some jellyfish could come in... so there will be fewer jellyfish.

These have been tried in other parts of the Mediterranean, Greece in particular, and I believe these are being brought over from Greece.

630 Obviously, we cannot guarantee 100% success, but we are told that certainly they will improve the situation.

635 **Department of the Environment
Publication of 2012 Annual Report**

Clerk: Question 269, the Hon. J J Netto.

640 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say when will the Department of the Environment Annual Report for 2012 be published?

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

645 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, as is customary, the Annual Reports are published after the air quality data are ratified in summer.

The Department of the Environment Annual Report 2012 will, therefore, be published in the autumn of 2013.

The 2011 Report is available on the Government website.

650

**Environmental EU Directives
Annual Reports sent to European Commission**

655

Clerk: Question 270, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment provide Parliament with a copy of all annual reports sent to the European Commission with regard to compliance on transposed Environmental EU Directives?

660

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, Annual Reports are sent to the Commission for the following three directives:

665

The Air Quality Framework Directive; The Drinking Water Directive; and the Bathing Water Directive.

Because the hon. Member has not requested a timescale, annual reports are provided for the last five years. I would like to explain, Mr Speaker, that what I am handing over to the hon. Member are copies of the Drinking Water, and the Bathing Water Directives. The Air Quality Framework Directive, is such a massive document, that printing it would have taken a long time and a lot of paper, it will be emailed to him by the Environment Agency and I would ask the hon. Member if he has not received it by tomorrow, if he contacts my office I will make sure that he gets a copy. If it is too large to email we will burn it on a disc so that he can have it promptly.

670

675

Hon. J J Netto: Mr Speaker, if I may, the Hon. the Minister for the Environment did mention that the Annual Reports were in relation to three particular Directives and he then went on to mention the three particular Directives. I was wondering whether, in addition to these particular three Directives, there are other Annual Reports that the Department of the Environment has to submit to the European Commission Directorate on the Environment.

680

Hon. Dr. J E Cortes: Mr Speaker, there are other Reports, but they are not annual: they may be after five or six years. The question specifically referred to Annual Reports. There are some written questions which refer to some of the other Reports, to which the answers will be provided at the end, as usual. But the Annual Reports, I am informed by my officials, are these three, annual as opposed to more periodic. If he specifically is interested in any other, if he specifies it then, obviously, that will be provided.

685

**Fishing and marine conservation
Report from commission of experts**

690

Clerk: Question 271, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment provide Parliament with a copy of the report from the commission of experts on fishing and marine conservation which was received by the Government on 20th December 2012?

695

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 report from the commission of experts on fishing and marine conservation is currently being formatted for publication and will be out shortly.

700

Hon. J J Netto: Mr Speaker, can I ask, in broad terms, what I asked before, which is even though it is being reformatted for publication, could I have a copy of it straightaway?

705

Hon. Dr. J E Cortes: No, Mr Speaker, this is a highly sensitive report, which has to be handled in a

sensitive manner, and I say shortly... the wait will not be long, and therefore I have to decline the request.

710 **Hon. J J Netto:** Mr Speaker, why draw a difference between not providing the Opposition with the report and actually briefing the Mayor of La Línea with the report? Why should the Mayor of La Línea take a preferential treatment in knowing the content of the report than the official Opposition in Parliament?

715 **Hon. Dr. J E Cortes:** Mr Speaker, I do not know whether this is an acceptable supplementary, but I have not briefed the Mayor of La Línea about the report and I do not believe any of my colleagues have, either. They may have mentioned it, they may have had a discussion around it but I can, very categorically, certainly from my point of view, state that it has not been discussed.

720 **Hon. D A Feetham:** Mr Speaker, in fact that cannot possibly be the case, because there is a press release emanating from No. 6 –

725 **Mr Speaker:** Yes, but with all due respect, this does not arise from the Question at all. It is completely and utterly out of order.

Hon. D A Feetham: Mr Speaker, I am not going to argue with Mr Speaker about this, but I –

730 **Mr Speaker:** Of course you are not going to argue. I am the one who is responsible for interpreting the Standing Orders (**Hon. D A Feetham:** Absolutely.) and that is my ruling and you will sit down. We will go on with the business.

(Interjection by the Hon. D A Feetham.) No business to raise that matter as a supplementary. It does not arise from the question at all. Members have got used, over the years, to doing that far too often, and I propose to implement the Standing Orders.

735 **Hon. D A Feetham:** And Mr Speaker, I will have something to say –

Mr Speaker: And if the hon. Member does not like it –

740 **Hon. D A Feetham:** I will have something to say during the –

Mr Speaker: You can say whatever you –

Hon. D A Feetham: – debate on parliamentary reform.

745 **Mr Speaker:** The report –

Hon. D A Feetham: – will not be able to shut me up on this matter.

750 **Mr Speaker:** If the hon. Member –

Hon. D A Feetham: It is an important issue to the Opposition.

755 **Mr Speaker:** The report has got nothing to do with me as Speaker. That is a report for Parliament to debate, and the fact that I happen to be the Speaker is purely coincidental.
Next Question.

Upper body lymphoedema treatments Process and care pathway

760 **Clerk:** Question 272, the Hon. Mrs I M Ellul-Hammond.

765 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, before asking my Question, may I take this opportunity to congratulate Mr Freddie Pitto on his selection as the new Chief Executive of the GHA and I wish him all the very best in this important and challenging role.

Mr Speaker, can the Minister for Health explain the process, including equipment used and the care pathway, breast cancer sufferers and survivors go through in order to receive upper body lymphoedema treatments?

770 **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 are referred to the nursing team by a medical practitioner or breast cancer nurse. The patient is then assessed to determine the grade of lymphoedema and best treatment option. This may be manual drainage or a combination of manual and mechanical drainage using the Flowtron Lymph Assist. This treatment is sustained by a determined level of compression support, using either a system of compression bandage or measured sleeve which the patient will wear.

775
780 Patients will invariably continue to use the compression sleeve long term, as required, since lymphoedema is a chronic long term condition affecting the majority of patients who undergo treatment for breast cancer. Therefore, part of the treatment includes educating patients on management of the condition and prevention strategies to avoid recurrence of the acute phase. Following treatment in the acute phase, patients are reviewed as required.

785 I am supporting the Breast Cancer Support Group in their tremendous efforts to raise awareness of the condition, and studying ways in which we can resource this service more.

Upper body lymphoedema treatments Training and CPD

790 **Clerk:** Question 273, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise what training and CPD health professionals receive for administering upper body lymphoedema treatments to breast cancer sufferers and survivors and how many of them are there who offer this?

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

800 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, health professionals in the GHA follow an 11-day training programme offered by LEDUC UK, a professional association of lymphoedema practitioners.

The training is comprehensive and includes assessment, diagnosis, skincare, multi-layer bandaging, manual and mechanical drainage within the programme content.

805 Annual updates are provided for health professionals already trained and practising in this field. There is currently a team of four nurses and two physiotherapists who can offer such treatment. However, this is not exclusive to breast cancer patients. There are other patients who can acquire this condition.

Hon. D A Feetham: We will be asking no more supplementary questions, so we can –

810

Plastic surgery initiative Xanit Hospital, Benalmadena

815 **Clerk:** Question 274 the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say whether the plastic surgery initiative, in order to reduce the waiting list in breast reduction surgery, will continue at Xanit Hospital in Benalmadena?

820

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 plastic surgery initiative includes both more frequent visits from UK plastic surgeons and outsourcing operations to surgeons who have been validated by our visiting consultants. Surgeons who operate in Xanit fall into this category. Therefore it is likely that the facilities in Xanit will be used in the future. I stress the word 'facilities'. The surgeons do vary.

830

Hydrotherapy pool at St Bernard's Hospital
Date of opening

835 **Clerk:** Question 275, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise when the hydrotherapy pool at the Physiotherapy Department at St Bernard's Hospital will be opened in order to offer therapy for those patients who need it?

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, when the hospital was built, the infrastructure was not provided. No resources, including human resources, were made available to provide the service. The possibility of resourcing this is being considered, although the patient demand for this service, as it does not exist, is not known.

850 **Emergency ambulance**
Callout procedure

Clerk: Question 276, the Hon. Mrs I M Ellul-Hammond.

855 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise what the procedure is if an ambulance is called in an emergency and the two emergency ambulances are otherwise engaged and unable to attend to the call-out?

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, if both GHA emergency ambulances are committed on a call and a third emergency call comes in, the City Fire Brigade ambulance will be dispatched.

865 **Chief Ambulance Officer**
New appointment

870 **Clerk:** Question 277, the Hon. Mrs I M Ellul-Hammond.

Hon. I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise what the system is for a patient who is attended to at the –

875 **Clerk:** ...

Hon. I M Ellul-Hammond: I apologise, yes.

880 Mr Speaker, following the announcement of the retirement of the Chief Ambulance Officer, can the Minister for Health say whether a replacement has been identified, who this person is and when the post will be filled?

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

885 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the post of Chief Ambulance Officer is being considered as part of a wider GHA management restructuring exercise, and the imminent completion of GHA's paramedic students' course at the end of the year.

An external review has been commissioned to advise on how best to configure the ambulance services in Gibraltar to improve the service to our local population and make best use of these new skills. Once this review is complete, a decision will be taken on this specific post.

890 In the interim, a development opportunity has been created, for a nine month period, for two officers to cover the duties within the existing job description. Following a selection process, Kyrone Celecia and Adrian Gerada were selected and commenced their duties on 1st April 2013, the day after the incumbent had retired.

895 They have now started a structured development programme, which includes a management course affiliated with Durham University, and management placement in the UK with the London Ambulance Service.

I would like to take this opportunity to thank Dennis Duarte for his work as Chief Ambulance Officer and to wish him a long and satisfying retirement after many years serving the public, not least as Commanding Officer of the Royal Gibraltar Regiment. This is well deserved.

900

**Post-A&E Department care
Procedure**

905

Clerk: Question 278, the Hon, Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise what the system is for a patient who is attended to at the A&E Department, is then found needing secondary care or further tests, but not necessarily immediately? Will that patient need to go back to Primary Care or will the patient be fast-tracked from A&E?

910

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

915

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, if a patient requires further investigations as an out-patient, they will be discharged from A&E with a GP referral form, (Discharge letter A&E – Request for follow up by GP). That is the name of the form in the GHA system.

920

**Orthoptist service
Upgrading**

Clerk: Question 279, the Hon. Mrs I M Ellul-Hammond.

925

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say whether there are any plans to increase the Orthoptist service within the Eye Department of the GHA?

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

930

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, not at this time.

935

**Clinical Governance Review
Cost breakdown**

Clerk: Question 281, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain to whom £128,611.88 for the Clinical Governance Review was paid to and for what exactly?

940

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

945

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the payment was made to Langan & Schroter for the review into the GHA. The breakdown is contained in the schedule that I now hand over.

Answer to Question 281 of 2013

Clinical Governance review							
	Fees	Rent	Equipment	John Langan	Frank McGuirrin	Joanna Smith	Total
Clinical Governance Review - Fees (contract)	96,000.00			-	-	-	96,000.00
Clinical Governance Review - Flights				5,289.74	867.58	1,864.56	8,021.88
Clinical Governance Review - Hotel Accomodation				698.00	150.00	3,362.00	4,210.00
Clinical Governance Review - Internet Connection				0.00	0.00	0.00	0.00
Clinical Governance Review - Mobile Telephones				0.00	0.00	0.00	0.00
Clinical Governance Review - Stationery				0.00	0.00	0.00	0.00
Clinical Governance Review - Subsistence				2,310.00	700.00	1,540.00	4,550.00
Clinical Governance Review - Travelling Expenses				0.00	0.00	0.00	0.00
Clinical Governance Review - New Equipment			464.00				464.00
Clinical Governance Review Rented Accomodation		15,366.00		-	-	-	15,366.00
Total	96,000.00	15,366.00	464.00	8,297.74	1,717.58	6,766.56	128,611.88

**GHA Review
Date of publication**

950

Clerk: Question 282, the Hon. Mrs I M Ellul-Hammond.

955

Hon. Mrs I M Ellul-Hammond: Mr Speaker, following on from Question No. 117/2013, can the Minister for Health advise when the GHA Review document will be published?

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

960

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, as I have stated several times in this House, it was the view of the Board of the Authority and the Executive that steps should be taken to remedy some of the shortcomings highlighted in the Report before this was published.

I am pleased to say that the planned management restructure is now in the process of being implemented and publication will follow shortly.

965

**GHA website
Operational date**

970

Clerk: Question 283, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, following on from Question No. 118/2013, can the Minister for Health say when the new GHA website will be ready?

975

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

980

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, the website will be live in June 2013. There has been a slight delay – I had announced it would be ready in April – due to technical issues which are now being finalised. It will be followed by a period of testing before going live.

**Free complementary therapies
Government policy**

985 **Clerk:** Question 284, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, Can the Minister for Health say what the Government policy is on offering complementary therapies free of charge on the GHA?

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

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, complementary therapies have not generally been provided in the past.

995 However, when recommended by a medical practitioner, the following have been considered: (a) Manipulation therapies (by trained and accredited chiropractors/osteopathy for back pain) referred by the Pain Clinic, and; (b) Acupuncture for the relief of intractable pain, by trained and regulated acupuncturists, when referred by the Pain Relief Service.

1000

**GHA Speech & Language Therapy Department
No. of trained paediatric and adult therapists**

1005 **Clerk:** Question 285, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health state how many paediatric and adult speech & language therapists are employed in the GHA Speech & Language Therapy Department, giving a breakdown of permanent and contract employees?

1010 **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 schedule I now hand over contains the information requested.

Answer to Question 285 of 2013

Speech and Language Therapists

	1 Paediatric Special Needs	- Permanent contract
	1 Paediatric	- Permanent contract
1015	1 Adults	- Permanent contract
	1 Manager (no clinical responsibilities in SLT)	- Permanent contract
	1 Adults (emergency cover Mt Alvernia)	- 3 month contract
	1 Paediatrics (not employed by GHA but assigned to Department under Graduate Scheme)	

1020

**Repeat prescription service
Nature of changes**

Clerk: Question 286, the Hon. Mrs I M Ellul-Hammond.

1025 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain the No. 122 of the Government policies actioned, as per the Government's press release number 815/2012, which says 'change repeat prescription system'? Can the Minister elaborate on how the repeat prescription has changed?

1030 **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, the repeat prescription system has changed in that it has now been integrated with the appointment system and allows patients to access their next review appointment for further repeat prescriptions. This now works as follows:

1. A patient can access their next review appointment for repeat prescriptions by coming to the Primary Care Centre when they are down to their last prescription and, by showing this prescription, they will be booked into an appointment with a GP of their choice, before they are out of medication. This has been audited for the first six months since its introduction in October 2012 and, so far, all patients who have used this system have been able to get an appointment with their GP of choice.

2. If a patient runs out of medication and has no more prescriptions left they can present at the Prescription Advisory Unit, where they will be issued with another month's prescription, which they can, in turn, present at the PCC counter as their last prescription and get their next review appointment.

1040 Most GPs are now issuing stable patients with six months of repeat prescriptions at a time, which means that if the patient remains well they will only need to attend the PCC twice a year for review prescriptions which, for most patients, is an acceptable and recommended frequency of medical follow-up.

1050

**New-born babies
Screening for hearing**

1055 **Clerk:** Question 287, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say if Government has plans to introduce hearing screening for new-born babies?

1060 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, arrangements to start neonatal screening are well under way. We are waiting for an extra scanner and up-dated software. We are also arranging a training programme locally with the equipment suppliers for both Health Visitors/Nurses and the Audiologist.

1065 I am hopeful that we can start the service within a few months.

**Primary Care Clinic
Ministerial initiative and move to Rainbow Ward**

1070 **Clerk:** Question 288, the Hon. Mrs I M Ellul-Hammond,

1075 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the Primary Care Clinic for children will be moved to Rainbow Ward?

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

1080 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, I will answer this Question together with Question 291/2013.

Clerk: Question 291, the Hon. Mrs I M Ellul-Hammond.

1085 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain how his second 'Ministerial Initiative' in relation to children's health, which he committed to in his Budget speech, has borne fruit and been taken forward?

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

1090 **Hon. Dr. J E Cortes:** Mr Speaker, meetings have been held with the paediatricians and general practitioners and a number of initiatives are under discussion, including the possibility of co-siting primary and secondary care for children.

1095 **Assistant nursing positions
Number filled since 2012 Budget**

Clerk: Question 289, the Hon. Mrs I M Ellul-Hammond.

1100 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health state, of the 33 new assistant nursing positions earmarked by the Budget of 2012/13, how many have been filled on a full-time basis?

1105 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, all 33 posts were filled with full-time staff at the time.

1110 **GP contract
Improvements in service provision**

1115 **Clerk:** Question 290, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain whether the GP contract has been dealt with, after the Minister for Health said in his Budget speech of 2012 that a concern of his was – and I quote – ‘the failure to deal with the impact of the GP contract’.

1120 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, what I was referring to in my Budget speech last year was the fact that, when the Government of the time signed the contract with the General Practitioners in 2007, they agreed to reduce the maximum number of patients seen from 20 to 18 for routine clinics and from 50 to 35 for emergency clinics. This potentially converts to up to 20,000 fewer slots a year.

1125 Mr Speaker, I was not decrying the reduction in patients seen per doctor, as overcrowding slots is good neither for patient nor doctor. My concern was the fact that this had not been compensated for, contributing to some of the problems of difficulty to get appointments.

1130 I have been meeting regularly with the GPs on such issues, and we are identifying improvements. In the meantime, we have taken some steps to improve the situation. These are the provision of a locum as additional long-term cover, and the consolidation of the buddy system at weekends.

1135 **GHA complaint system
Working procedure**

1140 **Clerk:** Question 292, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain how the new GHA complaints process will work?

1145 **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 matter is currently under discussion with the Ombudsman and I intend to lay a Bill before Parliament in the very near future.

1150

**Free dental care
Entitlement and registration**

Clerk: Question, 293, the Hon. Mrs I M Ellul-Hammond.

1155

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise which adult groups are eligible for free dental health care on the GHA and the process to go about registering for this free service?

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

1160

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, any person with exempt status or under the District Medical Services who is in receipt of a Welfare Grant or benefit is eligible for free dental healthcare.

Applicants will complete a form where income is declared, and so eligibility is determined.

1165

**Sponsored patient escorts
Allowance entitlements**

1170

Clerk: Question 294, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise on the allowance entitlement for an escort of a sponsored patient who is either a friend or a family member, other than the spouse?

1175

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

1180

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, all official sponsored patient escorts are entitled to the same allowance, regardless of relationship.

Details on how the allowances are worked out – and they have not changed since 9th December 2011 – is given in the schedule that I now hand over.

Answer to Question 294 of 2013

Households weekly income – $\frac{1}{2}$ the household weekly outgoings = Disposable income is X

If patient & escort live in the same household then the max allowance of £854 – X = weekly sponsored patient allowance

If patient & escort live in separate households then the max separate allowance of £427 – X = weekly sponsored patients allowance.

The max rates for a patient staying in rented accommodation is £427 each total £854

The max rate for patient staying in Calpe house or friends and family £157 each total £314

A computer formula works out based on where the patient is staying.

1185

Mr Speaker: Would the hon. Lady ask the next Question while she reads the schedule, please.

1190

**Sponsored patient escorts
Allowable hours outside Gibraltar**

Clerk: Question 295, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise what the maximum

1195 length of time an escort is able to remain with a Sponsored Patient, while receiving treatment outside of Gibraltar, and remain in receipt of an allowance?

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

1200 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, there is not a maximum length of stay for an escort to remain with a sponsored patient. An escort is provided to a patient whilst receiving treatment or actively involved with the tertiary centre. The escort, throughout this time, is entitled to remain in receipt of an allowance.

1205

**‘Healthy living’ policy for over-60s
Abdominal aortic aneurysm screening**

1210 **Clerk:** Question 296, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise whether abdominal aortic aneurysm screening, for the over 60 year olds, will be considered as part of the Government’s ‘healthy living’ policy?

1215

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

1220 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Indeed, Mr Speaker. Discussions are advanced on the introduction of screening for abdominal aortic aneurysm, with a multi-disciplinary team actively planning the programme.

1225

**‘Enrolled’ nursing grade course
Recognition and validation**

Clerk: Question 297, the Hon. Mrs I M Ellul-Hammond.

1230 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if the new ‘Enrolled’ nursing grade course is recognised and validated by Kingston & St George’s University and by the Royal College of Nursing? What training will be offered and what accredited qualifications will be attained?

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

1235 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, the NVQ Level 3/Enrolled Nurse training is validated, not by Kingston & St George’s University but by Edexcel, a UK based education and training establishment which gives the student a qualification which is recognised both nationally and internationally. The Royal College of Nursing is a professional association for nurses and is therefore not a validating authority for any nursing programme.

1240 The training will consist of a 55 week programme which is split between clinical practice and theory. Students will spend 36 of these weeks in clinical practice, achieving clinical competencies linked to the NVQ 3 qualification. The remaining weeks will be spent in the School of Health Studies for the theoretical component, which will be assessed using various assessment methods.

1245 When these students have completed and have been successful, this qualification will be recognised by Kingston & St George’s University as an entrance to the degree programme, (together with 5 GCSEs, including English and Maths) should these students want to progress to Staff Nurse level.

1250

**Numbers awaiting surgery
Waiting list initiatives**

Clerk: Question 298, the Hon. Mrs I M Ellul-Hammond.

1255 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say if he is satisfied with the current level of people awaiting surgery, at 1,044, and what is the GHA doing to address this and

bring the numbers down?

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, I think I should first comment that the number of people on a waiting list varies depending on the balance between those leaving the list and those entering; and does not provide a picture of surgical activity, rather the relative rate of surgery as against identification of the need for surgical intervention.

1265 The important issue, however, is not the number of people on these lists, but how long they wait. Having said that, no, Mr Speaker, I am not at all satisfied.

I am working with the theatre teams and management on a number of initiatives that are aimed at reducing these numbers drastically.

1270 Achieving this is involving changing ways of working that have remained unchanged, and even unanalysed, for years. Fortunately, I have a team of greatly re-invigorated professionals who have responded magnificently to my initiatives and who will, I am certain, achieve this.

1275 **Maximum number of registered pharmacies
Discrepancy in legislation**

Clerk: Question 299, the Hon. Mrs I M Ellul-Hammond.

1280 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health explain the discrepancy in answer to Written Question No 245/2012, where it states – and I quote – ‘There is no maximum number of pharmacies allowed to register and dispense medication prescribed by the GHA’, and the ‘Medical and Health (Registration of Pharmacies) Regulations 2008’, under Section 69 of the ‘Medical Health Act’, which provides conditions according to the location and number of existing pharmacies?

1285 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

1290 **Minister for Health and the Environment (Hon. Dr. J E Cortes):** Mr Speaker, there is no contradiction or discrepancy, and the hon. questioner seems to have either misread or failed to understand the legislation.

Section 69 of the Medical and Health Act states – and I quote –

1295 ‘No premises shall be used for the sale by retail of any medicinal product (other than a medicinal product specified in the general sale list) or poison unless the premises have been registered as a pharmacy by the Board’.

This clearly does not limit the number of premises that can be registered.

The 2008 Pharmacy Regulations list, in section 6, a series of criteria that the Board has to consider in order to be able to register a pharmacy. Provided these criteria are satisfied, the premises may be registered as a pharmacy.

1300 The statute does not provide a limit to the number of pharmacies. Therefore, Mr Speaker, my answer to Written Question No. 245/2012 is absolutely correct.

1305 **ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY**

**Future Job Strategy; Maritime Cadet Training Scheme
Employment details and statistics**

1310 **Clerk:** We now move to questions being posed to the Minister for Enterprise, Training, Employment and Health & Safety.

Question 342, the Hon. D J Bossino. Question 342.

1315 **Hon. D J Bossino:** Can the Minister for Employment confirm that Employment and Trading Company Limited, Construction and Training Company Limited, Supported Employment Company Limited and Grad Limited are involved in the Future Job Strategy scheme, whether any other companies have been set up and who the managers of each of these and any other companies which may have been set up are?

- 1320 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.
- Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this Question together with Questions, 345, 346, 347, 363, 348, 349, 350, 351, 352, 353, 356, 358 and 362.
- 1325 **Clerk:** Question 345, the Hon. D J Bossino.
- Hon. D J Bossino:** Can the Minister for Employment provide details of the training, to include qualifications, which is undertaken by trainees of the Future Job Strategy, who are trained for specific jobs such as carers in the Care Agency and the School of Nursing?
- 1330 **Clerk:** Question 346.
- Hon. D J Bossino:** Further to Question No. 852/2012, can the Government advise how many of the successful applicants for the 40 AA grades were on the unemployment list and for how long, or employed pursuant to the Future Job Strategy?
- 1335 **Clerk:** Question 347.
- Hon. D J Bossino:** Can the Minister for Employment advise this House if the arrangements for apprenticeship schemes have been finalised?
- 1340 **Clerk:** Question 363.
- Hon. D J Bossino:** Can the Minister for Employment advise on how many occasions... (*Interjection*)
- 1345 **Clerk:** Question 363. Sorry.
- Hon. D J Bossino:** Can Government provide details of how many Trainees have been enrolled to pursue Vocational Apprenticeships... 363? (**Clerk:** 363)
- 1350 Mr Speaker, this is Mr Reyes' Question.
- Clerk:** Question 363, the Hon. E J Reyes.
- Hon. E J Reyes:** Can Government provide details of how many Trainees have been enrolled to pursue Vocational Apprenticeships since January 2012, giving a breakdown of start dates as Trainees, type of accredited course or courses being followed and projected date or dates for completion of any training being undertaken?
- 1355 **Clerk:** Question 348.
- Hon. D J Bossino:** Can the Minister for Employment advise this House how many potential employers have, to date, signed contracts with Employment and Training Company Limited or any other Government company participating in the Future Job Strategy, guaranteeing employment to participants of the scheme, with details of the numbers of participants in respect of each company?
- 1360 **Clerk:** Question 349.
- Hon. D J Bossino:** Can the Minister for Employment advise this House how many employers participating in the Future Job Strategy have reneged on the job guarantee?
- 1365 **Clerk:** Question 350.
- Hon. D J Bossino:** Can the Minister for Employment advise what determines the duration of the fixed term contracts provided under the Future Job Strategy and who determines it?
- 1375 **Clerk:** Question 351.
- Hon. D J Bossino:** Further to Question No. 987/2012, can the Minister for Employment provide an update of the employers who have signed contracts with Employment Training Company Limited in respect of Future Job Strategy trainees and have the benefit of a contract with the Government, any public
- 1380

authority or Government owned company for the provision of goods and/or with a value in excess of £2,000?

1385 **Clerk:** Question 352.

Hon. D J Bossino: Further to Question No. 180/2013, can the Minister for Employment state how many Future Job Strategy trainees have been employed, broken down by month, indicating where they have been employed?

1390 **Clerk:** Question 353.

Hon. D J Bossino: Can the Minister for Employment advise on how many occasions he has met with trainees on the Future Job Strategy scheme since it began on 1st February 2012?

1395 **Clerk:** Question 356.

Hon. D J Bossino: Can the Minister for Employment advise how many of those trainees who were originally with the VTS on 1st February 2012, continue to be employed by ETCL or any other Government-owned employer companies participating in the Future Job Strategy?

1400 **Clerk:** Question 358.

1405 **Hon. D J Bossino:** Can the Minister for Employment provide current details of how many individuals are participating in the Future Job Strategy, with details of where they are carrying out their placement/training, to include private entities or individuals (such as private companies or partnerships) and in each case the names of such entities and names of the Government Departments, Agencies and Authorities; which Future Job Strategy company they are employed by; what the duration of their contracts are; and how many of these trainees have guaranteed jobs following conclusion of their Future Job Strategy contracts?

1410 **Clerk:** Question 362, the Hon. E J Reyes.

1415 **Hon. E J Reyes:** Mr Speaker, can Government provide details of any changes there may have been to the statistics published on its website at Table ED 18, which shows the total number of Gibraltar students undertaking the Maritime Cadet Training Scheme, but which currently only provides details up to 2nd May 2012?

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

1420 **Hon. J J Bossano:** Mr Speaker, there is a parent company, Economic Development and Employment Company, of which the four companies mentioned in the Question are subsidiaries. The parent company and the subsidiaries are managed by Civil Servants and GDC employees in the Ministry of Enterprise, Training and Employment, with the support of some of the graduates in training.

1425 In the Care Agency the trainee carers are provided with the necessary experience to meet the requirement that enables them to take up employment and, in the case of the School of Nursing, they are currently being trained to obtain a BSc. in nursing.

Of the AAs – the 40 AAs – two were from the unemployment list, one of whom had been registered since 20th February 2013 and the other since 25th July 2012 and one person was a former trainee.

1430 The arrangements for apprenticeship schemes have not yet been finalised, and therefore no apprenticeships have been started yet.

211 potential employers have signed contracts to provide employment to trainees placed with them in the private sector.

The number of trainees per employer is as follows:

1435 136 employers with 1 trainee each; 37 with 2; 16 with 3; 4 with 4; 3 with 5; 3 with 6; 7 with 7; 1 with 9; 1 with 10; 1 with 17; and 1 company with 21

4 employees have failed to honour the Future Job Strategy job guarantee. 4 Employers, sorry – employers. I think this is the same figure that I gave the last time in the answer, so I do not think there has been any increase.

1440 The standard policy in terms of length of training is to provide trainees for a 3-month period, but, where the training requires more time because of the nature of the work, the officer in the Employment Service dealing with the placement provider can authorise a longer period.

Further to my answer to Question 987/2012, I am informed that the following two companies have

Government contracts with a value in excess of £2,000; GibrFlora and AM Capurro & Sons.

1445 Since the answer to Question 180/2013, the number of trainees employed has been, by month, as follows: February – 16 in the Private Sector and 7 in the Public Service; March – 18 in the Private sector; and none in the Public Service; April – 16 in the Private Sector, 6 in the Public Service. I have met all the trainees on one occasion at the beginning of the scheme.

1450 93 trainees who were in VTS prior to 1st February 2012 continue to be employed by the Employment Training Company Limited.

1455 As I have explained on a number of occasions previously, trainee carers in the Care Agency and trainee nurses in the Health Authority are guaranteed employment on completion of their training, as are trainees in the Private Sector covered by Business Partnership Agreements. The duration of the contracts depends on the nature of the training, other than those individuals that were inherited from the previous scheme, the number just given, and still remain in training pending the opportunity of finding them suitable employment. The number in this group is the subject of a separate Question, which I have already answered.

The overall number of trainees as at the end of March 2013 was 193 in the Public Sector and 260 in the Private Sector.

1460 Statistics regarding the Maritime Cadet Training Schemes are reviewed on a monthly basis. They were updated in September 2012 to include a new cadet. They will soon be updated again to reflect that this cadet has left the course.

1465 **GDC employees
Details and grades**

Clerk: Question 343, the Hon. D J Bossino.

1470 **Hon. D J Bossino:** Can the Minister for Employment provide the numbers of new employees which have been employed by the GDC since 9th December 2011 and how many of those have been recruited from the pool of Future Job Strategy trainees?

1475 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): 343? I will answer this Question with 344.

1480 **Clerk:** Question 344, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment advise this House how many individuals are currently employed by the GDC, with details of the grades they hold and where they are currently placed?

1485 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Hon. J J Bossano: Mr Speaker, six persons have been employed by the GDC since 9th December 2011. None have been recruited from the Job Strategy trainees.

1490 As at March 2013, there were 88 employees in the GDC in the following grades: 1 Finance Centre Director; 1 Manager, Employment Service; 1 Legislation Officer; 1 Grade 5T; 3 Grade 5; 17 Grade 4; 14 Grade 3; 29 Grade 2; 19 Grade 1; 1 Traffic Warden; 1 Industrial Grade.

1495 They were placed as follows: 3 employees at Convent Place; 5 in the Housing Administration Department; 3 in Family & Community Affairs; 1 in Education; 3 in Financial Services; 35 in the Employment Department; 2 in Port & Shipping; 32 in Tourism; 2 in Public Transport & Commercial Affairs; 1 in Culture & Heritage; and 1 in the Legislation support Unit.

1500 **Unemployment trends
Details, benefit and resident construction workforce**

Clerk: Question 354, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment advise this House how many of the vacancies opened at the ETB have been filled by individuals who are in employment?

- 1505 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.
- Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with 355 and 357.
- 1510 **Clerk:** Question 355.
- Hon. D J Bossino:** Can the Minister for Employment report any progress, if at all, in relation to the building up of a resident workforce for the construction industry, as he has stated previously in this House?
- 1515 **Clerk:** Question 357.
- Hon. D J Bossino:** Further to Question No. 1059/2012, can the Minister for Employment state how many people were registered unemployed as at the end of the fourth quarter of 2012 and the first quarter of 2013 and on a month by month basis since September 2012, the number of applications made and accepted for unemployment benefit.
- 1520 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.
- 1525 **Hon. J J Bossano:** Mr Speaker, in the calendar year 2012, 5,545 vacancies opened at the ETB have been filled by individuals in employment.
- Based on the records of the Employment Service – which are not 100% accurate – the resident workforce in the construction industry increased by 40 since December 2011.
- 1530 The total number of persons registered unemployed as at the end of the fourth quarter of 2012 was 403, that is Gibraltarians, and the number at the end of the first quarter of 2013 of this year was 463.
- The number of applications made and accepted for unemployment benefit by month is as follows, since September 2012: September – 42 received; 44 approved: this is because, in fact, it can be received in one month and approved in the next. October – 52 received, 45 approved; November – 48 received, 40 approved; December – 28 received, 33 approved; January 2013 – 44 received, 31 approved; February – 33 received, 35 approved; and March – 46 received, and 35 approved.
- 1535
- Inward investment
EU development aid and private funding**
- 1540 **Clerk:** Question 359, the Hon. D J Bossino.
- 1545 **Hon. D J Bossino:** Can the Minister with responsibility for inward investment provide details of any development aid and EU funding which has been approved since the Government took office?
- Clerk:** Answer the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.
- 1550 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker I will answer this question together with Question 360.
- Clerk:** Question 360.
- 1555 **Hon. D J Bossino:** Can the Minister with responsibility for inward investment report to the House what inward investment has come to Gibraltar since 9 December 2011?
- Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.
- 1560 **Hon. J J Bossano:** Mr Speaker, there has been no development aid granted in the period in the question.
- Since December 2011, the following ERDF funds have been provided and I will give the hon. Member the recipient's name and the amount provided.
- 1565 CMCI Limited £9,986.03; Jury's Café and Wine Bar Limited £69,820.20; Eazi Telecom Limited £148,140.92; Brilliant Nurseries Limited £19,920; i-Golf (Gibraltar) Limited £140,429; Arena Leisure Limited £34,083.01; Rock Cool Limited £19,786.80; Oasis Eatery Limited £10,523.75; The Mexican Grill Bar Limited £53,013.16; Classic Cuts Limited £15,879.25; The Crab Shack Limited £15,873.42;

1570 Driver and Vehicle Licencing Department (which is a Government Department) £29,256.92; Gibraltar Chronicle Printing Limited £9,461.54. There are four Tourist Board Projects which received, in turn, £141,183.44; £28,962.87; £50,731.69; £44,420.38. Casa Brachetto Limited received £18,949.09; Siddharth Limited £9,804.55; Piece of Cake Limited £11,247.07; GibCargo Limited £19,948.92; Free Style Leisure Limited £19,912.24; Mr Noodles £18,003.12. That is the complete list of EU Funding.

1575 As regards the investments, in the calendar year 2012, 400 new business activities were registered with the Enterprise and Employment Department. Some 10% of these new employers involve participants from outside Gibraltar which, in some cases, amounted to 100% of the ownership.

**Accommodation for Moroccan workers
Replacement for Buena Vista and Devil's Tower Road Hostels**

1580 **Clerk:** Question 361, the Hon. Mrs I M Ellul-Hammond.

1585 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Government advise what plans they have to rehouse the Moroccan workers in Gibraltar after they vacate the Buena Vista and Devil's Tower Road Hostels?

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

1590 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the Government is currently considering a number of alternative options.

**Factory Inspections
Statistics and accident details / Health & Safety Committees**

1595 **Clerk:** Question 364, the Hon. J J Netto.

1600 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety please clarify why, in the monitoring activities carried out by the Factory Inspector for the month of January, February and March of 2013, as shown in the Government website in Table HS.1, there are a total of one hundred and seventy-seven activities, of which one hundred and eleven were carried out in the construction industry?

1605 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training and Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, I will answer the Question together with Questions 365, 366, 367, 368, 369,370 and 371.

1610 **Clerk:** Question 365.

1615 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety provide Parliament with a summary of the two major reportable accidents, one in February and the other one in March, as reported on the Government website under Table HS.2, stating, amongst other things, the name of the company in which such employees worked and the reason for the accidents as judged by the Factory Inspectors?

Clerk: Question 366.

1620 **Hon. J J Netto:** Mr Speaker, can the Government say if the existing Health and Safety Committees that exist in Government Departments, Authorities, Agencies and Government-owned companies collate health and safety statistical information regarding the organisation they belong to?

Clerk: Question 367.

1625 **Hon. J J Netto:** Mr Speaker, can the Minister for Employment and Health & Safety please say what Health and Safety training has been provided to Future Job Strategy trainees either whilst working for Gibraltar Employment Training Company Limited or while seconded to another company, since commencement of this Government policy?

Clerk: Question 368.

1630 **Hon. J J Netto:** Mr Speaker, can the Government name the various Health and Safety Committees which exist in Government Departments, Authorities, Agencies and Government-owned companies and state the number of occasions when such committees met during 2012 and 2013 on a monthly basis?

Clerk: Question 369.

1635 **Hon. J J Netto:** Mr Speaker, can the Minister for Health & Safety say if, following the recently acquired software programme for the Factory Inspectors, they will now be in a position to renew the publication of annual reports on statistical information on Health and Safety?

Clerk: Question 370.

1640 **Hon. J J Netto:** Mr Speaker, can the Minister for Health and Safety provide Parliament with the names of the companies that were issued with two prohibition notices and two improvement notices in January and February 2013, the site in which the notices were issued and stating the period covered by the prohibition notices before the companies complied with the terms of the notices.

1645

Clerk: Question 371.

1650 **Hon. J J Netto:** Mr Speaker can the Minister for Health and Safety provide the April 2013 statistics on monitoring activities, occupational reportable accidents, enforcement activities, number of times legal advice has been sought and reasons for Factories Inspector issuing Improvement and Prohibition Notices, as these figures were not available at the time Notice for Questions was given?

1655 **Hon. J J Bossano:** Mr Speaker, the monitoring activities are carried out by the Inspectors on the basis of their professional knowledge and experience.

I can only surmise that the higher incidents of monitoring of construction sites is due to the fact that, unlike other establishments, different building sites are constantly closing and being opened whilst a bank or a shop, for example, continues to provide the same working environment, once inspected. In addition, the last report published for 2006 showed that accidents on building sites far outnumbered those in other industries.

1660 Details of the two accidents referred to in Table HS.2 are as follows:

1. The major accident that occurred on 15th February 2013 concerned a qualified electrician aged 52. He fell off a step ladder whilst repairing an electrical fault at a school, causing a fractured right wrist.
2. The major accident that occurred on 19th March 2013 concerned a 40-year old. He slipped on a slippery surface whilst delivering 18.9 litre water bottles, causing breakage and displacement of the bone on the right hand.

1665 The Inspectorate considers that extra care and attention by those involved could have been exercised and are nonetheless satisfied that no further investigation was needed. I am informed, as regards the question of the committees, that no such committees have ever existed within Government Departments, Authorities, Agencies or Government-owned companies. Therefore, there have never been any meetings of any such committees.

1670 The Employment Training Company does not undertake any work itself. Its employees are placed with training providers, who give them the same Health and Safety training as they give the rest of their staff in the same work environment.

1675 I am informed that the last Annual Report was produced by outside consultants in 2007. I am not aware why it was discontinued nor that the issue was that the right software was available since the Inspectorate, I understand, was not involved in its production previously.

Two prohibition notices were served, one in January on Suite 18-20, Block 3, Water Gardens for not complying with the Construction, Design, Management Regulations, and one in February on North Mole Industrial Park for not notifying the project as per (CDM) Construction Design Regulations.

1680 The two improvement notices were in February on 265 Main Street for non-compliance with Workplace (Health, Safety & Welfare) Regulations and Control of Asbestos at Work Regulations. The second, in February, was on 309 Main Street for non-compliance with Workplace Regulations in relation to fire extinguishers, escape routes and general housekeeping. All the parties complied with the requirements within two or three days.

1685 Health and Safety statistics for the month of April 2013 are as follows: monitoring activities – meetings, 8; advice, 7; complaints, 1; inspections, 15; follow-ups, 3; and site visits, 12; occupational reportable accidents – 3 minor accidents; enforcement activities – nil; legal advice – nil; reason for Factory Inspectors issuing Improvement and Prohibition Notices – nil.

1690

**Financial Services and Gaming
Jobs lost and created in 2012-13**

1695 **Clerk:** Question 372, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, will the Chief Minister please state how many jobs were lost in (a) the Financial Services Sector and (b) the Gaming Sector in 2012 and 2013.

1700 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health and Safety.

Minister for Enterprise, Training, Employment, and Health & Safety (Hon. J J Bossano): I will answer this Question together with Question 373.

1705 **Clerk:** Question 373.

Hon. D A Feetham: Will the Chief Minister please state how many new jobs were created in (a) the Financial Services Sector and (b) the Gaming Sector in 2012 and 2013.

1710 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Hon. J J Bossano: Mr Speaker, it is impossible to provide the information requested without a manual check for every month of 2012 and 2013 of every single employer classified within the Financial Services Sector and the Gaming Sector.

1715 The Question requires that, in respect of each such employer, the job titles be examined in order to establish whether all the jobs that were registered with the Employment Service on 2nd January 2012, for example, were still there on 3rd January 2012 and, if not, how many had ceased to exist, as opposed to becoming vacant. Equally, there would have to be another exercise to look at the jobs on 3rd January 2012 to discover whether any new jobs had been created in addition to the jobs existing on 2nd January 2012 or to replace any jobs lost.

1720 The Gaming Industry, in particular, has a huge turnover of staff which may simply be replacing people leaving or maybe new jobs being created. In any event, the records of the Employment Service are not so accurate that they can be relied upon as evidence of the existence of any other jobs in these two sectors or any other sector of the economy, for that matter, since the registration of termination of contracts is frequently submitted after long delays or not at all. All that I can tell the House is that there is no evidence of an overall reduction in size of the two sectors in 2012 or 2013.

1725 On the basis of the numbers registered in the ETB under the industry Code for Banking, Insurance and Finance, there were 3,732 persons in employment in December 2011, 3,786 in December 2012 and 3,877 on 31st March 2013. Therefore, subject to the caveat that I have entered as to accuracy, the trend shows an increase in December over the previous year and an even bigger increase in the first quarter of this year.

1730 As regards Gaming companies, this is not a classified industry group and we therefore have to rely on the information provided by individual employers on the filling of vacancies and notices of terminations. For 2012, terminations were 662 from all the companies collectively and vacancies filled 1,028. For the first quarter of 2013, terminations have been 157 and vacancies filled 247. These figures indicate that the numbers in employment grew in both 2012 and the first quarter of this year in Gaming, as well as in Banking and Finance.

1740 **Government and Gibraltar Savings Bank Debentures
Value, breakdown and investments**

Clerk: Question 374 the Hon. D A Feetham.

1745 **Hon. D A Feetham:** Will the Chief Minister provide the total value of Government Debentures outstanding as at 11th December 2011?

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

1750 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this Question together with Questions 375, 376, 377, 378, 379, 380, 381, 382, 383 and 384.

Clerk: Question 375.

1755 **Hon. D A Feetham:** Will the Chief Minister provide the total value of Government Debentures outstanding as at 1st May 2013?

Clerk: Question 376.

1760 **Hon. D A Feetham:** Will the Chief Minister provide the total value of Gibraltar Savings Bank Debentures or other debt security outstanding as at 11th December 2011, giving a breakdown in respect of each issue outstanding.

Clerk: Question 377.

1765 **Hon. D A Feetham:** Will the Chief Minister provide the total value of Gibraltar Savings Bank Debentures or other debt security outstanding as at 1st May 2013, giving a breakdown in respect of each issue outstanding.

1770 **Clerk:** Question 378.

Hon. D A Feetham: Will the Chief Minister provide a total value of Government Debentures which, since 11th December 2011, have been withdrawn or redeemed and then reissued or reinvested in other Government Debentures?

1775 **Clerk:** Question 379.

1780 **Hon. D A Feetham:** Will the Chief Minister provide a total value of Government Debentures which, since 11th December 2011, have been withdrawn or redeemed and then reissued or reinvested in Debentures or other debt security issued by the Gibraltar Savings Bank?

Clerk: Question 380.

1785 **Hon. D A Feetham:** Will the Chief Minister provide a total value of Government Debentures which, since 11th December 2011, have been withdrawn or redeemed and have not been reinvested in other Government Debentures or other debt security issued by the Gibraltar Savings Bank?

Clerk: Question 381.

1790 **Hon. D A Feetham:** Will the Chief Minister state what is the current maximum limit that any individual or entity can invest in Debentures or other debt security issued by the Gibraltar Savings Bank?

Clerk: Question 382.

1795 **Hon. D A Feetham:** Will the Chief Minister please state the total value of Gibraltar Savings Bank Debentures or other debt security outstanding as at 11th December 2011, how much is held by (a) residents of Gibraltar and how many of these are individuals or companies and (b) non-residents and how many of these are individuals or companies?

1800 **Clerk:** Question 383.

1805 **Hon. D A Feetham:** Will the Chief Minister please state, out of the total value of Gibraltar Savings Bank Debentures or other debt security outstanding as at 1st May 2013 how much is held by (a) residents of Gibraltar and how many of these are individuals or companies and, (b), non-residents and how many of these are individuals or companies?

Clerk: Question 384.

1810 **Hon. D A Feetham:** Will the Chief Minister please provide a breakdown showing how the proceeds from Gibraltar Savings Bank Debentures, or other debt security outstanding as at 1st May 2013, is invested or has been used by the Gibraltar Savings Bank?

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

1815 **Hon. J J Bossano:** Mr Speaker, the total value of Government Debentures outstanding as at 11th December 2011 was £320,616,300. As at 1st May 2013, the amount was £169,814,800. The total value of Savings Bank Securities outstanding as at 11th December 2011 was £261,689,867, broken down as follows:

1820	Monthly Income Debentures	£11,617,600
	Pensioners Monthly Income Debentures	£7,717,400
	Other Special Debenture Issues at 2%	£4,291,193
	8% Provident Trust Fund No. 2 Pension Scheme EX Bond No. 1	£515,355
	8% Provident Trust Fund (Bond 1)	£2,353,471
1825	8% Pension Rights and Gratuity Transfers (Bond 2)	£4,390,687
	8% Provident Trust Fund No. 2 Pension Scheme EX JMH	£80,570
	Gibraltar Provident Trust (JMH) Pension Scheme	£265,338
	GSL 11% Bond	£21,152
	Ordinary Deposits	£42,641,256
	Investment Call Accounts	
1830	Non-Government	£8,457
	Government (tentative)	£187,787,388

As at 1st May 2013, the value of the Savings Bank Deposits, Debentures and so forth, was £552,931,350, broken down as follows:

1835	Monthly Income Debentures	£8,124,900
	Pensioners' Monthly Income Debentures	£6,098,300
	Monthly Income Debenture Issue 1 (January 2012)	£5,786,900
	3-Year Fixed Term Monthly Income Debenture (February 2015)	£1,993,300
1840	3-Year Fixed Term Monthly Income Debenture (May 2015)	£3,000,000
	3-Year Fixed Term Monthly Income Debenture (August 2015)	£4,906,800
	3-Year Fixed Term Monthly Income Debenture (November 2015)	£1,170,900
	3-Year Fixed Term Monthly Income Debenture (January 2016)	£6,941,600
	5-Year Fixed Term Monthly Income Debenture (February 2017)	£24,980,800
1845	5-Year Fixed Term Monthly Income Debenture (May 2017)	£29,787,000
	5-Year Fixed Term Monthly Income Debenture (August 2017)	£22,229,600
	5-Year Fixed Term Monthly Income Debenture (November 2017)	£8,713,600
	5-Year Fixed Term Monthly Income Debenture (January 2018)	£52,267,900
	Limited Issue Fixed Monthly Income Debenture (31 December 2013)	£4,221,600
1850	5-Year Fixed Term Monthly Income Debenture (March 2018)	£44,610,100
	Other Special Debenture Issues at 2%	£2,344,118

Mr Speaker: Has the Hon. Minister, perchance, missed the Fixed Monthly Income, December 2015, £31,233,100?

1855	Hon. J J Bossano: I may have done, in which case I will read it out just in case:	
	Limited Issue Fixed Monthly Income Debenture (31 December 2015)	£31,233,100
	10-Year Accumulator Bonds	
	Maturing in February 2012	£877,300
1860	Maturing in May 2012	£2,856,400
	Maturing in August 2012	£662,200
	Maturing in November 2012	£569,100
	Maturing in January 2013	£2,754,600
	Pensioner Accumulator Bond	
1865	Monthly Income Pensioner Accumulator Bond, April 2012	£1,457,000
	Monthly Income Pensioner Accumulator Bond, August 2012	£2,133,300
	Monthly Income Pensioner Accumulator Bond, November 2012	£495,200
	Monthly Income Pensioner Accumulator Bond, January 2013	£1,905,000
	Ordinary Deposits	£57,748,117
1870	Non-Government Call Accounts	£1,271,283
	Government Accounts (tentative)	£221,791,332

Since 11th December, the total value of Government Debentures redeemed is £233.6m. The holders of the Debentures re-invested £65.9m in other Government Debentures and £123.8m in other debt securities of the Savings Bank and withdrew £43.9m: that is they were repaid in cash, that amount.

1875 The only current maximum investment is in respect of Ordinary Accounts, where it is £100,000 per person, or in Monthly Income Debentures, where it is £50,000 per person

The information detailing the values of Debentures or securities of the Savings Bank held by

1880 residents, non-residents, individuals and companies for 11th December 2011 is not readily available and may take some time to compile from a manual examination of each individual account – it is not held in electronic form – so I will provide that to the Member when the exercise is completed. The position for the current date, of course, is much easier and has been done and, therefore, I can tell him that, on 1st May 2013, non-residents, all of whom had individual accounts – there were no company accounts for non-residents – held less than 1% of the value of the total debt of the figure that I have already given him. In respect of the residents, who were 99% of the total, less than 1% of that 99% was held by local companies, so 99% are residents and 98 of those 99 are individuals and not companies.

1885 The list of investments of the Gibraltar Savings Bank is contained in the schedule which I now hand over to the hon. Member.

ANSWER TO QUESTION 384

**SAVINGS BANK FUND STATEMENT OF INVESTMENTS ON 31 MARCH 2012
SHOWING MARKET VALUE ON THAT DATE**

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31 3 12
EIB FLOATING RATE NOTE 30/01/14	£20,000,000.00	100.027 0.193	£20,005,327.20 £38,538.63	£20,043,865.83
EIB FLOATING RATE NOTE 19/02/2015	£20,000,000.00	100.025 0.128	£20,004,957.80 £25,661.59	£20,030,619.39
EIB FLOATING RATE NOTE 05/01/16	£25,000,000.00	99.925 0.272	£24,981,232.25 £68,083.73	£25,049,315.98
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.006 0.225	£4,235,254.23 £9,519.85	£4,244,774.08
DEUTSCHE BANK FRN 26/04/12	£5,000,000.00	99.973 0.203	£4,998,671.20 £10,146.77	£5,008,817.97
JP MORGAN CHASE FRN 27/06/12	£6,000,000.00	99.853 0.012	£5,991,153.72 £744.00	£5,991,897.72
DEXIA CREDIT LOCAL FRN 01/04/14	£12,000,000.00	99.557 0.358	£11,946,832.92 £42,936.09	£11,989,769.01
RABOBANK NEDERLAND FRN 06/06/14	£18,000,000.00	99.984 0.106	£17,997,203.34 £19,027.97	£18,016,231.31
FMS WERTMANAGEMENT FRN 16/06/14	£10,000,000.00	100.140 0.052	£10,014,044.60 £5,203.52	£10,019,248.12
CAISSE D'AMORT DETTE SOC FRN 30/06/14	£10,000,000.00	100.000 0.003	£10,000,000.00 £349.83	£10,000,349.83
KFW FRN 09/03/15	£17,000,000.00	99.918 0.069	£16,986,020.56 £11,690.11	£16,997,710.67
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.085	£5,004,241.05	£5,009,269.62

		0.101	£5,028.57	
GIH FRN 02/04/12	£12,500,000.00	100.000	£12,500,000.00	£12,500,684.93
		0.005	£684.93	
ROYAL BANK OF SCOTLAND GBP CALL A/C	£16,709,957.50	100.000	£16,709,957.50	£16,710,300.86
		0.002	£343.36	
CROWN AGENTS BANK	£754.46	100.000	£754.46	£754.46
BARCLAYS BANK PLC	£97,262,019.82	100.000	£97,262,019.82	£97,315,628.88
		0.055	£53,609.06	
NATIONAL WESTMINSTER OFFSHORE LTD	£8,704,857.37	100.000	£8,704,857.37	£8,704,857.37
BANK OF ENGLAND	£2,002,832.49	100.000	£2,002,832.49	£2,002,872.00
		0.002	£39.51	
	£289,415,421.64		£289,636,968.03	£289,636,968.03

Mr Speaker: We will now have a twenty minute recess.

The House adjourned at 4.52 p.m. and resumed its sitting at 5.25 p.m.

1890

EQUALITY, SOCIAL SERVICES AND THE ELDERLY

1895

Chaplow Wilson Associates Alzheimer and Dementia design projects

Clerk: Answers to Questions continue.
Question 300/2013, the Hon. Mrs I M Ellul-Hammond.

1900

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say what were the last five Alzheimer and Dementia design projects Mr Bob Wilson from Chaplow Wilson Associates advised on, not necessarily in Gibraltar, giving the dates?

1905

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

1910

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, Mr Wilson has informed me of the following – after thirty years in the building industry, latterly as a Managing Director, he commenced his involvement with designing for people with dementia almost twenty years ago with Methodist Homes for the Aged, a major national operator in the field of dementia care in the UK. Whilst with MHA, he created a design concept for one of the first purpose-built design dementia homes in the UK which was completed in 1996 and is still regarded as a leader in the field.

1915

The successful design concept was quickly repeated in a second home in Stoke-on-Trent and in several other existing homes across the UK, where extensions to provide dementia care accommodation could be provided. On leaving MHA in 2000, he set up Chaplow Wilson Associates to provide specialised services in designing for dementia. He was also invited by the Joseph Rowntree Foundation to join a Professor of Dementia Care at Northampton University to produce a Good Practice Guide for the design and management of care homes for people with dementia, published in 2002. It is regularly used as a reference document.

1920

Furthermore, Mr Wilson has conducted feasibility studies and has advised various commercial organisations. He has also contributed to workshops and presented papers for designing on dementia. The following list shows significant projects in which Mr Wilson was a consultant advisor –

1925

Methodist Homes for the Aged Guernsey Limited 2005/2010 – this was a finalist in the highly-regarded Pinders Healthcare Design Award; Whitepost Healthcare Group Limited, 2008/2009; St. John's Home, Northampton 2005/2006; Lancashire County Council 2003/2004; Colten Healthcare Limited 2002 – Winner of the Pinders Healthcare Design Award.

1930

National Dementia Strategy
Date of publication

1935

Clerk: Question 301, the Hon. Mrs I M Ellul-Hammond.

1940

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say when the Government will be publishing its National Dementia Strategy for the treatment and care of people with Alzheimer and Dementia and what will the Strategy include?

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

1945

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, the Care Agency is working with the GHA on a National Dementia Strategy. This project is led by the GHA and involves a multi-disciplinary team of relevant professionals in this field.

1950

The Strategy document is still a draft working document and, as such, I cannot at this stage say what it will include but, generally, it will deal with the incidence of dementia, services and facilities available. It is envisaged that the plan will be published at the end of the year. I would add that action in dealing with dementia will not await the publication of this document.

1955

RNH Alzheimer and Dementia facility
Date of completion

Clerk: Question 302, the Hon. Mrs I M Ellul-Hammond.

1960

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say what the date of completion for the Alzheimer and Dementia facility at the former RNH site is?

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

1965

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, on the current timescales, we envisage that it will be completed by the end of this year. As with everything in major construction works, it may be that this means early next year.

1970

John Mackintosh Wing elderly accommodation
Cost and timescale of conversion to Dementia facility

Clerk: Question 303, the Hon. Mrs I M Ellul-Hammond.

1975

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services confirm that the completed – since April 2012 – brand new independent living quarters for the elderly at the John Mackintosh Wing of the former St. Bernard's Hospital will be gutted and converted into a dementia facility and how much will this cost and when will this be ready?

1980

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

1985

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, the Government embarked on show-casing these flats to approximately 150 pensioners who were the target residents for these flats, which were built by the previous administration. The result was outstanding, in that only four or five people seemed interested and even these were subject to conditions such as the choice of flat. The main criticism by the public was that the flats were too small and that they were not in an accessible area. This is in addition to the criticism by professionals as to the layout of these flats.

1990

With regard to the practicality of the use of these flats, they could not be offered to people with mobility issues as it was practically impossible to move around the flat with a Zimmer frame or wheelchair and the shower step was too high and with no support.

The real question should be why it was that the previous administration spent over £3 million on a design that would not meet the needs of their targeted audience. After this fiasco and misuse of public monies, this administration is working on a design that will have facilities to care for people with Dementia and Alzheimers and will also have a wing for semi-independent living. Some of the gutting has

1995 already commenced. The full, detailed designs have yet to be finalised and therefore the cost of such a conversion has not yet been stipulated.

2000 **Registration of death**
One stop, simpler system

Clerk: Question 304, the Hon. Mrs I M Ellul-Hammond.

2005 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services advise how the one stop system and simpler procedure after the death of a family member is being addressed, as per the request of the Gibraltar Senior Citizens Association?

2010 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, following representations made to us by the Senior Citizens Association, we are looking to establish a one stop system for the purposes of registering a death. Once arrangements have been finalised, Government will make an announcement.

2015

Care facilities for looked-after children
Ratio of staff per child

2020

Clerk: Question 305, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services state how many care workers in care facilities are assigned per looked-after child, as at 30th April 2013.

2025

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

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, staff ratios for the number of care workers assigned to looked after children vary. Generally, the ratio of care worker to looked-after child is one to two. If a child has a disability which results in the need for greater care or has challenging behaviour, the ratio could be one to one. On 30th April 2013 this ratio was applied.

2030

2035

Looked-after children
Counselling sessions

Clerk: Question 306, the Hon. Mrs I M Ellul-Hammond.

2040

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say how many looked-after children are currently attending counselling sessions and who provides this service?

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

2045

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, currently six looked-after children attend counselling sessions provided by the psychological and therapeutic team at Social Services of the Care Agency.

2050

Care Agency
18-year old looked-after children

2055 **Clerk:** Question 307, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say how many 18-year old looked-after children remain within the care of the Care Agency and, if so, explain why they have not been integrated back within the community?

2060

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

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, there are none.

2065

**Secure Children's Unit
Location, resources and details**

2070

Clerk: Question 308, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services advise where the Secure Unit for children with severe challenging behaviour will be located, what specialist care plans will be provided for these children and what resources will be available either in-house, the Care Agency or externally for the needs of those looked after children?

2075

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

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, the Care Agency has not yet determined where the secure unit for children with severe challenging behaviour will be located.

2080

Options are being considered in regard to the service being either independently placed, or coterminously placed, within a Challenging Behaviour Unit. You will recall, however, that it was the GSD administration who removed the secure provision from the Children Act 2009.

2085

**St Bernadette's Resource Centre
Maximising service users' potential**

2090

Clerk: Question 309, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in the Government's Press Release No. 173/2012, the Minister for Social Services stated that her ultimate aim for St. Bernadette's Resource Centre is to have a programme that will maximise the potential of each service user. Can the Minister advise whether she has achieved the goal set and what more needs to be done?

2095

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

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, as stated in the press release, the ultimate aim for St. Bernadette's is to have a programme that will maximise the potential of each service user. This is part of the on-going review of the disability services.

2100

2105

**St Bernadette's Resource Centre
Expanding and improving service**

2110

Clerk: Question 310, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in the Government's Press Release number 173/2012, the Minister for Social Services stated that she would like to explore how such centres are run in other places, with a view to expanding and improving the service that is offered in Gibraltar to adults with learning disabilities. Can the Minister advise what centre or centres she has visited, what she has learned from visiting such a centre or centres, and what, if any, initiative has the Hon. Minister introduced as a result of the visits?

2115

2120 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, the centres I have visited are as follows: Bangeston Hall, UK; Asansul Centre for Adults in Palmones and various Asansul Centres in La Línea

2125 During all these visits I have held meetings with the management of these centres and have discussed general issues such as managing the centre, activity programmes and staff training.

Following my visits I have discussed matters with the Care Agency management as part of our continuous review of the disability service.

2130

**Provision for disabled
Improvements**

2135 **Clerk:** Question 311, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, in the Government's Press Release number 801/2012, the Minister for Social Services stated then that we have made significant improvements for the disabled. Can the Minister advise what these improvements are?

2140

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

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, since taking office, equality is on this Government's agenda and we are undertaking a robust review of all matters, including disability.

2145

I am delighted to say that the following steps have been taken so far: assessment of the Gibraltar Parliament and plans to make it accessible as part of the refurbishment; assessment of St. Michael's Cave as part of the refurbishment and making it accessible – a platform lift installed for the use of wheelchair users and accessible toilets; accessibility audit of the Gibraltar International Airport; accessibility audit of the GSLA shallow pool and surrounding area, installation of a new hoist for disabled bathers into the sea, repair of the hoists into the pool and repair of toilet facilities; accessibility to Gibraltar beaches, Catalan Bay, Camp Bay and improvements to Eastern Beach; provision for people with disabilities at major public events, such as National Day, the Mega Concert and the Three Kings Cavalcade; celebration of International Day of people with disabilities for the first time; working on the creation of a disability register; working on disability legislation and, in particular, the UN Convention on the rights of people with disabilities; programme for disability awareness training being prepared for public service employees; funding of civil and public servants attending BSL Level 1 and 2 courses; programme for installation of voice synthesizers in lifts in Government estates; review of the Care Agency Disability Service and investment in staff training; establishment of Supported Employment Limited; increase of disability allowance by 16% with effect from August 2012; abolition of input duty on any vehicle which is adapted for the use of a person with a disability; additional funding for the contingencies budget; increase of 50% on top of the present rates of all sponsored patients in respect of sponsored patients who are disabled, changes to the assessment of disabled person's tax allowance and of the allowance based system.

2150

2155

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2165

**Protection for the disabled
United Nations Convention model**

2170

Clerk: Question 312, the Hon. Mrs I M Ellul-Hammond.

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

2175

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

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, this is currently being addressed. I am working with our lawyers on this important piece of legislation and aim to introduce it as soon as possible.

2180

**British Sign Language Course
Cost of Government funding**

2185 **Clerk:** Question 313, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services state how much it cost for Government to fund the Level 1 British Sign Language Course of March 19th 2012?

2190 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

2195 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, this is a course that is organised and run by GHITA (Gibraltar Hearing Impaired Tinnitus Association). Government did not fund the course as such but paid for the fee for individuals from Government Departments who attended as part of the Government's Disability Awareness Policy. The cost of this was as follows: Care Agency, two attendees, cost £550; GHA, three attendees, cost £850; Department of Education, three attendees, cost £870.

2200 **British Sign Language Course, Level 2**

Clerk: Question 314, the Hon. Mrs I M Ellul-Hammond.

2205 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say who will be funding the Level 2 British Sign Language Course and state how much it will cost?

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

2210 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, this is a course that is organised and run by GHITA (Gibraltar Hearing Impaired Tinnitus Association), not the Government and I am, therefore, unable to comment how much the course will cost. I can confirm that the following employees of Government Departments will be attending: Care Agency, one attendee, £500; GHA, one attendee, £500; Department of Education, one attendee, £500.

2215

**Vulnerable adults with mental health issues
Social Services safety net for those on remand**

2220

Clerk: Question 315, the Hon. Mrs I M Ellul-Hammond.

2225 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services advise what the Social Services safety net is for vulnerable adults with mental health issues who may be on remand for months?

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

2230 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, people on remand are the responsibility of the Prison Service. Adults with mental health issues come under the remit of the mental health team at the GHA, not the Social Services Department of the Care Agency. This has always been the position.

2235 Anyone with on-going mental health issues, to include those on remand, would be reviewed and receive treatment from the psychiatrist from the Mental Health Team at the request of the Superintendent of the Prison.

**Rehabilitation at Bruce's Farm
Numbers and details**

2240

Clerk: Question 316, the Hon. Mrs I M Ellul-Hammond.

2245 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say how many individuals have been undergoing rehabilitation at Bruce's Farm over the last eighteen months on a monthly basis and for what type of addiction?

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

2250 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, in the month of December 2011 there were two individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of January 2012 there were six individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of February 2012 there were six individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of March 2012 there were eight individuals undergoing rehabilitation for drug and/or alcohol and gambling addiction; in the month of April 2012 there were eight individuals undergoing rehabilitation for drug and/or alcohol and/or gambling addiction; in the month of May 2012 there were five individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of June 2012 there were six individuals undergoing rehabilitation for drug addiction; in the month of July 2012 there were five individuals undergoing rehabilitation for drug addiction; in the month of August 2012 there were three individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of September 2012 there were three individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of October 2012 there were seven individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of November 2012 there were five individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of December 2012 there were four individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of January 2013 there were four individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of February 2013 there were four individuals undergoing rehabilitation for drug and/or alcohol and/or gambling addiction; in the month of March 2013 there were three individuals undergoing rehabilitation for drug and/or alcohol addiction; in the month of April 2013 there were five individuals undergoing rehabilitation for drug and/or alcohol addiction; and, from the beginning of this month to 22nd May, there were four individuals undergoing rehabilitation for drug and/or alcohol addiction.

2275

**Shop Mobility services
Suppliers of wheelchairs and scooters**

Clerk: Question 317, the Hon. Mrs I M Ellul-Hammond.

2280 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services provide this House with the names of all companies, trusts or charities involved in supplying wheelchairs and/or scooters to the Care Agency for the Shop Mobility services of Gibraltar since December 9th 2011?

2285 **Clerk:** Answer, the Hon. the Minister for Equality, Social Services and the Elderly.

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, since 9th December 2011 no companies, trusts or charities have been involved in supplying wheelchairs and/or scooters to the Care Agency for the Shop Mobility services.

2290

Questions for Written Answer

2295 **Clerk:** With that, we come to the end of Answers to Oral Questions and now we move to Answers to Written Questions.
The Hon. the Chief Minister.

2300 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to the Written Questions numbers W32/2013 through to W58/2013.

Mr Speaker, I regret to say that it has not been possible in the time available to provide the answer to Written Question number 55, which will be provided as soon as possible and certainly before the end of the current meeting.

SUSPENSION OF STANDING ORDERS

2305 **Clerk:** Suspension of Standing Orders, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government Bills.

2310 Those in favour? (**Members:** Aye.) Those against? Carried.

BILLS

2315

FIRST AND SECOND READINGS

Development Aid (Amendment) Bill 2012

First Reading approved

2320

Clerk: Bills, First and Second Reading.

A Bill for an Act to amend the Development Aid Act: the Hon. the Chief Minister.

2325 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Development Aid Act be read a first time.

Mr Speaker: I now put the Question, which is that a Bill for an Act to amend the Development Aid Act be read a first time.

2330 Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Development Aid (Amendment) Act 2012.

2335

Development Aid (Amendment) Bill 2012

Second Reading approved

2340 **Hon. Chief Minister:** Mr Speaker I have the honour to move that the Bill now be read a second time. Mr Speaker, the purpose of this Bill is to designate the Chief Minister, or such Minister as he may designate from time to time, as the person with responsibility to administer the provisions of the Act and that should be done under the proposed amendment either by the Chief Minister or from the person designated by notice in the *Gazette*.

2345 Mr Speaker, I circulated an amendment that I trust hon. Members have received after discussion with the Hon. the previous the Leader of the Opposition, Mr Caruana, as to the standard wording that would be used in that type of designation under previous sections that had been amended in that way, which would read as follows: 'Minister means the Chief Minister or such other Minister as the Chief Minister may, from time to time, designate by notice in the *Gazette*.' I understand that, with that amendment, hon. Members opposite would not have an issue with the proposed change and we are quite happy to move it in those terms.

2350

Mr Speaker: Before I put the Question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the Question, which is that a Bill for an Act to amend the Development Aid Act be read a second time.

2355 Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Development Aid (Amendment) Act 2012.

2360

Development Aid (Amendment) Bill 2012

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

2365 of the Bill be taken today, if all Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2370

Tobacco (Amendment) Bill 2013
First Reading approved

2375 **Clerk:** A Bill for an Act to amend the Tobacco Act 1997, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Tobacco Act 1997 be read a first time.

2380 **Mr Speaker:** I now put the Question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a first time.

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

2385 **Clerk:** The Tobacco Amendment Act 2013.

Tobacco (Amendment) Bill 2013
Second Reading approved

2390

Hon. Chief Minister: Mr Speaker, I have the honour to move that the Bill be now read a second time.

2395 This Bill introduces two amendments to the Tobacco Act which extend the powers of the Magistrates Court in relation to things seized or which come into the possession of a Police or Customs officer in connection with any criminal offences under the Tobacco Act 1997. Essentially, the Bill gives power to the Courts to act in respect of such property as it may consider appropriate, something which we are advised the Courts at present have found that they do not have, given the exact terms of the Tobacco Act 1997.

2400 **Mr Speaker:** Before I put the Question, does any hon. Member wish to speak on the general principles and merits of the Bill?

I now put the Question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a second time.

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

2405 **Clerk:** The Tobacco (Amendment) Act 2013.

Tobacco (Amendment) Bill 2013
Committee Stage and Third Reading to be taken at this sitting

2410

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.

2415 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2420

Port Act (Amendment) Bill 2012
First Reading approved

2425 **Clerk:** A Bill for an Act to amend the Port Act: 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 have the honour to move that a Bill for an Act to amend the Port Act be read a first time.

2430 **Mr Speaker:** I now put the Question, which is that a Bill for an Act to amend the Port Act be read a first time.

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

Clerk: The Port Act (Amendment) Act 2012.

2435

Port Act (Amendment) Bill 2012
Second Reading approved

2440 **Hon. N F Costa:** Mr Speaker, I have the honour to move that the Bill be now read a second time.

On 6th December of last year, the Government introduced the Port Amendment (No. 2) Rules and the Gibraltar Merchant Shipping (Prevention of Pollution from Ships) (Amendment) Regulations 2012. The purpose of these measures was to stiffen penalties for polluters in British Gibraltar territorial waters. The Government hopes and expects that the new penalties for would-be polluters, which are in line with other European jurisdictions, will be dissuasive, even as they are proportionate. On the same day, the Government published the present Bill.

2445 We did so in order to clarify the already ample powers conferred by section 19 of the Port Act to make Rules such as the Port (Amendment No. 2) Rules, in particular the creation of indictable offences. We have done this, Mr Speaker, by proposing that the present section 19, paragraph J, of the Port Act, which deals specifically with penalties, and which is one of numerous, but non-exhaustive matters cited in section 19, for which the Government can make rules, is substituted with a new section 19J. The new section 19J makes express reference to the creation of indictable offences and expressly disappplies any limitations on penalties provided by section 23B of the Interpretation and General Clauses Act.

2450 As a further point, Mr Speaker, I have noticed that section 2 of the Bill says that the Port Act (Amendment) Act is amended and, of course, this should read 'the Port Act is amended'.

2455 Mr Speaker, this House will recall that, last year, in connection with the second reading of the Trade Licensing (Amendment) Bill, I expressly thanked the Hon. Mr Bossino for having called me before the debate to express his views on certain aspects of that Bill and, for the purposes of *Hansard*, I note that the hon. Gentleman wrote to me to set out three legal points in respect of this Bill that we currently debate, and which did prompt me to consider both the Bill and the Rules afresh in the light of the hon. Gentleman's queries and to once again consider the matter with my legal team.

2460 After due examination of all of these legal issues with Counsel, I have been satisfied of the position. I called the hon. Gentleman to discuss the reasons why I was satisfied with both the Bill as currently drafted and the Rules as currently drafted. Following our telephone discussion, however, I have agreed with the hon. Gentleman to amend the Port Rules in the manner that I have provided. I have shown him a copy which we have discussed behind the Speaker's Chair and with which he is content.

2465 Simply for the purposes of *Hansard*, Mr Speaker, I note that whilst the amendments to the Rules are not, in my view, and as I have advised the hon. Member, strictly necessary, I do take the point of the Hon. Mr Bossino that, given even the slightest chance that a would-be polluter may escape prosecution, it is best to err on the side of caution and effect the amendments that he proposed and which I will publish in the new Rules in the *Gazette*.

2470 I therefore take the opportunity to once again thank the hon. Gentleman for this constructive approach, which I am sure all hon. Members agree makes for better laws being enacted. In the light of the above, Mr Speaker, I commend the Bill to the House.

2475

Mr Speaker: Before I put the Question, does any hon. Member wish to speak on the general principles and merits of this Bill?

2480 **Hon. D J Bossino:** Yes, Mr Speaker, simply to confirm that the Opposition will be supporting this Bill and, in relation to the points that – I was just about to say my hon. Friend – the Hon. the Minister for the Port has said, as to the *modus operandi* which certainly I have adopted and he has gratefully accepted, in terms of making any technical issues which arise and putting them to him by e-mail and by telephone prior to the meeting of the House, is one when there is co-operation on the other side, can work to everybody's benefit, both in terms of occupying less time in this Parliament and, also as the hon. Member opposite rightly mentions, coming up with better law. So long, of course – and with this caveat – that it is set out, for the purposes of *Hansard*, what points were, in fact, raised, and I am satisfied that the hon. Member has done that.

2485

2490 **Mr Speaker:** I now put the Question, which is that a Bill – does the hon. Mover wish to reply?

Hon. N F Costa: No, Mr Speaker, thank you.

2495 **Mr Speaker:** I now put the Question, which is that a Bill for an Act to amend the Port Act be read a second time.
Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Port Act (Amendment) Act 2012.

2500

**Port Act (Amendment) Bill 2012
Committee Stage and Third Reading to be taken at this sitting**

2505 **Hon. N F Costa:** 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.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2510

**Licensing and Fees (Amendment) Bill 2013
First Reading approved**

2515 **Clerk:** The Bill for an Act to amend the Licensing and Fees Act: the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

2520 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Licensing and Fees Act be read a first time.

Mr Speaker: I now put the Question, which is that a Bill for an Act to amend the Licensing and Fees Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

2525

Clerk: The Licensing and Fees (Amendment) Act 2013.

2530

**Licensing and Fees (Amendment) Bill 2013
Second Reading approved**

Hon. N F Costa: Mr Speaker, I have the honour to move that the Bill be now read a second time.

2535 Mr Speaker, this Bill amends the Licensing and Fees Act by changing outdated references to 'Financial and Development Secretary' and references to 'Governor' throughout the Act. In the circumstances, references to 'Financial and Development Secretary' throughout the Act have been changed to Financial Secretary: similarly, references to 'Governor' throughout the Act have been changed to Government.

2540 These changes are in line with the Gibraltar (General Amendments) (No. 1) Act 2007 and therefore reflect the language currently used in Gibraltar legislation.

I commend the Bill to the House.

Mr Speaker: Before I put the Question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2545 I now put the Question, which is that a Bill for an Act to amend the Licensing and Fees Act be read a second time.

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

Clerk: The Licensing and Fees (Amendment) Act 2013.

2550

Licensing and Fees (Amendment) Bill 2013
Committee Stage and Third Reading to be taken at this sitting

2555 **Hon. N F Costa:** 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.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2560

COMMITTEE STAGE

2565 **Development Aid (Amendment) Bill 2012**
Tobacco (Amendment) Bill 2013
Port Act (Amendment) Bill 2012
Licensing and Fees (Amendment) Bill 2013

2570 **Clerk:** Committee Stage and Third Reading, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills, clause by clause: The Development Aid (Amendment) Bill 2012; The Tobacco (Amendment) Bill 2013; The Port Act (Amendment) Bill 2012; and the Licensing and Fees (Amendment) Bill 2013.

2575

In Committee of the whole Parliament

2580 **Development Aid (Amendment) Bill 2012**
Clauses considered and approved

Clerk: A Bill for an Act to amend the Development Aid Act.
Clause 1

2585

Mr Chairman: Stands part of the Bill.

Clerk: Clause 2.

2590 **Chief Minister (Hon. F R Picardo):** Mr Speaker, there is a letter that has been circulated to Members which reflects the amendment I propose to Clause 2, that it should read as follows:

2595 *'Minister means the Chief Minister or such other Minister as the Chief Minister may from time to time designate by notice in the Gazette'.*

Mr Chairman: Does any hon. Member wish to speak on this amendment?
I now move that the amendment be approved.
Those in favour? (**Members:** Aye.) Those against? Carried.

2600

Clerk: The Long Title.

Mr Chairman: The Long Title.
Those in favour? (**Members:** Aye.) Those against?

2605

Tobacco (Amendment) Bill 2013
Clauses considered and approved

2610 **Clerk:** A Bill for an Act to amend the Tobacco Act 1997.
Clause 1.

Mr Chairman: Stands part of the Bill.

2615 **Clerk:** Clause 2.

Mr Chairman: Stands part of the Bill.

2620 **Clerk:** The Long Title.

Mr Chairman: Stands part of the Bill.

2625 **Port Act (Amendment) Bill 20102**
Clauses considered and approved

Clerk: A Bill for an Act to Amend the Port Act.
Clause 1.

2630 **Mr Chairman:** Stands part of the Bill.
There is an amendment to Clause 1 involving change of the title.

2635 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):**
Yes, Mr Speaker, to change The Port Act (Amendment) Act to The Port Act.

Mr Chairman: Does any hon. Member wish to speak on the amendment, which changes the title from 'Port Act (Amendment) Act' to Port Act?
Carried.

2640 **Hon. N F Costa:** Mr Chairman, the change that I propose relates to Clause 2, not to Clause 1.

Clerk: In Clause 1 the law is cited as 'The Port Act (Amendment) Act'. Is that correct?

2645 **Hon. N F Costa:** That is correct.

Clerk: Right, so the change appears in Clause 2, when it should read 'The Port Act'.

2650 **Hon. N F Costa:** That's right. Yes, Mr Chairman, to clarify, there is no amendment moved in respect of Clause 1. Because Mr Clerk pointed to me, I assumed we had moved to Clause 2.

Clerk: Clause 2.

2655 **Hon. N F Costa:** Yes, Mr Chairman, as previously stated, 'The Port Act (Amendment) Act' is amended to 'The Port Act.'

Mr Chairman: Does any Member wish to speak on this amendment, which is consequential to the amendment to Clause 1?

2660 So Clause 2, as amended, stands part of the Bill.

Clerk: The Long Title.

Mr Chairman: Stands part of the Bill.

2665 **Licensing and Fees (Amendment) Bill 2013**
Clauses considered and approved

2670 **Clerk:** A Bill for an Act to amend The Licensing and Fees Act.
Clause 1.

Mr Chairman: Stands part of the Bill.

2675 **Clerk:** Clause 2.

Mr Chairman: Stands part of the Bill.

2680 **Clerk:** The Long Title.

Mr Chairman: Stands part of the Bill.

2685 **BILLS FOR THIRD READING**

Development Aid (Amendment) Bill 2012

Tobacco (Amendment) Bill 2013

Port Act (Amendment) Bill 2012

2690 **Licensing and Fees (Amendment) Bill 2013**

Third Reading approved: Bills passed

Clerk: The Hon. the Chief Minister.

2695 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Development Aid Act (Amendment) Bill 2012; the Tobacco (Amendment) Bill 2013; the Port Act (Amendment) Bill 2012; and the Licensing and Fees (Amendment) Bill 2013, have been considered in Committee and agreed to, with amendments, and I now move that they be read a third time and passed.

2700 **Mr Speaker:** I now put the Question, which is that the Development Aid (Amendment) Bill; the Tobacco (Amendment) Bill 2013; the Port Act (Amendment) Bill 2012; and the Licensing and Fees (Amendment) Bill 2013, be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? (*Interjection*)

I am advised that, for *Hansard* purposes, we should take them individually. Very well.

2705 I now put the Question, which is that The Development Aid (Amendment) Bill 2012 be read a third time and passed.

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

No, we still have not got it right. Fortunately we are in Committee...

2710 Those in favour of The Development Aid (Amendment) Bill 2012? (**Members:** Aye.) Those against? Carried.

Those in favour of the Tobacco (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Port Act (Amendment) Bill 2012? (**Members:** Aye.) Those against? Carried.

Those in favour of the Licensing and Fees (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

2715

ADJOURNMENT

2720 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that this House do now adjourn to Tuesday 4th June 2013 at 9.15 a.m. At that time the House will have an opportunity of considering in detail the proposals of the Commission on Democratic and Political Reform.

2725

Mr Speaker: I now propose the Question, which is that this House do now adjourn to Tuesday, 4th June at 9.15 a.m.

I now put the Question, which is that this House do now adjourn to Tuesday, 4th June at 9.15 a.m.

2730 Those in favour: (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 4th June at 9.15 a.m.

The House adjourned at 6.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 12.55 p.m.

Gibraltar, Tuesday, 4th June 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*]

Order of the Day

Clerk: Sitting of Parliament, Tuesday, 4th June 2013.
Suspension of Standing Orders, the Hon. the Chief Minister.

SUSPENSION OF STANDING ORDERS

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with a Government Statement and to lay the Fishing Report on the table.

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

Independent Expert Report on the management of Marine Living Resources Statement by the Minister for Health and the Environment

15 **Clerk:** The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr. J E Cortes): Mr Speaker, HM Government of Gibraltar is today publishing the Independent Expert Report on the Management of Marine Living Resources in the waters around Gibraltar which has been produced by the working group set up last year to consider and report on these matters. The Report analyses the international context of marine protection, assesses in-depth the range of fisheries data and other information available and identifies the gaps that exist.

The Report reflects the views of the authors, who are experts in this field, and has not in any way been influenced by Government. Its main conclusions are that the basis for Gibraltar's environmental protection laws are sound; information currently available is insufficient to provide clear results on the state of fish stocks. HM Government of Gibraltar should, therefore, continue to act in keeping with established precautionary principles of conservation and pursue active management of the marine environment and future changes to environmental management must be dependent on these issues.

Since receipt of the Report, Mr Speaker, HM Government of Gibraltar has been considering its recommendations and preparing a Marine Strategy for Gibraltar. The full effect of this Strategy will be seen in months to come and will include: (1) regulations to control marine recreational activities that will allow these, while providing safeguards for the local environment and support for Gibraltar sea users. These regulations will, in particular, affect diving activities and rod fishing and will be published very shortly; (2) increased resources for environmental protection and enforcement; (3) measures to increase the populations of all marine species; (4) increased monitoring and collection of data to allow for the ability to respond quickly to changes; (5) a review of current management based on the success, and predicted success, of the above initiatives.

The planned Strategy will make allowance for changes to laws to allow sustainable fishing practices with sustainable fishing methods where all the relevant local stakeholders consider it would be appropriate. Details of each specific action and revised legislation, all of which are currently being worked on, will be published in the coming weeks and months, with the whole process being completed in the autumn.

The forthcoming legislation, which has been discussed with all the relevant major local stakeholders, including the Nature Conservancy Council, Nature Conservation NGOs, angling, spear fishing and diving groups and commercial operators, will be published and will introduce the essential principle of active management of our marine resources.

This will include the ability to respond quickly to changes in the status of said resources as detected by an improved monitoring system, whilst nurturing and enabling the sustainable use of the habitats naturally surrounding us.

The Report will be available very shortly, Mr Speaker, on the Government website – within the next half hour – and printed copies can be obtained from the Department of the Environment at Duke of Kent House.

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

Hon. D A Feetham: Mr Speaker, certainly on this side of the House we welcome the publication of the Report. We think that it does not come a day too soon; indeed, we believe that it probably comes months too late. Despite that being the case, we welcome the publication of the Report and we will consider it very carefully. The Government knows, because we have made statements on numerous occasions from this side of the House, that whatever solution is proposed that is reasonable in order to deal not only with the question of management of the environment and management of fisheries, but also a solution to the current fishing crisis, we will certainly support.

I note that the Hon. the Minister has said in his point, I think it is 6, that the Government intends to allow sustainable fishing methods. We will obviously examine that very carefully, as to whether the Government means by that allowing Spanish fishermen to fish with nets of some kind during some part of the year but, as I say, certainly on this side of the House the Government will find that, despite our criticisms of the handling of the crisis and the handling of this particular issue by the Government, that it will find the Opposition supportive in any solution that it brings to this House by way of legislation.

Hon. P R Caruana: Mr Speaker, just on a Point of Order, did the Hon. the Chief Minister say that it was being 'tabled' in the House?

Chief Minister (Hon. F R Picardo): Yes.

Hon. P R Caruana: So the suggestion that we should have recourse to the Government website for copies was not intended for us, it is rather for the public who may be hearing? (*Interjections*). I see, thank you. I am obliged.

DOCUMENTS LAID

80 **Clerk:** Papers to be laid.
The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Dr. J E Cortes): Mr Speaker, I have the honour to lay,
85 on the table, the Fishing Report.

Mr Speaker: Ordered to lie.

Hon. Dr. J E Cortes: Copies will be distributed now.

90 **Hon. P R Caruana:** Oh, I see! Thank you very much.

GOVERNMENT MOTION

**Parliamentary and democratic reform
Report of the Independent Commission**

100 **Clerk:** Government Motion, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker: crisis, what crisis?
Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

105 *'THIS HOUSE WELCOMES the work done by the Independent Commission on Democratic and
Parliamentary reform; FURTHER WELCOMES that the Commission was able to report to the
House ahead of schedule; NOTES AND WELCOMES that the Commission has made clear
recommendations in proposing areas of reform for the workings of this Parliament and for
democratic reform; and WILL NOW CONSIDER in this meeting those recommendations in detail.'*

110 Mr Speaker, we on the Government benches have met and considered your Report in some detail and
we have agreed the position of the parties represented on this side of the House. I will, therefore, speak
on behalf of the Government on the recommendations which arise from your Report and I want to do so by
starting the debate on this motion with a thank you to you and all the Members of your Commission on
Democratic and Parliamentary Reform for the very timely submission of your Report, because you have
115 done the work of the Commission in much shorter order than we had anticipated was possible.

Indeed, during the course of the debate on this subject before the last General Election, when both
sides of the House put their respective positions on the subject of parliamentary reform, it was suggested
that our idea of creating a Commission on Democratic and Parliamentary Reform was an attempt to kick
this very important subject into the long grass. I think we have demonstrated that this is not the case in a
number of ways, not least, Mr Speaker, the speed with which your Commission has been able to report.

120 But the first, Mr Speaker, has been by implementing a number of deep and, dare I say it, revolutionary
reforms in the workings of our Parliament *immediately* after our election. Not least of these has been my
own convening of regular monthly meetings of this Parliament. That, we think, has delivered a dramatic
change that has been qualitative and not just quantitative in bringing us to this Parliament every month.

125 Indeed, Mr Speaker, you will know that there have been, in previous Parliaments, two or three
Question Times, for example, in any one year. Since our election, there has been a monthly Chief
Minister's Question Time that I think has now become a part of the natural democratic rhythm of this
democracy.

130 Mr Speaker, I think that this is more than just about numbers of meetings. This is about the quality of
our democracy and I think it is right to say that we can be justly proud on this side of the House and I can
be justly proud as Chief Minister to have ushered in this new era in our democratic development as a
people.

135 And it is not just me, Mr Speaker, that has to come here to answer questions on a monthly basis: all
Ministers do. The whole Government holds itself up to scrutiny on a monthly basis and that is the sort of
democracy that many countries actually do not enjoy and I am delighted that I will always be able to
boast and that we, on this side of the House, will always be able to boast that, as soon as we had the
power to deliver this change, we implemented it without hesitation.

The issue now, Mr Speaker, for us is how we entrench this change in legislation or in rules so that,
whilst we respect the primacy of Parliament and the right of any new Administration to use its majority in

140 this House to convene meetings as it may see fit, we go as far as possible to entrenching this monthly procedure so that it cannot be undone by a new Administration without explaining to the House what it is that they intend to do in place thereof. I think, Mr Speaker, that is one of the issues that we have to consider today.

145 There are many other things which we have read in your Commission's Report and in your recommendations which we have also already done or we are doing –

Mr Speaker: May I interrupt the Chief Minister for a moment?

150 I would be very grateful if the Chief Minister and all Members, when referring to the Report, were to refer to it as being the Commission's Report. It is not *my* Report, it is not my personal Report, there were four other people and it is not the Speaker's Report, it is the Report of the Commission which, for historical reasons, I happened to Chair and I think it would be much more accurate to refer to it as the Commission's Report.

Thank you.

155 **Hon. Chief Minister:** Thank you, Mr Speaker, I shall do so, mindful of the fact that, although you Chaired it, as you rightly say, it is not your Report, it is the Commission's Report. If I stray into referring to it once again as your Report, please do not hesitate to pick me up on it.

160 Well, there are other things that we have read in the Commission's Report, Mr Speaker, which we have already dealt with, or are dealing with, and we would like that to be seen as a vindication of the findings of the Commission and illustrative of our commitment to positive reform of the workings of our Parliament and of our democracy more widely. So as I go through the recommendations I think it will be evident that, in many instances, we have already implemented some of them or we are in the process of implementing them.

165 Mr Speaker, we approach the numbered recommendations of the Commission in the spirit of wanting to go even further in the modernisation of the workings of Parliament and mindful of the need for this place to operate as effectively and openly as possible and trying to combine those two criteria.

170 What I propose to do, Mr Speaker, is to take the Parliament through the recommendations one by one, indicating our support, our concern or our disagreement with each of them in turn and the reasons for that concern, support or disagreement because I cannot say that we accept *all* of the recommendations although, in most instances where we have felt the need to disagree with recommendations, I think you will find that we do so on technical grounds.

175 Mr Speaker, then having heard the contributions of all Parliamentary colleagues who might wish to speak on the subject, I will propose that the motion then be amended to include reference to those recommendations that it is proposed should be accepted by Parliament today after the debate. But I discussed in passing, Mr Speaker, how best to proceed with the hon. the backbencher, for we do have one already, Mr Speaker – Mr Caruana – during the last sitting of the House, and I agreed with his suggestion – he may want to say something about it later on – that we should not turn this particular debate into one about final acceptance and implementation of the recommendations made but, rather, that we should have a debate today on principles, with matters as to implementation and the detail of that left for that much more detailed consideration required, probably by a Select Committee.

180 I will, therefore, also be proposing, Mr Speaker, that the amendments to be moved to the motion as it stands today, after hon. Members who wish to do so have made their contributions, should refer to those recommendations that the whole House believes can be accepted and to the creation of a new and bespoke –

185 **Mr Speaker:** We may have a procedural problem and that is, in making the amendment, at what stage is the amendment going to be made? Is it at the stage when the Hon. the Chief Minister exercises his right to reply?

190 I am not sure that that is procedurally correct.

195 **Hon. Chief Minister:** There is a right to move an amendment at any time. We can either agree that I should be proposing an amendment when the last speaker on the other side is about to end and gives way... and, of course, once I propose an amendment, others will also have the right to speak again on the amendment. Or, I can propose the amendment during the course of my reply.

Mr Speaker: If the Hon. Chief Minister proposes the amendment during the course of his right to reply then, of course, that amendment is again open to... it is before the House and is open to everybody, is that clear?

200 **Hon. Chief Minister:** Yes.

Mr Speaker: We will do that then, yes.

205 **Hon. Chief Minister:** Mr Speaker, the way I intend to deal with it will be that I will deal with the matters that are raised by Members opposite in my reply initially and then I would move to say, right, having said all that, this is what I think can be distilled into an amendment and this is what I think the Select Committee procedure should look like.

210 Mr Speaker, I do not think that the recommendations of the Commission are an issue for any of the existing Standing Committees – although you could probably shoe-horn some of them into some of the existing committees – as I think some of the recommendations go well beyond the rules and the standing orders. In fact, in some instances, the recommendations may require legislative changes or even new Parliamentary Acts which will have to be brought to this House as Bills.

215 I will, therefore, be proposing that the new Select Committee should be known as the Select Committee on the Implementation of the Accepted Recommendations of the Independent Commission on Democratic and Parliamentary Reform, a mouthful though that is, and I also propose that, in shorthand, the Committee should be known as the Select Committee on Parliamentary Reform.

220 Again, Mr Speaker, we believe that this is a necessary step in order to advance matters quickly but also with full cognisance of the implications of any amendment and having the opportunity to look at the detail of how to implement each of the recommendations off-line, so to speak, in the context of a Select Committee environment. I will also be proposing, Mr Speaker, that the Select Committee, when established, should be made up of three Members of the Government and two from the Opposition, as is the traditional format and, having said all of that as to how I intend to deal with the debate today, let me turn without further ado to the numbered recommendations of your Report, taking each one in turn, although I do intend to take the first two together as the Commission presents them.

225 Recommendation No. 1 reads as follows:

‘We recommend that Standing Orders should be amended to require Parliament to hold a minimum of ten meetings a year, other than in the year when a General Election is held.’

230 Recommendation No. 2, Mr Speaker, reads as follows:

‘We recommend that Parliament should continue to have its Christmas and Easter recesses but the summer recess should last from the end of July to the 3rd week in September.’

235 Well, Mr Speaker, we have already introduced this monthly meeting procedure, as I was saying, and we therefore unhesitatingly agree that the first two recommendations which have given effect to our policies, in effect, in respect of the regularity of meetings, should be accepted by the Parliament.

240 The issues that are left in respect of those recommendations I think are ones for the Select Committee that looks at the detail of this rather than for the House today, which is, first of all, how do we entrench this requirement for monthly meetings, conscious of the fact, of course, that the Constitution provides for a different requirement of regularity so there will be a legislative or a rule-based regularity and there will be a Constitutional requirement of regularity and that those may be different.

245 The recommendation of the Commission refers to Standing Orders but it may be, Mr Speaker, that the Select Committee decides that, actually, it is an amendment to the Parliament Act that is required and, if not required, desirable, and that that may actually lend itself to the rhythm of meetings being more regular without the Chief Minister having to actually convene them in every month but that we have a clear criteria set out either in legislation or in rules, subject to the Leader of the House being able to certify some exceptional circumstances when a specific meeting should not be held, or going beyond particular dates that you have been proposing.

250 For example, Mr Speaker, the refurbishment of the Parliament required that we did not have a March meeting even though we were already in the rhythm of voluntarily calling meetings on a monthly basis and we may very well want, or need, to sit in August. I am reminded of the events of last year and also of the events of the tercentenary, where we wanted to meet on a specific date in August to commemorate the 300 years on the date when it was particularly relevant.

255 There may be, for example, weeks where August starts on a Thursday or a Friday and there may be no reason why the Parliament should not be able to use that final week of July as a full Parliamentary week. Just because 1st August might be on a Friday we should not put ourselves in strictures, that we are not able to use those dates for Parliamentary business, where relevant.

260 Even then, Mr Speaker, when we do that we will still be turning the current position on its head. At the moment we need to understand the current position is that, simply, the Constitution bites and requires us to have three meetings in the year. Therefore, we are voluntarily calling these meetings so, by putting in rules, even if we allow for this potential leeway, we are turning the current position on its head and entrenching the principle of the monthly meeting.

265 Mr Speaker, I think it is also important there should be a clearly understood power for meetings of the Parliament to be called at short notice. The Commission deals with the issue of notice period specifically in its recommendations but the reason for mentioning this now, Mr Speaker, is that, under our current setup, any convocation of a meeting of the House is a meeting for Questions, Motions, Bills and all the other business of the House. I think that the Leader of the House, whoever he should be, should be in a position to convene a meeting of the House on twenty-four hours' notice.

270 I note, Mr Speaker, that there is something in Standing Orders about 'emergency meetings' of the House but there is not much in it at the moment. I think it may be useful for the Select Committee to look at this and flesh out those rules a little bit more so that they are understood by all Members and that that power might be used in a more current and modern context so that, instead of just having 'emergency meetings', perhaps we should have something called 'extraordinary meetings', which are not uncommon in all democracies, where Parliaments can be convened or even recalled at times of national emergency / tragedy. All of those probably come within, or the first of those probably comes within, the definition of 'emergency'. Tragedy probably does not come within anybody's definition of emergency. I am conscious of the fact that we lost a Member of the House and we might all have wanted to come here to recognise that together at that moment or, in the context of great celebration, where the House and Parliament, if it is to play its natural role in the administration of the affairs of the people, may want to have an extraordinary meeting to simply mention a particularly successful event like, for example, the Gibraltar football team winning the European Cup of Nations, as I am sure they will do before this decade is out, if the desire of all Gibraltarians is anything to go by...

285 Anyway, having that power to come on twenty-four hours' notice, without engaging the full gamut of Bill, Question etc. procedure, I think is something that needs to be fleshed out a little bit beyond simply the emergency power which seems to be the one contained in Standing Orders as it is at the moment.

Mr Speaker, Recommendation No. 3, which I move on to now, deals with Question Time and you say this, or the Commission, sorry, says this:

290 'We recommend that Question Time should be guillotined and that the Chief Minister should answer Questions, including supplementary questions, for not more than 3 hours a month and each Minister for not more than 2 hours a month.'

Well, Mr Speaker, call me a glutton for punishment, but we do not agree that there should be a specific time limit, or a time guillotine, on Questions being asked by Opposition Members, even though that is actually the case in most parliaments.

Indeed, although you do not point it out in the Report, the UK Parliament involves the procedure for Prime Minister's Question Time allowing Members half an hour for Questions to the Prime Minister in parliamentary sessions weekly whilst the Parliament is in session. We believe, Mr Speaker, in essence, that the time spent on supplementaries should be entirely a matter in Mr Speaker's discretion and based on relevance to the subject matter of the original Question.

300 It has been clear to us for many years that the rules on Parliamentary Questions and on supplementaries have been honoured by their breach and not by their observance – and I am not casting aspersions on Members who are sitting opposite today, and it is for that reason that I have said 'many years' – and you have been highly critical, Mr Speaker, if I may say so, of both sides of the House in your interventions in recent months since your appointment because of our approach to Question Time and you have said repeatedly, you remain vigilant and that we should be more circumspect in the way that both sides of the House approach the Question and Answer equation.

305 I think that we have demonstrated our respect for your views on these matters but, with a clear approach that is based on the existing rules of relevance of supplementaries, short, sharp questions, and answers being equally short and sharp, whilst remaining informative, I am confident that, with those rules observed, there would be no need for a time guillotine. Essentially, our view, Mr Speaker, is that the guillotine should be led by subject and by relevance and not by time, with the caveat that each Question should not last very long but without a time limit. We have seen, and you have mentioned, that some Questions have gone on for half an hour and should certainly not be allowed to turn into these mini-debates that they have become, certainly since I have been in this Parliament from 2003.

310 We are all aware, Mr Speaker, that in the United Kingdom each Question would not last more than a few minutes because, after that, the supplementaries stray from the relevance of the original Question, which is from where relevance should be measured. I mean, relevance should not be measured from each supplementary as you move away from the original subject of the Question: as you know better than us, Mr Speaker, relevance should be measured from the *original* Question and not from the supplementaries. In that context, Mr Speaker, we think that relevance should be the blade on the guillotine and not the clock.

Recommendation No. 4 Mr Speaker of the Commission says this:

325 'We recommend that if a tabled Question for Oral Answer is not reached during the time allowed in Recommendation No. 3,

the Minister to whom it is addressed should provide the answer in writing unless the questioner withdraws the Question or tables it for answer at a subsequent meeting.'

330 For the reasons I have indicated already, Mr Speaker, when dealing with the Commission's third recommendation, we do not think that this recommendation is relevant but, of course, it is something that could be made use of at any time if Members opposite felt, for example, that the information that they have obtained in relation to one particular Question is such that they would rather not continue with a particular Question and say that they would be happy for it to be answered in writing.

335 I cannot see the circumstances where Members opposite would wish to have that mechanism engaged. If there is an oral answer ready in the Parliament they may as well have it, even if it is passed as a written answer at the end of the meeting but we do not think that, absent the time guillotine, there would be no need for this procedure to then be engaged where you have reached the end of the time limit and, therefore, a written answer is provided instead of an oral answer. But I think it is already in the power of Members opposite to say, 'Look, if the Minister is prepared to write to me with the answer to that
340 Question, we do not need to deal with it.'

Mr Speaker, I think it is useful to deal with Recommendations 5 and 6 together. Recommendation No. 5 reads as follows:

345 'We recommend that the period of notice that a Member of Parliament is required to give for tabling a Question at a meeting should be increased from not less than 5 working days to not less than 7 working days before the day on which the answer is required.'

Recommendation No. 6 has to be read hand in hand because it says this:

350 'If Recommendation No. 5 is implemented then we recommend that the period of notice summoning Members of Parliament to meetings should be increased from not less than 7 working days to not less than 9 working days before the date of the meeting.'

355 We think these recommendations are sensible and should be accepted for a number of reasons. First of all, the earlier tabling of questions will assist those in the Administration who are responsible for the preparation of answers. They do, as hon. Members who have been in Government opposite know, have to do a lot of work in a very short period of time at the moment. In any event, Mr Speaker, it is already possible to extend the time available to prepare an answer by simply adjourning the session in which a particular answer is due to be replied to.

360 If I can just explain that, although Members opposite will understand it but perhaps for people who may be listening in, if Members have to give us those 5 clear days' notice, we need to come to the Parliament on the date which we have provided for. We could adjourn the Parliament at any time, even before starting Questions once we have started, or take just those Questions which have their answers already prepared for, and then adjourn Question Time for at least another five days so that the Question
365 Time or the limit for putting Questions again is not engaged and buy ourselves another five or ten or fifteen days, in that order.

That has not been done before but, in the context of wanting to make the lives of those who are doing, if I may call it, not the political work but the grinding work, that goes behind the preparation of answers to Questions easier, we think that giving them the extra two days makes sense. Then, of course, you do
370 need to give an extra two days of notice because, as the rules presently stand, if we are required to give 7 days' notice then, at the moment, the Questions would have to be put in almost immediately, if we just took Recommendation 5 and not Recommendation 6. So we think that they go hand in hand together and, therefore, we think it is something that should certainly be considered favourably.

375 Again, Mr Speaker, this 9-day period of notice I think makes sense for the reasons we have indicated but also with the caveat that the Leader of the House might be able to call the House, in those circumstances that I have indicated, those extraordinary meetings, on twenty-four hours' notice. But if I may just pause there and take a wider view of these recommendations and your earlier recommendations in relation to the monthly meetings, I think it is not impossible for the Select Committee to come back with a mechanism that almost makes the giving of notice irrelevant and where Members know when they have to table their questions in the context of the monthly order.

380 So, for example, we now know, and it is entrenched, that the Chief Minister will deal with Questions on the third Thursday of every month at 3.00 pm. That more or less sets out how the Parliamentary schedule is going to play out in the context of the month. Taking perhaps the day before as the day when Parliament will be convened for the month, it may be possible, when the Select Committee meets, that
385 everybody should know that Questions need to be in by the second Tuesday of the month, for example. Therefore, Members can, on both sides of the House, understand the order of the month and when they need to be making their arrangements to table their Questions, etc, taking into consideration this idea of giving an extra two days and the issue of convening Parliament in nine days because it may be that the Select Committee can come back with a mechanism that does not require the Leader of the House to

390 *convene* the Parliament but that the Parliament *is convened* between September and April, for example, on particular months and between April and July on particular days of the month. That, I think, Mr Speaker would obviate all of these requirements as to notice.

If I can move on now, Mr Speaker, to Recommendation No. 7 and Recommendation No. 8, both of which should also be taken together and which read as follows:

395 'We recommend that motions for adjournment should, after giving due notice to the Speaker, also be permitted to be moved at the last sitting in any month if Parliament is not to be adjourned *sine die* at the end of that sitting.'

and Number 8:

400 'We recommend that both the Government and Opposition should bear in mind the significance of introducing motions in Parliament and thereby obtaining its approval to a specific course of action as proposed in a motion.'

405 Mr Speaker, we of course applaud, and I am sure Members on the other side of the House also applaud, your continued referral of Members to the motion procedure for the purposes of debating matters in this Parliament and the fact that the Commission has also alerted us all to it. It is absolutely right that, for this place to work as it should, and not as it *has* perhaps in the past years, we should be keeping Question Time as a time for Questions and answers and motion time as the time for debate.

410 For that reason, where it is necessary for there to be an element of perhaps more agility in dealing with motions on the adjournment, we would welcome clarity in the rules so that Members on both sides of the House can be clearer about the procedure and how to activate it as effectively as possible and, in that way, perhaps take away some of the problems that have plagued our Question Time sessions. We think that the issue of adjournment motions is already quite clear but if this is a matter that the Select Committee can make even clearer by proposing new rules or Standing Orders or, perhaps even just guidance notes to some of the existing Standing Orders, then that is something I am sure will be welcomed, no doubt, across the floor of the House so that we perhaps better understood this procedure that seems to have fallen into disuse in recent years.

Let me move now, Mr Speaker, to Recommendation No. 9, which says this:

420 'We recommend that Ministers should bear in mind the significance of making statements on matters of policy or public importance in Parliament, in preference to making them directly to the media.'

(*Phone rings*) – and the Chief Minister should remember to switch off his phone! With apologies to all Members, Mr Speaker.

425 Mr Speaker, with respect, we think this is only a recommendation that the Commission could make in the context of the way in which we have already changed the way that Parliament works, in that, under the previous mechanism for the workings of Parliament, it would have been wholly unrealistic, in fact it would be well-nigh impossible for important statements to be made in Parliament. There were only two or three sessions of the Parliament in the year, although it was adjourned to a different date during the course of each term. Even in the context of monthly meetings of the Parliament, where we do have many more options available in terms of days when we are in the Parliament, requiring the Government to – and I say 'requiring' advisedly – to make statements of importance in the House, we do not think is possible. It may be more possible if we introduce the right of the Leader of the House to convene Parliament at short notice – on twenty-four hours' notice – but the idea that we might be *required* to do that, I do not think is something that we can agree to.

435 Your recommendation does not say that. It says that we should bear in mind the significance of making statements in Parliament and I think that is something we can certainly agree with, although I do note, Mr Speaker, that when the Government decides to wait until a meeting in order to make an important announcement, or table a document that does not strictly have to be tabled, as we have today, one does have to read some who talk about us making statements of importance here, then goading us in the press to make them before the date of the adjournment – and I am reminded of the front page of yesterday's *Chronicle*. But, then again, Mr Speaker, in Government one gets used to the idea 'damned if you do, damned if you do not'. This is a welcome recommendation but it can only ever be just that, Mr Speaker.

445 I think I demonstrated that we *do* bear in mind the importance of making statements in the Parliament when I came here two weeks ago directly from the Convent when I asked His Excellency to convene the coming by-election and I made the announcement of that publicly here. But the workings of Government cannot be mortgaged to the need to make statements here and not to the press and then to the public in the traditional way. Then again, what is 'a statement of significance'? One man's significance might be another man's insignificance. So I see this recommendation that the Commission has made, Mr Speaker, as one to bear in mind that it is a guidance that the Commission is providing, that Government should, in the words of the Commission, 'bear this matter in mind', but I do not think it is a recommendation that

can manifest itself in a new rule.

Recommendation No. 10, Mr Speaker, the next one, is also one which we do not think can become a new rule. That recommendation says this:

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‘We recommend that the more lengthy or complex Bills, or those which are likely to substantially impact on citizens, should undergo in-depth legislative scrutiny by referring them to a Select Committee appointed for the purpose, i.e. a Public Bills Committee.’

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Well, as you know, Mr Speaker – and, in fact, you were one of those who negotiated it – the current Constitution has introduced a 6-week period of publication for Bills, which is much longer than was the case before and, in addition, since we were elected, we have also introduced the new concept, not constitutionally required, which is the principle of the Command Paper, which we have modelled on the Westminster mechanism of the same name, and which we deploy when we are dealing with new legislative Acts or changes to legislation which present a completely new area of legislation.

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Interestingly, Mr Speaker, both in Gibraltar and in the United Kingdom Command Papers are published literally, on the face of them, ‘by command of Her Majesty the Queen’. But the whole purpose of the Command Paper and of the longer period of publication of Bills, is to allow a longer period of public consultation and also, of course, of interaction with Members on the other side, who can make not just public statements on Bills, they can write to Ministers or they can engage with Ministers on the substance of Bills.

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If I may say so, Mr Speaker, although this Parliament does have a reputation for belligerent debate, I think it is fair also to say that, when it comes to legislation and Bills, people perhaps switch off but there is also a tradition of working closely on Bills and producing the best legislation that we can *together*, looking at detail. The person who has produced the Bill sometimes is not able to see some of the technical issues that somebody casting a more critical eye over Bills on the Opposition Benches might see, even some of the wording or the typographical errors etc. My experience has been that, unless there are serious policy differences on a particular piece of legislation among Members from different sides of the House, actually the Bills procedure is one that works very well.

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The Commission’s recommendations in respect of this issue deal principally with ‘lengthy Bills’. We have had two or three lengthy Bills in the past four years which I can remember – the end of the hon. Members opposite tenure in Government and our first two years – principally the Criminal Offences Bills and legislation; there may be soon also some Companies legislation etc. In each of those instances, I think where we have looked at lengthy Bills, we have done so in the spirit of legislative co-operation, which is when most people switch off their listening to the Parliament because that belligerence which people so dislike, when it disappears, makes people perhaps not so interested in the process of this place. But I think that that process, therefore, of working closely together on Bills is there. There is, I understand, already *some* power to refer Bills to a Committee, not just to the committee stage and perhaps it is something that we need to revive, rather than produce a new rule on because we think that the process is actually working quite well.

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Mr Speaker, the eleventh Recommendation reads as follows:

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‘We recommend that the Gibraltar Constitution Order 2006 should be amended to provide for the post of Deputy Speaker and that until there is constitutional provision for such an appointment, the Parliament should designate a suitably qualified person to discharge all or some of the powers and functions imposed on the Speaker when he or she is unable to attend meetings of Parliament. Such a person should be selected by Parliament in the same manner as the Speaker.’

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Well, Mr Speaker, we actually wholeheartedly agree with the sentiments in respect of the post of Deputy Speaker, but our initial conclusion is that it would appear to be very difficult to create this post, other than by a Constitutional amendment, as you have indicated in the recommendation. This is one of the most practical recommendations, in our view, that the Commission makes because it is actually about Parliament being able to work and we need a Speaker to be able to work. We therefore support this recommendation and we consider it should be referred to the Select Committee, in order to enable the Committee to better consider how the issue is raised and the potential appointment of a Deputy Speaker might be addressed in the most effective manner, if possible without a Constitutional amendment.

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Frankly, I think that this was an issue that has been overlooked at the time that we were negotiating the new Constitution. It was not something that was there before; we did not have monthly meetings of the Parliament at the time that the Constitution was being negotiated, so therefore I think it is something that, in the context of the new rhythm of Parliamentary meetings, does have to be considered. Of course, Mr Speaker, there is provision, in the absence of the Speaker, for a Member to be elevated to the Chair. In a particularly acrimonious debate, who could that Member be? Two spring to mind immediately: the Father of the House, who has been here for longer than all of the rest of us, absent yourself, or the other longest serving Member, the Hon. the previous Chief Minister, the backbencher, Mr Caruana.

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I do not discard, Mr Speaker, that the Parliament would, in appropriate circumstances, appoint each or

515 either of them to the role. I think it would be hard for each of them, for example, to preside over a budget
debate, in the event that it were necessary for you to absent yourself from such a debate *in extremis*, but
not impossible. I think both have had the longevity in this Parliament to understand what the rules of this
Parliament are and to adjudicate fairly, in the context of Parliamentary obligations, when one takes that
Chair.

520 Would it be, in the context of an acrimonious debate like the debate on the Appropriation Bill
sometimes becomes, something that could be done in a way that all parties would feel that they had been
'fairly' dealt with if that person had to make a ruling against their own side – 'Is he doing it just to
demonstrate that he is being fair?' – or against the opposite side – 'Of course, he would do that, wouldn't
525 he?' I think, therefore, that there are some circumstances, *in extremis*, where we might find ourselves in
difficulty, without wishing to impugn the integrity of those who might take the Chair, and I have
mentioned two, who if they took the Chair, in my view, would be able to discharge their obligations from
that Chair with integrity. But, it would perhaps raise, in the public, concerns if there did come a time, an
acrimonious moment, and they did have to make rulings one way or the other. Therefore, the mechanism
530 of a Deputy Speaker in a Parliament that meets monthly, I think is one that does need to be considered by
the Select Committee.

Mr Speaker, Recommendations No. 12 and 13 I think should also be taken together. They read as
follows – No. 12 says this:

535 'We recommend that there should be a review of the present structure of allowances and pensions payable to Members of
Parliament and that such a review should be conducted by a body made up of suitably qualified persons from Gibraltar and
persons from an appropriate independent authority from the United Kingdom.'

No. 13 says this:

540 'We recommend that any new pension scheme should come into effect for new Members of Parliament elected after the next
General Election, thereby safeguarding the acquired rights of current Members.'

Well, Mr Speaker, we think that, taken together, we agree with both those recommendations, given
that having... this Parliament, in effect, having made changes, for example, to the Civil Service final
545 salary pension scheme, it would be rather unfair not to also look at what new scheme might be introduced
for Members who might be elected after the next General Election. This is certainly something, in our
view, that should be referred to the Select Committee for it to determine who should best advise us on the
matter. Our own initial view is that new Members of the Parliament after the next General Election
550 should be on the same scheme – I think it is the Provident scheme – as new entrants to the Civil Service,
for example. That seems fair and equitable to us but we agree that this should be considered objectively
with independent persons, as was previously the case when the allowances were reviewed in the 1970s.

I am advised, actually, Mr Speaker that the present scheme for current Members does not allow
existing Members who have something similar to the Civil Service final salary scheme, to have a WOPS
555 element to their contributions and, in that sense, the existing scheme is less generous than the final salary
scheme. But, again, I think that this is not an issue for us. I think it is an issue that should be considered
by independent assessors appointed by the Select Committee.

I move, then, Mr Speaker to Recommendation Nos. 14 and 15. These say the following and I should
also take them together, in fact 14, 15 and 16 I think are usefully taken together. They read as follows, 14:

560 'We recommend that the Rules and the Declaration of Members' Interests should be reviewed by a body made up of at least
three suitably qualified persons from Gibraltar, one of whom should be the Chairperson, and persons from an appropriate
independent authority from the United Kingdom with experience in this type of exercise. We also recommend that the Register
of Member's Interests should be made available on the Parliament's website.

565 'We recommend that the Parliamentary Code'

– this is No. 15 –

570 'applicable to all Members of Parliament should be drafted by the same persons as are specified in Recommendation 14 and
that the Parliament should determine its introduction by resolution.'

Then No. 16:

575 'We recommend that a review of the Ministerial Code should be conducted by a body of at least three suitably qualified persons
from Gibraltar, that the Code should be drawn up along the lines of that applicable to Ministers in the United Kingdom and that
it should be kept under periodical review.'

Mr Speaker, we agree wholeheartedly with these recommendations. A draft is already being
considered by Ministers of both the Rules on Declaration of Interest, as well as a Code of Conduct for

580 both Parliamentarians generally and for Ministers specifically. I think this is absolutely an issue to be referred to the Select Committee, as well as the drafts that are already in existence of the new Rules and the Codes, for the Committee to reach conclusions and to make recommendations for the implementation of the new Code. I think we have said already and, if not, Members should know, that we have worked with the Hansard Society in the United Kingdom to look at the detail of these Codes and, in fact, one of the Members of the Commission has been involved in that.

585 I especially think, Mr Speaker, that there should be a mechanism to review such documents as are adopted and as are put in place so that they are living documents and do not just fall into disuse and become irrelevant by the passage of time, never consulted by Members, because when that happens there is, I think, a loss to the community as a whole and a loss to the Parliament. If we just create rules and then put them in a cupboard, I do not think that is an appropriate way of really bringing new strictures to the Parliament and to its Members. I think it is something that should be adopted but with a periodic review procedure so that they are continually looked at.

590 The next recommendation, Mr Speaker, is one which I think is no longer as controversial as it once was, although some Members have been against it completely before, as the Hon. Mr Caruana candidly reminded us at the penultimate meeting of the House, but I think that we are all now of the same view, and that is Recommendation No. 17, which says this:

600 'We recommend that consideration should be giving 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.'

I do not think there is any privatisation with the Gibraltar Broadcasting Corporation ever envisaged but I think it is important that the Committee's recommendation should certainly be adopted.

605 The House has already had an opportunity to consider this issue at the last meeting before the refurbishment and I think we have now clearly got a majority, if not unanimity, supporting video broadcasting online and on television and we just now need to look at the relevant rules in this respect. I understand, Mr Speaker, that the Deputy Chief Minister yesterday sent the Leader of the Opposition and the Hon. Mr Bossino some draft rules for consideration as to transmission, camera angles etc. They are not complicated rules and we have some guidance already from Westminster on how they have successfully done this. I know that the testing that is going on, behind your Chair, of the equipment is being quite successful, so I hope that we will be able to agree the rules shortly and that we will be ready to transmit, as I have said on a number of occasions, by the time we come to consideration of the Appropriation Bill later on this month.

610 Mr Speaker, Recommendation 18 also deals with media issues, if of a slightly different type. It says this:

615 'We recommend that the Media Director should henceforth be required to prepare and publish an annual report on the activities of his department, which should include a detailed statement listing recipients of the amount of public funds paid to the media. We further recommend that this report should be laid on the table in Parliament.'

620 Well, again, Mr Speaker, we wholeheartedly agree with the principle that a detailed statement of the amount of public funds paid to the media should be published.

625 Indeed, Mr Speaker, we believe that we have led on this issue, given it was one of the issues we were continually obligated to ask about in Parliament. You will recall that we had very clear issues relating to the presently defunct publication, *The Seven Days*, and the huge amounts expended on it by the previous Administration. For that reason, Mr Speaker, we take the view that the precise amounts paid in respect of Government advertising since the very date of our election should have been, and are, as I understand it, published online regularly and accessible to the public as a whole and not just to Members of Parliament. But we do not necessarily think that getting the Media Director to collate that information into an annual report, because it is already shown with annual totals etc. online, would add much to the equation. We think we have gone further by putting it out into the public domain with regularity. So we think that this is a recommendation that has already been complied with in substance, as the information is there and that we do not need to go further.

630 Recommendation No. 19 then moves to deal with a wholly different matter, which is the manner for convening Select Committees generally. It says this, Mr Speaker:

635 'We recommend that Parliament should make greater use of Standing Orders to nominate select committees, where appropriate.'

640 Again, Mr Speaker, I do not think that this is intended as a recommendation which requires action or a new rule, but it is one which the Commission, I think, wants the Parliament to note. Indeed, Mr Speaker, you know that, during the course of this debate, I have already proposed creating this bespoke Select

645 Committee to deal with the very reform proposals that we are considering. I do not know that we can go any further in that respect because a recommendation to note something that there is already a rule for, I think does not call for much more, other than for Members on both sides to bear in mind those issues when considering how best to regulate our procedures in respect of particular debates, Bills, or anything that may require our Parliamentary attention.

650 Recommendation No. 20, Mr Speaker, deals with the present system of dealing with petitions and whether it should be modernised. It says this:

‘We recommend that Standing Orders should be revised to improve the public petition system as a way of enhancing public participation in the Parliamentary process along the lines of the system in the United Kingdom.’

655 I think, Mr Speaker, this is one to carefully consider in Committee. Conscious of the fact that there are already rules allowing Petitions to be tabled here and debated, all that is required is that the petition be put to the Parliament. It is then tabled – and it only takes one Member to raise a motion in the terms of the petition for the matter to be debated.

660 So, again, this may be an issue not so much where we need to change our rules but where a rule has fallen into disuse and we need to refresh it. It may be that it needs to be modernised. There have been some changes in the United Kingdom. There are some online petition issues and I think it is something that the Select Committee should look at and that, perhaps, the public need to be made more aware of so that they can become more involved in the workings of this Parliament by making use of the existing or modernised petition rules. Certainly it is something that we think should be put to the Select Committee, for the Select Committee to consider side by side with the more modern rules that have now been adopted in other Parliaments.

665 Mr Speaker the report leaves behind matters dealing with what I might call the inner workings of the Parliament and moves on to issues relating, really, to the electoral system. So I am going to deal with the recommendations that you make in that respect, also on a detailed basis, taking each of them in turn.

670 The first issue that you address is the establishment of the franchise: who is entitled to vote and the collation of the Register of Electors. Recommendation No. 21 says this:

‘We recommend that a rolling register should be maintained for Gibraltar parliamentary elections on the lines of that maintained for European parliamentary elections.’

675 Mr Speaker, this is absolutely something with which we entirely agree and it is our policy on this side of the House that that should be the case. We think that the present system is not the fairest and we should have a permanently open register which closes a fixed time before an election, rather than a register that is sometimes open when an election is called.

680 Indeed, Mr Speaker, if that were already the case, this by-election which has been convened would have benefited from a slightly wider franchise. We are, therefore, convinced that this is the way to progress but with an important caveat, which is this: compiling a register of electors is not an easy task, it is complex and it requires an understanding of the issues that can arise. If I may say so, the present Clerk and Returning Officer has considerable experience and expertise in this field and I think he should be the leading resource for the Select Committee to consult when considering this issue in particular – as if he did not have enough work, Mr Speaker! Anyway, we are lucky enough that our Clerk maintains both the Register of Electors for national elections and the European elections register which, I understand, is open on a rolling basis, so he has got experience of both types of registers. I think it is important that we do not turn our back on that important resource when we are considering how to change our Register of Electors rules.

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The next issue, Mr Speaker, deals with election expenses. This is Recommendation No. 22. It reads as follows:

695 ‘We recommend that section 14(2) of the Parliament Act should be revoked and that all election expenses incurred at any time before the date of the poll should be taken into account to arrive at the total amount of election expenses incurred.’

700 Mr Speaker, this is a difficult issue but it is important that election expenses rules are there, they are workable and they are observed, because they are what guarantees the level playing field beyond which parties cannot spend, however cash-rich one party may be compared to another. But to understand the recommendation I think we have got to look at section 14(2) of the Act, which reads as follows:

‘In determining the total expenditure incurred in relation to the candidature of any person at any election, regard shall not be had to any expenditure incurred one month or more before the election, in respect of services rendered or materials supplied.’

705 What that section is trying to do, Mr Speaker – the whole purpose of the clause – is to ensure that the

party that knows the date of the election cannot spend before the election without there being at least a hiatus in their pre-election spending.

710 Members will, no doubt, recall before the last election a glossy booklet delivered to all households in Gibraltar which was distributed, I do not know whether almost exactly or just beyond, the 30-day limit before the start of the last campaign by Members opposite. Look, that is the past... we have got to look forward and we agree that section 14(2) is outmoded and is not necessarily working as it was intended to work: but it needs to be addressed. Having said that, Mr Speaker, the recommendation we think goes a bit too far because simply *abolishing* the time limit may not have the desired effect, and that is what the recommendation says, abolish the time limit. If you did that, Mr Speaker, then you would be left in the situation where *all* expenditure in the four years and the four year term would be relevant. In fact, if you get rid of a time limit, why just limit to the four year term and how far back do you go? So 14(2) has not perhaps worked in exactly the right way and we need to address the concerns clearly expressed by the Commission in the Select Committee to see what change 14(2) may have to undergo, but I do not think getting rid of the time limit is necessarily the way that we deal with, or cure, the problem.

720 Equally agreeable as to purpose, Mr Speaker, and perhaps less problematic in implementation is the Recommendation at No. 23, which says this:

725 'We recommend that the Election Rules should provide, by means of a schedule, the format of the return of election expenses and the form of words of the statutory declaration.'

730 Mr Speaker, we certainly agree with the Commission that the practices built up, of each party, in the absence of any rules, presenting accounts in their own format, as they see fit, in keeping with general accounting principles, or whatever it is... but the Returning Officer, and even members of the public, who may want to inspect the election expenses are looking at things which are not compiled in the same way and they are, therefore, not necessarily comparing like with like. And a format – in fact, probably just a form not so much a format – a form which the Returning Officer produces to each Party for them to account for expenses in a particular format so that everybody who then has an interest in looking at these expenses can see the same form filed by each Party, or by each candidate, rather, I think is something which should not necessarily be resisted. I think it is something that the Select Committee will want to look at and can produce a form in which relevant election agents can report expenditure in an equal way.

735 The next Recommendation, Mr Speaker, deals with inspection of the returns of election expenses and it says this:

740 'We recommend that section 15 of the Parliament Act should specify that the returns of election expenses can be available for public inspection without limitation.'

Well, you need to put that Recommendation in context. Section 15(5), which is the relevant part of section 15 of the Parliament Act, deals with publication of election expenses like this. It says:

745 'The Returning Officer, within ten days after he receives any return under this section, shall publish in a daily newspaper a notice of the time and place at which the return and the document in support thereof can be inspected.'

750 Well, Mr Speaker, that creates a number of issues. Different parties, or different candidates, may put in returns on different dates and I think the practice of the Returning Officer has been to set a window when they have to be submitted, otherwise he might have to be advertising for Candidate X, 'You can come and see it on *this* date', for Candidate Y, 'You can come and see it on *that* date' because of the 10-day limit that operates on him. But, what we do not think this section does is limit how long election expense documentation is available for inspection, although it may have been traditionally interpreted in that way.

755 So this is a Recommendation that the Commission make that we agree should be referred to the Select Committee, even if only to clarify that the Returning Officer is free to designate – although we think he already is, but let us clarify that – that the time and place for inspection could be as wide, for example, as 'at Parliament House on any day until the date that the next election is convened', for example, which would, in effect, allow the documents to be inspected throughout the lifetime of the relevant Parliament, or perhaps even longer, if you wanted to use different language and wanted to have this as a public record that is just publicly available for anybody to inspect. Frankly, in our view, Mr Speaker, this is now information that should be published online and should be available for any citizen who wants to inspect it, like all other Parliamentary information, like the Register of Member's Interests, that the Commission has recommended should also be on line – and we agree.

760 But if there are ambiguities that have led Returning Officers to think that they make this information available only for a specific time, in a specific place, if the internet has overtaken us all and we need to provide new wording, then I think this is something that the Select Committee can look at and resolve quite quickly.

770 Mr Speaker, the next Recommendation deals with contributions to candidate's election expenses during the course of election campaigns. It is Recommendation No. 25 and it reads as follows:

775 'We recommend that every donation over £100 incidental to an election campaign, whether as one donation or as several lesser donations amounting in total to £100 from the same source, should be separately declared in the Return of Election Expenses, together with the identity of the donor.'

780 Mr Speaker, we agree that the candidates' Return of Election Expenses, or the return of a group of candidates, should certainly illustrate who has contributed to the campaign of that candidate. Multiples of £100 does not seem an unfair amount to be referring to, although the Select Committee may think that a slightly larger amount, like £250, may be relevant and we agree that this recommendation as to candidates' election expenses should be referred to the Select Committee for implementation at the next General Election.

The next Recommendation, Mr Speaker, then deals with 'what *is* an election expense?' It says this:

785 'We recommend that the Parliament Act should provide an extensive definition of election expenses.'

790 For the reasons that have been identified in the Report, Mr Speaker, we need to give some meaning to the rules on spending and we agree. The Select Committee, I think, will need to come up with a definition: it is probably not going to have to re-invent the wheel – there may be definitions used in other Parliaments that we can cannibalise for our purposes.

795 Checking the Parliament Act, it is clear that there is nothing there which assists in the definition of 'an election expense'. One would have expected that the Act would contain a definition of 'an election expense': it is not there, that definition, and perhaps it needs to be there or elsewhere in the rules. I think it is also fair to say that, in the context of the Recommendations that you make, I think there are three areas where the Parliament Act, it is recommended by the Commission, should be amended. It is a piece of legislation from 1950 and those who go online now can see how often it has been amended. It has only been amended five or six times in the past 63 years. I think that demonstrates it is a good piece of legislation which has worked well that now requires tweaking and we should not be shy, in the Select Committee, of making such recommendations for amendment of it as may be necessary in order to update it into the more modern practices that have now overtaken the way in which elections are run.

800 Mr Speaker, the Commission then moves on to Recommendations that deal with 'the vote' and voting. Recommendation Nos. 27, 28 and 29, which are dealt with together, say as follows:

805 'We recommend that early absentee voting should be introduced for electors who satisfy the Returning Officer that they are obliged to be absent from Gibraltar at short notice on polling day for unforeseeable and compelling reasons and cannot recourse to postal voting.'

810 I recall, Mr Speaker, I think in the last two elections there have been a number of pilgrimages organised around the date of the poll, involving supporters of all candidates, and that and other reasons for being out of Gibraltar have led to an *ad hoc* procedure being set up in some instances.

Recommendation No. 28 then says:

815 'We recommend that section 20(2) of the Parliament Act should be amended to increase the period between the issue of a writ calling for a General Election and the day of the Election from not less than thirty days to not less than forty-two days'

and Recommendation 29 says this:

820 'We recommend that the timetable in Rule 2 of the Election Rules should be amended to set the closing date for the delivery of nomination papers as noon on the 33rd day before the date of the election instead of the present 21st day and, additionally, consequential adjustments should be made in the period of time allowed for candidates to withdraw their candidature.'

825 Mr Speaker, we certainly agree with Recommendation No. 27 on early absentee voting but subject to a mechanism, and I am sure that this is what the Select Committee will want to ensure, being introduced and implemented in the Parliament, which is in this building itself, in other words in the control and under the auspices of the Returning Officer and with appropriate security mechanisms in place.

830 As we all know, who have been involved in elections, Mr Speaker, this place becomes a hive of activity at the time of a General Election. It is also the most secure place where ballot papers etc. are held and delivered. Bringing people into vote will have an effect on the workings of the Returning Officer at the time but, of course, in the context of other changes like, for example, the Register of Electors being open and closing just after an election is called, rather than opening sometimes at the time that a General Election is called for a supplementary register to be prepared, that would take away a huge work from the Returning Officer at the time. We could, instead, have this process of having absentee voting going on in the Parliament in a way that does not upset the working of the Returning Officer. I know it has been done

before, it is just a question of agreeing the mechanism, all parties being happy with it, the security of it, so that the integrity of the vote is not in any way questioned, also being dealt with and one that I am sure will enjoy support across the floor of the House.

We also agree, Mr Speaker, in relation to Recommendation Nos. 28 and 29, that the time limits for elections have been too short in the past, in particular because of the complication of supplementary registers of electors being compiled sometimes at the same time. So, again, in the context of an open register, although these issues should be less relevant in the future, and time may not be at such a premium, I think it is still going to be a busy time for the Returning Officer and his staff, as well as for candidates and party workers. So, therefore, we would agree the extension of these relevant time limits but, perhaps Mr Speaker, not to the extent proposed by the Commission.

So Recommendation No. 28, we propose that section 20(2) of the Parliament Act be amended to ‘not less than thirty-five days’, so five more days than the current thirty days, but seven less than the proposed forty-two.

In respect of Recommendation No. 29, instead of increasing the time in Rule 2 of the Election Rules from twenty-one days to thirty-three days, which we think would be slightly too long, we would propose also a time of twenty-eight days.

But that is detail, Mr Speaker, and we are happy to consider that detail with colleagues in the context of the work of the Select Committee and with the Returning Officer, who has the experience of what it is that goes on at the time that the election is called.

Mr Speaker, Recommendation No. 30 we think has actually now been overtaken by events. That Recommendation states as follows:

‘We recommend that the Gibraltar Regulatory Authority should set a code of broadcasting standards for Gibraltar Parliamentary Elections in consultation with the Returning Officer and the Gibraltar Broadcasting Corporation in line with the requirements of the European Parliamentary Elections Act.’

Mr Speaker, as you are aware, the Broadcasting Act 2012 does just that. In fact, it is for that reason that we have recently argued in press releases that the composition of the board of GBC, for example, is no longer relevant in relation to balance and appeals from editorial decisions. Well, in any event, this is a Recommendation that is, happily, one that we take the view has already been specifically implemented in almost identical terms to the Recommendation of the Commission.

Still on the media at the time of the election, Recommendation No. 31 says this:

‘We recommend that exit polls should be regulated as to the manner in which they are conducted and that a prohibition should be placed on the publication of their results prior to the end of voting on polling day.’

Mr Speaker, this is already the case by established convention, in our understanding. But it is interesting that there is not... well, there has not traditionally been a legal rule that provides for this. I do not know whether the Regulator may have, in the rules he has made, now dealt with this issue, but it is certainly, in our view, something for the Select Committee to consider because, if there is not already a rule, there certainly *should* be a rule that exit polls should not be published, or polls should not be published, during polling day.

I do not think it is a rule or a convention that has ever been breached in Gibraltar, but perhaps it is important that we now have this rule. The one thing, Mr Speaker, I would say in respect of Recommendation Nos. 30 and 31 that I have just dealt with, is that, of course, it is very easy to regulate those that cannot escape regulation like, for example, the GBC, and the rules that the GRA makes have to be observed by the GBC as the public broadcaster and conceivably any other broadcaster licensed in Gibraltar is caught by the regulation of the regulatory authority, subject to the Recommendation that you have made, of course.

But how do you regulate the internet, Mr Speaker? That is an issue that goes beyond this debate, of course, but it would be a relevant factor. Who has the power to regulate what is put up on social media, on internet sites, the domains of which are hosted outside of Gibraltar? That is an issue that I think perhaps the Select Committee will need to consider in the context of this business of exit polls etc. because, absent people voluntarily adhering to the conventions that have been followed in the past, it may not be that there is a regulator with reach, like the GRA, that reaches other broadcasters that are licensed. It may be that the Returning Officer, who has responsibility for elections, is the right person to regulate *some* aspects of this in the – if I may call them – sort of ‘disestablished media’ and that there should be general rules which can catch people in Gibraltar under the powers that the Returning Officer has. Again, something that the Select Committee will have to consider in greater detail.

Mr Speaker, the Report then moves on, really, to the night of the count and making this recommendation at Recommendation No. 32:

‘We recommend that the Returning Officer should give serious consideration to establishing what technological advances are

available for the counting of votes and whether these could be adopted in Gibraltar.’

900 Anybody who went through the last count would have been very happy to see a computer tell us the result by 1 a.m. in the morning. But, anyway, we agree that new technologies should be considered but always subject to the integrity of the counting process and of the vote being guaranteed. It has always been guaranteed in Gibraltar, Mr Speaker. Even though we have taken a few hours – five or six hours – to count, we have known that we can count on the integrity of those involved in counting on the night and that we get a very precise and very clear result.

905 I think nobody in this House would want the nightmare of ‘hanging chads’ that we all had to become very interested in, in the early part of the last decade, hanging over an election result in Gibraltar, with our Supreme Court being involved in determining issues and there not being a result announced, when you implement a system that is designed to give you a sooner result. So I think something to look at, something for the Select Committee to work on again, I think, with the members of the House staff and the Returning Officer.

910 Mr Speaker, in Recommendation No. 33, the Commission deals with a proposal to create a Register of Political Parties and also, outside the Recommendation, deal with what political parties should do and how they should run their affairs and all the rest of it. The Recommendation alone says this:

915 ‘We recommend that subsidiary legislation for the registration of political parties, with their basic provisions detailed in the outline proposal at Appendix 1, should be introduced.’

and, in doing so, you introduce Appendix 1 into the Recommendation. If I can just take Members of the House to it – Appendix 1 sets out the proposal for registration of political parties, setting out that they must have a constitution, what the executive is made up of, subscriptions, annual general meetings, etc. etc.

920 I think we must part company with the Commission on this issue. We do not believe there should be a requirement of registration for political parties. The constitutional freedom of association in our Constitution, in our view, requires that people should be able to congregate without the requirement to register as political parties. The same is true, you might say, Mr Speaker, in respect of Trade Unions and yet Trade Unions are required to register themselves, but Trade Unions enjoy immunities under our laws for specific purposes and, therefore, the registration engages those immunities. Political parties actually do not enjoy advantages. It is actually Members of Parliament that enjoy advantages and they congregate in groups that they call political parties. But we do not think that it is constitutionally acceptable to require people to register themselves as political parties.

930 If I may just, Mr Speaker, without entering into the politics of it, I know that Members opposite in their political party run things, or have run things in the past, in a different way. It has worked for them and people have accepted that and returned them as a Parliamentary group to the Government benches on a number of occasions. When the Hon. the now Deputy Chief Minister, Mr Bossino, and I were much younger, we congregated around a coffee table and called ourselves a political party and, you know, what is wrong with that? Should we be required to register and to hold meetings in a particular way and should any strictures be put on the way that people organise themselves as a political party? I mean, one wonders what the anarchist party might think of that and they have a right also to regulate their own affairs in such a way as they may on each day decide.

935 So, jesting aside, I think that this could interfere with the right to congregate and associate freely under the Constitution and, therefore, that Recommendation will not enjoy the support of those of us on the Government benches.

940 Neither, Mr Speaker, do we see a need for the establishment of a statutory Election Commission, as recommended in Recommendation No. 34, which reads as follows:

945 ‘We recommend the introduction of a Bill for the establishment of a statutory body to be known as the Electoral Commission, with the basic provisions detailed in the outline proposal of Appendix 2.’

950 Appendix 2, Mr Speaker, to the Commission Report is almost, I must say, a very full proposal for a Bill, with quite a lot of detail and I am sorry to say, because a lot of what has obviously been done by the Commission on that... that we do not think that an Electoral Commission is relevant in Gibraltar. I do not think anybody has ever questioned the integrity of the way that we conduct elections. We are a thriving democracy. It may be rougher or tougher during different parts of the election campaign, but I think that this Parliament has demonstrated that it is elected fairly and freely, successively, there have been transfers of power now on a number of occasions in Gibraltar, to such an extent I think we can call ourselves a mature democracy.

955 The Electoral Commission might actually be an indicia of maturity in other Parliaments, in other democracies. We just do not think it is something which is necessary in Gibraltar because of the mechanisms that we have in place and the control that is in place already through the office of the

960 Returning Officer and the powers contained in the Parliament Act, in particular, if we make amendments to the Parliament Act and we give powers to the Returning Officer in the context of what the Select Committee is going to consider. We will hear what Members opposite have to say about that, but we are not convinced that this is something that requires engagement.

965 We are with you, though, Mr Speaker – sorry, with the Commission, Mr Speaker – on Recommendation No. 35, which states:

‘We recommend that legislation permitting the holding of and regulating the conduct of referenda should be enacted.’

970 Mr Speaker, that has been our policy since Mr Peter Hain’s said that our 2003 Referendum was not valid. Indeed, I think there is already a draft Bill that will shortly be published to deal with this issue. I think we all took the view here that there clearly *was* power to convene a referendum but, *ex abundanti cautela*, why not have a piece of legislation that now sets out what the requirement and what the mechanisms for future referenda might be?

975 Then, Mr Speaker, the Commission moves on, hand in hand with all of these issues, how should the franchise be conducted and who should be a part of it. Recommendation No. 36 says this:

‘We recommend that the Parliament Act should be amended to increase the qualifying residency period from a continuous period of six months to a continuous period of three years.’

980 Mr Speaker, we think that is a sensible Recommendation but we think it is something that needs to be considered, and the implications of it need to be considered, in detail by the Select Committee. I think there will be people who will have been here for more than six months before the rules change who might say that they have acquired rights, should an election be called after that period but before they are here for three years, so I think this is an issue that needs to be considered in detail by the Select Committee, although I think it is likely that most of us agree that a residence period of six months is probably now too short for people to know what it is that they are voting on or about and what the parties are. But I think it is one matter that the Select Committee may want to look at in more detail before determining *how* to accept that recommendation and what the exact time limits should be.

990 We do not agree, Mr Speaker, however with the 37th Recommendation of the Commission, which says this:

995 ‘We recommend that the Parliament Act should be amended to *extend* the franchise to persons residing outside Gibraltar who are eighteen years or over who are registered as Gibraltarians under the Gibraltarian Status Act and who are (a) in permanent employment; (b) actively involved in carrying on a business; (c) exercising their profession or (d) in full-time education in Gibraltar.’

1000 Mr Speaker, this is not an issue that has an easy solution. May I just say that I think people who are in full-time education *outside* of Gibraltar are already entitled to vote in Gibraltar elections, hence that we have – at Gibraltar House in London, usually – a polling station, so to speak, for ballots to be sent in as postal ballots that are then brought to Gibraltar. Some of them can be sent directly to Gibraltar so (d) in Number 37 we believe is already covered.

1005 Now, the other issue is if people have moved out of Gibraltar, they are literally living out of Gibraltar – not for educational purposes – they have traditionally and historically *foregone* their right to vote because it has always been a right based on residence. So to make the issue of the right to register based on the other three limbs of No. 37 *and* registration under the Gibraltarian Status Act is we think, a little bit too complicated and perhaps not quite as fair as it may seem at first blush. For example, somebody may be entitled to register under the Gibraltarian Status Act even though they have only been here three years but they may, for other reasons, be entitled to register. Then, if they maintain a company in Gibraltar through which they do their business, they could go and live anywhere else in the world and be entitled to vote.

1010 Yet you could have people who have been resident in Gibraltar all of their lives but are not able to register under the Gibraltarian Status Act for some *other* reason. There are instances that come to me, as I am sure they came to the previous Chief Minister, of people, for example, who have been resident in Gibraltar for fifteen years, have gone to the United Kingdom and they are back after eight years and they want to register under the Gibraltarian Status Act and they are not able to because they do not have the lineage, and then they have issues, or they would have had their residence for twenty-five years coming up... There are circumstances like that which create unfairness and, look, the traditional way of determining who is entitled to vote in our Parliamentary elections has been based on residence. We do not think that is an unfair way of determining who is entitled to vote in the future and we would, therefore, propose that it continues to be based – the franchise should continue to be based – on residence, as it historically has been, with the caveat that we do think that Gibraltarians who are *studying* abroad should be entitled to vote but we think that is the case already and that no amendment is required for that

purpose.

1025 Certainly, Mr Speaker, unless I am wrong, in every election in which I have been involved since 2003 those who have been studying in the United Kingdom, Gibraltar students in the United Kingdom, have been able to vote as postal voters and facilities have been put in place to try and ensure that the postal voting mechanism has not thwarted their ability to have their vote counted, by allowing for that to be sent, as I said a moment ago, to Gibraltar House.

Mr Speaker, then Recommendation No. 38 says this:

1030 ‘We recommend that the maximum period of time between the issue of a writ and the holding of a General Election should be reduced from three months to forty-two days.’

1035 Mr Speaker, we think that there are very few circumstances where this would be relevant but we think that limiting the period in this way is not hugely important. We are not persuaded that there are good reasons to amend the Constitution, and this would require a Constitutional amendment to make this change, although it may be something that if there are Constitutional revisions in the future, could then be considered in more detail.

1040 But look, if a Chief Minister wants to call an election in forty-two days’ time he can, if he wants to call it in thirty days’ time he can, subject to the new limits that we are thinking of putting in of perhaps thirty-five. If he wants to give three months’ notice, well I mean that is not a bad thing for others who are going to be involved in the election because they will know for longer. I wager people will get bored of us politicians running around campaigning for a whole three months, but it would not be bad for democracy.

1045 So when would this period be relevant? It would probably be relevant when time has run out for an election to be called and it is called automatically. It is then called for three months thence rather than forty-two days thence, which is what is being proposed. I do not think it is a hugely important issue meriting engagement on amendment of the Constitution: it may be something that, if there are Constitutional talks going on, can be looked at, but we do not think that it would hugely enhance the quality of our democracy to engage just for that purpose.

1050 Finally, Mr Speaker, the 39th Recommendation refers to offices for the Leader and Members of the Opposition and reads as follows:

1055 ‘We recommend that office and secretarial facilities for the Leader and Members of the Opposition should be made available near the Parliament.

1060 We do not believe, Mr Speaker, that services should be provided to Opposition Members alone. Government Members do work as Government Ministers but they also do work as Members of this House. The refurbishment of the Parliament is already underway, Mr Speaker, beyond the refurbishment of this Chamber and will shortly move to a refurbishment of the Ante Chamber and other parts around the building that should, in our view, make it possible to create new spaces for Members generally, not just Members of the Opposition but Members generally, to have available the meeting rooms that the Commission recommends, with some appropriate secretarial support.

I think I speak for

1065 **Mr Speaker:** I hope the Chief Minister will not forget the Speaker.

1070 **Hon. Chief Minister:** Perish the thought, Mr Speaker. In fact, as it happens, I think you are the only person that has an office at the moment, but the whole idea of the refurbishment is the refurbishment of the whole of the area at the back and perhaps some of the other areas in and around the building and certainly Mr Speaker would not be forgotten in this context. The ability to do the business of Parliament as parliamentarians must depend in having the facilities necessary for us to do that work as parliamentarians. That includes the Speaker, the Clerk and officers of the House, as well as Members on both sides of the House.

1075 But if I might just say, Mr Speaker, in the context of the assistance that members of the staff of the House give Members of the Parliament, certainly my experience when in Opposition was that they were hugely helpful whenever they could. Of course, in the context of an election campaign there is a lot going on and members of the House staff become the Returning Officer’s staff and we cannot expect, at that time, to ask for a copy of the relevant *Hansard* and get it as quickly as you might on a quiet day in deepest August when there is not an election campaign going on. But, absent that, I found, as I am sure Members across the floor have found, that members of staff of the House are hugely helpful, whether one is in Government or in Opposition. They are blind to where Members sit: we are all just Members, as far as they are concerned, with our different responsibilities and hugely helpful at that.

1080 Mr Speaker I have dealt specifically as I set out to do with the Commission’s Recommendations only

1085 because that, in my view, is what the Commission is putting to the Parliament. I have not dealt with matters on which you have not made recommendations. In particular, Mr Speaker, I note the dissenting opinion that the Commission has provided from Mr Vasquez QC. You have not made a recommendation in respect of the views advanced by him so I have not had to address it, but we take careful note of what he writes: there is no recommendation there though for us to consider.

1090 Mr Speaker, the Select Committee that I propose to establish to look at the detail will need the help and support, as I have said, also of the Clerk but I believe it should also meet at least once with the whole Commission to go through some of the areas that I think should be deferred to the Select Committee so that, perhaps in conversation, we could hear the voice of the Commission and what their concerns were in case we may have misinterpreted any of them. I am conscious of the fact that, although you were the Chairman of it, you cannot from your Chair form part of this debate and, therefore, I think the appropriate process would be for the Select Committee to engage with the whole Commission at the start of its work so that the Commission can inform the Committee of any aspect of its work that may be relevant.

1095 Mr Speaker, finally, I would say that I think I have structured my intervention today on a Recommendation by Recommendation basis so that the position is clear to hon. Members on both sides on each and I will very much look forward to hearing what it is that Members opposite have to say. I would alert the House, Mr Speaker, that my intention would be to hear what other Members have to say and then recess for a short while so that we can, if necessary, consider issues together as to the amendment and then come back and take the amendments during the course of my reply, as I said. I hope that we can have this debate in the spirit of co-operation and not of confrontations because I think that reforming this Parliament and reforming its procedures is improving our democracy for the better. That is what our citizens demand and deserve.

1100 Mr Speaker, at that moment, conscious of the fact that I have been on my feet for quite a while, can I propose that we recess now also for a few minutes in case Members need to have a comfort break or something. I would like to be in the Chamber for the whole of the debate and would not mind a recess of five minutes if you would agree.

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Mr Speaker: The House will now have a short recess for ten minutes.

The House recessed at 11.00 a.m. and resumed its sitting at 11.25 a.m.

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Mr Speaker: I now propose a Question in the terms of the motion moved by the Hon. Chief Minister. Does any hon. Member wish to speak?

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Hon. D A Feetham: Yes, Mr Speaker.

First of all, may I start by thanking the Commission and you in particular for the Report and the obvious time, effort and care that the entirety of the Commission has taken in producing this Report. Obviously, I speak on behalf of all hon. Members on this side of the House.

1125 Mr Speaker, in relation to the mechanics, I was going to say something about the mechanics that the Chief Minister outlined at the beginning of his intervention in relation to this debate. The Chief Minister and I have already spoken in the anteroom and what I will do is I will allow the Chief Minister to, basically, by way of response, deal with the question of mechanics: because as I understand it, we have agreed, in principle, to move away from what was originally proposed, which was for the motion to be amended in order to include all the recommendations that the Government thinks it ought to include in that motion, to a different suggestion and allow the Chief Minister to effectively outline to this House and, indeed, to listeners out there what we have tentatively agreed.

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Mr Speaker, I am going to be effectively talking about general principles. I am going to be focusing on a number of areas. Before I outline those areas, all the hon. Members on this side of the House will have an opportunity and, indeed, will speak on the Report. Isobel Ellul-Hammond will be talking about Part II, although I will be dealing with certain issues in relation to Part II. Mr Bossino will be talking about Part III, Edwin Reyes will be talking about Part IV and Mr Netto will be talking about something that is dear to his own heart – he talks from his own perspective, it is his own view – and that is in relation to the Oath that we all have to swear at the beginning of Parliamentary proceedings.

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But, Mr Speaker, in my own intervention what I want to talk about is, first of all, I would like to place this Report and, indeed, the debate on Parliamentary reform into its proper historical context. I think that is helpful and that is what I intend to do; secondly, it is the issue of enlargement, which is of fundamental importance to this side of the House; thirdly, Questions and Answers; fourth Parliamentary timetable; and then, finally, I will talk from a personal perspective, because it is not an issue that, in fact, my Party has a particular policy as an outline, but from a personal perspective I want to talk about something that does not contain a recommendation but it is dealt with by the Report and that is the serving... for nobody to

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serve as Chief Minister for more than two terms.

1150 Mr Speaker, you can see from the outline of these five points that, in fact, I am not going to be restricting myself to the Recommendations made by the Commission and, indeed, I am going to be talking about areas where this is no Recommendation by the Commission but that are, as I say – such as enlargement – important to this Party on this side of the House.

1155 Mr Speaker, Parliamentary modernisation was always envisaged at some point in the future when we negotiated a new Constitution. In 2007 we moved to a Constitution which, not only, in our view, provides a maximum level of self-government but included, amongst other things, modernisation of the composition of this Parliament and, indeed, the balance of executive competencies. The Financial Development Secretary and the Attorney General were replaced by Elected Members and I had the privilege of being the first Minister for Justice to swear an Oath at the opening of Parliament after the 2007 Election, all as a consequence of the Constitution. Indeed, under that Constitution, this House went from being a House of Assembly to our Parliament. And therein lies part of the challenge for this House, that we have a modern Constitution underpinning a Parliament and yet the organisation of this House, the way it does its business, is based on the architecture, in our view, of a Legislative Assembly underpinned by Constitutional arrangements that this community has outgrown.

1160 Of course, there are other reasons why Parliamentary reform is necessary, not least because we have to make a genuine effort, in our view, to make the proceedings of this Parliament as accessible and as relevant to people as possible. The GSD's longstanding position is that – the GSD's Opposition's longstanding position – is that it is supportive of any attempt to reform and modernise the way that Parliament operates. That is not a position we take for the first time today on this motion, it is a well-established position of this Party going back a number of years. It will be recalled that, in 2009, we convened a Select Committee on Parliamentary reform. I do not want to get bogged down in the reasons why that Committee only met twice; those have been ventilated in the past both in this House and outside the House. But in 2001, the then Chief Minister, Mr Caruana, moved a motion resolving for the House to convert that Select Committee into a Committee of the whole House in order to allow Members to discuss and consider a number of principles that ought to underpin the reform and modernisation of Parliament and its work. Most, though not all, of those principles, with some exceptions, are reflected in the Report and the recommendations that we are considering today.

1175 Thus the motion presented by my learned and hon. Friend included the principle that each Minister should appear in Parliament at least once a month to answer Questions about his or her Ministerial responsibility and that the Chief Minister should answer Questions once every two weeks, with Standing Orders limiting the duration of each monthly session. Whilst recognising that the House was too small to permit the widespread use of multiple Parliamentary Committees as in other larger Parliaments, the motion recommended that there should be at least one standing General Purpose Select Committee, Chaired by a Member of the Opposition, able to summon Ministers, Officials and others in any policy area, as in the case of Select Committees in the UK.

1185 It included televising of Parliamentary proceedings, the modernisation of Standing Orders and the reform of the Rules to ensure that Opposition obtained a monthly opportunity to bring motions for debate in Parliament, which is possible under current rules but, given that only the Government controls the ability to suspend Standing Orders to allow such a motion to be taken before the end of Government business, it also has the ability to delay that motion to a time when it is least convenient for members of the press and therefore least effective.

1190 We can debate as much as we want, but whilst the Government controls the ability to have that debate heard on the political equivalent, in my view, of Siberia on an exceptionally cold day, namely very late on Friday evenings – and I have found myself questioning the Father of the House on exceptionally cold and late Friday evenings – the effectiveness of motions as a means to hold the Government to account will be severely restricted. That is why my hon. Friend Mr Caruana was proposing to reform the Parliamentary timetable, too, and have specific slots for debating Opposition Motions which I hope is an idea that can be taken forward in any future reforms under this process despite the fact that there does not appear to be any Recommendation to that effect.

1200 Mr Speaker, in our view as an Opposition, the single most important proposal by Mr Caruana during *his* motion was the proposal to enlarge Parliament from 17 to 25 Members in order to allow backbenchers on both sides of the House. During the debate on the 2011 motion in my contribution I said that, whilst I only spoke for myself, the issue of enlargement of Parliament to create backbenchers was so critical that I did not believe we could have profound reform of our Parliamentary system without it. Nothing that has transpired since then has changed my mind. It is, of course, a GSD Manifesto commitment. Unfortunately, Mr Speaker, it is a commitment which cannot be fulfilled, even if we were in Government because, constitutionally, it requires support of a two-thirds majority of this House.

1205 At the time of the 2011 motion this was the only issue that, indeed, separated both sides of the House and it was the only issue that prevented a consensus either on the motion presented by my Learned and Hon. Friend Mr Caruana or, indeed, the amended motion presented by, or moved by, Mr Licudi. It may

1210 be recalled that the then Leader of the Opposition went through the motion point by point, agreeing to all of them except for the enlargement of Parliament for the purposes of creating backbenchers. I hope, Mr Speaker, that I can prevail on hon. Members opposite to support the principle of enlargement of Parliament. I recognise that the issue of enlargement could bring to bear considerations of the electoral system in order to elect any additional Members, but it does not have to be so and my preferred option – our preferred option – for reasons that I will develop in a moment, is to simply increase the number of candidates fielded by political parties at election time.

1215 It was, of course, specifically envisaged that it might be desirable to enlarge Parliament when we were negotiating the new Constitution with the United Kingdom. It was the Gibraltar delegation in the proposals that we put to the United Kingdom that included the power to enlarge Parliament. Indeed, Mr Speaker, if at the time of those negotiations, we on the Gibraltar side felt that for those reasons we should have the power to enlarge Parliament, we must have believed that, at some point in the future, it might be desirable for us to do precisely that, to enlarge Parliament. Hon. Members who were present during those negotiations, Mr Speaker, the Father of the House, the Deputy Chief Minister and the then Chief Minister, Mr Caruana, will recall the United Kingdom's side of the negotiations at the negotiating forum was concerned that this should not open the door simply to expanding Parliament so that the executive could get even bigger and a Chief Minister could appoint as many Ministers as there were MPs on the Government side. This is why the Constitution contains a formula which caps the number of Ministers that can be appointed, thus ensuring that the rest of any enlarged Parliament would be effectively backbenchers.

1225 Mr Speaker, I have to respectfully say that I find this part of the Report, at Paragraph 2.17, to lack focus. I do not know whether that stems from the fact that the enlargement of Parliament appears to have been considered in the context of the creation of constituencies and was thus conflated with that issue or because the Commission was mainly focusing on the issue in the context of Government backbenchers and not Opposition backbenchers. At the very least these appear to be the principal considerations, as far as we can see from the Report.

1230 Again, with respect to my friend Mr Robert Vasquez, who I respect considerably, we are not in favour of the creation of constituencies or wards for the selection of backbenchers. Gibraltar is simply too small, in our view, for such a system to work. The premise for Mr Vasquez's proposals appear to be based on the premise that there is a deficiency in access between constituents and their MP which would be improved by dividing Gibraltar into constituencies. I do not believe that deficiency exists. We are a community of 30,000 people and it is probably one of the few communities in the world where you can gain access to Government Ministers or Shadow Ministers within a very short period of time. I hold surgeries every other Wednesday and I meet people every Friday. My colleagues on this side of the House have similar systems.

1235 I do, however, agree with Mr Vasquez that when a frontbench spokesman of the Opposition takes up an individual case, either in Parliament or by raising it with a Minister or a Department, it could be perceived as being tainted by political bias or political considerations. In other words, the governing party may have a tendency to analyse them with suspicion and scepticism and possibly consider them in a negative light. A backbencher dedicated purely to constituency work may not be hampered in that way. The argument, of course, Mr Speaker, has its limits because the Government and Shadow Ministers in the UK do see constituents at their local constituency surgeries. But, Mr Speaker, the thrust of Mr Vasquez's minority report is that he very much favours enlargement of Parliament to create backbenchers and we certainly agree with that.

1240 Mr Speaker, I have not conducted an analysis of every other Parliament in the western hemisphere but there cannot be many where those selected to it for the first time are effectively plunged into ministerial or shadow ministerial roles. In other words, that person may find himself or herself as a lawyer, a nurse or a school teacher one day, and running a Ministry the next simply through lack of choice in the way that we have structured our Parliament. There are many examples where people coming into this Parliament, or the House of Assembly, for the first time, have made very substantial contributions to politics, but it is not a good system: it is not a good system.

1245 It is not only a question as to whether that person is good enough, or apt, for ministerial or shadow ministerial office, our system may actually discourage people from standing for election, people with expertise in certain fields or the experience of life, who can genuinely make a contribution from the backbenches without wanting to hold ministerial office, or people who may, in time, be the ministers or the shadow ministers of tomorrow, who having had the benefit of a political apprenticeship in the backbenches would be much more prepared for the job they may face in the future.

1250 There are many reasons why people may want to become Members of Parliament but not a Government Minister or a Shadow Minister. There may be professional or family reasons. The fact that someone may want to participate in the political process or the legislative process does not mean that he or she may want to do so full-time to the exclusion of his or her profession or the running of their business. I can think of many leaders in their respective fields in this community that would enrich this

1270 Parliament with their contributions but may not be able to commit to leaving that profession or business for a role as a full-time Government Minister or, indeed, a Shadow Minister. You may also have young children and the time is not right for you to commit to being a Government Minister or Shadow Minister but you still want to, and can, contribute, to the Parliamentary process by becoming a Member of Parliament. The reasons are many and are also varied.

1275 On our side of the House, of course, Mr Caruana is the sole backbencher. No-one can seriously suggest that *his* contributions to this House are not welcome. We should be encouraging people like Mr Caruana to stay in Parliament, not leave after a term because, if he stands, he is effectively standing for election for ministerial office. In other words, he would be standing for Government, not to be a backbencher on the Government's side. I may, in a number of years, decide to step down as Leader of the GSD. Why should I, after having spent many years on the front bench on both sides of the House, have to decide, in an all or nothing decision, that if I wanted to stand for election, it is to offer myself for election as a Government Minister rather than help my party, and indeed the community as a whole, by effectively being prepared to stand for election as part of a backbench, part of my party's team?

1280 Mr Speaker, this must be one of the few Parliaments in the world in which, if you wish to stand as a Member of Parliament, you are, in effect, standing for the Cabinet or for Government Ministerial Office. I do not believe that that is a credible state of affairs. Not only does our present system exclude people who, quite frankly, we should not be excluding but I believe that having backbenchers would hugely increase the quality of our democracy. It is often said that the most effective Opposition to Governments very often comes from the backbenchers because of the propensity in any given situation, where people feel strongly enough about a particular issue, to vote against the Government. At the present moment, every Member of this Parliament, bar one, is subject to the principle of collective Cabinet or Shadow Cabinet responsibility.

1285 Unless there is a free vote on an issue, or a Member feels so strongly about an issue that he resigns from the front bench or from Parliament, which is after all pressing the nuclear option, he or she have to express their views privately in Cabinet or Shadow Cabinet and, after a decision is taken, support that decision and that line. The ability of backbenchers to break rank from the party line is one of the most enriching factors in any democracy. Further, Mr Speaker, the system we have at present, effectively entrenches people in their Ministerial or Shadow Ministerial position, irrespective and regardless of whether they are doing a good or a bad job.

1290 Neither the Hon. the Chief Minister nor I have the ability to promote or demote people, whether they are doing a good job or a bad job. You could have someone who is only interested in doing the minimum necessary to get through four years and is short-changing the taxpayer and his Party. I suppose a Chief Minister of the day could sack that person but it would seriously hamper the Government of the day if, of course, the Government as, clearly, its policy thinks that ten Ministers are necessary to conduct Government business. On the Leader of the Opposition's side, it would be nonsensical because, other than battered pride, Mr Speaker, the practical consequences, when one thinks about it, is for that person effectively to go from doing *some* work to doing *less* work if he were sacked from the front bench to go into the Opposition benches.

1300 It would of course Mr Speaker; allow the promotion of someone else to the front bench or it would allow demotion of someone if we felt that person was not pulling his or her weight. It is how it works everywhere else; by excluding backbenchers from our Parliamentary system we do democracy in this jurisdiction a huge disservice.

1305 Mr Speaker, the irony is that many of the recommendations that are made in the Report, which are very worthwhile indeed, relating to the creation of committees, are when one examines them very closely, dependent for their true effectiveness on the enlargement of Parliament and the creation of backbenchers.

In relation to Select Committees, for example, the Report says:

1310 'There has been broad support from the responders for a greater use of Select Committees as a significant and effective measure in raising the profile and significance of Parliament since, without them, Parliament is handicapped in the general running of Parliamentary business.'

We agree, Mr Speaker, with that entirely but the Commission is absolutely right when it says in the preceding paragraph:

1325 'We have considered whether Select Committees should be created and how they should be made up in order to fulfil their task. We question whether Select Committees would be a realistic possibility given that the matters have become so polarised and confrontational in local politics as to make them unworkable in practice. On the other hand, we feel that a greater use of Select Committees could serve to diminish negative perception of local politics.'

1330 It is precisely because members of the Select Committees are subject to Cabinet or Shadow Cabinet collective responsibility and would bring no independence to bear on the process that it is adversarial and, by and large, it does not work. If we enlarge Parliament and we have backbenchers leading on these

1335 Select Committees, I believe that a completely different attitude would ensue. The same applies to the Public Bills Committee in Section 2.7 of the Report. I doubt very much whether these committees will be as effective as they could be, without backbenchers. The crux of the problem can clearly be seen in the way the Report treats the issue of Standing Committees and the Public Accounts Committee in particular. It says, in the fourth paragraph, section 2.8 that:

1340 'We are of the view that the 1980-84 Public Accounts Committee proved ineffective, impractical and unworkable, particularly because Ministers were expected to scrutinise and question senior executives of their ministerial colleagues' department. If a Public Accounts Committee were to be set up, it would be essential for Government backbenchers to take the place of Ministers. We have concluded that there is no need to establish a General Purpose Standing Committee nor a Public Accounts Committee given that Opposition Members have every opportunity to examine Government expenditure in detail as well as debating the report from the Principal Auditor on the Government Accounts for every financial year.'

1345 In my view, that conflates desirability and necessity with workability under the current system. Of course, it is not workable under the current system of frontbenchers on both sides of the House but the question is whether it is desirable or necessary in a mature democracy and the answer, in our view, is yes, there ought to be some mechanism where Members of Parliament can hold Ministers and Departments to account in 'nitty gritty' terms, much more so than would be appropriate in a normally structured and normally operated Question Time. And it should not just be once a year in the Committee Stage of the Budget that the Opposition Members are given the opportunity to examine Government expenditure, as the Report says. We believe that there is room for at least one Standing Committee of Parliament to serve that role but backbenchers again, in our respectful view, would be essential.

1355 Mr Speaker, of course the devil is in the detail and the issue of enlargement of Parliament necessitates consideration of the means by which we are going to elect Members of that enlarged Parliament. I believe that the answer is very simple; all we need to do is to increase the number of people on a slate at election time from ten to fifteen per party. That would give you more possible variations than the current slate of ten will give you because of the larger numbers, but within predictable parameters. At the moment, you have a ten/seven difference across the floor of the House, or a nine/eight difference. With slates of fifteen, you would have a fifteen/ten a thirteen/twelve or a fourteen/eleven difference.

1360 It may even afford greater opportunity for independents or leaders of third parties to break the block vote because with those slightly increased variables, people may be more likely and inclined to break their block vote to vote for one person outside the block if, for example, they know that their preferred party would still be elected in Government with a majority of fourteen/eleven if sufficient people did likewise.

1365 Mr Speaker, I refer to the words of a member of the Commission, the Hon. Fabian Vinet during the debate on the 2011 motion, when he said:

1370 'As far as backbenchers are concerned, Mr Speaker, their presence can only improve the quality and diversity of opinion in debate. I do not see any reason why a change to fifteen candidates cannot quickly percolate into the minds of the electorate, in the same way as I do not recall any difficulty in the change from eight to ten candidates percolating into the minds of the same electorate as the result of the new Constitution.'

1375 I believe he was absolutely right to make that point during that debate and I adopt those words to make precisely the same point today.

1380 Indeed, I note that the Commission recommends that the consideration of technological advances in relation to the counting of votes should be explored. I cannot imagine that an increase from ten to fifteen votes per person would add any expense or time to the process in the light of modern technological advances. Mr Speaker, the Report says that a majority of twenty-two individuals and one organisation that participated in the process did not agree with enlargement. I note that the Report says that not all responders responded on all the issues. For that reason, and because I do not know how many supported or opposed the idea, I cannot quantify the term 'majority of responders' when, at paragraph 2.17, the Commission says that:

1385 'The majority of responders are also opposed to any increase in the size of the Parliament as the electorate is well served by seventeen elected Members.'

1390 We certainly do not agree that the electorate is well served by seventeen Members, for the reasons that I have articulated. But it is also noteworthy that the GSD and the PDP were, at the last election, both committed to an enlargement of Parliament in our respective Manifestos and over 50% of the electorate voted for those Manifestos. People in General Elections vote for very different reasons and on many issues and I am not suggesting that everyone who voted for both parties were in favour of enlargement but neither do I believe that a consultation exercise, where only twenty-two people commented on enlargement, is determinative of the views of the community on the issue, particularly when the arguments have not been fully articulated. Indeed, I note that in Section 15 of the consultation document

– not the Report – three out of four paragraphs of the section on constituencies and Members of Parliament are on constituencies and only one on the issue of backbenchers.

1400 We believe that, bearing in mind the importance of enlargement to this side of the House and to the parties representing over half of the electorate, that it should have been considered as a separate issue, separate from the question of constituencies or wards and that the main arguments should have been canvassed, if we are to rely on the views of responders as representing the views of the general public on this issue. Clearly, we believe we cannot.

1405 Mr Speaker, the Report, not the consultation paper, also says that:

‘...additional expenditure is unwarranted.’

1410 We do not believe that it is unwarranted or that the expenditure needs to be particularly onerous. My Hon. and Learned Friend Mr Caruana, during the 2011 motion, made it clear that we were proposing that a scale of pay in relation to backbenchers should be introduced that was less than for frontbench spokesmen on the Opposition side.

1415 Much may depend on the role they play within committees because, if somebody is clearly performing a role and giving of their time on Select Committees, they ought to, or it justifies, paying more than somebody who is just simply being a backbencher without being involved in a committee. But the benefits to democracy in having backbenchers, when balanced against the relatively modest additional expense, makes the decision, in our view, a relatively easy one when carefully considered and weighed.

1420 Mr Speaker, of course even if we had been elected into Government at the next election we could not force enlargement of Parliament with a parliamentary majority. Constitutionally, it requires a two thirds majority of this House. I note that Mr Licudi, who led for the GSLP / Liberals on the debate on parliamentary reform in 2011, proposed a possible referendum on the issue, on some of the issues that he was then postulating and we were debating in this House. We believe that rather than just simply use their parliamentary votes to block enlargement, the Government should agree to put this issue to the people in a referendum. This is an important enough issue to be put to people and it would be consonant with the views that they expressed on the 2011 motion.

1425 Mr Speaker, I now turn to Question and Answers. We agree partially with Recommendation No. 3 and entirely with Recommendations Nos. 5 and 6. We do not agree with Recommendation No. 4 and we do not agree that each Minister be limited to two hours when, for example, Mr Licudi has a number of portfolios and it would be impossible to do justice to all of them in that time. Our preference, if we *are* to have a time limit, would be to limit the amount of time per portfolio. But the limiting of time on Question Time is not something that, in fact, we are against: it has formed the subject of a motion that Mr Caruana brought in 2011 and it is certainly something that we can live with and agree with that recommendation.

1430 But the reason why I am dealing with this issue is because there are a number of macro points of importance that we would like to make. Mr Speaker, we agree that Questions should avoid long preambles and that they should be short and sharp, to coin a phrase used by Mr Speaker a number of weeks ago, rather than... but, of course, and I think this is recognised by the Leader of the House during his own intervention, it obviously also has to be reciprocated and answers should be short and sharp, rather than have political speeches. We have no problem with the idea that Chief Minister’s Questions should be limited to three hours provided, of course, the Speaker is alert to the fact that lengthy and perhaps irrelevant answers could very easily be used as a device to run the clock down.

1440 I am not suggesting that that is going to form a feature of Question and Answer sessions in the future because I recognise that the Hon. the Leader of the House has, today, during his own intervention said that he is effectively not supporting the idea of having a limited time for Chief Minister’s Question Time. But, Mr Speaker, I want to say something about the comments made in the Report about the relaxation of the rules in recent years and comments made by Mr Speaker during the last session of Questions and Answers, that many people have commented to him that past exchanges in this House have put people off listening to Parliament. If I have paraphrased it wrongly, I apologise but I think that is the gist of the words that were used or what was said.

1450 It is certainly true that there have been exchanges in the past that do no-one any credit at all. I think that where we have failed in the past is that exchanges across the floor of the House have become, in some instances, personalised. I have had references to members of my family, so have others within this House. There have been excesses on both sides of the House and I recognise that. I have to say, however, Mr Speaker, that, on balance, Members of this House are far better behaved than Members of other Parliaments. I often watch reports on Prime Minister’s Question Time, or Questions and Answers in the UK Parliament, and some of the things that I see, Mr Speaker, make us look like veritable Boy Scouts in the disorder stakes, if I can call it that.

1455 Certainly, we on this side of the House feel very strongly that we also have to guard against the other extreme and that is that Question and Answer sessions become a mechanical exercise devoid of any ability by the Opposition to hold the Government to account at a political level. Our role is to hold the

1460 Government to account by, at times, exposing the fact that the Government has mishandled a particular issue or is mistaken about a particular policy. We make no apologies for that, whether it raises tensions in the House or not, as long as it does not become personalised and we respect reasonable standards of good behaviour.

1465 Of course, Questions have to be factual and they cannot be a pretext for debate but you cannot take the politics out of Questions and Answers with constant interventions from the Chair every time supplementary questions are asked on the grounds that temperatures are rising. Otherwise, the rising of temperatures can be used as a simple device by the Government of the day to force us to move on to the next Question. The consequence will be that we will not be able to do the job that we have been elected to do. Nothing, in our respectful view, will do a greater disservice to the Parliamentary process. Indeed, I predict that people will turn away from tuning in to Parliamentary Questions and Answers which, at the end of the day, must be one of the objectives, given that we have agreed to televise the proceedings.

1470 We are all politicians. People may tune in to GBC or read reports in the *Chronicle* to find out, I do not know, about how many trees have been planted in their particular area... and that is fine, that is part of information that may be relevant to parts of this community, or the community. But they are also interested, equally interested, in finding out whether the Government has been able to provide cogent answers to the political issues of the day, the issues that are capable in some instances, yes, of embarrassing the Government or the Opposition if we get it wrong.

1475 Mr Speaker, I was watching BBC television on Sunday morning two weeks ago where there were snippets of questions put to Nick Clegg, the Deputy Prime Minister, by a Conservative backbencher. The question related to a leaflet that Mr Clegg had caused to be published with his photograph, advocating an EU Referendum in 2009. The questioner sarcastically asked whether that photograph was the photograph of the Right Hon. Gentleman, the Deputy Prime Minister, or the photograph of an imposter. He was making a political point. It was an effective political point. It provoked a level of noise in the Chamber and much laughter! No-one said 'The question is improper, or it is going to raise temperatures, or do not make clever remarks.' Mr Speaker, if we take out the ability of Members to make political points of that nature, you run the risk of making Question and Answer sessions into a complete damp squib.

1480 The same applies to the issue of supplementary questions; we cannot always get it collectively right. I include myself in that assessment but there has to be some flexibility in order to allow us to do our job. Our concern with Recommendation No. 3 is that it should not be an excuse to turn Question and Answer sessions into anything other than what it is, a *political* Question and Answer session. I hope that when a point is taken by the Chair about the appropriateness of a supplementary, for whatever reasons, or temperatures do rise, that we are allowed from the floor to explain why *we* believe it was an appropriate supplementary or why we should be allowed to continue with a particular line of questioning. When you are told... because, at the end of the day, Mr Speaker, every time that the Chair takes a particular point about the appropriateness of a supplementary question, what the Chair is effectively doing is taking a Point of Order. It is saying that question is not within Standing Orders.

1490 On a number of occasions Mr Speaker has said: 'That question does not arise from the original Question.' Well, perhaps if we had been allowed to explain why we are asking a particular question we would have said that Standing Orders provides not that the question arises from – the supplementary – arises from, the original Question, but a supplementary question must not include matter *not included* in the original Question. The Chief Minister is absolutely right: it is about relevance to the subject matter of the original Question. Indeed, if we go to *Erskine May* and we look at the admissibility of supplementary questions at Page 305 – 'Oral answers and Supplementary Questions', it says:

1500 'A supplementary question may refer only to the answer out of which it immediately arises.'

1505 Now the point about that is that if a Minister – and I am going to be referring to a particular example at the last session – if a Minister says 'I have not briefed – we have not briefed – the Mayor of La Línea about the Fishing Report', and I have a statement from the Government that, basically, calls into question whether that is correct or is not correct, that is a perfectly valid supplementary question, in our view.

1510 I see that the Hon. the Chief Minister does not agree and that is alright because the point that I am making is that, at the very least, we should be allowed to express *why* the question was admissible in the circumstances. That is the point that I make. And I accept that. Look, there may be different views, I may not get it right *sometimes* but at the very least, that I ought to be allowed to express the reason why I am asking that supplementary question and why *I* believe that the question is admissible, without being told you do not have the floor and without being able to express our views on it. When we are told, Mr Speaker, 'You do not have the floor', we will abide by it but we are entitled to be heard as to where we are going with a particular line of questioning that we may think is actually being quite effective. All that we ask, on this side of the House, is that we are allowed the ability to just simply explain why we think that the question was an appropriate question under the circumstances. That is all.

1520 I hope that the comments I have made are taken in the spirit that they are intended, to be as

constructive as possible in the way that these proceedings are conducted in the future, that allows *us* to do our job effectively, allows the Chair to do his job which, no doubt, he does always to the best of his ability and impartially, and also that the Government does their job in answering Questions.

1525 Mr Speaker, I turn to timetable. The Hon. Lady Mrs Ellul-Hammond will be speaking about
parliamentary timetable. Over the last six or seven months Question and Answer sessions have been
spread over a number of days and sometimes weeks. Sessions often start at 3.00 p.m. and this inevitably
drags Question Time into several days and sometimes several weeks. There should, in our view, and I
1530 think, in his own intervention, I think that the Chief Minister – he will correct me, if I am wrong, in his
response – but I detected an acceptance of some of the things that I am going to be saying and certainly
an acceptance of moving to a situation where we have more predictable timetables for parliamentary
proceedings. There should, in our view, be a system whereby we know in advance that particular
Ministers will be asked Questions on a particular day. It is all very well –

1535 **Hon. Chief Minister:** Will the hon. Gentleman give way?

Hon. D A Feetham: Yes, of course.

1540 **Hon. Chief Minister:** I am not going to interfere with the way that the hon. Gentleman puts issues in
this debate and I have kept a note of the things that he has said which I would like to reply to but can I
just refer him to the fact that there is already a timetable, which is published and I thought, actually, was
distributed to Members of the Opposition, where we set out which Ministers we believe, subject to the
vagrancies of how Question Time then develops, are going to be able to answer Questions on a particular
date and that is actually made publicly available and it is on the website of the Parliament.

1545 I do not know whether I have the impression that this has been published and it is not getting to them
at a particular time, but the impression I have is that not only is it made available to the general public, it
is specifically made available to Members opposite and this was an innovation that we introduced when
we were elected. I just wanted to ask whether he is making this point in the context of that or not.

1550 **Hon. D A Feetham:** Yes, I do not think... I am well aware of the fact that we receive a timetable
indicating the order in which Ministers will answer Questions. I do not think – that is not the point that I
make. I do not think it actually works. What we are saying from this side of the House is that there ought
to be a timetable where, for example, the Chief Minister answers Questions on a Thursday – bar, of
course, exigencies of his own business – on a Thursday, but then we have a situation where other
1555 Ministers are also allocated particular times or particular days in a week so that we know in advance
when Members opposite will have an opportunity to question Members opposite... because, you see, it is
all very well to criticise marathon sessions, as the Report does, but Questions and Answers should be
spread over two days at the most. At the moment, Chief Minister's Questions is on the Thursday: it may
not be possible to adhere to that timetable, as I have said, every month because of Ministerial demands,
but some system of advanced notice should be agreed. They can plan their personal and ministerial
1560 diaries around their timetable because they know when they have to answer Questions or when Bills will
be debated but we do not.

1565 My diary is entirely organised around my political commitments – my own diary – but I also have
professional commitments, that is the reality of our Parliamentary system. I know that the hon. Member
will say to me that *they* never had notice of when Bills were debated or Questions answered when they
were on our side of the House. It is a perfectly valid point but, of course, we have now moved on to
monthly meetings, where meetings are being adjourned after just two hours and dragged on for four
weeks sometimes, so it is not that we are dealing with Questions on one week – Question and Answers
one week – we are sometimes dealing with Questions and Answers over two and – it has happened in the
1570 past – three weeks.

1575 It is simply not possible for Members on this side of the House to plan their diaries around Parliament
at the present moment and I give the House this commitment that, if we were elected into Government, if
I became Chief Minister and he is not prepared to do it, we would move to introduce a system of fixed
dates for Question and Answers, with advanced warning of if those dates are likely to vary, and that will
be included in our Manifesto in 2015. In other words, simply because they may not agree to move to a
system that I am advocating does not mean that we are not going to be moving towards such a system if
we get elected into Government.

1580 Mr Speaker, finally, I want to say something about a Chief Minister not serving more than two terms.
I was the first politician to advocate this policy thirteen years ago. I made submissions to the Select
Committee on Constitutional Reform for the inclusion of that policy in the draft Constitution. Some of
those who today advocate it opposed it in their own submissions to that very same Select Committee. I
am glad that it is a policy that has proved popular and that it is being debated but it is a policy, in my
view, that should have been included in the Constitution and it is not apt to be included in an Act of

1585 Parliament. An Act of Parliament cannot bind a future Government. If we were all to agree to introduce an Act of Parliament tomorrow, it could be repealed in the future. Unless it were included in the Constitution – and that is remote – the issue arises as to how *anyone* could be bound to this policy in the future. It is, therefore, for Parties to decide what policy they may wish to adopt on this issue at any given time. Whilst it is not the policy of my Party, my own position as Party Leader is that if I were ever given the privilege of being elected as Chief Minister in 2015, I would only serve for two terms.

1590 Mr Speaker, finally, I would just like to say this about statements in the House because it is a point that the Hon. the Chief Minister made about... I think what he said was that we had not effectively given... we ‘taunted’ him about the Fishing Report, but of course, it was always his intention to bring it to Parliament at this session of the House. Of course, we did not know that it was his intention to bring it to Parliament at this session of the House! I think what that shows is that perhaps there is a greater need for the Chief Minister and myself, or myself and the Deputy Chief Minister, to discuss these issues outside
1595 this House. If we had been told that the Hon. the Chief Minister was going to be making it public today, we would not have come out on Monday, asking him to make it public. But of course we did not know that.

Mr Speaker, that is my own intervention on that.

1600 **Mr Speaker:** The hon. Lady. (*Interjection by the Hon. Dr. J J Garcia*) Are you making a formal contribution, or is it a – ?

Deputy Chief Minister: (Hon. Dr. J J Garcia): Yes.

1605 **Mr Speaker:** Sorry, I was not aware. Sorry.

Hon. Dr. J J Garcia: Mr Speaker, I welcome the opportunity to make a short contribution to the debate, not least because parliamentary reform is an issue that has interested me for many years. I take the opportunity to thank the Chairman, the members and the Secretary of the Commission for their valuable
1610 work. It would be relevant to start by looking backwards at how we reached where we are today before looking forward into the future. I say this because the procedures of this House over past decades have reflected the level of political emancipation that Gibraltar enjoyed at the time.

1615 Mr Speaker, this Parliament started its days as a debating chamber way back in 1950, when a curious mixture of representatives of the electorate intermingled with the colonial administration of Gibraltar. In those days this Chamber, then a Legislative Council, was presided over by the Governor in full military uniform. The elected representatives of the people of Gibraltar asked questions of the colonial administrators, who were the ones who actually governed. The procedures of this Chamber changed in the late 1950s when the number of elected Members was increased and they came to be associated with the work of Government Departments.

1620 This meant that, instead of questioning the Government – meaning the UK Colonial Government – the elected Members instead questioned each other on the work of the Departments that they were associated with. This experiment was a prelude to full Ministerial responsibility of the Government Departments which came about in the 1964 Constitution. The period from 1950 to 1969 was one of rapid constitutional and political development. It culminated in the creation of the House of Assembly in that year, when the
1625 City Council and the Legislative Council merged to form one single representative body.

1630 It is important to recall that, in 1975, a committee made up of Members of this House proposed the creation of a committee system of administration based on the Westminster Government and Opposition system, instead of being based on the Westminster system, it was based on the system used until recently in Jersey and in some of the Channel Islands. This was included in the proposals and was made to the then Minister of State at the Foreign and Commonwealth Office, Roy Hattersley, as part of the package of proposals for Political and Constitutional Reform.

1635 The so-called Hattersley Memorandum of 1976 rejected practically everything else that Gibraltar requested and suggested that our Constitution, in future, lay in a direction where we clearly did not want to go. However, the committee system of government was not rejected by the United Kingdom at that time. The next major step, in this narrow institutional context, did not come about until 2007, when the 2006 Constitution was promulgated and this Chamber became the Gibraltar Parliament.

1640 It is relevant to point out, in the context of the debate today, that Standing Orders remained largely unchanged throughout, since the days of the House of Assembly. In January 2009, Mr Speaker – the hon. Member has already alluded to this – the then Government moved a motion in this House to create a Select Committee of Parliament to consider desirable changes to the processes and procedures and the manner in which Parliament carried out its business. This was also supposed to look at the desirability of amendments to the Standing Orders of the House, whether the number of Members should be increased and, if so, in what manner and on what terms this would happen.

The Committee met once, on 23rd April 2009. It did not meet again. The hon. Members then in

1645 Government proposed that it should cease to exist and become a committee of the whole House as a General Election approached in 2011. At that time, it was clear that there were two different routes – the route proposed by the hon. Members and the route proposed by ourselves, the then Opposition and now the Government of Gibraltar.

1650 Mr Speaker, we have been consistent in Government with the road map that we spelt out in Opposition. This was to set up a Commission on Democratic and Parliamentary Reform with fixed timescales. That Commission, as the House knows, was appointed on 2nd March 2012. It was tasked with producing a consultation paper within three months: it met the deadline. It was asked to report to Parliament within twelve months of commencing the consultation process: again, it was well within the deadline. Indeed, the work of the Commission and the fact that we are discussing the Report and its
1655 recommendations today, is a tribute to the hard work of all those who have been involved in it, in a process which has been brought to its conclusion in just over a year.

Mr Speaker, my hon. Friend the Chief Minister has already outlined the position of the Government in relation to the 39 Recommendations contained in the Report, those that the Government will be supporting and the mechanism through which it is proposed that these could be taken forward. However,
1660 it is important, nonetheless, to stress that these proposals must be seen in the context of the other reforms to this Parliament that the Government has *already* implemented. These include monthly meetings of the House, except in the usual recess. This alone is a revolutionary change when compared to what existed before. Questions can now be asked in a timely manner when events are still current. The setting up of a parliamentary website, the faster production of *Hansard* and placing it online, making wi-fi available in the Chamber and increasing the resources of Parliament are also reforms which have *already* taken place.
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I have said before that it must be very difficult for new Members, on both sides of the House, to envisage today a Parliament where the production of *Hansard* sometimes took eight months or even a year. *Hansard* is now available and online in a few weeks. This was not always the case. The point, Mr Speaker, is that there has been substantial reform to the way in which our Parliament conducts its
1670 business already. This has made life easier for the general public, for the media, for the staff and the Members of this House. Indeed, the physical refurbishment of this Chamber, which started life as the Exchange and Commercial Library in 1817, is also an important landmark which has helped this House to move forward with the times through a blend of modern design and traditional features.

In short, Mr Speaker, our actions already and the debate we are having today is proof, in itself, that the Government is serious about parliamentary reform and that it remains serious about it. The concern that was expressed not that long ago in this place, was that the issue was being kicked into the long grass. This has now been shown to be without foundation and now it is up to us, the elected representatives of the people, to take the matter forward.
1675

1680 Thank you, Mr Speaker.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, it is an honour and privilege to address this House on a number of matters which my hon. Friend the Leader of the Opposition has asked me to deal with, mainly matters affecting the internal workings of this House and its Members.

1685 Firstly, of the Commission's Report in the context of the Chief Minister's attendance at Parliament, as dealt with at Paragraph 2.2: the Opposition has no issue with the Recommendation made by the Commission that the practice which has been observed in this House since time immemorial should continue to be the case and that the Chief Minister should remain at liberty to attend Parliament as he sees fit and, of course, in order to answer Questions made of him. This is not a matter of contention for the
1690 Opposition.

I now turn to Paragraph 2.3 of the Commission's Report and the frequency of meetings and recesses. The first observation we would make in this regard is that there is a certain inconsistency in the observations of the Commission and its second recommendation. I recall, as I am sure all Members will, that there was no Christmas recess last year, which observation is correctly made by the Commission's Report. However, at Recommendation No. 2, the Commission recommends that Parliament should
1695 continue to have its Christmas and Easter recesses but that the summer recess should last from the end of July to the third week in September.

The Opposition is of the view that, despite what appears to be a Recommendation based on mistaken facts and inconsistent with the Commission's observations, this Parliament should resolve to meet a minimum of nine times a year in order to allow for recesses at Christmas, Easter and summer, effectively accepting and endorsing Recommendation No. 2.
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Monthly meetings of this Parliament, something which the Opposition during its time on the Government benches supported in its own motion in relation to parliamentary reform, have proved beneficial to the discharge of our responsibilities to this community and in this House.

1705 The fact that the House is now meeting on a monthly basis means that the Opposition has ample opportunity to raise and deal with topical issues at a time when they are relevant, as mentioned by the Hon. the Deputy Chief Minister. The Opposition is equally aware of the potentially negative

1710 consequences of meeting regularly, mainly and most importantly the possibility of overloading the community on politics. The Opposition accepts that ours is a community which thrives on political debate about it, as with most everything else in life – and it is possible to have too much of a good thing. This is never more so than at the annual Budget debate sessions, lengthy sessions during which a full summary and analysis of the political year gone by and the prospect for the future are delivered in what can certainly be described, in the words of the Commission, as ‘marathon sittings’.

1715 Last year, in addition to the Budget debate sittings, the House then met for Questions later that month. The Opposition is collectively of the view that, in the light of the regularity with which Parliament meets and the high volume of political output being produced by both sides currently, the Opposition will limit itself to asking Questions of the Government in the sitting following the Budget debate to matters we assess require urgent attention in the House.

1720 Mr Speaker, I now move on to Recommendation 2.4 of the Commission’s Report. My hon. Friend the Leader of the Opposition has already spoken on this matter, and this is the matter of Questions and Answers. As part of the overhaul of oral Questions and Answers and following on from Recommendation No. 3 to limit Question Time for the Chief Minister to three hours and the Ministers to two hours, we agree on a system of fixed days for sittings of Parliament. However, we suggest for the timetabling of fixed, named days and times in a month, according to the business of Parliament. This certainly helps
1725 MPs plan their work and personal diaries around Parliament, especially for working mothers like myself who have young children and need to plan or arrange for the collection from school or nursery or for their after-school activities.

We feel that it is becoming a feature of Parliament, over the last six or seven months, that sessions are dragging out over two or three weeks. Members of the Opposition are part-time and are less well prepared to make them full-time, which is not our policy; we have to accept that the reality is that professional business and private and childcare arrangements continue. No tentative timetable should be used as an instrument to keep the Opposition MPs guessing as to when they next need to attend Parliament and thus preventing them from planning their diaries. Indeed, this kind of loose arrangement makes family life difficult to plan at short notice and could certainly discourage single parents from coming into Parliament. We very much welcome the monthly meetings of Parliament. However, because of their increased
1730 frequency in the year, we urge for consideration to set a known week a month for Parliament business, as it is now but, despite knowledge that our Parliaments sits the third week of the month, the order of Questions, day or times are arbitrarily set, we have found, on a day-to-day basis, making it difficult to plan other MP business or family business, as I have already mentioned.

1735 Presently the third week of the month, which is earmarked for Parliament business and has Thursday afternoon for Chief Minister’s Questions is very welcome. It would also be welcome if, and I suggest this example just to illustrate the point, Mr Speaker, for example, the Minister for Tourism sat every Wednesday between 9.00 and 11.00 in the morning, the Minister for Justice 11.00 – 1.00; the Minister for Housing from 3.00 – 5.00 or for an hour for each portfolio. This is something that can be discussed in the Select Committee. This would also help the Ministers in conducting their own Government business and be able to plan ahead, knowing that a fixed appearance time and timetable exists. We accept that there has to be flexibility for urgent business but, in those cases, it will be easier for all MP’s, including Ministers, to work around a fixed timetable.

1740 On Paragraph 2.5, Motions for Adjournment and 2.6, Statements by the Government, the Opposition accepts Recommendations 7, 8 and 9 and such Recommendations cause the Opposition no issue whatsoever.

1755 Paragraph 2.7 on the Committal of Bills to Select Committees and 2.8 on Standing Committees: the Opposition accepts Recommendation No. 10, sharing the view set out by the Commission that lengthy and more technical Bills, those which are likely to substantially impact on citizens, should undergo in-depth legislative scrutiny by a committee established for that purpose. Mr Speaker, as the Parliament considers all these issues and drives forward the modernisation agenda, it becomes ever clearer that the case for an enlarged Parliament of 25 Members simply cannot be dismissed, as outlined by my hon. Friend the Leader of the Opposition.

1760 I take this opportunity to reiterate the view on this side of the House, that the enlargement of Parliament, in the manner explained by my hon. Friend, Mr Caruana, when he had the privilege of leading this House as Chief Minister and obviously my hon. Friend the Leader of the Opposition today, in the freshly remodelled Parliament Chamber, is critical to the effect of delivery of the modernisation and enhancement of the Parliamentary process in this place.

1765 The increased use of committees, such as the Public Accounts Committee, will provide an opportunity to backbenchers to participate in the legislative process, actively contributing without being required to step into the breach of the front benches. All other arguments in favour of the expansion of this Parliament have been addressed by my hon. Friend the Leader of the Opposition.

Moving on to Paragraph 2.9 on the Deputy Speaker, we too accept this Recommendation No. 11 in the light of the fact that Parliament sits for at least nine times a year, as per the recommendations outlined

1770 in Section 2.2. We understand that, despite the ability of our present and capable Speaker, but because of
 1775 the increase of work Mr Speaker now undertakes, he should be assisted in his Parliamentary duties by an
 appropriately qualified person such as a Deputy Speaker. We understand there will be occasions when Mr
 Speaker will not be available to attend Parliamentary sittings, which will continue on a monthly basis, so
 the chosen Deputy Speaker is therefore able to sit and preside over Parliament in his place and perform
 his duties in relation to the role, as with other Parliaments around the world. We believe the Deputy
 Speaker should also be a non-elected Member, like the Speaker, and appointed by the Parliament by a
 resolution passed by a simple majority of its Members and presented by the Chief Minister, acting after
 consultation with the Leader of the Opposition.

1780 On Paragraph 2.10, on the remuneration of Members of Parliament, this side of the House does not
 quite understand what the issue is and, indeed, what the need for a review is. However, we are open-
 minded about it. If the need for a review is to examine whether new entrants to Parliament should have
 different terms in respect of pension rights, we will certainly listen to any arguments in favour of it. We
 believe that there are pros and cons in respect of changing the system with regard to pensions. We do not
 think the analogy with the Civil Service reforms is helpful as the MP's pension rights are different to
 those applicable to the Civil Service.

1785 Changing pension rights to contributory pensions may well be attractive to some people because, at
 the moment, unless you serve ninety months in this House you do not qualify for a pension. What is
 more, any reduction in incentives to stand for election by curbing the MPs existing pension rights will
 discourage individuals further from putting their name forward to serve their country. However, we
 believe the present system does not reward those who have contributed to public life for less than ninety
 1790 months, a penalty that Mr Keith Azopardi suffered by a few weeks, despite his service to Gibraltar, and
 this cannot be right. But as I mentioned at the beginning, we are open-minded about this and will consider
 any such proposals in this regard in the spirit of constructive dialogue.

1795 With regard to Paragraph 2.11 on the Members Interests and Parliamentary Code, Recommendation
 No.14 is one that also has our unanimous support, Mr Speaker. Seeing that there has been no review of
 the Register of Members Interests, first drawn up in 1979, it is certainly time to do so. This enables the
 updating of the rules plus the introduction of a Parliamentary Code, as recommended in Recommendation
 No. 15. As with the UK and in light of the expenses scandal of the UK MPs which started in 2009 and
 which rocked Westminster, the electorate rightly expects an appropriate Code of Conduct for MPs in
 1800 discharging their parliamentary and public duties. The purpose of declaring interests is to provide
 information on any financial or non-financial benefit received by an MP which might reasonably be
 thought by others to influence their actions, speeches or votes in Parliament, or influence their actions
 taken in their capacity as a Member of Parliament.

1805 With regard to Recommendation No. 15, we believe the drafting of a Parliamentary Code to reflect
 the Code of Conduct for the UK Members of Parliament, where its purpose is to assist Members in the
 discharge of their obligations to the House, their constituents and the public at large by (a) providing
 guidance on the standards of conduct expected of Members in discharging their parliamentary and public
 duties and, in so doing, (b) providing the openness and accountability necessary to reinforce public
 confidence in the way in which Members perform those duties. We therefore agree it is essential that
 1810 suitably qualified persons should be conducting such a review and outlining our Parliamentary Code and
 we accept that an appropriate independent authority from the UK be commissioned for such a task.
 However, any Code should be approved by a majority of Members of Parliament or any Select
 Committee convened for that purpose. In line with making our Parliament more open and relevant to the
 electorate, we concur that the Register of Members Interests should be made available on the Parliament's
 website.

1815 With regard to the Ministerial Code we also agree with Recommendation No. 16. A review of the
 Gibraltar Ministerial Code is long overdue since the enactment of the 1969 Constitution. As per the
 preamble to this Recommendation in the Report, we believe the Ministerial Code should be brought into
 line with that applicable to MPs in the UK which sets out the rules and standards for Government
 Ministers. Such a Code helps preserve the public trust in the institution of Cabinet Government and its
 1820 principles reassure the electorate that voted them into Government.

The UK's Committee on Standards in Public Life outlines seven principles which we feel should also
 be applicable to Gibraltar Ministers: (1) Selflessness – Ministers should act entirely in the public interest;
 (2) Integrity – no financial obligations should be accepted if they could undermine the Minister's
 1825 position; (3) Objectivity – when making appointments, decisions should be based on merit; (4)
 Accountability – all public office holders are accountable and should co-operate with all scrutiny
 procedures; (5) Openness – all decisions should be justified and information should be restricted only
 when necessary for the public interest; (6) Honesty – public office holders are required by duty to be
 honest in all their dealings and business, and (7) Leadership – the principles should be supported and
 upheld by leadership and example. Again, any Code should be approved by a majority of Members of
 1830 Parliament or any Select Committee convened for that purpose.

Paragraph 2.13 is on the televising of Parliamentary proceedings and as to the Commission's Recommendation 17, this is one of the proposals made in 2011 by my hon. Friend Mr Caruana during his motion to reform and modernise Parliament and its work which read:

1835 "Parliamentary Meetings which are already broadcast on GBC Radio should also be broadcast on GBC television."

Also a motion has already been approved by this House to this effect in February of this year. As a consequence, we are already well on our way to making this a reality. What remains is an agreement across the floor as to the rules governing the televising of proceedings, in terms of 'how and what', as stated by the Hon. the Chief Minister in presenting the motion at the February sitting of Parliament.

1840 The setup is in place and we, as per the many responders to the Commission on Democratic and Political Reform, support this recommendation and as the Hon. the Chief Minister already stated, the Opposition has received yesterday, from the Hon. the Deputy Chief Minister, draft rules based on the Westminster model that need looking into in detail and adjusting for the purpose of any Gibraltar rules and then those draft rules will be adopted by way of another motion, as stated by the Hon. the Chief Minister in February. For the public, the televising of Parliament proceedings again improves access to information, making Parliament more relevant and also improves the accountability of the executive.

1845 On Paragraph 2.14, the news media: Mr Speaker, we are neutral on this Recommendation No. 18. However, we do reject completely the third paragraph of the preamble, as we do not agree with the premise under which it is made.

1850 As to the recommendation, we are happy to receive in Parliament any annual report published by the Media Director on the activities of his or her department in the future but are not sure what this has got to do with parliamentary reform. When Reports are laid in Parliament it is because a statute provides for it to be laid. Presumably, the Government would have to amend the Broadcasting Act if we accept this Recommendation. As I said, we are neutral on this issue apart from the statement alleging corruption.

1855 Moving on to Paragraph 2.15 on Select Committees –

1860 **Hon. Chief Minister:** Can the hon. Lady... could she repeat which paragraph it is she said that she is against?

Hon. Mrs I M Ellul-Hammond: It is the third paragraph of the preamble, just before Recommendation 18.

1865 **Minister for Education, Financial Services, Gaming, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, is her position that she is suggesting that this is itself suggesting corruption? Is that what she is saying?

1870 **Hon. D A Feetham:** The Opposition's position in relation to that is that it was a totally unnecessary statement: we do not agree with it. It is certainly a statement that has been made that can be interpreted as a statement of impropriety in the funding of newspapers, so we do not support it. That is the position of the Opposition, as I have stated it now.

1875 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman considers that statement was made of the Government as at before the 8th December 2011 because – although, politically, we might read it in that way, if we wished to – it does not identify any potential government. It says government of the day.

1880 **Hon. D A Feetham:** Well, indeed, but you have interpreted it in relation to the funding of a particular newspaper: that is how we interpreted it ourselves. To the extent that we do not know what is going through the minds of those who commissioned this particular Report, to the extent that that is an allegation in relation to improper funding of a particular newspaper, we certainly do not agree with it. Indeed, I could have gone further... I do not want this debate to be marred by this particular issue but I could –

1885 **Mr Speaker:** Would it help if I were to say that the Commission did not receive any representations from any political party other than the PDP. Other than the PDP, all the responders were individuals. They did not represent any organisation and my recollection is that this is a reference to some representation that was received from an individual in respect of this matter.

1890 **Hon. D A Feetham:** I am very grateful to Mr Speaker but, of course, it may be reflective of an opinion expressed by somebody who has contributed his views in relation to this, but the fact that it has worked its way into the Report, obviously has necessitated, certainly on this side of the House, for us to deal with it. Indeed, it has necessitated the Chief Minister dealing with it because the Chief Minister,

1895 when he was dealing with this particular part of it, he referred to the *Seven Days*. What the hon. Lady has limited herself in saying is, look, we cannot support this particular paragraph because of the imputation that is made. Equally, she could have said, in response to the Chief Minister and the comments made by the Chief Minister, well it may be a reference to the *Seven Days*, it may be a reference to the *Panorama* newspaper, which could be also susceptible to the same comment as the Chief Minister made in relation to the *Seven Days*. All we are saying and we do not want to mar this debate in any way, shape or form at all, is that we do not support, effectively, the imputation that is made in that paragraph in whatever direction, if I can put it that way, that imputation is directed.

Hon. G H Licudi: Mr Speaker, but this is really quite extraordinary because the hon. Member says he does not want to mar this debate. He goes on to say –

1905 **Mr Speaker:** May I make one thing clear, we are not in committee and the rules of debate apply. Now hon. Members all have an opportunity to make a contribution to this debate but we cannot have any particular Member, not even a Minister, standing up three or four times unless whoever holds the floor gives way.

1910 **Hon. G H Licudi:** Yes, Mr Speaker is absolutely right and therefore I would ask – I am not sure who holds the floor at this stage – the hon. Lady if she would give way and it is, in fact, conducive to good debate to have contributions whilst statements are being made, otherwise it just ends up being statements being read out without any debate. So will the hon. Member give way? (*Hon. Mrs I M Ellul-Hammond agreed to give way*) I am obliged.

1915 What I have said, Mr Speaker, is that the Leader of the Opposition has indicated he does not want to mar this debate and he does not know what was going through the minds of members of the Commission when they set out this particular part of the Report and, in particular, that Paragraph 3. But the hon. Lady has used, in this House, the word ‘corruption’ and that needs to be clarified. What is it that she is implying? Is it she is suggesting that the Commission took the view that there *was* corruption and therefore this Recommendation is necessary to avoid corruption and where does that come from? If that is their view, let them say it.

Hon. D A Feetham: Mr Speaker.

1925 **Hon. G H Licudi:** She needs to answer!

Hon. D A Feetham: No, I am the Leader of the Opposition.

1930 **Hon. G H Licudi:** No, Mr Speaker, the hon. Lady gave way.

Hon. D A Feetham: No, Mr Speaker, this is not... I am the Leader of the Opposition, this is – (*Interjections*)

1935 **Mr Speaker:** I think

Hon. Chief Minister: May I ask the hon. Member that he seek that the hon. Lady give way to him. That is all that I am going to suggest.

1940 **Hon. G H Licudi:** Well, I had the floor.

Hon. D A Feetham: The hon. Lady has indicated to me that she is giving way! (*Laughter*). Therefore, as Leader of the Opposition, I want to explain. Mr Speaker, what the hon. Lady has done is actually alight on a possible interpretation of this particular paragraph. What it says is that

1945 ‘significant public funds have been given to media outlets that have supported the political view of the Government of the day in a manner that may not have been justified’.

1950 Now that is open to interpretation a number of ways, we believe, including an allegation of possible impropriety by the Government of the day. We do not think that that allegation is justified either in, as the Chief Minister pointed out during his own intervention, either in relation to the *Seven Days* or, indeed, to the funding by us and now by the incumbent Government, of the *Panorama* newspaper, which is entirely supportive of Members opposite and not of this Party.

Now the hon. Lady – it is up to her – but the hon. Lady is certainly not going to give way again (*Laughter*) and she is going to continue with her speech. (*Laughter*).

1955 **Hon. Chief Minister:** Ask the hon. Lady if she will read again because I thought I had a note of it but I do not and if she will read again, for the purposes of my reply, the sentence that refers to corruption, just so that I have a note of it for my reply.

1960 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I have already given way. I have been very generous to allow this and I would like to make some progress and just move on to Paragraph 2.15 on Select Committees. As to this section, Mr Speaker, the recommendation to nominate Select Committees, where appropriate, is welcomed by this side of the House, especially with the presence of backbenchers in the House. These arguments have already been covered by the discourse from my hon. Friend the Leader of the Opposition on the enlargement of Parliament and also by comments made by me in Sections 2.7 and 2.8 on Committal of Bills to a Select Committee and Standing Committees.

1965 Mr Speaker moving on to Paragraph 2.16 on Petitions to Parliament: again, in order to make our Parliament more relevant to the electorate and to allow them to engage in debate on issues and policies that are meaningful to the community, this recommendation is welcome. However, the devil is in the detail of how this could be implemented. This system was introduced in the United Kingdom in 2011, whereby a petition on an issue with a minimum of 100,000 signatories is required to be debated in the House of Commons. This does not mean approval of the views of the petitioners. However, it empowers the public, makes them feel included further in the democratic process, where they feel their voice is being heard. In the Scottish Parliament every Wednesday in the Debating Chamber, they have what is called 'time for reflection', where an invited person addresses the Parliament for a few minutes, sharing his or her thoughts on an issue. This type of setup could be considered as an appropriate way for the main mover of the petition to present the issue to the Chamber for further debate.

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We considered what an equivalent or, relative to the UK, minimum number of signatories required for a petition to be debated in Gibraltar was. One hundred thousand petitioners is about 1.4% of the UK's population. A relative figure for Gibraltar would be around 40 petitioners, certainly, we believe far too low a figure to endorse debate within our Parliament. So we believe careful consideration needs to be taken as to the minimum number required. We are very lucky to have a very politically aware and participatory electorate, enfranchised and willing to engage in our political and democratic systems. We are also, as a people, very keen to support each other in raising awareness and in signing petitions for causes. As a consequence, the accumulation of signatories to get an issue debated in Parliament could be a relatively easy task in Gibraltar, so a realistic, but manageable figure needs to be set to enhance public participation that does not abuse any new system that may be set up. We propose a minimum of 1,000 signatories to be collected to make this recommendation a reality. However, this would be a matter for the Select Committee to discuss and to agree on.

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1990 Mr Speaker, Section 2.17 is on constituencies and the number of Members of Parliament and we concur with the majority of the members of the Commission and do not agree with a division of Gibraltar into constituency areas, nor that MPs should be associated with separate precincts, as explained by my hon. Friend the Leader of the Opposition. Thanks to the close community we live in, members of the public have easy access to MPs at a community level and have recourse to Ministers directly through daily appointments. The personal contact with the public exists, the MPs are known to them already. MPs are active and interact via community and charity events and outreach programmes. We are in favour of maintaining the *status quo*, as any move to partitioning Gibraltar into precincts will complicate the simple system of the open door facility that certainly tends to exist with MPs in Gibraltar.

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2000 On the point regarding enlarging Parliament, my hon. Friend Mr Feetham has already given this House our views on the matter.

Mr Speaker: We are making –

Hon. Chief Minister: Can I invite you to recess the House until 2.00 pm or 2.15 pm?

2005 **Mr Speaker:** 2.15 p.m. Yes, we are making... the House is recessing now to an earlier start this afternoon than usual.

The House will now recess to 2.15 p.m.

The House adjourned at 12.55 p.m. and resumed its sitting at 2.15 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 2.15 p.m. – 6.55 p.m.

Gibraltar, Tuesday, 4th June 2013

The Gibraltar Parliament

The Parliament resumed its sitting at 2.15 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

GOVERNMENT MOTION

Parliamentary and democratic reform Report of the Independent Commission Debate continued

Hon. P R Caruana: Mr Speaker, it is yet another sign of my fall from a great height that I have drawn the short straw of the speaking slot immediately after the luncheon adjournment and I rise to speak for myself, as a backbencher, and as someone who is, as all hon. Members know now, close to the end of his political career and in the hope that my experiences both of the proceedings of this Parliament and, indeed, of General Elections in Gibraltar, may be of some value to those of us all who I think are now doing a good job in this exercise of re-designing and improving the way our Parliament works for the benefit of what might be more than one generation to come.

I think the Government – I think I said it recently – I think the Government is to be congratulated for giving this matter priority and whilst we are slow in this House to recognise each other's achievements, I think on this occasion the hon. Members are indeed entitled to feel a degree – a significant degree – of self-satisfaction at the amount of progress that they have already achieved in the way this Parliament has been working. I think it would be churlish not to recognise that the Parliament is now working in a significantly different and better manner than it has been in the past. And speaking very much as a parliamentarian, I would just take issue with the, I think it was the Hon. the Deputy Chief Minister, who when he was listing the beneficiaries of the Government's steps so far, I think put them in an order, I

cannot remember the first three, but there was the public, the staff and then, fourthly, Members.

Well, I would have put them in the other order: Parliament is primarily about Members of Parliament and although it is right that we should seek to make Parliament more accessible to the public, more of interest to the public, at the end of the day the most important aspect about the way the Parliament works is that the parliamentarians, the Members of it, should be able to do their very important function, whether you are in Government or in Opposition, in the best possible way.

I think it has also been said – and I would just like to associate myself – there have been statements on both sides of the House about this, and I would just like to personally associate myself with them, that this exercise that we are engaged in represents an important further step in our collective journey as a Parliament and as a political class in this community, following on not just from the very seeds of the birth of democratic enfranchisement and self-government of Gibraltar, as the Hon. the Deputy Chief Minister has correctly summarised, but indeed also in terms of how we are going to conduct that exercise in the future. It is an important step. The new Constitution I think created a platform, it finally converted this place into a proper Parliament and, for that reason, I would urge recognising that governments have majorities which it is always legitimate for them to use, but for that reason I would urge both sides of this House to seek as much consensus as possible in this exercise so that the public at large get the sense that we are, together, creating something, not just for this Government and this Opposition, or to the taste of this Government and the taste of this Opposition, but rather for our successors on both sides of the Parliament and, generally, in seeking to improve the architecture of politics in Gibraltar and the Parliament in Gibraltar.

If I could just, Mr Speaker, comment on one of the things that the Chief Minister said, before I express a view on some of the Recommendations. I think the Chief Minister helpfully floated the idea that the members of the Commission should be heard by the Select Committee: I think that is a good idea and I hope it happens. He then said something which I think is not necessary and that is when he said that you, Mr Speaker, will not be able to do it; I do not see that there is a need for that. (*Interjection*)

I will give way, yes.

Hon. Chief Minister: I am sorry if that is the impression that I gave, Mr Speaker. What I meant was that you could not do it from your position today and that is why you would do it as the Chairman of the Commission in the meeting with the Select Committee but not from the Chair in which you are sitting today.

Hon. P R Caruana: Oh, I see. Because the point that I was going to make – I am grateful to the Hon. the Chief Minister for that clarification, because, of course, we must not lose sight of the fact that the Speaker is constitutionally part of this Parliament as much as he or I. As a part of this Parliament, the Speaker, perhaps not from the Chair whilst he is presiding over the debates across the floor, but in any other part of the parliamentary output methods, I think the Speaker, as a Member of Parliament, is *entitled* to express his views and, indeed, contribute: indeed, not just the Speaker, but the other people who are constitutionally, under Section 25 of our Constitution, also officers of the Parliament.

The hon. Members will recall that, under the new Constitution, the Principal Auditor, the Ombudsman and the Clerk of the Parliament are also, constitutionally, now officers of this Parliament whose experiences and, indeed, needs deserve also to be taken into account and at least listened to before final decisions are made. So I would not discourage the Select Committee from inviting not just the Speaker, in the capacity as Speaker, ignoring the coincidence that he is also the Chairman of the Commission, in the *capacity* of Speaker, there is no reason why the Select Committee should not invite the Speaker to put in his – and the other officers that I have mentioned – to contribute whatever they think they may wish to.

Well, Mr Speaker, as is inevitable in a Report of this kind, it is almost impossible that all the contents will be to anybody's liking and it is inevitable that there will be mixed views on individual recommendations and I am certain, that when the Commission crafted this Report it had no expectation that it should be implemented or accepted in full and, indeed, it is necessarily itself the views only of the majority of the persons that sat on the Commission. In other words, it is itself a compromise amongst the Members of the Commission and therefore it should come as no surprise that there will be, on both sides of this House, differences of view on them.

I think, Mr Speaker, if I could just start, I am not going to speak at length on all thirty odd Recommendations and, indeed, most of them I will not mention at all. There are some that I will mention in slower order. In terms of Recommendation No. 1, I think the Chief Minister said that requiring Parliament to hold a minimum of ten meetings a year and enshrining that in Standing Orders, or in the Act, may raise a constitutional issue. Well, of course, that would require careful analysis and careful thought. I doubt that it would, however. I think the Constitution establishes a minimum and, so long as you do not do something that is inimical to the Constitution you are perfectly entitled, I would have thought, to impose, by legislation, the need for more. I think what the Constitution says there is you cannot have less than three.

Hon. G H Licudi: Will the hon. Member give way?

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Hon. P R Caruana: I will.

Hon. G H Licudi: Mr Speaker, just to clarify that particular point, I have looked at the Gibraltar Constitution Order 2007 in this particular context and sections 37(3) says that

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‘There shall be at *least* three meetings of Parliament... [except in an election year] when there shall be at least two meetings...’

So there would be nothing in conflict with the Constitution if we either had rules or primary legislation which sets out a higher minimum. It would be entirely consistent with the Constitution.

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Hon. P R Caruana: I am glad that that view might be taken because having established, as a matter of policy, monthly meetings, if it is found to work I think it is right that it should be enshrined, if possible. In other words, that way we consolidate into the practices of this House, as many as possible of the things that are found to be improvements, regardless of which side of the House they may have emanated from. That would be my personal view of the matter.

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Moving to Recommendation No. 3, as to whether the Chief Minister’s Questions should be guillotined. I think there are arguments on both sides and I think, on balance, I would share the Chief Ministers view that it ought not to be guillotined by time. Of course, the difficulty with guillotine by subject matter is that I am not sure it is true to say that a supplementary has got to relate to the original Question. Supplementaries are also legitimate if they relate to answers given in the answer to the original question or to the immediately previous supplementary. For example, as he knows, Questions to the Prime Minister in the House of Commons have no subject matter. The question is, ‘Will the Prime Minister tell this House what he is doing today by way of official business...’ and, therefore, necessarily, every supplementary does *not* arise either from the original question or, indeed, in his case, not even from the original answer, which is normally that he says, ‘Well, this afternoon... you know, I am meeting the Prime Minister of France...’ The first *real* question is the first supplementary.

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Now, that is a tradition that I do not think we should adopt but certainly I think we need to take care, when we select a guillotine by subject matter, that the guillotine should be correctly defined as relating not just relevance to the original Question, there has to be scope for asking supplementaries arising from the answer, not just arising from the original Question.

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Indeed, the whole purpose of supplementaries is to seek further clarification on the answer given, not a second bite at the cherry of your own original question. So I think it is right that we should not... and I am gladdened that the Government is not minded to impose a time guillotine, but in choosing the alternative guillotine I think that care needs to be taken.

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Recommendation No. 4, which I think goes in consequence, and is another reason why I am glad that the Government is not minded to support Recommendation No. 3 is this business of, well, if you ran out of time to answer Oral Questions then they just get postponed to Written Answer. Of course, that would be terribly dangerous politically because, of course, the Government chooses the order in which they answer Questions. So by stacking all your awkward political Questions at the end, you could *always* help yourself to Written Answers and always avoid the much more difficult political task of defending yourself orally across the floor of this House. I think that would be a serious shortcoming in Recommendation No. 4, which is only relevant to take into consideration I think if Recommendation No. 3 were to prosper.

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Mr Speaker, a very small point in relation to Recommendation No. 7, which is:

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‘...that motions for adjournment should, after giving due notice to the Speaker, also be permitted to be moved at the last sitting in any month if Parliament is not to be adjourned *sine die* at the end of that sitting.’

I think that is a sensible suggestion and the Government agrees with it, which means that it is likely to prosper, but for that purpose it would be important for the Opposition always to know which is the second last sitting, and the Opposition does not always know which is the second last sitting. In other words, if you can only bring a motion on the sitting, but not the one in which it is adjourned *sine die*, then you always need to know that your current sitting is not the sitting for adjournment *sine die*, otherwise you are locked out. So it would require that tweaking with the timetabling to make sure that the Opposition always knew at least what was the second last sitting or rather that every sitting, which sitting was not the last sitting.

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Mr Speaker, I tend to agree with Recommendation No. 8. I think Oppositions traditionally have made insufficient use of motions, substantive motions and motions on the adjournment and I think that we ought to take heed of suggestions that perhaps better use should be made of motions. I think the Hon. the

140 Leader of the Opposition has expressed understandable frustration about these things always inevitably coming late on a Friday evening, as it was historically. That may not be so now, but that is not a reason, I think, why this important weapon in the armoury of parliamentary debate should fall into disuse and, indeed, we need to make sure that it does not.

145 In terms of Recommendation No. 9, the importance of making statements in Parliament rather than outside of Parliament – I have been trying to look for it but have not found it – I understand that this is not *just* a question of preference: I think that the Speaker in the United Kingdom has made statements about the importance of Ministers making important policy statements in Parliament and not outside of Parliament. At the very least, even if this Recommendation does not prosper, or advantage is taken of the fact that it is stated as a preference to bear it in mind rather than an outright suggestion, at the very least I think, Mr Speaker – and I make this statement not being consciously aware of whether we ever fell into the trap of doing it when we sat on that side of the House: if we did, it still does not invalidate the view – at the very, very, least, I think Governments should avoid making *public* statements about things about which Questions have already been tabled in the space between tabling of the Question and answering of the Question. I think that is abusive. It is abusive of the fact that the Opposition needed to give you notice and because the Opposition needed to give you notice, they are no longer able to take you by surprise in the context of the parliamentary cut and thrust but that should not be a reason why a Government then rushes to answer the Question in a more benign environment of a public statement in the five days between notice of Question and answering in Parliament and I think that that view might be taken, regardless of the view taken on the main suggestion in the Commission's Recommendation.

150 I tend to take a different view on Recommendation No. 10; I think the Commission's view that there ought to be a Public Bills Committee of this House I think *does* deserve some consideration by the Select Committee when it is established and I think the hon. Member may have not so much missed the point as skirted the issue when he spoke this morning in explanation of why the Government was not in favour of this recommendation and focused exclusively on the opportunities that now exist for public consultation. This is not about public consultation; this is about the process to which a Bill is subjected once it is in Parliament and going through the parliamentary legislative process. I think it is good. I think we initiated the practice in Gibraltar of legislative consultation at least on the main items of legislation. I think the Government have taken that one step further and I think that that is laudable, too. But the opportunity for members of the *public* to express the view to the *Government* about a Bill that the Government proposes to bring to the House is not an alternative to this Parliament giving the Bill proper legislative consideration when it does get to the floor of the House.

160 Mr Speaker, the reality of it is this – isn't it? – there may be issues, from time to time, for legislation that are so politically sensitive, – I don't know, the age of consent or things like that – where there is broad political debate within the Cabinet, for example, about it, or amongst the Opposition Members in their regular meetings. But that is the minority. That is the exception, rather than the rule. The reality of it is that most pieces of legislation are technical, long and involved and really only the Minister moving the Bill and perhaps the Opposition spokesman answering the Bill, really get to read it properly and form an informed view of it.

175 So I calculate that, for ninety something per cent of the legislative process in this House, legislation is *probably* being made and, therefore, the quality of it – and the opportunity to improve, which is thereby being missed – reflects the work really of two Members of Parliament out of seventeen, for the vast majority of the legislation. Of course, a greater use of a Public Bills Committee I think would require at least the Committee members to get to the bottom of the Bill and there would be more people that would thereby bring to bear their views and their experience and, indeed, their ability to spot points in the Bill and I think there would be an improvement to the legislative process. It may delay the legislative process and the Government may regard that, in certain circumstances, particularly on EU Directives or things of that sort, a handicap, but perhaps it might be possible to build in a Public Bills Committee system with some sort of timetabling involved so that the Government could build it in to its legislative chronology, in the knowledge that it could not delay the Bill by more than a period of time to be discussed. In short, I think that greater scrutiny of the Bill by more people than presently give it, but fewer than the whole House when we sit in committee, I think would be an instrument for the further improvement of the quality of our legislation.

180 If I could move on to Recommendation No. 11, about the Deputy Speaker, well here I would just like to say a little bit more about that. I personally think it is a good idea. I *used* to subscribe to the view that there might be a constitutional issue. In fact, not only is there not a constitutional issue, but indeed the problem may be more urgent than the Hon. the Chief Minister believes, precisely by virtue of what the Constitution says. Far from... far from... First of all I should say that legislation does not need to *reflect* the Constitution; legislation needs not to be inimical to the Constitution. This Parliament is free to legislate anything that is not inconsistent with... in other words, anything that is not prescribed by higher legislation, which is what the Constitution is... Did I say prescribed? Yes. Now, if you look at the new regime in the Constitution, and the reason why I say it may be more urgent than the hon. Member thinks

is that probably what is now unconstitutional is for a Member of this House to take the Chair during the Speaker's absence.

205 Section 26 of the new Constitution says, first of all, 'The Speaker is now appointed across the floor of the House by a motion of the Chief Minister in consultation...' Then it says:

'No person shall be qualified for appointment as Speaker...'

210 – and this is still old measure –

'No person shall be qualified for appointment as Speaker if
(a) he is an Elected Member of the Parliament.'

215 In the past there was a provision, *I think*, about a Member of Parliament taking the Chair. That is out. That is not there any more so there is now no provision about a Member taking the place... there is now a provision that says that a Member is not eligible and the sub-section about filling vacancies says that the vacancy can only be filled by someone who is eligible to be appointed Speaker, which is *not* a Member. So, in fact, if there was a vacancy, if the Speaker, God forbid, were to be taken ill today, we would have to suspend this session of Parliament or, otherwise, now, vote to select a new Speaker under the substantive provisions.

220 But, in any event, be that as it may, I do not think that there is any constitutional issue arising from any Bill or Standing Order that might appoint a Deputy Speaker for reason that

225 'The Speaker of the Parliament shall be appointed by the Parliament by resolution passed by a simple majority of its Members and presented by the Chief Minister acting after consultation with the Leader of the Opposition.'

Then subsection 5, which is the 'vacancy' section, says:

230 'If the office of the Speaker is vacant, or if the person holding the office of Speaker is absent from Gibraltar, or is for *any other reason, at any time*, unable to perform the functions of his office, those *functions*'

- so there is now suddenly a distinction between office-holder and carrier-out of functions –

235 '...those *functions* may be performed'

- not office-holder, somebody who may perform the functions of the office-holder,

240 'by such person (being a person qualified for appointment as Speaker) as may from time to time be designated in that behalf by the Parliament upon motion being presented by the Chief Minister acting after consultation with the Leader of the Opposition.'

245 And I believe that that mechanism would allow the Parliament, by motion, to appoint, after consultation between the Chief Minister and the Leader of the Opposition, a person as Deputy Speaker, to carry out the functions of Speaker *only* when the Speaker is vacant, the office is vacant or the Speaker is absent from Gibraltar or is, for any other reason *at any time*, unable to perform the functions of his Office. So if the Speaker says 'Look, Chief Minister or Leader of the House, there is a sitting of Parliament on such and such a day: I am afraid I cannot because I have got a holiday booked, or I am not going to be in Gibraltar or whatever...' a person appointed under this provision by Parliament, in my view, could be a sort of a standing vacancy filler to perform the functions, and we could choose to call it Deputy Speaker, if we want to –

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Mr Speaker: Speaker's Deputy.

255 **Hon. P R Caruana:** – or Speaker's Deputy, but I think there is nothing in the Constitution which prevents you from using the nomenclature of 'Deputy Speaker'. The fact that the Constitution says... (*Interjection*) Yes, alright, but that is very different, (*Laughter*) that has not got colonial overtures. (*Laughter*) Again, the fact that the Constitution says that 'there shall be a Speaker' does not mean that the Constitution does not allow for a Deputy Speaker, or that the Deputy Speaker, so even under the terms of the Constitution there is no reason not to use the term Deputy Speaker. So I think that, if there were a consensus around the House for that, I think that is something that the House could get on with quite quickly if it was minded to.

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265 Just moving on, I am anxious not to speak for a disproportionate amount of time in this debate. Yes, Mr Speaker, coming to the point that caused a degree of controversy this morning about the news media. I have to say that when I read this particular section I was surprised that this particular comment was introduced. We have heard this morning that it was a comment by one individual and I think a comment by one individual has been disproportionately highlighted, in a way which is unnecessary for the purposes

of making the recommendation, which is otherwise a perfectly salutary one. I think, in relation to the debate that ensued this morning, I think it really is churlish to suggest that it is not a reference to the *Seven Days* when the very subject matter of the comment that surprised me when I read it, reflects precisely the view that the hon. Members, when they were then in Opposition, were making considerable political hay about, I think is a little bit disingenuous.

Look, whether it suggests politically an allegation of corruption or not, I think is moot and for another place at the end of the day. As I recall the jibes that I used to get from the then Leader of the Opposition on practically every... certainly every Budget time... whether it was ventilated at other times as well I do not now remember, was basically that I was using the public chequebook to write cheques to keep my party political newspaper in funds. I mean, whether the hon. Member takes umbrage at the suggestion that some people might view that as political corruption, I do not know, but it should not surprise them that it is open to that possible interpretation. If it is not political corruption, it is political impropriety. I am not sure there is a great difference between the two in political terms. So, and I think this was a red herring and I would urge the hon. Members that we do not allow the exercise in which we are involved in, to get bogged down in really quite unnecessary side debates about the use of words, 'corruption' or not.

I was the principal victim of the remark, of the political attack, (*Interjections*) and I was surprised to see it in here because, really, there are not more examples of this. In the whole Report, this is the only politically charged comment attributed – I do not doubt that it was said by a contributor – attributed to a contributor, relating to something which was politically controversial and politically charged between both sides of the House. For that reason alone it surprised me because, of course, in relation to other Recommendations, it is possible also to have made politically charged observations.

If I could just leave that commentary to one side and just say something about the Recommendation itself, which I think is a sensible one. Two things, really. First, if there is a preference, I think what should not be the case is that the Government should be unaccountable (*Interjections*) for the money that it pays out, and to who, for advertising or for anything else. I think the first point to record, of course, is that that was not the case. Whenever the Opposition... you know, Question Time is precisely to elicit information, so a distinction has to be drawn between spontaneously available information and information that you only have if you ask for it. But I do not think that anybody could seriously argue that the information was not made available when asked for and, therefore, it is not the case that, in the past... it did not take the implementation of *this* recommendation to make sure that Parliament could find out what newspapers were getting what sum of money. Parliament always found out when asked, when the Government was asked. That the Government and, indeed, the Commission consider that it is more appropriate for the information to be available *without* the Government having to be asked, well, that is a qualitative difference which may, indeed, be an improvement, but it not the distinction between the information being available and not being available in the past.

The other thing that I would say is that I would also be careful, when the Select Committee considers how it might want to implement this Recommendation... is to be careful... Sorry, am I not speaking in the right place? I should stand here, should I? (Clerk: Yes please.) Okay.

Yes, in agreeing to a solution we need to be careful not to mis-characterise the sin or the problem. As it is stated in the recommendation, it says

'Media Director... report on the activities of his department, which should include a detailed statement...'

etc. etc. on the basis that the sin, which is the one that I am complaining about, is that the Government is accused of having given media outlets that have supported the political views of the Government in a manner that may not have been justified.

We just need to be careful about that, that we are not rendering it illegitimate for a Government to advertise in a newspaper, *simply because* it is supportive of the Government. In other words, it is not a disqualification. There may be degrees which the Commission may think abusive, or which others may think abusive, but we cannot accept, and it should not be accepted, if not least, for the reasons that the Leader of the Opposition has said, that it would render, for example, it illegitimate for the *Panorama* or any other newspaper that may emerge or that currently exists, that whilst not being an in-house political publication of a political party, is nevertheless *aligned* in terms of support to a political party. Newspapers are *aligned* –

Hon. Chief Minister: Not every day!

Hon. P R Caruana: Sorry...

Hon. Chief Minister: Not every day!

Hon. P R Caruana: Yes. Not every day, well that is true. I am not saying... So this is about degree

and transparency, it is *not* about suggesting that Governments should not be free to advertise in newspapers that are supportive of its position.

330 Well, perhaps I think enough has been said about Standing Orders. I have to say, Mr Speaker, that I just want to associate myself from the back benches, with the remarks made by my leader in relation to the expansion of Parliament. I think that anything that allows people to contribute to the governance of Gibraltar, to political debate in Gibraltar, to the quality of legislation in Gibraltar, in whatever measure they are able to, widens the net of people who are available for political activity and Parliamentary participation and thus enriches the quality of parliamentary activity in Gibraltar.

335 I am not going to repeat the points that I think were so ably articulated by the Hon. the Leader of the Opposition this morning, except to say that, to the extent that the objection appears to be based on cost, it might even be possible to create a tier of enlarged backbenchers for no stipend, or perhaps only for an attendance fee, a small attendance fee on the days that they do attend sittings of Parliament, something which need cost perhaps very little but it would allow people to be Members of Parliament and to stand for being Members of Parliament, without necessarily exercising an option to stand for Ministerial position at that particular stage of their lives.

340 I personally think that that would be a fulfilment of the reason why this was included without dissent in the Gibraltar delegation which, as you know, is cross-party, of parties represented or not represented, in Parliament at the time of putting that particular measure in. For debate – and a difficult one it will be – if what mechanism you use to choose the backbenchers... I am not suggesting that we should lengthen the ballot paper and give people twenty-five votes, instead of eight or ten or anything like that, but there are lots of mechanisms by which a second tier of MP, elected on a different basis and remunerated on a different basis than the original seventeen, could be devised, I would have thought quite easily.

350 I was also a little bit disappointed to hear the Chief Minister not expressing a great enthusiasm – although I am grateful to him for indicating that his mind was open to listen to arguments to the contrary – on the question of the Electoral Commission. I think to sort of pass off the Electoral Commission as a badge of maturity in those countries that have them, I think is understating the function and the purpose of electoral commissions in those countries. I think having an Electoral Commission is a sign both of mature and immature democracies. In immature democracies it is needed to guarantee the integrity of the electoral process: I do not think any of us would argue that that would be the reason why it is needed in Gibraltar but, as he himself pointed out, electoral commissions are part of the electoral architecture even in the most mature democracies – indeed the mother of all democracies, the United Kingdom. And I think the principal reason for that is not simply to ensure that the UK's reputation for a sort of an independent and free democracy is maintained, but also for it to be visibly demonstrable that delicate decisions about new policy, about new suggestions, about rules and regulations and guidance notes, about the conduct of elections, about the resources available for the conduct of elections, should not be seen – demonstrably be seen – to be out of the hands of the executive, outside of the hands of *the Government* that will be a contestant in those elections and in the hands of an independent statutory body, a sort of an independent regulator. It has that qualitative virtue to it, that it separates, just as the hon. Members, in one or two other areas of life, have extolled the virtue of independence – they have extolled the virtue of greater independence to the board of GBC and greater independence to the Gibraltar Regulatory Authority, in areas of life which are much less important than the conduct of elections in a democracy. And therefore, it would not be so odd if the same philosophy were carried forward into the conduct of... In other words... a visible... No-one was suggesting that the GRA was not independent, which is not to say that it did not benefit from being *seen* to be more independent. I think the same philosophy could be applied to the Electoral Commission which would deal with all the things, with many of the things that we have touched on this morning. So it could deal with the electoral role, and the administration of the open lists... it could deal with election accounts and expenses and the monitoring and supervision, and things like that... well all the things that one man is presently doing now could be done by a statutory authority, called the Electoral... the conduct of the election, appeals... if one of the parties wanted to object, or a member or a citizen wanted to petition, this would be done to the Electoral Commission rather than... the whole question of donations, that we have spoken about this morning, indeed the whole question of the introduction of technology, and whether it would enhance or increase the risk of degrading the integrity of the electoral process... That is something that could be viewed at length by a statutory body, an independent statutory body called the Electoral Commission.

380 At the end of the day, we had this issue also with the Public Audit Office and to a certain extent with the judiciary. There comes a time when there are activities which are *independent* of the Government but which are carried out for us here, in effect by Civil Servants which, rightly or wrongly, are seen to be employees of the Government, and I think the integrity of the system depends – and thank goodness we have always had people who have delivered it – on the attitude by the individual officeholder, to act independently even though he is a member of a body called the Civil Service, which is really the administrative arm of the Government itself. I do not think the world will stop spinning on its axis if we do not have an Electoral Commission. I do not think it is a 'die-in-the-ditch' issue, at least it would not be

390 for me, it would not be a 'die-in-the-ditch' issue in terms of obtaining consensus for a list of measures, but I think that it deserves some consideration before it is finally abandoned.

In terms, Mr Speaker, of Recommendation No. 22 –

395 'We recommend that section 14(2) of the Parliament Act should be revoked and that all election expenses incurred at any time before the date of the poll should be taken into account to arrive at the total amount of election expenses incurred'

– I agree entirely with the assessment made of that Recommendation by the Hon. the Chief Minister. I think it is unworkable. From when do you start? How does it work? How is it policed? It really deals with the same issue as election contributions and perhaps ought to have been put closer together in the Recommendations, in terms of Recommendation No. 25, which is about election donations: there is something that I would like to say on that, too. The Recommendation says:

405 'We recommend that every donation over £100 incidental to an election campaign –'

Well, as of when would these contributions need to be declared? Any contributions throughout the four year term of the Party? There are *practical* issues about when a contribution to an election campaign is declarable unless, of course, the rule is going to be that all contributions to political parties, regardless of whether they are in the context of an election, should be so declared because it cannot be so easy to defeat...

Hon. Chief Minister: Will you give way?

415 **Hon. P R Caruana:** Yes, go on.

Hon. Chief Minister: I am grateful for him giving way. Just if I can explain to him what my approach to it was and see if this finds some favour with the point he is making.

Recommendation 25 and Recommendation 26 I think need to be read together because it talks about being separately declared in the return of election expenses – this question of the donors – and then the question of the definition of election expenses. So the way *we* read it was that, when you have got a definition of 'election expenses' and this return, which has to be put in to demonstrate what you have spent, those £3,000 that you are able to spend, then it makes sense because then you are reflecting who has funded those £3,000: who has funded that campaign, in effect. I think that is what the Commission intended, because it includes the words 'election expenses' in Recommendation 25 at the end of the last full sentence and then it asks us to come up with the definition in Recommendation 26 of what election expenses are. That is how *I* linked it.

430 **Hon. P R Caruana:** Well, I can tell him now what the answer will be. The answer will be that nobody funded it because it was funded by the Party out of its general reserves. Of course, reserves created by people contributing money to the Party during the three and a half years leading up to the election. In other words, either we want to know who is funding political parties because we think that they might be doing it for ulterior purposes or we do not, but simply to want to know that information in the context of a particular period of time called General Election time, is both illogical and almost impossible to police because the treasury, the Party's war chests, will simply be filled up during the non-election period and then be available. Then no-one will have funded the General Election campaign!

435 In addition to that practical difference, I think, Mr Speaker, we need to be careful... and of course there are plenty of models around Europe that we could cannibalise, to borrow a phrase that he used in another context this morning, to get ideas for a regime of this sort. But I think, as with everything, we just need to be clear that there are some differences. There are very few places as small as Gibraltar which elects a Government as powerful as the Gibraltar Government and as influential and powerful as seen locally. As far as the outside world is concerned, we are the Government of a place, small physically and small in numbers, but the perception of the people of Gibraltar is that the Government of Gibraltar is a very powerful body indeed – and is a very powerful body. It is not a false perception, it is a real perception in terms of the community that we are.

440 That leads people, rightly or wrongly – and I hope the hon. Members will allow me to make this point without suggesting that I am making it of them, or inviting them to make it of me, when they answer – it is an inescapable reality that, rightly or wrongly, Gibraltarians, or residents of Gibraltar – not Gibraltarians, residents of Gibraltar – will have a reluctance to be seen to have funded a political campaign and then that their side lost. Rightly or wrongly – let us say wrongly, let us say completely without justification –

Hon. Chief Minister: They fund both sides!

455 **Hon. P R Caruana:** That is what they usually do, as he knows! (*Laughter*) That is what they usually do, as he well knows, (*Laughter*) but we need just to bear in mind that if we are going to create a regime where we are making people who contribute £100, or even £200, to actually identify themselves publicly, we can do it – and there are countries that do do it – but I think that what will happen is that it will discourage political donations to political parties, except from its diehard supporters, who are already identified and do not care. But a citizen who is just wanting to, for example – just to use it as an example

460 – fund the GSD at the next election will be *less* inclined to do so if he believes that the GSD may not win the next General Election, commensurately will be *more* inclined to do so and be identified, if he is certain that the GSD is going to win the election, and that is defeating the purpose of the exercise, which is that donations should not be for payback gain depending on the result of the election.

465 There is nothing wrong with financially supporting a political party: indeed, the community ought to be encouraged to make politics viable by contributing to political parties. What is wrong is that they should do so with the expectation of dividend collection if they back the right side and it wins. I think that is something that, when we sit in committee or when the House sits in committee, should... but if it does go for such a regime, I would agree with the hon. Member that the figure ought to be higher than £100 and I suspect by a little bit more than just £250. But, anyway, at that point it becomes a detail.

470 Yes, we had an exchange of views, or the Chief Minister expressed his views, on the question of exit polls. Of course, the famous exit poll – the one that is to blame for the fact that it is even in here – had no prospect of affecting the election result because it was announced after the polls had closed. What we should be concerned is not... I mean, if a particular exit poll publisher, not to mention GBC, if a particular exit poll publisher wants to send its viewers up the garden path for a nervous period of six hours between

475 the time of the closure of the poll up to the moment of the announcement of the result, which is all that happened, fine. But it does not affect the result. That is not true of exit polls that are published during the course of the day, which are the ones that the hon. Member must have had in mind when he said what he said.

480 For example, there is nothing to stop a local newspaper, or a local one of these internet news things now, services now, at two o'clock in the afternoon standing outside a poll, asking people how they voted, and then rushing back and putting it online at four o'clock in the afternoon, where it is still capable... I think that that *is* something that the Commission is right to signal should be dealt with. But not only that. If it is right to deal with exit polls because it is something that is unscientifically done, in other words a false statement, it does not *accurately* reflect what it purports to reflect because it is not properly done, if

485 that is the justification, then it is not true *only* of exit polls on polling day, then it is true of normal polls in the run-up to polling day. In other words, I believe that there should be regulation of the way polls must be conducted. Forget exit polls, normal polls should be conducted from the moment that an election is called because, of course, we all know that public opinion can be, in some measure, led and formed by statements, predictions of who is going to win and who is not going to win. A poll which is not properly conducted and suggests that the hon. Members are bound to lose the next General Election by a margin of 15% should rightly be objectionable to them, just as it would be objectionable if it happened to the Opposition party. I believe – and I am not suggesting... I am not, sort of, inventing sliced bread here – there are many Western democracies, particular in continental Europe, where the conduct of polls are, in some countries highly regulated and in other countries, prohibited during the election campaign period. I

490 would urge the Select Committee to at least consider what degree... but I accept also the comment made that the whole area of the regulation of polls, whether they be exit polls or normal polls, is fraught with difficulty and is not simple. I think that the Select Committee, in my view, but should consider that as well.

500 In terms of the technology of voting, which is Recommendation No. 32, Mr Speaker, I will just say that I am not a great fan of it. True, I am a little bit of a reactionary Luddite when it comes to these things, but it would have to be not just something which avoids the hanging chads problem, with which, arguably, the result of an election was affected, but indeed it is important that the results should be verifiable and the moment you introduce technology, confidence is lost in the audit trail, because the audit trail is what appears on the screen when you press the button on the equipment. There is no sense that you

505 can physically recount votes. At the end of the day, you are asking the same machine that made a mistake to check whether it made a mistake or not. Well, I have yet to find a machine that can spot its own mistake in that way. Perhaps they have invented computers now that spot their own mistakes but, probably having made it once, it is likely to repeat it when you ask it to check again.

510 In terms of the change to the counting process physically, I think that one of the charms and one of the, sort of, traditions of our electoral system is the John Mackintosh Hall on polling night. It is part of our democratic heritage, of our democratic tradition. It does not take *so* long. I think most political observers look forward to it – most political participants who are not candidates – look forward to it. Well, alright, not the people who have got to do the hard work, Mr Clerk, as Returning Officer,

515 *(Laughter)* but there is always a demand for tickets... I think it is part of the process of ushering in a new Government or not ushering in a new Government. It only takes a few hours and I would urge the Select Committee and the Government, when it comes to a final vote, just to not introduce unnecessary change at the expense of heritage, at the expense of things that are valuable, and of some value, simply in the name of rushing to the use of technology. Technology has its uses; it also has its dumbing-down consequences, and the balance between the two should not be lost.

520 I agree with – for what it might be worth to him – the views expressed by the Chief Minister on the registration of political parties. In my view, it would be wholly retrograde to register political parties for this purpose, for the purposes stated here, of course. Members of the House, some will be aware and some may not be aware that the system of registration, not political parties, is common place throughout Europe, including the United Kingdom. But the reason why political parties require to be registered are normally for reasons different to the ones that are suggested here. It is not to see that they are democratic, it is not because the state has any interest in whether one particular Party has what degree of internal democracy. This idea that there is some public interest... Look, it is up to the members of the Party to decide how they want to run their Party. The reason why registration of political parties' regimes exists is because of State funding of political parties. In other words, if the State is going to fund a political party, it wants to know... there has got to be some eligibility qualification, there has got to be some means of deciding what is a political party and what is not, otherwise everybody, come election time, would just be sticking their hands out for the State subsidy of elections and political parties. So, if we were introducing a system, which might not be a bad idea, as an alternative to the contributions, if we were introducing a system – I believe the Australians have it, and the Spaniards have it – of State funding of political parties as an alternative – Although, I think in Spain it appears that it runs in parallel, the two systems *(Laughter)* – then that would almost certainly require this.

530 The other point is this... the other objection to the suggestion is this. How can you have a system where two or more individuals, if they stand together, have to go through a registration process but independents do not? If I stand by election by myself, I am not a political party and it does not matter whether anybody supports me, whether my emblem is obscene – did it not say something about obscene emblems here? – whether I keep proper accounts or whether I do not... but if there are two of us and we call ourselves a political party, then all these things become important to this debate. I do not support it. I think that it is not in our tradition and, certainly, I personally would not vote in favour of a regime of registrations for these alleged reasons, which is not to say that there are not *proper* reasons and *proper* purposes in which you might want registration, but then registration would not be policed by reference to these criteria. There would have to be some more reasonable, less intrusive criteria.

540 I have said, in terms of Recommendation 34, this is the point at which the Hon. the Chief Minister said that he was not persuaded about the question of an Electoral Commission. The call for an Electoral Commission and having... I am sure, when the Commission recommended the Electoral Commission, they were not impugning or even suggesting an impugning of the integrity of any of our elections in the past and I do not think that would be a sufficient reason not to do it.

I entirely support the referenda Recommendation and I am heartened that the Government will be supporting that.

550 In terms of what I call the 'diaspora vote', which is Recommendations – really they are linked – Recommendation No. 36 and No. 37. No. 36 is the one about whether there should be more than a six month residential period. Well, I personally, if the House will just allow me to express my *personal* view on the matter, I personally believe that it should be greater than three months. If you have been in Gibraltar for three months and happen to be British – **(A Member: Six.)** I beg your pardon, six months – you are not a Gibraltar 'belonger' because you have been in Gibraltar for six months. We had this issue with the referendum on sovereignty and things of that sort. At what point do you draw a difference between the governance of a place and the sort of question that you might ask in a referendum?

560 I think that, frankly, the voting eligibility should now be much more residence-based and the idea that because you happen to be British that you are regarded as an eligible Gibraltar voter after a very short period of time harps back to the past in a way which I think is no longer, perhaps, appropriate. I think a longer period than three months... how much longer then is for discussion, and to see what such examples there are from other places. The diaspora vote, which is Recommendation No. 37, is a different issue. I know – and I do not want to introduce political considerations into this debate – but I think we need to make sure that, if we are rejecting ideas which are both good and conventional and fair, we should not do so because it suits, or does not suit, a particular side at any given time. There was a time – which may no longer be the case, for all I know – where it was thought that Gibraltarians who lived in Spain were much more likely to be GSD supporters than GSLP supporters and, that for that reason, it was always thought likely that the GSD would change the electoral rules to do it – which we did not do – and that the GSLP would not, for the opposite side, the flip side, of the same coin. I think we should continue to resist the temptation to make the judgement along those lines.

575 I think the diaspora, that is to say Gibraltarians who do not reside in Gibraltar or, rather, the diaspora

580 in many other countries, votes, as the hon. Members know, not just in the United Kingdom but in Spain and in most continental European countries allow... In the UK I think you get the vote for a fixed period of time for x years and, after you have left, in some other countries – America and France – I think it is indefinite. But I think in the UK you get to vote for x number of years after you have moved out of the UK. So I am not arguing for a particular model of diaspora voting but I think the notion that your links to Gibraltar justify your having the right to participate in the election of its Government, go much wider and much deeper than whether you happen to be *residing* in Gibraltar at that time. The idea that a Gibraltar who moves off to work somewhere for three or four years – not a student – is somehow thought by our electoral laws to have broken the links with Gibraltar to a sufficient degree to give him no legitimate stake in the choice of Government in Gibraltar I think, is too strict a view of it. Of course, the difficulty is that we have a very particular problem with diaspora voting in Gibraltar and that is that, in most other countries, people who would benefit from non-resident voting rights have actually left to go somewhere further afield whereas, in Gibraltar, the vast majority of these people may well be people who simply live in Spain but, otherwise have, and they are still regarded as part of the community, politically relevant, perhaps even politically active in the local political scene. That is what I think clouds the judgement in a debate in this place, in a way that it might not be clouded in a similar debate in the US Congress or in the French Parliament or even in the British Parliament.

585 Whilst taking issue with *some* of the criteria selected by the Commission, I personally, with some modification of those criteria, would have supported, and would support, a carefully thought through and carefully legislated and articulated process of giving a certain defined category of people a vote, even though they do not reside in Gibraltar and I would not necessarily limit it to people who work in Gibraltar. There are circumstances in which I think people who go from Gibraltar to live in France for a year or two, or three, should also retain the right to vote.

600 The final point, on which I would just like to express a view, is in relation to Recommendation 39. I have been highly complimentary in the past about this Government's decision to prioritise the renewal of this Chamber. I will be less complimentary of a squeezed approach to squeezing more facilities out of the already limited space in the back room. If there was no alternative and that is all that could be done, well, fine: something is better than nothing. But in terms of parliamentary offices, there are several factors that need to be taken into account. Firstly, it is not right that space should be shared between the very people whose independence we have been extolling in the rest of this debate – the Clerk and his staff – that they should have to sit and work and live cheek-by-jowl with Members of Parliament doing constituency work in a sub-divided space of an already limited room, which involves our constituents necessarily coming in here and interacting, perhaps, with members of staff. It is just too cheek-by-jowl and I think that the idea that there should be parliamentary offices is a good one, I think that this Parliament, in physical terms and in quality of work terms and in facilities terms, of which this really is a monument, this first phase, would I think be taken to a very significant additional level if there were proper and dignified offices, not *just* for Members of Parliament but, indeed, for the staff of Parliament, who cannot be said, even with the space that they have, to be working in appropriate conditions. If the space now has to be shared and sub-divided between their uses and a new use then, of course, they will necessarily be reduced into even less appropriate quantitatively and qualitatively, premises.

615 The obvious solution is one to the unviability perhaps of which I inadvertently contributed when I was in Government, because the *ideal* building is the Guard House. The Guard House, which was an empty Government-owned property – and approximate to Parliament – is the ideal building to have, on different floors, both proper working conditions for the staff of Parliament and for the electoral function when they change hats from Parliamentary staff to electoral staff: and also, on a separate floor, upstairs or downstairs, proper meeting rooms, perhaps even committee rooms for Parliament and proper meeting rooms for MPs. I am sure that the Chief Minister, who has demonstrated some flair for charm and persuasion, would be able to persuade the Gibraltar Heritage Trust to accept some alternative and equally dignified premises, and to release those back to the Government for use as an annexe to the Gibraltar Parliament building, which I am sure they would regard as an important contribution by them to an important part of the heritage of Gibraltar, which is our political process and the facilities available to our Parliament.

I am obliged to the House for indulging me at such length.

630 **Hon. G H Licudi:** Mr Speaker, this is an important occasion for this Parliament. It represents not just a debate and a discussion on parliamentary reform in general or even just the principles of parliamentary reform, but a debate and specific discussion on specific proposals and recommendations which have been put forward by the Commission.

635 This is, of course, part of a process that we have embarked on and it is a process, Mr Speaker, that started simply with a conviction – an unrelenting conviction – by the parties which today form Government that it was necessary, not just desirable, but necessary to enhance the quality of democracy in Gibraltar and to enhance the business, the manner, in which this Parliament and this House, as it used

to be, goes about its business.

640 The process started with that conviction, it translated itself into a Manifesto commitment, was clearly Government policy, the Commission was set up, a consultation paper was issued, a Report for Parliament was prepared and I would not say that today is the culmination of that, but today is an important step in that process, which will lead to other steps, as the Chief Minister has already mentioned, which will include further consideration, in detail, with regard to implementation of specific proposals by the Select Committee and then coming back to this House for ratification and actual implementation of the reforms.

645 A reform of this Parliament, Mr Speaker, is not just to be *welcomed* by everyone, it is, in fact, overdue. That is not to say that nothing has happened over the years. The Hon. the Deputy Chief Minister recounted how we have come from a debating Chamber to a Legislative Council to a House of Assembly and then, in 2007, to Parliament and, in particular, with the changes made in the Constitution in 2007, increasing the number of the Members of Parliament to seventeen and some additional changes like the specific office of the Minister for Justice.

650 The fact that there was a need for reform is not just something that was recognised by *this* side of the House or the Parties on this side, it was also recognised some time ago by the Party opposite when they were in Government. Going back to the opening of Parliament in 2007 – I seem to recall it was 8th November 2007 – the then Chief Minister, Mr Caruana, said this:

655 ‘We need to reform and modernise the way this House conducts its business.’

660 That was in November 2007. Then we had a motion, I seem to recall it was in 2011, where we discussed parliamentary reform and a Select Committee but, as I have stated in a different context, it is simply not enough to pay lip service to principles or conviction, it is actions that are required in order to put those principles and those convictions into practice.

665 Back in 2008 in my very first Budget speech, shortly after becoming a Member of Parliament in 2007, I recalled in that Budget contribution the words of the then Chief Minister in November 2007 and I went on to say:

670 ‘Almost seven months down the line no indication has been given as to when those reforms will be put in place or will be started. There is an *urgent* need for that reform. Regular Question Times are required and if the British Prime Minister is required to make time available to attend Parliament and answer Questions every single week, unless Parliament is in recess, there is no reason why *this* Chief Minister should not be required to attend *this* Parliament regularly for the same purpose. Of course, that would mean that topical issues can be raised at any time, at a time when those issues remain topical. I would urge the Government...’

– this is how I ended the quote –

675 ‘I would urge the Government to start that process of reform immediately. We need to make this House a more dynamic and living organism, with the appropriate level of interaction between Government and Opposition and every reasonable opportunity afforded to the Opposition to hold the Government to account while issues are still topical.’

680 That is what I said in 2008: there was an urgent need and we needed to put things in place immediately. That is exactly what *we* did when we came into office in 2011 and although this is a process of parliamentary reform we have already seen, again as the Deputy Chief Minister has remarked, the changes which have been made and which, in fact, have been recognised today, by Mr Caruana, as being changes which have brought into effect a different form of Parliament, and in fact a *better* way of conducting business. In particular, with the result that Members opposite are able to ask Questions and hold Government to account while issues are still topical, as opposed to what happened previously. Those were my views in 2008, they were the views of the GSLP Liberals, they became the views of the Government and that is why we are here today with this particular motion being presented.

690 I do not propose... because the Hon. the Chief Minister has already gone through the whole of the Report, Recommendation by Recommendation, and there are only a couple of Recommendations on which I will have anything to say, Mr Speaker. The first one is in relation to Recommendation 7, which deals with motions on the adjournment. The Chief Minister has already alluded to the fact that Standing Orders provide for motions on the adjournment. The Standing Orders do not mention that it needs to be an adjournment *sine die*: there is a reference in Recommendation 7 to that. The question really is, do we need any modification or any clarity to resolve any ambiguity?

695 The fact is that we now have monthly meetings except, for example, the end of July, when we may adjourn until September, and the intention *must* be – and it is perhaps something the detail needs to be considered by the Select Committee – to see whether there is any need to change the specific Standing Order. But the intention must be that every time there is a meeting of Parliament, one of the monthly meetings, on the adjournment to the following month there should be an opportunity to present a motion on the adjournment. I do not read in Recommendation 7 the reference to ‘the last sitting in a month’ as meaning only the last sitting in any calendar month because, if we are in a sitting, for example in June,

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and we are on 30th June and we are going to extend to 1st July to the final day of that sitting, we do not believe that what we should have is a motion on the adjournment on 30th June and then another motion on the adjournment on 1st July because then we adjourn *sine die* on 1st July. What we should have, and perhaps we just need clarity to avoid ambiguity in the rules, is that at *every* monthly meeting of Parliament there should be one opportunity for a motion on the adjournment and that is a principle which I believe we subscribe to.

Mr Speaker, Recommendation 10 deals with the legislative process and the possibility of Bills which are lengthy and complex having to undergo legislative scrutiny by referring it to a particular committee. A question may arise as to what does 'lengthy and complex' mean and when does that engage? Is it just a number of pages? There may be some potentially... any legislation could be complex, regardless of how lengthy it is, and I am not sure that the hon. Member Mr Caruana, when he mentioned the Chief Minister's contribution, understood exactly what our position is. Mr Caruana said that this is not about public consultation and the fact that there are Command Papers and Bills published for six weeks is not the same as legislative scrutiny. That is correct. But to the extent that there is a period of time, not just the six weeks, but the additional period in which the Command Paper is given, gives not only an opportunity to the public to look at the Bill in a little bit more detail but also gives the opportunity to the Opposition.

The fact that, for new legislation, we have set ourselves the principle of issuing Command Papers for at least two weeks, does not mean that it *has* to be two weeks in every single case. There is a fundamental difference between what happens now and what happened previously. With the regularity of meetings now, if we have a Command Paper stage in which the hon. Members will clearly have an opportunity to look at the Bill and not necessarily comment to the Government at that stage, but certainly to consider any proposed changes that there should be, or any improvement to the Bill. Then there is a six week period. Then we come to Parliament. There is always the opportunity in any particular case for Opposition to suggest to the Government that a particular Bill, even when we get to Committee Stage, should be adjourned to the following month so as to give the opportunity of further scrutiny.

There is even the opportunity of a particular Bill being adjourned not just to a Committee of the Full House but to a particular committee which will look at *that* particular Bill. So we think that there are sufficient safeguards in the process now to make any changes unnecessary. We therefore suggest that the process gives sufficient time and opportunity, particularly because of the monthly meetings and although, as the hon. Member has said, Government will have a timetable and some Bills will be urgent, there will be occasions where there is a need for further time and adjourning a Bill to the following month to allow that further scrutiny to take place.

Hon. P R Caruana: Will the hon. Member give way?

Hon. G H Licudi: Absolutely.

Hon. P R Caruana: Yes, Mr Speaker, the point that I was making was that no-one is suggesting there is not enough time. If a Member of this Parliament is not going to read a Bill in six weeks, to say that he has eight, instead of six, is hardly likely to increase the chances that he will: it is about process. I mean in the United Kingdom... Everything that the hon. Member has said would apply to the United Kingdom legislative process as well, where they do not conclude that the Committee Stage should not be done on a basis like it is being recommended. No-one is suggesting that there is lack of opportunity, and no-one is denying that, whereas the opportunity before was six weeks, now it is eight or more if the Government gives a longer than two week Command Paper publication period. It is about the obligation by which a group of Members of this House, who have been tasked by the rest of it to particularly look at a Bill, that will oblige a greater number of Members to input into the quality of legislation. He will recall that I made the point that, in effect... let us take the example of a Bill with which he was intimately involved on both sides of the House, the Crimes Bill, or the other one, the PACE equivalent.

I mean, who is pretending that anybody other than the Hon. the now Leader of the Opposition and the now the Hon. the Minister for Justice were familiar with the terms of that Bill? So, in a sense, *they* were the House for that, *they* were the House for that and his nine colleagues voted because *he* said it was okay and these guys here voted – we voted – because *he* said it was okay. That is all I am saying, that a committee system... it is not about time or opportunity, it is about obligation, it is about architecture of the way this part... the architecture of the resources of this Parliament for giving legislative scrutiny: which is not to say that legislation in the past has been *bad*, but if we are looking at ways of making this Parliament function more like parliaments in other countries who, presumably, do things for a reason, the speed with which we legislate in Gibraltar is one of the things that characterises our parliamentary tradition in the past. Normally, legislation going through other parliaments tends to take longer and, really, it is only in Gibraltar that you could, with the Opposition's support, get a Bill through in twenty-four hours. You could publish it – before the Constitution, the new one – you could publish a Bill on a Thursday and Friday of next week it could go through all its parliamentary stages and, indeed, the Royal

765 Assent, if you could find the Governor before midnight on Friday. If we are looking at ways of making this Parliament more – I don't know, I don't want to use a word that characterises where we have come from – this would be one,
As I said before, this is not –

770 **Mr Speaker:** It is not for me to contribute to the debate but I might clarify a matter here that, as Chairman of the Commission, I am aware of. The three barristers who were members of the Commission were particularly concerned about Bills which are of a *complex* nature and they thought that, in the informal setup of a Public Bills Committee of the House, where legal draftsmen could be involved in the exchanges, the product that would emerge from Parliament would be – could be – a far better one.

775 **Hon. D A Feetham:** Would you give way? (*Hon. G H Licudi agreed to give way*)

Mr Speaker, thank you very much to the Minister for giving way. Indeed, in relation to the... he may recall that, in relation to the Crimes Bill and the Criminal Procedure and Evidence Bills, each Bill was seven hundred and something clauses, with twenty-four separate parts to it. It took me, I think it was, three and a half hours to go through my speech on the Second Reading on the merits of the Bill. It is impossible for anybody to actually keep attentive on something as technical as those two Bills for three and a half hours unless they are really, really interested in the subject matter of it! So as my Learned and Hon. Friend, Mr Caruana, says, probably the only two people that actually followed the debate was the Hon. Mr Licudi and myself and it is the way – this device – is a way of involving more people in the nitty gritty of the Bills. We have seen actually that even in relation to the Crimes Bill and the Criminal Procedure and Evidence Bill, there have been, because of its size and the fact that even with *my* team looking at it for the amount of time that we looked at it – I think it took something like three years to produce those two Bills – it was impossible to spot everything that might have potentially gone wrong with the Bill. There has been occasion already, where the Hon. the Minister has had to bring amendments – small amendments, but still amendments – to this House in order to amend those Bills. Perhaps that could have been avoided had we had a larger team, cross-Party, looking at both Bills.

785 **Hon. G H Licudi:** Mr Speaker, the hon. Member is certainly right that, in that debate, the main... I do not recall whether we were the only ones, but the main contributors in that debate were himself, the Leader of the Opposition now, and myself. But that debate was on the Second Reading. It was not at the Committee Stage. That was the Second Reading, which would happen in any event. With a Second Reading involving as many Members of Parliament as want to be involved in that debate on the general principles. That did not involve the specific legislative and in-depth scrutiny that would be involved at Committee Stage. What we then did was adjourn to a Committee of the Full House, as we generally do. There is no reason why, in any particular case, we cannot adjourn to a specific committee set up to look at and scrutinise a particular Bill.

800 Sometimes it is true, there will be – no matter how lengthy or complex the Bill, or how much the scrutiny – things that will be missed and we can improve things by bringing draftsmen in but these particular pieces of legislation that have been referred to, there have been one or two teething problems, there have been one or two issues which have been identified as needing to be improved and those things have only come to light on implementation of the Bill.

805 All I am saying, Mr Speaker, is that the process that we have had in the past, I certainly do not recall a situation, since I have been in Parliament since 2007, where I have sat there and felt 'Well, we are really rushing through this legislation, we are resulting in a bad law.' I have not had that feeling at all in the time that I have been in Parliament.

810 I might not have agreed with the legislation that has been introduced or was proposed by the then Government and not all legislation that we introduce will be agreed by the hon. Members opposite, but that is different from bringing in a piece of legislation that is essentially good law and implements the policy of the Government, and the hon. Member wants me to give way –

815 **Hon. D A Feetham:** Yes, but can he sincerely say that he has been attentive in relation to every single Bill and that he has not fallen asleep on some of the Bills that have been brought to this House. I mean that is the point that, of course, if something strikes you as being odd occasionally or that is beyond the pale or unconstitutional... but, you see, the problem here is that, on some of these very complex, lengthy Bills, half the House just cannot follow the debate or have not read a Bill – these two Bills were huge, huge Bills – except the hon. Member and myself. The point is to try and include more people in the nitty gritty, the detail of the actual Bills.

820 **Hon. G H Licudi:** Well, Mr Speaker, I can safely say that I have not fallen asleep once whilst listening to contributions when I was in Opposition, no matter how lengthy the contribution that may have been made by hon. Members.

830 The suggestion seems to be that we need to involve more people, yet it seems to me that the Recommendation is precisely the opposite, to include *less* people because, at the moment, we have a Second Reading where the whole House participate and whether one, two or three Members participate, that is a matter of choice. There is absolutely nothing preventing *all* Members of the Opposition looking in detail at any particular Bill. Why the system would be improved if they all suddenly went into a huddle, into a committee, as opposed to being part of the House in a Second Reading, I am not sure. In any event, at Committee Stage, we have a committee of the whole House: what is suggested is that the numbers should be reduced, rather than there should be greater participation. The system now provides for as much participation as is possible, depending on the choice of individual Members.

835 But there will come a time, I am sure, that there will be specific Bills where, in any particular month and, although the hon. Member says, yes, on occasions we have gone through legislation in a particular day, we go through the First, Second, Third Reading, then we go to Committee Stage if all Members agree, then we go back, or rather we come back, for the Third Reading and we pass legislation in a day. But there will be occasions where it will be possible for that greater scrutiny to happen and for the Bill to be adjourned. It is much easier now, as I have already mentioned, because the House is adjourned generally from month to month and, therefore, adjourning a particular Bill for greater scrutiny to the following month will not be a big difficulty in practice.

840 As I anticipate may well happen, the Bill that the Hon. the Chief Minister mentioned, which I hope to be bringing to the House in the not too distant future, that is the reform of the Companies Act – there will be a Companies Bill which is published as a Command Paper – but even before that, there will be a draft circulated for consultation purposes. As the hon. Member knows, because this was set up during *his* time as Minister for Justice, there is a Company Law Reform Committee of the Finance Centre Council that makes certain proposals and I know that he looked at all those proposals in detail at the time and I have had the benefit of seeing what it was that the hon. Member agreed to or disagreed to. We have acted on those proposals agreeing, by and large, to most of them and when that is ready, hopefully very, very soon indeed, that will be circulated in draft *before* the publication of a Command Paper to that Committee and there is no difficulty at all in making that draft for consultation purposes available to the Opposition.

845 That is the kind of Bill that will be lengthy, that will be complex, that will introduce new concepts into Companies Law in Gibraltar that we have not had and that will require a certain level of scrutiny. I believe that the system we currently have will allow that. If when we come to Parliament and we go through the Second Reading, there is a need for further time, then such further time as may reasonably be required will be given. All I am saying, Mr Speaker, is that we think the process we currently have in place has built into it the necessary safeguards to deal with all these matters.

850 There is only one other matter that I want to mention and that is the issue of Recommendation 37 and who should be entitled to vote. The House will have heard the contributions on both sides in relation to this matter and I simply want to draw attention to the position of students in full-time education. The Chief Minister said, traditionally, students who are in full-time education have always been allowed to vote and there is a very simple reason. We do not believe that students lose their residence simply because they go off to study. They are temporarily absent, albeit for three terms in a year, they are temporarily absent from Gibraltar and therefore they *maintain* their residence in Gibraltar, they *maintain* the right to vote and it is important that they should continue to be included in the electorate and should continue to participate fully in the electoral process in Gibraltar. We do not see that that is going to change or that there is a need to change legislation or the rules in order to achieve that.

855 Thank you Mr Speaker.

860 **Hon. D J Bossino:** Mr Speaker, I will be dealing with Part III of the Report, which is entitled Electoral Reform. The views which I will be giving will set out basically the views of the front bench of the parliamentary team because, having heard the hon. the backbencher, Mr Caruana, a few minutes ago, I must say that there are some points in respect of which, there is some divergence of views.

865 Mr Speaker, this part of the Report is obviously very wide-ranging and encompasses many of the possible issues which can be considered relevant in the context of electoral reform. Certainly, when I think of electoral reform, I think of particularly the voting system and it is interesting – very interesting indeed, Mr Speaker – that this element of the Report has been relegated to the last point in the section when one would have expected – it is my personal view – to have been at the beginning. It is also interesting that there is no formal recommendation box in the electoral system section, although we appreciate that the Commission does, in effect, recommend a retention of the LV, the limited vote system.

870 Many of the points set out in Part III, Mr Speaker, are not, in principle, objectionable. It is clear that the Commission has been making moves towards greater openness in the way, for example, that Parties are run, how they should conduct themselves during an election in terms of election expenses and how to deal with donations to Parties. But it is, indeed, arguable that these are issues which require a debate on their own, at least insofar as the detail is concerned – and I think the hon. Chief Minister has made that precise point – because the devil, in respect of many of these provisions, will invariably be in the detail

890 and this is very much the case in the context of reform of the system of voting. But at least we may be able to move forward today on matters of principle. I would just like to dwell, before I deal with the electoral system *per se*, in greater detail on the question of the enlargement of Parliament, which has been already canvassed by the Leader of the Opposition.

895 We have already stated what our preferred option is: we want to see the enlargement of this House and this is a fundamental point which will permeate and impact, in my view, on many of the other recommendations contained in Part II of the Report. For example, the Public Bills Committee which has already been dealt with, Select Committees, frequency of meetings and, indeed, as already stated by the Leader of the Opposition, none of these initiatives will, in our view, properly work unless there are more Members of the House and that they have a backbench status. The other argument in favour of enlargement is the one which says; well, it allows other people to enter into public life, as already dealt with by Mr Caruana, without necessarily forming part of any of the front bench teams. In many large Parliaments this is, in fact, normally the way it works. You spend some time as a backbencher after you have first won the seat and then make your way up the ladder. Such an avenue also allows people to, using the words in the Government's 2011 motion, 'cut their political teeth in Parliament and front line politics' before committing yourself in a more involved way.

900 There is, therefore, a very powerful case, Mr Speaker, in favour of increasing the seats of this Chamber. If one looks at page 25 of the consultation paper and one does a very crude and basic analysis of the table which is there – of the consultation paper, not of the Report – without considering matters such as the level of sophistication of their politics or, indeed, of their societies or the level of engagement of their peoples in a political light of that particular community or, indeed, the level of their constitutional development, one can see various examples where there are populations, tiny populations some of them, in some instances less than us, and they have more than 17 Members. For example, in the case of the Cook Islands, with 20,000 inhabitants, they have 24 Members of their Parliament – and there are other examples set out in the table.

905 One point which I do not think has been made during the course of this debate and which may have been missed in the past, is the added pressure which *this* particular legislature in Gibraltar has, as a small jurisdiction, because it is tasked with the implementation of many and varied EU legislative initiatives so that the ability to scrutinise many of these legislative initiatives with more time and in greater detail, in the context of a Public Bills Committee, would I think be certainly very welcome indeed and would assist in the workings of this Parliament. In our view, again, this can only be reasonably and more effectively done with more MPs and certainly with more time.

910 If I can deal with the, I think it is the last bit of the, the last section of Part III first which is obviously other than the conclusion which is 3.15, Electoral Systems, first. As stated in the general points that I have referred to, this is a matter which merits very careful scrutiny. We, in the Opposition benches or, indeed, in the Government benches, have not had the benefits of reviewing *all* the recommendations which have been submitted to the Commission. All we have seen, and had the benefit of seeing, are Mr Vasquez's minority report, as set out in the consultation paper, which provides a very interesting – sorry, and the very interesting analysis – set out in the consultation paper, which has not then found its way into the Report, of the various types of electoral systems. We support the continuation of the limited vote system for the election of an enlarged Parliament of 25 but we are willing to consider the introduction of a different voting system. The retention of the LV system is our starting position, as already stated.

915 What are the arguments in favour of the LV system? I am sure they are many and varied, but these are some of them: firstly, I think it is a system which has provided us with stability in Government for a very long time and I suppose the argument is 'if it ain't broke, don't fix it'. Secondly, it may be one of the factors which have contributed to the development of the Party system in Gibraltar, a system which has often been knocked as producing an overly adversarial style of politics: it has also been attacked – I remember the elections in 1988 – for failing to produce the best brains, with the committee system in the Channel Islands being offered as a panacea, when that system itself has been the subject of criticism and change in these same jurisdictions. But now is not the time to list the benefits of the Party system and the contribution which the block vote has already made in that regard, but simply to say this, and that is that our current system gives a very real choice to the electorate between different and sophisticated programmes of Government on which the Parties are judged every four years at election time.

920 Fifteen votes Mr Speaker, *could* open the possibility for independents and third Parties – and both the Chief Minister, the Leader of the Opposition, the Deputy Chief Minister and I, have been in that position in the past, when we have been Members of third Parties – to break in. The theory, Mr Speaker, would be that more people than has hitherto been the case, would use their excess votes in favour of such a Party or an independent. However, and I say that with this caveat, given the way that the block vote phenomenon has been instilled in our electoral system hitherto, there is a view that it is highly unlikely that that will happen, even with an increased number of seats and therefore votes available.

925 Although I have outlined what our starting position is, we do not fear, Mr Speaker, the possibility of opening up for consideration an alternative voting system. The minority report suggests that the issue of

950 electoral reform should not be closed and that we, as a Parliament, should not get that impression and I think that Mr Vasquez, in that regard, is absolutely right. It is something that, if we all share and believe in greater democracy and fairness, should be debated and considered further. Again, I recall my GNP and Liberal pastures for one further moment, Mr Speaker, when during the period 1992-96 we campaigned very strongly for a change in the system of voting because it was precisely that election result, i.e. I think
 955 it was the January 1992 election result, which brought into sharp focus how it was possible that the GSLP, which had won the greatest number of votes in percentage terms at least, in a very long time – I think it was 72 or 73 per cent – yet could only enjoy eight seats in the House and yet the GSD, at the time with 20 per cent of the votes, enjoyed seven seats on the other side of the House.

960 Mr Speaker, consideration should be given to an alternative voting system in respect *at least* of the balance of seats beyond the 17-Member compliment and perhaps LV for the core 17 Members. That is our preferred; we have already said that LV is our preferred choice. In other words, Mr Speaker, adopting a mixed system in a way that the additional Member system works in elections for the, for example Scottish Parliament, in that context we would have the best of both worlds. We would maintain a strong and steady Party system but give, at least in theory, when we need to test it on the ground, a greater
 965 chance for third Parties and independents to break through. Although again, perhaps arguing against myself, an interesting analysis of the electoral system in percentage terms, as provided I think it is on the Parliamentary website, if one adopted the system that I have just advocated, would only have resulted in Mr Joe Pitaluga's Independent Democratic Party on 24th March 1988, which brought in the first GSLP administration and, in effect, spelled the end of the AACR hold on power for many years, Mr Speaker, as
 970 no doubt you will recall, even in those elections, it would have resulted in Mr Pitaluga achieving one seat at 12.4 per cent. I have done an analysis – because I am a geek when it comes to these things – of applying the d'Hondt calculator, which is available online, in respect of all the other following elections and I am afraid that the hon. Dr Garcia would have not won a seat when he stood in 1996 together with the GNP, and certainly not in 1992. *(Laughter)*

975 Mr Speaker, I now very quickly go on to review the specific recommendations set out in Part III of the Report and starting off with Recommendation 21, which deals with the rolling register. This is something which has obviously become... Obviously, it has, in fact, as a matter of fact, become topical: we, as a Party, issued a press release yesterday on the matter, when we are encouraging the Government to do something about this. The Opposition supports – and I note that the... I think that the Chief Minister also
 980 supports – Recommendation 21 and this must be, Mr Speaker, a very reasonable and sensible Recommendation. This system will allow the flexibility which will be required in order to ensure that we, at any given time, have an up to date Register, thereby improving and ensuring fairness. There are – I was just about to say many people – I do not know how many people scientifically, who no doubt are now eighteen and were not eighteen at the time of the last General Election in 2011, or those people who have
 985 now become Gibraltarian citizens and reside in Gibraltar –

Hon. Chief Minister: Would the hon. Gentleman give way, just on that point?

990 People who have turned eighteen since the last Register was opened or closed and compiled, *are* entitled to vote in this by-election if they have turned eighteen. The issue is that there may be some who were not registered by their parents, or who forgot to register, but there will be a large rump of people – the majority – who have turned eighteen and are now going to be able to vote.

995 He should not allow himself to be led down the path of thinking that people who have turned eighteen are not going to be able to vote in this by-election. It is only those whose parents failed to fill in the form accurately at the time who will not be able to vote in this election, if they were left out of the Register for that reason. That is the position.

Hon. D A Feetham: We quite understand what the position is.

1000 I think the point that is being made by my hon. Friend Mr Bossino is that – and I do not want really for the debate to turn on this particular issue now because it is separate and we have issued a communiqué on it – but the point that is being made now is that those people who are eighteen today ought to have, and were excluded, either were excluded from the list by mistake in December 2011, either because their families did not register them or, alternatively, that became of age – eighteen years old – after that date but are eighteen now, ought to be allowed onto the list now. That is the point.

1005 **Hon. Chief Minister:** If he would just give way... I do not want this to become controversial in the context of *this* debate.

1010 People, who have turned eighteen after the date of the last election and after the date that the Register closed, are on the Register and are able to vote if they have turned eighteen. That is the position in law. That is the position in the Register, as it is today. People who could not vote on 8th December 2011, because they were not yet eighteen, have turned eighteen thereafter, will be able to vote in this election as long as whoever was responsible for them, when they were under the age of eighteen, filled in the form

accurately. We are, therefore, dealing with an extremely small number of people because there is an extremely large number of people, who are turning eighteen and are able to vote and are on the Register. Therefore, please, the hon. Gentleman should not think that there is anything in the Register barring people who turned eighteen after the date of the last election from voting in this by-election.

They are on the Register and they are able to vote. There is of course always the possibility that somebody has not been registered, whether they were under eighteen at the last election or whether they were thirty-five at the last election and they missed out on registration in the last Register for whatever reason. That is why we agree that there should be a rolling register. But, the argument that they have both put, if they look at *Hansard* and the way that they have put it, is that there are people who have turned eighteen after the Register was completed who cannot vote. Only those who failed to register, but all those who registered and that is ninety-seven per cent to give you a figure: the rump of those who are turning eighteen after the 8th December 2011 and before 4th July 2013, will vote.

Hon. D A Feetham: Mr Speaker, I understood the point the first time that the Hon. the Chief Minister made it.

The point that we are making and it is relevant to this debate, because we are extolling the virtues of a rolling register, is that simply because your parents did not register you in December, just before December 2011, for *that* election, should not deprive somebody who is eighteen today but was not registered *then*, of the ability to vote at this by-election or a future by-election. I mean, I do not know whether I registered – may I say to the Chief Minister – I do not know whether I registered my, at the time, my son Alexander. It may well be that, at the time, I thought, ‘Well, he is only fifteen years of age, why should I register him?’ (*Interjections*)

Please, may I continue...

Mr Speaker: Order, order.

Hon. D A Feetham: May I continue... may I continue.

Perhaps – I do not know whether I registered it – but there must be some people who thought ‘well why would I register somebody who is under age then?’ But, indeed, look, if there is another by-election – my son is sixteen now – if they were to win this by-election now and there is another by-election prior to the next General Election he may be eighteen, but because I never registered him *then*, then he does not have the right to vote.

We could say it is the fault of the parents for not registering but, at the end of the day, voting is a fundamental human right. It is a fundamental right pertaining to the individual and in the same way as we say that, yes, we agree there ought to be a rolling list which would deal with this particular problem, we also think that, at this particular election, the Register ought to have been open so that those people who, by mistake... I am not suggesting it is the fault of the Government and if the Government does not sit, or the Hon. the Chief Minister does not sit, behind every single parent, has no responsibility to tell every single parent, you have got to sit behind them saying ‘You have got to register your children’. Look, mistakes happen. These things happen and if we are talking about fundamental Human Rights and the right of people to vote, then the Register ought to be opened.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman for giving way again.

Look Mr Speaker, I think the position needs to be understood by the hon. Gentleman. The Register that we are dealing with was compiled when *they* were in Government. The forms that are prepared and which are circulated actually say ‘If your dependent turns of age before *x* date, then you put him on this form’, and *x* date is forward quite considerably – I mean the Clerk knows this better than I do – two or three or four years and actually covers 4th July 2013. So we are genuinely of the view that voting is a human right because you should not be in Parliament unless you think that voting and the franchise is a human right. But the issue that the hon. Gentleman Mr Bossino, who was speaking on the subject, made is a different one and I therefore wanted the House to be assured that the position has not changed, that the Register that *they* compiled is the Register that is current now. Obviously, it is compiled by the Returning Officer, they were in Government at the time.

It is impossible to give a percentage but the numbers of people who are *requesting* that the Register be opened, compared to what the exercise for opening the Register is today, it will not be... because we all agree that we should have an open Register in the future. It will not be... but the exercise of opening the Register today, with the amount of work that needs to be done in the context of a by-election and the time that there is available for it, does not justify that the Register should be opened for these small amount of people that we are talking about, who were not eighteen at the time. Those who have turned eighteen, the vast majority of them are now going to be able to vote, if they turned eighteen between 8th December 2011 and 4th July 2013. It is very easy to talk, in emotive terms, about the ‘right to vote being a human right’ and all the rest of it, but people also have a *responsibility* themselves to register themselves and if

1075 the Register has been properly dealt with, then the Government will defend that in the context of the work that has to be done.

I have always believed in the rolling Register and when we introduce it, these problems go away and that is why it is our policy.

1080 **Mr Speaker:** I really –

Hon. Chief Minister: Sorry, may I just say that I note that the communiqué that they have issued is in fairly belligerent terms and not conducive to the sort of politics that we are enjoying at least today in this House, so I am not going to stray into answering *that* here but will do so in another place.

1085 **Mr Speaker:** I really think the Hon. Mr Damon Bossino should be allowed to conclude his contribution.

1090 **Hon. D J Bossino:** I am grateful, Mr Speaker, and I think if I could just develop the final point that the Hon. Chief Minister has just made, that we really ought to try and make every effort, I think most Members who have spoken on this debate in this House hitherto have said that we ought to make an effort to make this as consensual as possible. In that context, what I would say is that, clearly, I think there is agreement in this House that there ought to be an open – as the Chief Minister puts it, and as the Report puts it – a rolling Register and that, I think, finds agreement on both sides of the House.

1095 But, certainly, just to clarify one point... In fact, as I understand it, I have only briefly looked into it, under section 5 of the Parliament Act 1950 it only allows for publication of the Register every four years, starting from 1st August 2007 so that, for example, if the Chief Minister decides to call an early election or, indeed, the case that we currently face with the by-election, we are basically caught by the position in the Register as it stood in 2011, subject to the point that the Hon. Chief Minister said, if your parents did register you in 2011 as coming of age during the course of the life of the following four years. But there is also – again, I have not looked at this point in any detail – I think there is the possibility for the Minister responsible for elections under that same section, i.e. Section 5, to provide for a supplemental Register which could cure the issue that is now currently the subject of public debate.

1100 But, Mr Speaker, if I could just move on to the following Recommendations and those are, if I could bunch those three recommendations together, Recommendation 22, 23 and 26, which deal with election expenses. I jumped Recommendation 24 and 25 because 26 makes, I think, the very wise recommendation – which we accept – that there ought to be an extensive definition of what ‘election expenses’ amount to. That is certainly something, when I was looking at this from a logical intellectual perspective and legal perspective, I thought that made a lot of sense because, obviously, there is going to be a problem with what is ‘deemed’ an election expense. For example, the banners, the flags and all the other material which was used in both our general meetings recently, would that be caught under that definition? So it is something I think we would need to discuss in quite a lot of detail at the Select Committee which the Chief Minister has suggested he will be establishing.

1105 We would also want to look, in relation specifically to Recommendation 22, at perhaps extending the buffer period of time of one month: that could be a solution to a greater period of time set out in Section 14.2. At the moment it is one month, and if we extended it, say, to six months, it may go some way, Mr Speaker, to addressing the unfair advantage point which is made by the Commission members in its narrative, which is the preamble to that particular Recommendation. One of the technical points which I think we will be making to the Select Committee on this matter is that if any dispute arises as to what amounts to, or does not amount to, an election expense, that there is a procedure set out in the legislation which could allow, maybe, a reference to a judge, or to the Registrar of the Supreme Court or to a Magistrate. We certainly welcome and agree to the setting up of a prescribed form for the election expenses return, which we think would be very useful indeed.

1115 Moving on to Recommendation 24, which deals with the inspection of election expenses, again we agree to that, Mr Speaker, and I concur with the Hon. the Chief Minister entirely. In fact, there is no timeframe, when I looked at this, set out in the statutory provision as to how long those particular documents are allowable for inspection in the House, so it was not clear in my mind why there was that particular *administrative* practice which limited inspection to one day. Again, consideration can be given to providing, within the statutory framework, the provision for challenges and whether these challenges could be made subject to a statutory limitation period, say, for example, the life of a Parliament.

1120 Moving on to Recommendation 25, which deals with donations over £100, again this has been dealt with extensively by the Hon. and Learned Friend Mr Caruana in his contribution. In a place as small as this, Mr Speaker, this particular Recommendation struck me as being one which will herald a major development. But, certainly, coming from a Party which upholds the principle of greater openness and transparency, it is something which we, in principle, welcome. The point has already been made, and I would repeat it, that we could consider increasing the threshold from £100 to, say, £1,000 or something

around about that figure because I assume that it is the public interest consideration behind such disclosure – that it should really bite against corporate donations in particular. I make that recommendation subject to the same source point which is made in the preamble to that particular recommendation, which we obviously support. One should, however, Mr Speaker, take particular care that publication of information of that nature does not make it more difficult for Parties, usually in Opposition, or those Parties which are deemed unlikely to win a General Election – it could be a governing Party – to lose financing because people are less willing to donate to that particular Party. I think that is addressed in the UK, but I could be mistaken, by a system of State financing.

In relation to Recommendations 27, 28 and 29 – I will bunch those three together – which deal with, amongst other things, early absentee voting: that is Recommendation 27. Again, so long as the procedure is safe, fair and subject to scrutiny, we agree with it. Anything which facilitates greater flexibility, with a view to increasing the opportunity for the electorate to cast a vote, will be welcomed from this side of the House. But, again, the devil will be in the detail. We note that the conclusion to investigate the possibility of secure internet voting has not found its way in any of the recommendation boxes in this section but, of course, it would be a technological advancement which would increase the speed within which the votes are counted.

Increasing the time limit, as suggested in Recommendation 28, would undoubtedly lessen the administrative burden of the Returning Officer and his staff and I note that – I have not done the calculation in my mind as to whether it applies, following the Hon. Chief Minister’s intervention this morning – but, certainly, the time period suggested by the Commission in these Recommendations, basically what it does is that the extensions of time between election calling and the date of election and the time... sorry, the period of time between the election calling in respect of the date of the election and the time for presentation of candidates have each been extended by an equal number of nine days. Certainly, interestingly, that would probably allow more time for *postal* votes to get here on time and certainly more time for campaigning.

In relation to Recommendation 30, Mr Speaker, which deals with broadcasting during the election campaign, again, of course, in principle, we support this Recommendation but with this caveat, that the detail on enforcements has to be considered very, very carefully indeed. We need proper safeguards in statute and it is something we can consider further at Select Committee, rather than in this Chamber, whether, in fact, the GRA should be the body responsible for enforcement of this type of activity.

In relation to Recommendation 31, which deals with exit polls, we have no firm view and will probably, by and large, leave matters on the basis of self-regulation, i.e. as they currently are, save perhaps with regards to the prohibition on publication on polling day. It is fair to say that, other than in 2007, the reliability of these polls, which I think are conducted by GBC, has been quite high in the past, although I do take note of the novel point which was made by the Hon. Mr Caruana that perhaps regulations should be considered and applied in respect of opinion polls conducted not only on polling day but also during the course of the election campaign. Certainly, the prohibition on timings of publication has been adhered to in practice. This is a *crucial* prohibition, so as to avoid the influencing of voters on the day of the poll and we are persuaded the case for codification of our laws in respect of at least *that* particular point, given the importance that we attach to it.

Moving on to Recommendation 32, which deals with vote counting, again we support anything which imposes efficiency, or which introduces, rather, efficiency, particularly where – certainly, if our recommendation would find the light of day and support from the other side of the House – there were more Members, and therefore, there were potentially more Members in this House and certainly more candidates, it is something that would need to be looked at very seriously indeed. Of course, again any moves on this particular front would have to be subject to the absolute requirement for reliability and, again, my Learned Friend Mr Caruana made the point, which I was thinking about when I was drafting, when I was reviewing and researching the Report, that there is something in the *ambiente* when we are vote counting at the John Mackintosh Hall, which I would certainly not want this community to lose, if the matter... like, for example, in Spain, I think by ten o’clock, eleven o’clock, we have an election result, which makes matters, I think, rather boring.

In relation to Recommendation 33, which deals with the register of political parties, this is a matter which is regulated, as has already been mentioned in this House, in the UK by statute. It is the Political Parties, Elections and Referendums Act 2000, which tasks there the Electoral Commission with the responsibility for the regulation of Parties. We do not support, however, the wide-ranging nature of the proposal, as set out in the Report in, I think it is Appendix 1, particularly A4, which I think is probably too much of an intrusion. The first point to make in relation to that, Mr Speaker, is again, there isn’t any... this is a matter which we see no pressing need for in Gibraltar. It is not clear what mischief any such legislation would seek to address and the matter was debated extensively by us internally and we thought why should any law or outside body dictate how the leader of any particular Party should be elected, for example. We certainly agree with the point made by Mr Perez – I think he is the Chairman of the GSLP element of the governing Party – in a recent Viewpoint debate, when he said – I think he made

1200 precisely the same point that I just made myself... Really, what he was saying is that political parties should regulate their affairs as they wish. Therefore, we do not agree that with *that* particular paragraph. In fact, I am not sure, Mr Speaker, that the statutory framework in the UK – it is certainly in England and Wales – intervenes in the way that is suggested in this particular Appendix in terms of the running of political parties. I think what they are more interested in is the accounts side and matters of that nature.

1205 There are other elements, discreet elements in the proposal, which we have less difficulty with and see the rationale behind them – for example, that a Party should have its name, logos, filing of accounts and issues like that – but, of course, I also note the backbencher’s position in relation to non-support of this particular Recommendation.

1210 Mr Speaker, if I could swiftly move on to Recommendation 34, which deals with the Electoral Commission: again, this is not an issue in respect of which we have a firm position. What did strike us as odd, when we were analysing this particular narrative, is that there seems to be no case made, on the basis of 3.12 for the setting up of such a body. Indeed, some of the respondents did express the view, which I think carried some favour, certainly on this side of the House, that it was unnecessary to have ‘yet another Commission’, with the inherent unwarranted expenses. But, again, much would have to be debated on the detail of the proposal, although I note the Government’s position in this regard, which is that they will not be supporting the Recommendation, unless it has been persuaded by anything that has been said more forcefully by my Learned and Hon. Friend Mr Caruana.

1215 In relation to Recommendation 35, the holding of referendums – I am conscious that I may not be pronouncing the Latin, or using the Latin correctly – we agree with the Recommendation, although we have no issue with the way that referenda have been conducted in the past which, of course, have been devoid of legislative basis. But, again, it is something that we would want to look very seriously at the detail.

1220 The two final Recommendations that I am dealing with, Mr Speaker, are Recommendations 36 and 37. Number 36 we have already discussed and deals with the residency period requirement. Again, there may be some divergence here, in the sense that, in fact, following my research, I have not been able to find any – and I stand to be corrected – residency requirements in the UK. The UK is obviously a larger nation than us and there are probably merits to having a residency requirement in Gibraltar. There are residency requirements in relation to Commonwealth citizens but British citizens, apparently, do not have to reside.

1225 We see no pressing need to extend the residency requirement in Gibraltar. Again, on the basis of the narrative preceding, this particular recommendation box we have not been able to identify a compelling case for extension of the requirement. Reference was made here, in the narrative, to the Commission members being convinced by the ‘strong arguments’. We have not had the benefit of seeing what those strong arguments are and analysing them. At this stage all I can say is that what we have had now is a tried and tested system which has been in place for many years and we would, I think, have to be *persuaded* by a stronger case than that for change. Again, it may be something that the Opposition Members comprising the Select Committee team may be persuaded by any arguments put by the other side.

1230 In relation to Recommendation 37, the diaspora vote which was referred to earlier, again we would actually agree that, or view this as a Recommendation, certainly a Recommendation which is a step forward in the right direction. As I said earlier, in the UK, in fact, there is no – as far as I could see, but, again, I stand to be corrected – no residency requirement but, equally, there is no requirement for permanency of employment, for example. This is an issue which we have been considering internally and, as part of our debates, we have considered whether it is unfair that somebody who has contributed to Gibraltar previously, whether simply at the lowest possible level of having a job, and is now retired, or at a higher level – I can think of one particular example: people who have contributed to Gibraltar’s political life and have been Members of this House and no longer reside in Gibraltar – whether they should have the right to exercise their right to vote and decide the Members of this Parliament in any electoral process.

In fact, in the narrative before the particular Recommendation, the final paragraph says:

1250 ‘We have concluded that the franchise should be extended to registered Gibraltarians who live outside Gibraltar for as long as they continue to keep close ties with, or interest in, Gibraltar.’

1255 Now, that is something I think we need to look at a bit more closely and see whether that sort of Recommendation, conclusion, that principle, can be extended because if you transpose that Recommendation, or that conclusion, into the... or, rather, you compare that particular conclusion with Recommendation 37, it seems to have not found its way in that particular Recommendation because the requirements set out there are much stricter than what the conclusion provides.

I see that there is what I thought was a security lock – but the Chief Minister, perhaps, might have persuaded me that there may not be such an effective security lock – which is the ability to have a... rather, that it is applied to Gibraltarians, those people who enjoy Gibraltarian status. And thinking about

1260 it, I suppose there are people who are British nationals, who have married in Gibraltar, as a result of that
 marriage enjoy Gibraltarian status and then they divorce but, as I understand it, Gibraltarian status still
 applies to them wherever they may go. So, in circumstances like that, if you do not have these
 1265 qualifications, then they may be able to exercise the right to vote and I think that would be unfair. But the
 point I am making is that there are arguments on both sides but that does *not* mean to say that we should,
 as a result, slam the door in the face of those people I have mentioned and described earlier, i.e. those
 people who have contributed to Gibraltar, they have retired and now, for whatever reason, live in Spain or
 elsewhere.

Mr Speaker, I think I have concluded my contribution.

1270 **Mr Speaker:** We now have a recess of fifteen minutes.

Hon. Chief Minister: May I just... I understood that the Hon. Mr Netto wanted to speak and it was
 certainly my intention to recess after that, in order to prepare the amendment. If I could prevail upon you
 to allow –

1275 **Mr Speaker:** I understand that the contributions from Mr Netto and Mr Reyes are going to be short.

Hon. D A Feetham: Mr Speaker, yes.

1280 **Mr Speaker:** If you prefer, we can conclude their contributions, if there is no other Member of the
 Government, other than you, to exercise your right to reply, then we have a break and you prepare
 yourself for that.

1285 **Hon. Chief Minister:** Not so much prepare myself, Mr Speaker, but it may be that we need to have
 occasion to have a conversation after all the contributions are heard, because we are dealing with this
 debate in, sort of, a different way to the usual.

Mr Speaker: Yes, alright. Right, I call upon the Hon. Edwin Reyes.

1290 *[Technical interruption]*

Hon. E J Reyes: Right, Mr Speaker, I shall behave and follow instructions and start again.

I said that I am going to comment briefly upon matters raised at Part IV, where the Commission has
 rightfully decided to include here other matters that the respondents had raised: the Commission has
 1295 decided to include four points, two of which carry specific recommendations, and those are
 Recommendations 38 and 39, but I shall also comment very briefly on the other two points, although
 there may not be any specific and concrete recommendations.

On the first of these matters, Mr Speaker, on the fixed term of Parliament, the Commission rightly
 reminds us that, at present, section 37(1) of the Gibraltar Constitution Order 2006 sets the maximum
 1300 period of time between the dissolution of Parliament and the issue of a writ for a General Election as
 thirty days *and* the maximum period of time between the issue of a writ and the holding of a General
 Election as three months. The Recommendation put forward by the Commission says that

1305 ‘We recommend that a maximum period of time between the issue of a writ and the holding of a General Election should be
 reduced from three months to forty-two days.’

I know the Hon. the Chief Minister already mentioned before that it is not something that he rules out
 completely for the future, I just want him to know that, from this side of the House, we are not opposed in
 any shape or form to a Recommendation given by the Commission.

1310 In fact, our feeling, from the general public’s views, is that once the term of office of a Parliament
 expires after four years, three months on after the thirty days in which notice has been given does look
 rather undemocratic in this day and age, so reducing that time to forty-two days is certainly something
 that we tend to believe the general community would welcome. It is their way of perceiving that this
 Parliament does not prolong its life without a proper mandate and that a caretaker Government does not
 1315 really exceed and stretch it’s time to the full limits: and if no Parliament sessions are being held it does, in
 many ways, sound a bit contradictory to the new method of monthly meetings, which both sides of the
 House have now embraced, and we are sure is something that is going to stay with us for a long time. So
 in keeping with that regularity of meetings and so on, I would rather see it in the more near future rather
 than the distant future that the three months be reduced to, say, forty-two days, as the Commission has
 1320 rightly put in Recommendation No. 38.

Mr Speaker, as well, on point 4.3 the offices for Leaders and Members of the Opposition, I made a

1325 quick note and have to say that I agree with the Chief Minister, not only the Leader and Members of the Opposition but even Members sat on the Government benches. There are times and occasions when there are parliamentary matters... you could even view it as being an all-Party matter and therefore it may be extremely useful that adequate facilities are made available to all Members. I note – and I do not think it is a mistake – I think if I know Mr Speaker correctly, I think he has purposely included the words... the final words of his Recommendation are that

1330 ‘...facilities for the Leader and Members of the Opposition’

– and we are now even extending that to Members of the Government, as well –

‘should be made available *near* the Parliament.’

1335 Yes, Mr Speaker, the backbencher spoke before of the over-crowding of these facilities. Certainly, we know that Mr Speaker has by no means an ideal position, in that he sort of has to toss a coin with the Clerk of the House to see who can attend to private business within the office and the poor Clerk, at times, as I recall having wanted to have a quick word with him in preparation for matters to do with our attendance at the CPA Conference in Sri Lanka and he, being a polite man, said, ‘Yes, but we cannot take over the office or the desk because Mr Speaker may need to attend to some parliamentary business’ and it is un-gentlemanlike not to say – I would even dare to say against the rules – to make Mr Speaker wait outside whilst the Clerk and I have a rather casual conversation trying to make logistical arrangements to attend to parliamentary matters, be it in the wide ambit of the CPA procedure.

1340 So, yes, Mr Speaker, *near* the Parliament as far as possible would be fine. That would also reinforce what the Hon. the ex-Leader of the Opposition was saying: we can, from there, work as parliamentarians and an example that comes to mind, Mr Speaker, the Minister for Justice is now much, I think in many ways, to be commended, issuing the Command Papers, as an example, before the formal publication of the Bill. Sometimes, the ordinary man in the street wants to talk about those issues with a parliamentarian. As present circumstances stand, the only place where I can get a little bit of privacy is to invite that ordinary voter to come, perhaps to the GSD office, and that person should not be forced to have to come and identify with any one political Party but is rather, as an ordinary citizen, who is entitled to be fairly and democratically represented by Members of Parliament, whatever side of the House, it would be ideal if he had a place here in this building, or *near* the building, as the Commission has said, so that we can actually meet and discuss and then that all it is going to do is help to contribute to a wider variety of opinions when the time comes for proper discussion or the Bill here in this Parliament.

1355 There are, of course, Mr Speaker, occasionally other matters that pop up that one does not necessarily want to make it come under a Party whip. I am thinking of past examples where we had a Private Members’ Bill, where a particular Party had decided to allow a free vote amongst the MPs on his side and, again, that would be ideal if a situation arose where we had some facilities. Also, Mr Speaker, if I take into mind the Chief Minister did announce, at the very beginning of this term of Parliament, that they were working to be as green as possible, to become as paper-less as possible in many things and so on and I have, on occasions, had to come here and seek assistance from the Clerk in helping me find and locate these charts, these statistics, that Government now publishes on its website and I am conscious that I am infringing upon the work of the other ordinary clerks. I know the Clerk is so generous that he says no, but I do feel, at times, that I am there, members of the public come in and he, like a gentleman, says, ‘Well, wait for a minute’, because there is a time and a place for all sorts of business. So any other facilities that is made available, either in the building or as *near* the building, will help as well in many ways to ensure that the Clerk remains, and even increases, his efficiency in his contributions to help Members on this side of the House, pose their Questions and make sure that we all have as up-to-date information as possible.

1370 Mr Speaker, I take you to point 4.4, where it says about a purpose-built parliamentary building and the final paragraph there says:

1375 ‘We consider that this subject matter is not within our remit but we are conscious of the fact that the present accommodation for the Speaker, the Clerk and staff needs urgent improvement.’

1380 I want to leave you, Mr Speaker, in no doubt that this side of the House – and I already gather that the other side of the House – all feel that you deserve better physical accommodation, whatever possible, and therefore, although there is no specific recommendation either on purpose, because Mr Speaker did not want to appear to be selfish recommending something or whatever, but that goes hand in hand with the facilities that I think should be made available for the Leader and Members on the Opposition side.

Finally, on point 4.5, Mr Speaker, the composition and procedures of statutory bodies. The Commission says that they have considered a suggestion there should be a review of the composition and procedures of statutory bodies, authorities, commissions and Government-related entities to ensure that

1385 these work better and are more responsive to the public and are more independent of Government. I think,
 Mr Speaker, that in the same way that today we have been able to agree upon many things, I am almost
 certain that there must be a way forward on this. If I may, with respect, remind the Hon. Chief Minister
 1390 what he said when he was sat on this side of the House: he said that he continued to believe that it was, or
 it is, time for the method of appointment to the board – and he was specifically referring to the GBC
 board, which I am just using as an example – to be changed, and that a more representative system be
 introduced to ensure that there is no *de facto* ability for any Government to control the corporation's
 board by the manner of appointment of its members. With that spirit in mind, Mr Speaker, I am sure that,
 if need be, at Select Committee time we can come together and find a modern way forward, where both
 1395 sides will be satisfied. One that has been mooted already is that the Leader of the Opposition be allowed
 to make one nomination to the board and so on. But, again, let us not bog ourselves down in this one
 today but I want the Chief Minister to bear that one in mind because there is room for discussion and I am
 sure there is plenty of scope for agreement on that.

And, Mr Speaker, on behalf of if – I may as well with your leave, on behalf of the hon. Lady, who had
 asked me at one stage whether I would give way to her but she has had to go to attend to a school matter
 1400 in respect of her younger son, the hon. Lady wished to offer this comment in respect of matter 4.5. The
 hon. Lady, in her notes has left me, saying that, where necessary, composition of boards and so on should
 be changed to improve the constitutional checks and balances on governmental power. She believes that
 this cannot happen without proper representation from members of our diverse community. This means
 reflecting the composition of Gibraltar society on these statutory bodies, enabling meaningful checks and
 1405 balances on the Government of *all* Gibraltarians, not of a majority of white, middle-class males. In order
 to address this balance, she has publicly stated before, and wishes to reinforce, that it would mean
 actively inviting more women and minority representatives to sit on these bodies. Out of the statutory
 bodies gazetted so far, only ten per cent of the composition are women, some of whom are the secretaries
 of the boards, and even less from different ethnic backgrounds. This improvement to composition can
 1410 be done quite simply with a little more consideration and active positive discrimination when inviting
 individuals to sit on these statutory bodies. Membership of a statutory body is not through a process of
 applying for the role, the assessment of applicants and recruitment of the best person for the job, it is
 simply through an invitation by letter from either the Chief Minister, or the Minister responsible, to join
 and form part of a statutory body.

1415 And, with that, Mr Speaker, I give way to the Leader of the Opposition.

Hon. D A Feetham: Yes, Mr Speaker, I just rise in relation – I am very grateful to the hon.
 Gentleman Mr Reyes for giving way – I rise to comment on the final sentence of the first paragraph, 4.5,
 1420 where it says

'Furthermore, the Police Authority and GBC, for example, should have members on those bodies proposed by the Leader of the
 Opposition.'

I think the Government ought to really give serious consideration to this. It really prevents the kind of
 1425 exchange that perhaps we have had in relation to GBC. I have no difficulty for example in saying to the
 hon. Gentleman that I think that some of, *some of* the names that – some I do not know, some of the
 names that he proposed in relation to the GBC board, for example its Chairman, Albert Mena, are
 excellent choices and I am sure Mr Mena will be an excellent Chairman of GBC (*Interjection by the Hon.
 Chief Minister.*)

1430 May I please finish? I will give way if the hon. Gentleman –

Hon. Chief Minister: I am grateful, Mr Speaker, because, you see, this debate is about the
 recommendations in the Parliamentary Reform Commissions Report, not about re-running the issues that
 1435 we are fighting about in press releases... but I am going to come to the point made by the hon. Gentleman
 for Mrs Ellul-Hammond. In particular, the hon. Gentleman has issued a press release, saying that one of
 the disqualifications for another one of the members of that board is that they are a very close friend of
 mine. He has now alluded to another individual who I have appointed to that board and praised him. I
 should just like him to know that he, too, is a very close friend of mine.

1440 **Hon. D A Feetham:** Well, Mr Speaker, I am very glad that he is a very close friend of his: he is
 probably not as close a friend of me.

What I am saying is that, in relation to Mr Albert Mena, he is, he would be... I am sure he will make
 an excellent Chairman of GBC. The problem that we had, certainly on our side, was not in relation to Mr
 1445 Albert Mena but in relation to the four names that the hon. Gentleman attempted to introduce to the list
 that was originally the subject matter of consultation with my predecessor, Mr Caruana.

The point I am making for the purposes of *this* debate is that if the Government were to accept the

1450 view expressed in the Report, which does not find its way into a Recommendation, but it is certainly the
 1455 view the Police Authority and GBC, for example, should have members on those bodies, proposed by the
 Leader of the Opposition, it would obviate the kind of exchanges and the kinds of comments that we have
 seen on the question of the composition and the consultation to the GBC board that we have seen. I urge
 the Government to give serious consideration to this. I can tell him that, should we find ourselves on that
 side of the House after the next election, certainly we *will* introduce provisions allowing the Hon. the
 Leader of the Opposition the power to effectively have positive input into the appointment of at least one
 member of GBC and also the Police Authority.

Mr Speaker: Do I take it that the Hon. Mr Reyes has concluded his contribution?
 If so, I will call upon Mr Netto.

1460 **Hon. J J Netto:** Mr Speaker, I am grateful for the opportunity of making a contribution to this
 important subject of parliamentary reform. May I, from the very start, state that what I am about to say is
 as an individual Member of Parliament and in no way a contribution by the GSD Opposition. Also, I
 make no apologies for the fact that the subject matter is controversial. I will be addressing *all* Members of
 Parliament, regardless of party political affiliation, on the question of the recital of the Prayer at the
 1465 beginning of every parliamentary session and, as I will argue in a minute, why, in my opinion, there is no
 longer a need to continue with this practice.

But before I do this, I would like to take the opportunity to congratulate the Leader of the Opposition
 and, indeed, my fellow colleagues in the Opposition benches, in allowing me to speak on this matter of
 individual conscience, in the same tradition as the previous GSD Leader, the Hon. and Learned Peter
 Caruana QC did when we were in Government, on sensitive issues of conscience, such as the equalisation
 1470 of the age of consent for sex at the age of sixteen, even though not all of my colleagues, then or now,
 agree with my views. These are issues where the GSD Party does not hold individual Members within a
 three line whip but, rather, allows each and every individual Member to express their own conscience,
 regardless of Party affiliation, a tradition worth maintaining.

1475 Mr Speaker, the Hon. Chief Minister, in his speech at the first session of Parliament after the
 refurbishment, did say, *inter alia*, that the new Prayer which is now recited is due, in large measure, to the
 contribution the late Charles Bruzon made in order to update the language from the previous one and that,
 in the opinion of the Chief Minister, this would remind him of Charles Bruzon for the great man he was. I
 would like to say that Mr Charles Bruzon was to me a very good friend, in which I had the honour of
 1480 sharing many good memories either in Parliament or outside. Indeed, our friendship extended to the many
 CPA Conferences we both attended together, jointly defending the collective Gibraltar position and rising
 above party political differences, as is common at such conferences. Also, given that I happen to be one
 of the longest serving Housing Ministers, often in private I would provide him with some useful advice
 on how to cope with what is one of the most demanding ministries.

1485 However, that said, among the many good qualities that Charles had, was that he was a true democrat
 and would accept the principle of anyone raising a contrary point of view to the one he would
 passionately hold: something that I will do now. Mr Speaker, the recital of the Prayer at the beginning of
 each parliamentary session probably goes back to the period before the House of Assembly. No doubt,
 this, like many other things we do in our Parliament, is due to the political evolution in Gibraltar from the
 1490 British political class, predominantly from the House of Commons. In that political evolution and most
 specifically in the context of our new Constitution, we have reached a new qualitative stage in our
 political emancipation that we should, in my opinion, no longer be speaking in Parliament in terms of
 conducting our proceedings under the cloak of some ancient or religious doctrine.

1495 First of all, when we as parliamentarians get elected into this Chamber we do not exclusively speak on
 behalf of Roman Catholics *per se*, Anglicans, Presbyterians, Muslims, Jews, Hindus, Jehovah Witnesses,
 agnostics, or as atheist. We speak on behalf of all the people of Gibraltar, regardless of any religious
 views or orientations. Therefore, to impose any Prayer on those people who are not religious, or even to
 those people who are religious but would keep matters of State and Religion separate is, frankly, an
 undemocratic act. Mr Speaker, our Constitution may not be perfect, although I would say hardly any
 1500 constitution in the world is, but we have gone a long, long way in showing the world how politically
 advanced we are in Gibraltar.

In fact, if we look at the various tenets running through our Constitution, whether the fundamental
 rights and freedoms of the individual, the protection of freedom of conscience and the protection from
 discrimination on the grounds of race etc., it is implicit that the text and vocabulary therein, the
 1505 manifestation of a secular framework, which is the only way that we can bind together people of different
 personal views without offering a preferential treatment to anyone or to one group of people over others.

Living in a secular society and practising secularism in Parliament means adopting the principle of
 neutrality in a public discourse. Neutrality means just that, neither standing in favour or against religion
 or any other views. It also means that when we act in a parliamentary session we do so by leaving behind

1510 any private interest. That is, we act in the public interest of all our community. I believe, Mr Speaker, that there should be a clear separation of Church and State and, in particular, the way we run Parliament. To quote Thomas Jefferson, one of the founding Fathers of the American Constitution and the third President of the United States, he said:

1515 'Believing... that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legislative powers of Government reach actions only, & not opinions, I contemplate with sovereign reverence that the act of the whole American people which declared that their legislature should "make no law respecting an establishment of religion, or prohibiting the free exercise thereof," thus building a wall of separation between Church & State.'

1520 That was a letter to the Danbury Baptists in 1802.

The wording of the new Prayer, despite its non-denominational basis, still continues to be an affront to the principle of equality that should enshrine the rights of all individuals in our society here represented in our Parliament. There is no need to prefix language of

1525 'counsel, wisdom and understanding'

to an Almighty God. In this political Chamber, the counsel, wisdom and understanding that we need to project collectively is derived from the individual Members of Parliament, regardless of Party membership and from the rules and contribution that we all make in the course of our parliamentary life and from the experience of those parliamentarians that have been here before us.

1530 When the new Prayer says

'We',

1535 as in

'We humbly ask you to guide and assist us in our deliberations and in our work',

1540 this means that Parliament is being converted into a Church public event. In other words, Parliament is being converted into a state itself in prayer, manifest in a commitment to religious beliefs and observance. This, therefore, negates the democratic principle of preserving each and every person's right to freedom of thought, conscience and diversity.

1545 I am not saying that, for those Members of Parliament who *do* wish to have the opportunity of praying before Parliament starts, that they should not have the facility to do so *outside* this Chamber. I am quite content for some room to be made available to them so that, before entering the Chamber, they can ask for guidance to their respective gods, if that is their wish. Just as I think I should not infringe their rights, they, in turn, should not infringe *my* rights either.

1550 Mr Speaker, I suppose that, for those who may wish to sidestep the rationale of my argument, they will say why it has taken me seventeen years of parliamentary life to now raise the issue. In response, I would say that it is for a number of reasons. Already I have alluded to the fact that we do have a new Constitution that is, in my opinion, a much clearer secular one from the one that we had before. Secondly, the fact that we have a new Prayer, and the timing of it, comes at a time in which we are almost simultaneously having a discussion on parliamentary reform. Therefore, it is absolutely right that, at this juncture, I should bring up the matter for discussion. As people know, I am an atheist and I make no apologies for the views I have.

1555 In the light of what I have said, Mr Speaker, I would humbly suggest to the Leader of the House, the Hon. Chief Minister, that, on this matter alone, to provide a free vote, as was the case in the Scottish Parliament, so that each Member of Parliament can express and vote in accordance with their conscience. The Leader of the Opposition has told me that he will not impose a three line whip on this issue, even if he does not support a change of the practice. What I find difficult is to continue to stand whilst a Prayer is recited, knowing that this infringes *my* freedom of conscience and having to acquiesce to a situation in which it negates the principle of equality amongst some Members of the Legislature.

1560 No Member should receive an inferior treatment, as we have all been elected by the people of Gibraltar. I hope hon. Members understand what the issues that I bring to bear for consideration are and that we move forward from a position of respect to everyone.

1565 Thank you.

Mr Speaker: May I say, since I am responsible for the Prayer, in the sense that I begin the proceedings of the Parliament with a Prayer, the House I am sure will wish to hear my views on the matter.

1570 When I was a Member of this House at the time of Mr Speaker Vasquez, Mr Speaker Vasquez not only said the Prayer at the beginning of the meeting, but whenever there was a long period because the

1575 House had adjourned from one day to another, a number of days after the event. I gave some thought to the matter myself this morning, having regard to the fact that we had not met for a week and a half and, having regard to the fact that the business of this House today was a very important business for the good of our community, I gave the matter some thought and I desisted from asking Members to stand for the Prayer. Instead, what I did was – being a believer – I paid a short visit to the Blessed Sacrament and asked my Lord Jesus to help me today in conducting the business of the House in the manner that it should be conducted.

1580 Today, in the world in which we live, atheists are much more militant than what they were forty years ago. I am aware that there has been a Member, another Member in this House since 1972, who also is not a believer but who has always respected the desire of the majority to put our affairs in the hands of He whom we believe is our creator and is our God. The hon. Member has quoted parts of the Prayer but he has also left out another part. He says that he comes here and Members – regardless of whether people are Muslims, Jews or what have you – we are here to look after the interests of all. Indeed, the Prayer reflects that. The Prayer says:

1585 ‘May we act honourably in pursuit of true justice for *all* our people.’

1590 Let me tell the hon. Member that I do not think that the majority of Members here who are believers should necessarily have a room outside for their prayers. It is not an imposition. The business of the meeting does not begin... the Agenda does not begin with a Prayer. If he, or any other hon. Member, has any objection to the Prayer, what he can do is to join the House after the Prayer. For as long as I am a Member of this House, for as long as I am the Speaker, unless Members tell me otherwise collectively, I will continue at the beginning of every meeting to recite this Prayer and ask God to enlighten all of us here who are trying to work for the good of Gibraltar.

1595 We will now recess for twenty minutes.

1600 *The House adjourned at 5.15 p.m. and resumed its sitting at 5.32 p.m.*

GOVERNMENT MOTION

1605 **Parliamentary and democratic reform
Report of the Independent Commission
Debate concluded: Amended motion carried**

1610 **Mr Speaker:** Does any other hon. Member wish to speak before I call on the mover to reply?
The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, it has been a long day and a very constructive debate and I think it is important that we now try and take this debate on this motion to an equally constructive conclusion. There have been some things said during the course of the interventions which deal with the Recommendations in the Report and I want to go through some of those.

1615 There have been some things said during the course of the interventions which are slightly party political and, with your leave, I am going to at least just put markers down in relation to that but I do not think is in anybody’s interest that we should delve into deeply controversial partisan territory during the course of this debate, so I am going to try and avoid that whilst simply saying, I am not accepting by simply not dealing with them, any of the points that have been put during the course of the afternoon.

1620 The first one, which is one of the issues that the Hon. the Leader of the Opposition started with, was this question of whether the current Constitution delivers the maximum possible level of self-government. He knows our position on that and it is important that we all understand that the debate today is not about any of those issues and the detail of any of those issues, it is about the detail of the reform proposals and where we want to go, so I am not going to delve on any of those issues.

1625 He went on to talk about whether, in certain instances, he had been left to debate motions or ask Questions on cold and late Friday evenings – what he called the parliamentary Siberia – and that motions would not be dealt with at peak times and therefore there would be less interest.

1630 When we are looking at parliamentary procedure, we have to understand what parliaments are. We have got to be careful also not to try and turn ourselves into a circus and we have got to try and understand what peak timing is. It may be, Mr Speaker, that with cameras active in the Chamber, a Friday evening that is otherwise cold and bleak at nine o’clock in this place is actually peak viewing time in the warm homes of those who may be watching on television. So yesterday’s Siberia, with the cameras active in the House may become prime time viewing. I think it is important that we reflect that what is going to

1635 happen when the cameras become active – something, as I have said before, I hope will happen soon – is
 that those who operate news agencies – in particular, in Gibraltar it is GBC and now also the nascent
 YGTV – will be able, whenever a Member has spoken, whether they have spoken at a time which is peak
 1640 time or not peak time, if valid points have been made, they will be able to extract the relevant part and put
 it on our screens. So I think the technology will help in that respect but he has to understand that
 parliamentary procedure around the *world*, not just in Gibraltar, puts Opposition motions last on the
 Agenda unless you are dealing with the adjournment motion that we are going to look at the procedure of
 in more detail so that Members on both sides of the House may be able to make use of that particular
 mechanism more often.

1645 Then there is, of course, Mr Speaker, a reference in the hon. Members address to the issue of
 enlargement of the Parliament and their policy of enlargement to twenty-five. Well, I think that there *is* an
 argument and I have not developed this argument any further but I think there is, potentially, an argument
 that the number of Ministers need not necessarily just be ten. I think there is potentially an argument that
 it could be eleven because the Chief Minister, if he takes no portfolio, can appoint, in my view, ten
 Ministers and be Chief Minister himself, absent a Ministerial portfolio. I do not know how it would work
 1650 in terms of remuneration, but the way that the Constitution operates is not necessarily always the way that
 it has always deemed to operat, and if we look at it in some detail, it may be that there are flexibilities
 there that we had not originally identified.

I am making that point not because I seriously believe that there *should* be eleven Members on this
 side of the House, even with the current setup of numbers but because there is another point that I think
 flows from it quite usefully. That is that they have demonstrated – in fact, in this debate perhaps more
 1655 than in others – that it is possible, with the numbers that they have in the Parliament today, to have
 Members who are on the back bench and I want to thank the Hon. the previous Leader of the Opposition
 for his contribution today – I will come to it in a minute – but he has made it as a backbencher and, in the
 course of the contributions from other Members of what we might call the front bench of the Party
 opposite, they have said that they are not entirely aligned to the points made by the Hon. Mr Caruana.

1660 We have demonstrated and, fortunately, for all the reasons that we are aware of in the past six weeks,
 that it is possible also to run a Government with one Minister less. We are running Gibraltar with nine
 Ministers. There is, therefore, the potential, with the existing number, that if we were to gain a seat in the
 coming by-election with a successful GSLP / Liberal candidate that that person might not need to be
 appointed a Minister. You would, therefore, have a situation in this Parliament – without enlargement, Mr
 1665 Speaker – where the GSD in Opposition have the benefit, as they see it, of a backbencher and we could,
 potentially, have what was Mr Bruzon’s seat occupied by a Member to whom the Chief Minister does not
 give a ministerial portfolio. It is a possibility. I am not going to present that option to the people of
 Gibraltar when it comes to the by-election. I am going to ask them to return a GSLP / Liberal candidate
 so that I have another Minister available in the delivery of the Manifesto but we have now demonstrated,
 1670 in this debate today, that you can run a Government with nine, even in this context, without an Attorney
 General and without a Financial Secretary, and that you can run an Opposition with six, with one
 backbencher. So enlargement is not a *sine qua non* for there to be backbenchers available in the context
 of this House.

1675 Of course, Mr Speaker, one might be tempted, in the knowledge that it is still possible to convene a
 parallel election for 4th July for another seat, to invite those who might be holding backbench places here,
 now that they would not add to the expense of the by-election –

Hon. P R Caruana: Will the hon. Member give way?

1680 **Hon. Chief Minister:** Of course.

Hon. P R Caruana: I thought he had just welcomed my contribution as a backbencher (*Laughter*)
 and, with the very next breath, he wants me out of the Chamber! Well, can he make up his mind?

1685 **Hon. Chief Minister:** Mr Speaker, I did welcome the contribution. That is why I was about to say
 that I was tempted to invite him to resign his seat... but, of course, it is a matter *entirely for him*. It is a
 matter entirely for him.

1690 Mr Speaker, I do not think that the Report lacks focus on the issue of enlargement. I think that the
 Commission has dealt with the issue of enlargement actually very clearly and just because the
 Commission’s majority view is not the Leader of the Opposition’s view on enlargement, I do not think
 that that demonstrates that the Report is in any way lacking in focus.

1695 The Hon. the Leader of the Opposition also said, in dealing with this issue of backbenchers that, in the
 lexicon of other parliaments, other MPs had said that one of the most enriching experiences is to defy the
 Party whip. Well, I think we have just seen one of those ‘enriching experiences’ just before the break and
 we will see how enriching it is! (*Laughter*) But, look, I think we need to understand what Party whips

mean. Party whips are about votes, not about opinions. Very often, in other parliaments, a Member may get up and say 'I do not agree necessarily with all the reasoning that my Party leadership is advancing on this issue' and yet that Member may, nonetheless, be prevailed upon by the whips system – not something I think we should wish to replicate in Gibraltar – to vote with the Government or with the Opposition on a particular issue. Sometimes, they may just be prevailed upon not to make statements because they are contrary to the opinion that is being advanced by the leadership of the Party.

All of those things which the Hon. the Leader of the Opposition prayed in aid in support of his arguments for enlargement, I think have been demonstrated today, for the reasons I have already given, not to be relevant.

Mr Speaker, you have, in my view rightly, taken issue with Members on both sides of the House in the way that we had unfortunately grown accustomed to deal with each other at Question Time. We might take the view that you have sometimes been too harsh with us. We might even take the view that you have sometimes been too harsh on *them*. Not a view that somebody who had been in this Parliament perhaps in the 1970s and 80s, when you were here, might take. But for those of us who have been brought up in what I might call the more liberal environment of the past ten years, I think we have all felt the strictures that you have imposed on Question Time and I think, actually, that is a very good thing, although I feel the strictures myself. You are the Speaker and I think it is important that we all recognise, in this Parliament, that you are much like the referee in a football game and, therefore, the referee has to make decisions which are final and players on the pitch need to understand that, even when they think that the referee has got it wrong, defiance of the referee is not an option that should be displayed.

I am not going to suggest that the Hon. the Leader of the Opposition's remarks today, in the context of this debate about the subject, have amounted to defiance, but I would say this that, in the occasion that we were talking about, I detected an element of defiance of the Speaker. If *we* have ever fallen into that trap, then it is something that we should never fall into and I would commend to the hon. Members opposite that, even when we all might take the view that Mr Speaker is being unduly harsh, or we might take a different view on one side or on the other, the recourse in this Parliament should never be to *appear* even, to defy Mr Speaker on an issue. I think Mr Speaker is approachable enough that we can, in a recess, take up issues with you that we might think have been unfair, almost as if we were asking to view the replay in that football match that I was trying to suggest was a good analogy, but we have to be very careful in the example that we set, not just to keep our debate not personal, which you are imploring us to do – and I think that is a very good thing and we had fallen into the habit of being more personal and I think we should not be – not just to continue to be very vigilant to keep our supplementaries and our answers relevant and informative and, where possible, it is not just a question of not being personal but also trying not to be too partisan when we are dealing just with the movement of information, although we are free to be partisan in the context of motions, but also to set an example in the way that we deal with Mr Speaker's rulings and to be respectful ever and not defiant.

Can I just take up the Hon. the Leader of the Opposition's example, when he was dealing with the issue that he wanted to raise today, which was this issue of the point put to the Hon. the Minister for the Environment about whether or not he had briefed a particular mayor and his answer and whether the Members opposite had a document which suggested the opposite. These things, I think we need to understand, are almost becoming like a cross examination, where a document is produced to put to a witness that demonstrates that he said something which is not quite true. And Question Time, Mr Speaker, is not about that: it is about information. It is not about cross examination in order to prove a point. The Punch and Judy show that we see at 12.15 on Wednesdays at Westminster is not that. Of course, there are political points made but it is not 'Ah this... and here is the document and here is the rest of it.'

The Question Time that the Hon. the Deputy Prime Minister, the Rt Hon. the Deputy Prime Minister Nick Clegg was dealing with, which I actually saw the whole of, where he had a document produced to him which had his photograph and his commitment, before the election, to put to the Referendum question, is different for this reason: I wonder whether the Hon. the Leader of the Opposition would just take this point from me. The gentleman who got up at what was Prime Minister's Question Time but had become Deputy Prime Minister's Question Time, in the absence of the Prime Minister in a Brussels meeting, put the question with the document as his question. The difference is that, in the context of what happened here, what was put to the Hon. the Minister for the Environment was one of many supplementaries at the end and Mr Speaker's ruling was about relevance... (*Interjection*) Well, the third or the fourth... about relevance to the issues that were being debated.

I think there is a *huge* value in Question Time continuing to be political and I accept that that is an important part of what makes Question Time exciting. It is not just the Government as an encyclopaedia exchanging information across the floor of the House. We may as well just put that on a website. But it is about that context of information flow and the politics being interlaced into that without it becoming a legal cross examination, although there are too many lawyers in this Chamber, perhaps, for all of us not to fall into the trap of trying to make it that. So I think, and I will give way to the hon. Gentleman in a

1760 moment, that your strictures in respect of Question Time are appropriate and must be welcomed by both
 1765 sides as long as they continue to be equally applied to both of us, the answers must be short and sharp and
 1770 informative and not delve into the partisan, so long as the Questions are short and sharp and do not delve
 1775 into the partisan. And if we fall into that rhythm, Mr Speaker, with a lacing of flavour of the political,
 then we can actually – and I think this is what the Leader of the Opposition would like and I would
 certainly like – then we can certainly find ourselves with a situation *like* Prime Minister’s Question Time,
 which *is* the bear pit but moves quickly, *is* about information, and has reached almost that gladiatorial
 moment in the week, which everybody who is slightly interested in politics tunes in to see. But I think it
 requires us all to understand that those strictures are relevant in some way.

I will give way to the hon. Gentleman, if he wishes, now.

1770 **Hon. D A Feetham:** Mr Speaker, thank you very much to the Chief Minister for giving way.

Mr Speaker, by the very nature, Question Time is partisan. We are in many instances, in some of the
 questions that we are trying to ask, not only trying to obtain information but may lead us on a trail of
 enquiry that may lead us then to make a political point, but we are trying to make a political point in
 relation to some of the Questions by the virtue of asking that Question.

1775 In relation to this particular episode that I have used as an example, and that the Hon. the Chief
 Minister is also using as an example, I have to say that the Hon. the Chief Minister was not here at the
 time. No doubt, he heard it on the radio. But he was not here at the time because it was the Hon. the
 Minister Cortes.

1780 The answer that was given – and it is verifiable by *Hansard* – was, that, as far as he was aware – that
 is what he said – ‘As far as I am aware, the Mayor of La Línea has not been briefed on the Fishing
 Report.’ And I had a statement and the point that I was going to make is, well, how can that answer be
 sustainable in the light of a statement that has emanated from No. 6 Convent Place after a meeting with
 the Mayor of La Línea, saying that she had been briefed on aspects of the Fishing Report. To say that
 that, somehow, is beyond the pale of Question and Answer sessions, I do not think that is, with respect to
 the Hon. the Chief Minister, sustainable.

1785 I think what we have got to watch out for in Question and Answer sessions is for those sessions to be
 getting out of control, for it to be personalised. As long as people follow and observe good standards of
 reasonable behaviour that we all expect from Members of Parliament in this House and as long as the
 question, the supplementary, is relevant to the subject matter of the original Question, whether it is
 political or whether it is statistical in nature, even if it is political, I do not see that it is objectionable. And
 1790 of course also, we have got to have regard, as I am reminded by my predecessor, the former Chief
 Minister and Leader of the Opposition, Mr Caruana, that this arose out of the answer that the Hon. the
 Minister gave to a question that Mr Netto had asked. In fact, it was the second supplementary – it was not
 the fourth or fifth supplementary – and matters were not getting out of hand. I was just simply going to be
 asking ‘Look, how can it be sustainable?’ I think that is not beyond the pale, so to speak.

1795 I accept that we cannot always get it right and none of us – none of us – I accept that we cannot
 always get it right... I have my views in relation to this. Other views were expressed. I do not think that I
 went – indeed, it has been subject of comment by former politicians. Mr Maurice Xiberras has also
 expressed his views, the Editor of the *Chronicle* has also expressed his view in an editorial. I do not think
 1800 that I over-stepped the mark or that my conduct at the time was beyond the pale and we have got to guard
 against a situation where this becomes... we are treating each other with kid gloves at Question time. That
 cannot be right: it is just going to put people off.

1805 **Hon. Chief Minister:** Mr Speaker, if I may, the issue is not so much the *subject* of what was going
 on, you know the hon. Gentleman says he has a document which contradicts what the Minister says. As
 ever in these instances, it is very likely that when we look at the document it does not entirely contradict
 what the hon. Member says but that is the substance of the matter. The issue for me is, Mr Speaker, and
 what I am talking about in particular, is that what we cannot do is defy the Speaker when we think Mr
 Speaker may have got it wrong.

1810 What we cannot do, with respect, Mr Speaker, is become – and I do not want this to become a very
 partisan debate, but because we are talking about Question Time and how it is structured, when we *think*
 you get it wrong Mr Speaker – what we cannot do is become petulant and say ‘Now we are not going to
 ask any supplementaries. ‘Industrial action’ of that sort, although it was very welcome by the
 Government, because we were able to fly through Question Time, I do not think was conducive to the
 way in which we have to deal with those issues.

1815 I think that we are *all*, Mr Speaker, learning lessons about how we are going to get to the right tone
 and level of Question Time. I think it is right that we are embarked on that journey and that you have
 taken us there and are putting us on the right track and that is, I think, what I am sure will deliver the right
 balance so that we get to a PMQ style debate which is as exciting for Members opposite as it is for
 Members on this side of the House and for those who are watching whilst, at the same time, being

1820 primarily about information and then, as I said, the partisan flavour or the partisan lacing that would make that exciting.

Mr Speaker, I think that to say that we are not doing enough in terms of the timetable that we issue is to ignore what the practice of this Parliament has been for forty years. Again, I –

1825 **Mr Speaker:** For twenty!

Hon. Chief Minister: I am obliged, Mr Speaker.

1830 For twenty years... Because I think it is fair to say that we are going out of our way to provide a timetable. I think that if we have a Select Committee which looks at the issues that we have discussed constructively, it may be, as I was saying to the hon. – can I just call him the hon. the backbencher: it is easier than the Hon. the-former-Leader-of-the-Opposition-now-the-backbencher – it may be possible to come up with a formula so that all of us know when in the month we need to be where. That makes it easier for all parties and the issue of the timetable becomes even *less* relevant. But until we have that...
 1835 the hon. Members opposite, some of them understand what it is like to be in Government, and they used to call three meetings of the House a year: calling them on a monthly basis, and sticking roughly to where we are, is a relatively hard job and I still, nonetheless, try and make sure that Members know who is going to answer Questions on what day. I do not know whether they are getting the timetable but we certainly try and make sure it is out as soon as possible, so that they have an idea of where we are going to be.

1840 But, of course, then the *other* issue is this: if you want to have the Minister for Justice, Education and Financial Services between 9.00 and 11.00 on the third Wednesday of the month and then the Minister for Social Services between 11.00 and 1.00, then we have got to have a time guillotine and that is what Members opposite were proposing. I was saying we should not have a time guillotine. Absent the time guillotine, I found myself compiling for this last session a timetable of Question Time which kept
 1845 changing because we did not reach the end of particular Member's Questions by the time that we thought we would reach it – although I must say on the last day it flew!

I think Members have to understand, it is *either* the clear timetable that we can all stick to because we have got time limits, or it is the substance guillotine that is going to allow them to continue to ask questions whilst Mr Speaker indulges them and the subject matter of the supplementaries continues to be relevant. In that context, if we move to a timetable, would it be easier, not just for single mothers, but for
 1850 all of us who are professionals, to plan our time better, whether we are in Government or still in the professions – of course, even for Mr Speaker and other Members of the staff of the House – to plan their lives better? I think we should strive for that. The Blair Reforms of the late 90s were designed to try and deal with the influx of what was known as the 'Blair Babes', a very large influx of women Members of
 1855 Parliament, who had responsibilities for families that, therefore, required that the time-honoured traditions of the House of Commons be changed.

I think we have changed the time-honoured traditions of this House to an extent, at least for the time that I was here because we no longer sit as late as we used to sit. We try and ensure that we get through the business of the House. The hon. Member talks about Siberia, 8 o'clock on a Friday evening: perish
 1860 the thought that you might be involved in a debate, eating take-away food at 10 or 11 o'clock in the evening: not unknown in the period before us. So I think that they need to understand that they have in the Government an ally in trying to ensure that we find a rhythm for the timetable which is as useful for Ministers and for the future Members of Parliament, who might be attracted to an easier running institution, but we have got to then, in the Select Committee, look at that balance between setting
 1865 timetables or keeping things relevant during the course of debate because they remain subject-matter relevant.

I do not know whether he wants to make a point.

1870 **Mr Speaker:** May I explain why I made the comment of twenty years.

I honestly think that Parliament today, with the timetable that it has, is conducting its affairs better than what the House of Assembly used to do at Question Time between 1972 and 1992. In Question Time what used to happen was that there was no proper timetable, other than that it was known that the most junior Minister would answer Questions first and so work up in order of precedence, as it were, of
 1875 seniority, to the Chief Minister. Now that meant, effectively, that all Members of Government had to be sitting on the Government benches throughout the meeting and, invariably, all Members of the Opposition in the same way. So, in a way, we were the slaves of a timetable which had no flexibility whatsoever. In that sense, I commend what Members have been trying to do. I think it is a better system. It does not mean that a Minister who is busy – otherwise busy – and needs to attend to Government business, has to be sitting here in case he needs to answer Questions if they go through very, very quickly,
 1880 or that a Member of the Opposition, who is only a part-time Member really, is also obliged to be here present.

So I do not want the House to think that, because I made that comment, I was disparaging the present practice. On the contrary, it is something that I support.

1885 **Hon. D A Feetham:** Yes, Mr Speaker. The problem that we are finding on this side of the House in relation to the timetable is... Of course, we know the order in which Questions are going to be taken, but what we do not know is, more or less, when a particular Minister is going to be questioned because we have had, in the past, say, for example, Chief Minister's Question Time at 3.00 p.m. and then there is an adjournment to the next week: or we have started with, I do not know, the Minister for Education and then, instead of continuing into the afternoon, it has been adjourned from a Monday to a Friday.

1890 Our preference, in order to give greater certainty to this question to solidify the timetable, is to have... we do not mind having a situation where the Chief Minister is questioned for three hours, or that Mr Licudi is questioned for – well, Mr Licudi is probably a wrong example because he is the Minister with many portfolios – but somebody like Mr Cortes is questioned for two hours in relation... and to have specific dates at specific times for those Ministers. That then allows everybody else to plan around the diary.

1895 He knows, and I am very grateful... Indeed, it gives me an opportunity to thank the Chief Minister for the adjournment the last time round: when it came a couple of weeks ago, it was my birthday. My wife had organised a trip away for three days for me and her: it was the first time in ten years that my wife and I were out of Gibraltar without our children. Now, she organised it, she asked me beforehand and I said 'Well, on this particular weekend I do not think there is going to be a Parliament on the Friday because the Chief Minister's Question Time usually is the third week of the month', so we planned it with the sort of more-or-less timetable, the way these things are going on now.

1900 But, of course, the Questions were then... We started off on the Wednesday, then it went on to the Thursday and then it went on to, I think it was the Tuesday, and then it got adjourned... I think the initial proposal was the Friday and I had to speak to the Hon. the Chief Minister and I am very grateful that, instead of having *this* Parliamentary debate on the Friday – although it would have been a bad day because it was the UEFA day – that he agreed to have the debate on this particular day.

1905 With a more certain timetable those things do not happen, because we are then able – everybody is then able – to plan their entire... their diaries, around Parliament. I think that is *one* of the reasons why we would not... why we are in favour – although not the only reason – of having specific slots of specific times in which we can deal with Questions of Ministers. Certainly, we are prepared to discuss this in the Select Committee when the Hon. the Chief Minister convenes it.

1910
1915 **Hon. Chief Minister:** Happy Birthday! I did not realise that that was the reason. Happy Birthday. I did not realise that was the reason for the trip.

Hon. D A Feetham: Thank you very much. That would have explained it.

1920 **Hon. Chief Minister:** No, not that part, but anyway... Anyway, Mr Speaker, the issue of the timetable used to affect me. I was a Member of Parliament for eight years when I was not in Government and we have had all of these issues ourselves and we have been fairly roughly treated in the context of those eight years but it has made us who we are today so we are not even going to decry those eight years... Being a Member of Parliament involves responsibility and, unfortunately, sometimes of course, times change and what we have experienced may actually be something that is dealt with by the notice change. In other words, if there is seven days notice for Questions and not five, then it may be easier even to have all Answers to Questions ready in time: very often, some of these adjournments are led by needing to have Questions answered by those who are preparing the Answers. I think what we are all saying is that this needs to be looked at in the context of the Select Committee, so let us get on with it: it is not an issue that we need to labour.

1925
1930 The hon. Member made the point about two terms and said that if he were ever elected as Chief Minister he would only do two terms. All I will say, Mr Speaker, trying to be as non-partisan as possible, is thank goodness for little mercies. If he ever does make it, at least we will have enough on record to make sure that he goes after eight years! (*Laughter*) Thank you. But he will understand, Mr Speaker, sometimes that it is particularly galling to hear those issues about the timetable when we have introduced the concept of the timetable and we are trying to pursue it.

1935
1940 The hon. Lady, who is not here to hear this reply, talked about 'marathon sessions'. Well, a budget session is a marathon session but it is usually – I think in the time that we have been leading the House – it is the *only* marathon session and it is, perforce, a marathon session. It is one of the issues that I think – one of the debates, rather – that has Members most interested in what it is that *they* are going to say about their particular areas of responsibility. Usually it works, Mr Speaker, on the basis of speakers talking on the Government side about the year to come and speakers on the Opposition side about the year that is past. But it is the moment when each of us speak about a portfolio: it does get partisan and it is almost the

1945 high piece, the high set piece, of the Parliamentary year. I think it is right that it should be but, even then, the marathon is relatively constrained and we do not, I think, sit beyond seven or eight in the evening, just in the interests of getting through the speeches as quickly as possible.

1950 So, Mr Speaker, the issue of televising the House I think is now something that is going to enjoy, even when it comes to the rules, a fairly easy wind across the floor of the House and I think that is going to be a great opportunity for people to actually *see* the workings of this place, not just hear it. That, I think, will be a very good thing that the hon. Lady was talking about and that we all agree on. Then she came to this issue of Recommendation 18 at Paragraph 2.1.4, where the hon. Lady said that there was this allegation, I seem to hear her say, of ‘corruption’, and the hon. the backbencher, Mr Caruana, also referred to it. We did not read it in that way but there are clear issues that I have referred to before in respect of the funding of *Seven Days*. I think I was very clear on what my position was in Opposition. I did not make submissions to the Commission and neither did I ask anybody to make them on my behalf because I knew that I was going to have this opportunity to address the Parliament on them.

1960 But, in our view, and I have said before to the Hon. Mr Caruana when he was Chief Minister, when he was Leader of the Opposition, that his moral political compass went wrong on the *Seven Days* issues. There are issues there and it is right that they should be addressed. We think that they are now fully addressed by the publication – the *clear* publication – of all the amounts paid to media on the Government website and, although we will consider this in committee, I think that is quite enough and that is now quite clear. But, given how they have taken it, it may be that there is an issue to look at.

1965 I think there is *this* point to be made, given what was said by Members opposite. It is quite different to *advertise* in a publication than it is to *fund* a publication and I would say the difference is this, Mr Speaker: if a publication features advertisements from thirty, forty, a hundred different Parties and one of those Parties happens to be the Government, then you are advertising in that publication. If a publication only features advertising from the Government and *no* other Parties, or perhaps one other Party on an occasional week, then you are funding the publication. The Hon. Mr Caruana knows my argument. I have explored it a hundred times when I was in Opposition and we remain of the view that something went wrong there.

1970 Mr Speaker, the issue of petitions, I think, is one that needs to be considered by the Select Committee very carefully. Other parliaments have modernised the way that they deal with petitions, as I said in my earlier interventions. We already have the opportunity, if a petition is brought to the House, to debate it. It is tabled and we can consider it, as I said. But the hon. Lady said that, perhaps, with 1,000 signatures, a petition should have to be debated. Well, Mr Speaker, we all have, and put, different arguments as to our opponents’ relative political strengths but I dare say that they can muster 1,000 signatures and we certainly can. If we were in Opposition, we could stymie the workings of this House by bringing up six petitions every meeting of the Parliament signed by 1,000 people and I am sure that they could bring ten signed by 1,000 people and stymie the workings of this House and force us to debate petitions that are signed by 1,000 people.

1975 I think it is right we should look at modernising the petition procedure but I think that setting a number like 1,000 may be making each other hostages to fortune because we could each ensure that all we do in this Parliament is debate each other’s members’ petitions. So I think the Select Committee needs to consider that issue very carefully.

1980 I agree with Mr Caruana that this reform is not just about workings of Parliament although, of course, it is, but it goes beyond that. It goes further into our development as a people. As we develop our Parliament, and I think we do that in two ways – which I will come to – we also develop ourselves as a people. I think the two ways that we develop our Parliament is (1) as we are doing now and (2) in the context of further constitutional reform with the United Kingdom when it comes. Both of those have the effect of modernising and taking us forward in our journey as a people.

1985 The hon. Gentleman also talked about the ‘engagements’ question in the United Kingdom Parliament, which is in the context of the debate on Question Time, which is the question put to the Prime Minister to ask him about his engagements. I think it is right to say that those are not all the questions that are put to the Prime Minister. As I understand it, there are two or three of those put during the course of the day. Other than that, the Prime Minister *does* have notice of the questions that are put to him. I thought I heard him say that he did not, but he knows what is coming in respect of *most* of the questions that are put to him and there are three questions in the half hour where he is blind-sided by any issue that anybody wants to put to him. Very often those are put by backbenchers so they are very easy bowls of ‘Will the hon. Gentleman agree with me that he is doing an excellent job getting the UK economy back on track?’ so it is hardly the most challenging of questions that is put when the engagements question is put and I just want to deal with that by way of information to the House.

1990 He said that there was a Speaker’s ruling in the United Kingdom about what things the Government *should* say in the House and what things a Government should feel free to make statements about outside. Of course, again in the context of the United Kingdom Parliament, although it sits in terms, when it is sitting it is in permanent session and the Prime Minister can go to Westminster at any time to make a

statement. I think that is the difference with our Parliament, as well, that even in the renewed monthly setup, the Parliament would really only be in session for a week or two unless we have this power to bring it back and I would not want to be bringing Members back simply to make a statement. It would have to be something quite dramatic to bring Members back.

2010 And this question of public statements, once a Question has been put, which has also arisen on a number of occasions in the past months, I think it is important that that be understood. I think it would be wrong – although it was done on some occasions previously – to answer an Opposition Question with a public statement if somebody knows that there is a Question on the order paper and you had not already planned to make a public statement, because the other side of the coin there is that an Opposition
2015 Question could be used as a brake for a Government initiative. So, for example, if the Government announced – as we had – that we were going to advertise for a new power station by a particular date, I think it was the end of May, and I think two days had passed after the end of May and the advert had not appeared but had been sent to the press. If the Opposition Question comes in, does the advert go without the press statement, does the Question stop the press statement? I think these are also questions of degree,
2020 where the Government will want to respect the primacy of Parliament and deal with issues that are down for debate in Parliament in Parliament but also cannot allow its agenda to be stymied by the Opposition. That is a question of balance and degree, not so much an issue for the Select Committee but one of balance and degree that we have to get right. But, of course, if the Opposition were to say – and they do not say it in this way – but say, for example, they were to say, in their public statements about the Questions *they* had filed, ‘We have asked the Government why they have made these corrupt payments’, well, I think to ask a Government to wait nine days to answer something like that, I think would be an imposition. In that context, where the Opposition has said we have asked this Question, which is highly provocative, I think the Government is entitled to say ‘We are going to answer it in this particular way’. Again, it is a question of balance and degree that needs to be judged.

2030 Mr Speaker, I am not persuaded that there *has* to be a Bills Committee. I am persuaded that there is, voluntarily, the opportunity for the Government to consider these things in a committee, if we consider it appropriate. I think the Standing Orders already provide some mechanism for it and, again, it may be that this is an issue of awareness when it comes to particularly lengthy Bills, all of which are going through a longer period of public consultation. The point is this, and the Hon. Mr Licudi alluded to it. The longer
2035 periods of public consultation and the Command Paper process also enables Opposition and Government to engage on Bills for longer. We have six weeks after the new Constitution, eight if you add the bare minimum that we would consider appropriate in the context of a Command Paper. So that long a consultation period can also help for the Parties to engage, if not across the floor of the House formally, then less formally on a particularly lengthy Bill.

2040 I heard what the hon. Gentleman said about the Deputy Speaker and the irony was not lost on him or me as he moved to talk about there not being a requirement that Deputies be referred to in a Constitution, as to one particular intervention, one particularly memorable intervention he made in this House. I think he is right: that the fact that a post is not referred to in the Constitution does not mean that it cannot be made to exist by a legislative act. But I think it is also about understanding – [*Interruption*] Sorry?

2045 **Hon. P R Caruana:** A legislative act?

Hon. Chief Minister: A legislative act, yes, or otherwise. As long as there is not a law that says you cannot call yourself the ‘Deputy Parrot’, then people can go around calling themselves the Deputy Parrot. (*Interjections*) But whether they have the power to then come and sit is different. Now, in that context, I think his intervention is a useful one. I think it is one that we need to follow up in the Select Committee. I am not so concerned about Members not being able to take the Chair because I think that the process is not that they take over as Speaker, but that they take over the *functions* of Speaker or that they at least take the Chair. So there may be an issue of further research to be done in that respect. But I think the Select Committee needs to do that and we have all agreed that the recommendations to have a Deputy Speaker are appropriate and now we need to find the mechanism to do that.

The hon. Gentleman said that one of the reasons for allowing the expansion of Parliament was that anything which allows people to contribute to the political life of Gibraltar should be encouraged. If I may say so, I never felt encouraged by him in the time that I was here but that was part of the toughening-up process for this job, I guess! (*Laughter*) He is right that anything that encourages people to become involved in politics should be welcomed. But that does not necessarily *have* to mean in this House. I mean different political parties like different football clubs have different ways of recruiting. There are some football clubs that are known for having the ability to train youngsters in-house and to create stars in-house. There are political Parties in this House, those on *this* side, that believe that they have got a good, what you might call *cantera*, without the need to have Members brought up in the House on the basis of being backbenchers etc. I think there are other mechanisms for that but I think it is appropriate to also recognise that perhaps the backbench system might be one model. I just want to make the point that

it is not the *only* model.

2070 And I give way to the hon. Gentleman.

Hon. P R Caruana: Yes, Obligated, Mr Speaker.

There is a point that I had a note to make but then did not see my scribble in time to make it and it does dovetail well with the historical review that the Deputy Chief Minister gave us. The reason why there is no back bench in this Parliament is because we were a legislative Assembly.

2075 It is *typical* of legislative Assemblies that there is only a Government front bench and an Opposition front bench because it is not a Parliament. Only in a Parliament do you have Members of Parliament from which the executive is drawn but not in full to the executive on the Government side. It is one of the *trappings* of our history as a Chamber that we celebrate having left behind but seem determined not to do anything about. In other words, it is *not* a coincidence that there is only a front bench on both sides of this House: it is one of the characteristics of an Assembly as opposed to a Parliament.

2080 There is no parliament in the world with only front benches on both sides because that is not what parliaments are. Parliaments are not about Government and Opposition, they are about Members of Parliament, multi-party on both sides of the House, sometimes more than two sides of the House, from which is drawn, on one side, the winning side, a front bench – the side that commands the majority support – a front bench and, on the other side, a shadow front bench. But parliaments, as opposed to Assemblies, are not just about executives and Oppositions to executives and, for so long as there is not a back bench on both sides of this House, we will struggle to look to the outside world like a real Parliament, in my opinion.

2090 **Hon. Chief Minister:** Thank you for the point that the hon. Gentleman has made. Of course, now there is a back bench on that side and there could very well be a back bench here on the 5th July, if we are successful in the by-election. The question is whether enlargement is a necessary feature of having backbenchers and I think, at least for the sake of argument, he has demonstrated that it is not and I think that we have also demonstrated the possibility that there should not also be all front-benchers in this Parliament, even if we have done so in the context of these very tragic circumstances.

2095 I heard what he said about the Electoral Commission. I had said I did not have a fixed view and was willing to listen to what the hon. Member said. Mr Bossino also addressed the subject and we will consider those issues in the Select Committee.

2100 Mr Speaker, one of the issues that was raised was the question of this enfranchisement of the diaspora. Some of the examples that were given I think we need to pause and consider. For example, yes, United States Citizens are entitled to vote for their President wherever they are in the world, however long they have been there out of the United States, so long as they remain citizens of the United States and they carry that passport. As he will know from his practice, and perhaps even from his time in politics, they are also liable to pay the Exchequer of the United States, the IRS, tax on their worldwide earnings, wherever they may be living. It is really that principle of no taxation without representation that they are able to rely on, even if they spent the past twenty years in Australia. If they had wanted to retain their American passport, they continue to be liable for their American taxes and they continue to be chased, they continue to be chased around the world for their taxes by the IRS. Of course, they have the other side of the coin, which is the benefits coin, which means that they are entitled to vote in the US Presidential Elections and they are entitled to all the other benefits of being a US passport holder.

2110 I think it is important that if we were to accept the argument that the hon. Gentleman put about other nationalities being able to continue to vote, even when they have not been resident of their place where they were born and exercise the voting for many years, whether they also continue to have liability for taxation.

2115 **Hon. P R Caruana:** If the hon. Member... [*inaudible*] I beg his pardon. He knows that that is not the case in the UK, that the UK tax system is based on residence, the American tax system is based on citizenship. The UK tax system and our tax system are based on residence, therefore the American tax system taxes, whether they have got the vote or not, on the basis of residence and the UK allows the vote whether you pay tax or not because tax is based on residence not on whether you have the vote. A UK citizen who votes, notwithstanding that he lives in Australia, does not pay tax in the UK simply because he has the right to vote there.

2125 **Hon. Chief Minister:** He is absolutely right, Mr Speaker, but they do not retain the vote for good. They retain the vote only for a short period after having left the United States: I do not know whether it is two years in the United Kingdom. I do not know whether it is two elections or otherwise, but it is not for life and, in the American context, it is whilst you continue to hold your American passport, however long you may have moved out of the United States. So all I am saying, Mr Speaker, is that it is not as easy to say that, in other cases, others continue to have that right even though they have moved away. And if you

2130 were to approve, for example, Mr Speaker, in the Select Committee, the same example as the United Kingdom citizens, then we might find that there are a lot of people who live very close to Gibraltar who, after two elections, would lose the vote because they have been living out of Gibraltar in areas very close to Gibraltar for more than ten years. So it is right that we should look at this but, Mr Speaker, we are not going to be persuaded that those models that have been referred to us are determinative of the issue.

2135 Mr Bossino dealt with a lot of the issues that the Hon. Mr Caruana also dealt with and I note that there is some divergence of opinion between what the GSD front bench have referred to the House as their point of view and those points put by Mr Caruana. *(Laughter)* We note that difference of opinion. It helps today to inform the House of different potential solutions for the Select Committee to look at but we do, of course, note that there is a division on a number of issues.

2140 The Hon. Mr Reyes said that the context of when Parliament lives out its time and an election is called automatically, a Government is presently entitled to three months of life, in that context, with Parliament dissolved, they would not even have the monthly meetings and that seemed quite anti-democratic. That is exactly why I said that I felt that in that context was the only context that I could see that this question of changing the three months for forty-two days might be relevant but I do not see that it is relevant in any other context because the Chief Minister has that ability to call the election for whatever date he wishes and simply hold back, or not hold back, until he hits that buffer, which is the four year anniversary of the ceremonial opening of the House and, in that context, I understand it.

2145 Mr Speaker, it is late in the day and the issues that were raised by Mr Reyes for Mrs Isobel Ellul-Hammond, I venture to say, hit a very discordant note because they were very partisan points relating to an issue that we have been fighting over in press releases. I am not going to go into this issue of the GBC board: we have explained our position as to what the GBC board is today and what it deals with today and what it used to deal with before, which included editorial decision-making or appeals from editorial decisions by political parties and how it does not do those things today. But I was struck by the statistic that was put to us by Mr Reyes, as if it were a bad thing. Well, Mr Speaker, I must say, I think that statistic has improved considerably since 8th December and one of the things that the GBC board does is now reflect more women on the board than ever before, a member of the Jewish community on the board, a member of the Hindu community on the board, something which I think the Hon. Mr Caruana established when he was appointing the board – that was representation of those communities, So in terms of representation of minorities and representation of women, I think they picked exactly the wrong board on which to take issue. But those issues have been ventilated in press releases and I do not think there is any further need for us to consider the matter further.

2150 The Hon. Mr Netto made an intervention, which was a personal intervention, to which Mr Speaker has replied, giving his view. I respect Mr Netto's right to put that view and propose to him, Mr Speaker, that he should put an amendment in the terms of what he was proposing in the context of his speech and that all Members should then have an opportunity to vote on that proposed amendment so that he can test whether there is any traction for his view in the context of the Parliament as it is today. Can I just therefore end, Mr Speaker, this first part of my reply, by putting to Members a proposed amendment – a proposed amendment to the motion, where what I would do is delete the words '**WILL NOW CONSIDER** in this meeting those recommendations in detail' and insert the following alternative paragraph, and Members are getting a letter which sets this out.

2170 *"Having today debated and considered the recommendations of the Report;
WILL REFER the Recommendations of said Report to a Select Committee on the Implementation of the Recommendations of the Independent Commission on Democratic and Parliamentary Reform (to be known as the Select Committee on Parliamentary Reform) which is hereby established to consider the implementation of appropriate recommendations of the Report."*

And I think that leaves open...

2180 **Hon. P R Caruana:** Would the hon. Member give way?

Hon. Chief Minister: Yes, I will.

2185 **Hon. P R Caruana:** I do not have the remote possibility of an amendment of an amendment, with all the complications that would bring for rights of reply.

The text has not reached me but did I hear him say that the brief for the Select Committee was to make decisions on the implementation, (**Hon. Chief Minister:** Yes.) as opposed to reviewing which of the Recommendations may be acceptable? We do not want to use language which assumes that they are all acceptable and we are just going to discuss the implementation of them.

2190 **Hon. Chief Minister:** The language, Mr Speaker, I thought was the language that he and I had agreed this morning and discussed also with the Leader of the Opposition, which was that *all* the

2195 recommendations should be sent to the Select Committee so we do not just choose today and in the Parliament, by Government majority, which should be put to the Select Committee. We send them all to the Select Committee, the Select Committee is then free to come back with the Recommendations to the Parliament. I think we have heard what the positions of Government and Opposition are in respect of each of the particular Recommendations and then we can come back, if he sees the last sentence, ‘*to consider the implementation of appropriate Recommendations of the Report.*’ So that the Committee can then take the view of appropriateness of those Recommendations.

2200 I am quite happy to consider language if he wants –

2205 **Hon. D A Feetham:** Mr Speaker, perhaps before he moves this amendment because, again, for reasons that my colleague the Hon. and my Learned Friend Mr Caruana has said that we shorten the exchanges. If we adopt this particular wording and refer ‘*the Recommendations of the said Report*’, what we are not referring to the Select Committee is on anything on which the Report does not make a Recommendation. So enlargement, for example, there is no Recommendation...

2210 I would just simply write: we will refer ‘*the said Report to a Select Committee*’ rather than the Recommendations. It is ‘*the said Report to a Select Committee*’ and then they can consider the – and I think that deals with the point.

Hon. Chief Minister: I told him this morning, Mr Speaker, I have no difficulty with that and I did not intend by this amendment not to leave that out, so I am happy to say ‘*will refer the said Report to the Select Committee*’ and I think that then deals with the point.

2215 **Hon. J J Netto:** Mr Speaker, just before the Hon. the Chief Minister sits down, will he be able to indicate to me when is it possible for me to make an amendment to the motion. Is it –

Hon. P R Caruana: We are not there yet.

2220 **Hon. J J Netto:** We are not there yet.

2225 **Hon. P R Caruana:** My point was slightly different and it arises in the second line, which is: ‘*will refer the Recommendations or the Report*’ – whichever of the two – ‘*to a Select Committee on the Implementation of the Recommendations...*’ In other words, the Select Committee, unless that is what the Hon. Chief Minister means, is not a Select Committee to *implement*, it is a Select Committee to consider. Presumably, the implementation

Hon. Chief Minister: Is this in the last sentence?

2230 **Hon. P R Caruana:** Yes.

Hon. Chief Minister: ‘*To consider the implementation of appropriate Recommendations*’?

2235 **Hon. P R Caruana:** Yes, but by what process is whoever is going to decide going to decide which of the Recommendations are accepted. Is the hon. Member suggesting, which could be one way of doing it but just so long as we are clear, is the hon. Member suggesting that it is *this* Committee, the Select Committee, that would decide on the Recommendations which to accept and *then* go on to consider the implementation details of those that *it* has decided will be accepted, as opposed to this Select Committee considering and discussing the Recommendations from which both the Government and the Opposition will be able to measure the degree of consensus that exists, leaving the process of *actual* adoption of Recommendations to the House. It should be the House that decides which of the Recommendations it accepts, *not* a Select Committee. The Select Committee should consider and then, on the basis of the discussion, and, hopefully, the consensus-building that is in that Committee... Yes.

2245 **Hon. Chief Minister:** Yes Mr Speaker, it is not the intention that the Committee should then run off and implement. The Committee has had the benefit of today. It could then, after today, determine and implement. I do not think it is *empowered* to do that because a lot of what is going to require implementation is actually going to require motions to amend Standing Orders, legislation to amend the Parliament Act etc. etc. So, necessarily, the work of the Committee needs to involve a referral back to this Chamber so that, as a Chamber, either we adopt those parts of the consensus that the Committee can put to us, and there may be some which have to be dealt with by way of partisan vote on the 10:7 basis. So I am quite happy, if the hon. Gentleman considers it appropriate, I think this does the job and this is what it was intended that we should be able to deliver.

2250 So, on that basis Mr Speaker I therefore move the amendment that I have given you notice of without

2255 the words “*Recommendations of*” in the first sentence that starts with “*will refer*”.

Mr Speaker: May I ask the composition of the Select Committee: is that to be deferred to a later date?

2260 **Hon. Chief Minister:** Mr Speaker, I said, during the course of my intervention, that I believed it should be three Members appointed by the Chief Minister – or including the Chief Minister, if he wants to be on it – and two Members appointed by the Leader of the Opposition. I have not reflected that here: I said that during the course of the debate. I am happy to reflect it here or, if the hon. Gentleman wants to take it as read and the Clerk will make a note, then we can make those composition notes.

2265 **Hon. P R Caruana:** Mr Speaker, yes, I think, as a matter of procedure, the Select Committee has to be established by resolution of the House, so it is not just about referring this to the Committee. I think there ought to be a paragraph establishing the Select Committee.

2270 **Hon. Chief Minister:** ‘Which is hereby established?’

Hon. P R Caruana: And the composition of it, I think, is also required...

2275 **Hon. Chief Minister:** Put it in there?

Hon. P R Caruana: Yes, I think it is a requirement.

2280 **Mr Speaker:** I am prepared to be very liberal. Is there any reason why Standing Orders should not be suspended, with the approval of all Members, and a separate motion dealing with the composition of the Select Committee can be taken...

Hon. P R Caruana: We could, alternatively, just add here: ‘...*which is hereby established and consisting of two Members nominated by the Leader of the Opposition and three by the Chief Minister.*’

2285 **Hon. Chief Minister:** Yes, it would simply say: ‘... *is hereby established to include three members appointed by the Chief Minister and two by the Leader of the Opposition to consider the implementation...*’ and then we have got it.

So I formally move that amendment.

2290 **Mr Speaker:** Let us see whether we can have copies of the complete amendment.

In the meantime, while we await the complete amendment, I am prepared to propose – so that we can get on with the debate – I am prepared to propose the amendment in the terms moved by the Chief Minister and, therefore, I invite Members of the Opposition to express a view. (*No Member rose to speak*) Okay, in that case, we shall await until we receive the actual amendment and then we can put it to a vote.

2295 **Hon. P R Caruana:** In the meantime, we might be able to proceed with any other amendments. Ah, yes.

2300 **Mr Speaker:** Now, is the Hon. Mr Netto moving an amendment to *this* amendment?

Hon. P R Caruana: No, to the motion, as amended. (*Interjections*)

2305 **Mr Speaker:** To the motion after we amend it? (*Interjection*) We vote on the present amendment. (*Interjection*) No? (*Interjection*) Let me now read, for the record, what the amendment proposed by the Chief Minister is. The amendment is to delete the words ‘**WILL NOW CONSIDER** in this meeting those *Recommendations in detail*’ and insert therefore the following alternative final paragraph:

2310 “*Having today debated and considered the Recommendations of the Report; WILL REFER the said Report to a Select Committee on the Implementation of the Recommendations of the Independent Commission on Democratic and Parliamentary Reform (to be known as the Select Committee on Parliamentary Reform) which is hereby established to include three members appointed by the Chief Minister and two members appointed by the Leader of the Opposition to consider the implementation of appropriate recommendations of the Report.*”

2315 That is the amendment. Does the Chief Minister wish to exercise a right to reply.

Hon. Chief Minister: There is nothing to reply to.

2320 **Mr Speaker:** No.
I will then put the amendment to the House.
All in favour? (**Members:** Aye.) Those against? Carried.
We now, therefore, have the motion – the original motion, as amended.
Now, the Hon. Mr Netto.

2325 **Hon. J J Netto:** I am grateful, Mr Speaker.
I would like, if I may, to bring an amendment to the motion and therefore seek a vote so

2330 *‘That the recital of the Prayer is not continued when Parliament is in session in the Legislative Chamber, this to ensure that we can draw a separation of Church and State during the proceedings of Parliament for the reasons alluded by me at my speech, thereby maintaining a position of neutrality and respect in the freedom of everyone, regardless of opinions of consciousness.’*

2335 **Mr Speaker:** May I have a copy of the proposed amendment.
The Hon. Mr Netto is moving an amendment to the effect that the following be added to the amended motion now before the House, and the following being:

2340 *‘That the recital of the prayer is not continued when Parliament is in session in the Legislative Chamber, this to ensure that we can draw a separation of Church and State during the proceedings of Parliament for the reason alluded by me at my speech, thereby maintaining a position of neutrality and respect in the freedom of everyone regardless of opinions of consciousness’.*

Does the hon. mover wish to speak in support of this amendment.

Hon. J J Netto: Not really, Mr Speaker, because I would be regurgitating what I said earlier on.

2345 **Mr Speaker:** Okay.
I therefore invite any hon. Member who may wish to do so to speak on the amendment now before the House.

2350 **Hon. Chief Minister:** Mr Speaker, if I may just say this: the hon. Gentleman spoke passionately about his beliefs and, in that context, engaged an issue of belief and therefore, certainly on this side of the House, Members should be free to vote with their own conscience on issues which affect belief and there will not be any question of any Party whip to vote in a particular way.

2355 **Mr Speaker:** Does any Member of the Opposition wish to speak?

Hon. P R Caruana: Yes.

Mr Speaker: The Hon. Mr Caruana.

2360 **Hon. P R Caruana:** For my part, I shall be voting against the amendment. I have every respect for my learned colleague Mr Netto. I do not think that anybody’s freedom of conscience is assailed or attacked or undermined by this House maintaining its traditions. The Prayer is carefully worded in that respect. I think that the tradition of starting our meetings with a Prayer is firmly established, it forms part of the heritage of this trust.

2365 I do not personally accept that equality of anything requires those of us who value the Prayer to be obliged to desist from uttering it and that tolerance works both ways. It means respecting the wishes of those who do not believe but also respecting the wishes of those who do believe and tradition is in favour of not changing the *status quo* in that regard. So I would urge this House to defeat the motion moved by Mr Netto and that way we maintain the equilibrium of respect that has always characterised this community, in terms of tolerance of conflicting religious views or those people who have no religious convictions of any kind.

2370 **Mr Speaker:** Does any other hon. Member wishes to speak. The Hon. Leader of the Opposition.

2375 **Hon. D A Feetham:** Mr Speaker it is a matter of conscience for my hon. Friend Mr Netto that is why on this side of the House where we have a tradition on matters of conscience not to impose a three line whip so to speak on those issues and to allow a free vote. That is why I have allowed Mr Netto not only to raise it but also, as Mr Netto quite rightly pointed out in his speech, on this side of the House we will

2380 certainly have a free vote on this particular issue.

I have to say that I personally do not agree with it, I do not agree with it for much of the very same reasons that the former Chief Minister and Leader of the Opposition, Mr Caruana, has articulated during his short intervention, but I think that it is a sign of the maturity of this Parliament and this place that, at the very least, that we allow people such as Mr Netto who have strong views on issues of this nature, to ventilate and articulate those views and for us to be allowed, on both sides of the House, because the

2385 Chief Minister has also made the point, to vote freely without any kind of party whip on an issue such as this, one of conscience.

Mr Speaker: Does the hon. mover wish to exercise his right to reply?

2390 **Hon. J J Netto:** Not as such, Mr Speaker, but I would like to say whether we can have a division of the votes when voting on this amendment.

Hon. Dr J E Cortes: Mr Speaker, I would like to make a very brief contribution.

2395 **Mr Speaker:** Yes.

Hon. Dr J E Cortes: Mr Speaker, I too will be voting against the amendment for the simple reason that my beliefs and any Prayer that I may say at the opening of a session in Parliament will never affect my position of neutrality in respect of the freedom of everyone, regardless of opinions of conscience.

2400

Mr Speaker: Let us make this clear before I put the matter to the vote. Does any other hon. Member wish to speak on the amendment moved by the Hon. Mr Netto.

Mr Bossino.

2405 **Hon. D J Bossino:** Simply to associate myself, Mr Speaker. I will be voting against the amendment and associate myself with your contribution earlier on today and the contribution of both the Leader of the Opposition and my Learned and Hon. Friend, Mr Caruana.

I take the Prayer very seriously. I do require, as an ordinary mortal and human being and certainly a believer, stating my Christian beliefs openly on public television in the past, as a firm believer and proud of my Catholic faith, that I do require the assistance of God Almighty when I am deliberating on important matters in this Parliament. So simply to confirm, Mr Speaker, that I will be voting against the amendment to this motion.

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2415 **Mr Speaker:** The Hon. Mr Reyes.

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

I will also be voting against the amendment being proposed by my hon. Colleague. May I clarify, Mr Speaker, am I right in interpreting that you hinted from the Chair before, that those who are non-believers, because the Prayer is said, at the moment in time when the matters being taken are still... not forms part of the Agenda, that they may actually stay in the ante-Chamber and, once the Prayer is concluded, come in. If that is the case, even more so why I will vote against this amendment because, that way, I am entitled to carry on practising my Christian beliefs and, at the same time, respect and take no offence that other hon. Members may not wish to come to the Chamber until I have been able to exercise my Christianity.

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Mr Speaker: The hon. mover, does he wish to say anything?

Hon. J J Netto: Nothing extra to add to what I have already said, other than when the vote is taken I would like to have a division of the votes.

2430

Mr Speaker: Being a free vote, the normal thing would be to have a division.

Hon. Chief Minister: Do we call a division now, Mr Speaker. I think it has to be called now.

2435 **Mr Speaker:** Yes, now.

2440

AYES

Hon J J Netto

NOES

Hon D J Bossino
Hon P R Caruana
Hon Dr J E Cortes
Hon N F Costa
Hon D A Feetham
Hon Dr J J Garcia
Hon G H Licudi
Hon S E Linares
Hon F R Picardo
Hon E J Reyes
Hon Miss S J Sacramento

ABSENT

Hon P J Balban
Hon J J Bossano
Hon Mrs I M Ellul-Hammond
Hon S M Figueras

2445

2450

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Mr Speaker: There are four hon. Members absent, there is one vote in favour of the amendment and eleven votes against the amendment: the amendment is defeated.

So what is now before the House is the motion, as amended and, on that motion, as amended, the only hon. Members that can speak are those who have not spoken already.

2460

Hon. Chief Minister: Mr Speaker, I think that it is left... it has come back to me now as an amended motion and I think that the business of the House –

Mr Speaker: But it does not preclude... any Member who may not have participated previously can speak, if they want to, on the motion, as amended.

2465

Hon. Chief Minister: Well, Mr Speaker, I think, with respect, it does but I do not think anybody else wants to speak on the motion because they had the opportunity to speak before I started my reply. This was my reply to the original motion but my only contribution now is to ask you to put the motion, as amended, to a vote.

2470

Mr Speaker: Very well, Mr Speaker, I will now put the motion, as amended, to the House. Those in favour? (**Members:** Aye.) Those against? Carried.

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ADJOURNMENT

Clerk: The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, thank you.
In the context of the motion, if I can just inform the House it will be my intention to call a meeting of the Select Committee very shortly indeed, at least to start the process of timetabling the work of it.
I now have the honour to move, Mr Speaker, that the House do now adjourn *sine die*.

2485

Mr Speaker: I now propose the Question, which is that this House do now adjourn *sine die*.
I now put the Question, which is that this House do now adjourn *sine die*.
Those in favour? (**Members:** Aye.) Those against? Passed.
The House will now adjourn *sine die*.

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The House adjourned sine die at 6.55 p.m.