



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 12.27 p.m.

Gibraltar, Thursday, 17th October 2013

The Gibraltar Parliament

The Parliament met at 9.20 a.m.

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

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

PRAYER

Mr Speaker

Order of the Day

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Thursday, 17th October 2013.

(i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament which was held on 19th September 2013.

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

Mr Speaker signed the Minutes.

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

15

SUSPENSION OF STANDING ORDERS

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**Standing Order 7(1) suspended
to proceed with a Government Bill**

Clerk: Suspension of Standing Orders. The Hon. the Chief Minister.

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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 Bill.

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

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BILLS

FIRST AND SECOND READING

35

**Financial Services (Information Gathering and Co-operation) Bill 2013
First Reading approved**

Clerk: Bills – First and Second Reading.

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A Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters.

The Hon. the Minister for Financial Services and Gaming.

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Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Financial Services (Information Gathering and Co-operation) Act 2013.

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**Financial Services (Information Gathering and Co-operation) Bill 2013
Second Reading approved**

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Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, the Government has strongly supported the application by the Financial Services Commission to become a signatory to the Multilateral Memorandum of Understanding concerning consultation and co-operation and the exchange of information (MMoU) of the International Organisation of Securities Commissions, which is known as IOSCO.

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IOSCO was established in 1983 and is the acknowledged international body that brings together the world securities regulators and is recognised as the global standard setter for the security sector. IOSCO develops, implements and promotes adherence to internationally recognised standards for securities regulation and is working intensively with the G20 and the Financial Stability Board on the Global Regulatory Forum Agenda.

75

IOSCO's membership regulates more than 95% of the world's securities markets. Its members include over 120 securities regulators and 80 other securities markets participants, as in for example stock exchanges, financial regional international organisations. IOSCO is the only international financial

regulatory organisation which includes all the major emerging market jurisdictions within its membership.

80 I should emphasise that there are fully 97 signatories to the MMoU and it includes all the advanced major economies, as well as international financial centres such as Bermuda, BVI, the Cayman Islands, Dubai, Guernsey, Jersey, Hong Kong and the Isle of Man.

85 In order for the FSC to become a signatory to the MMoU, IOSCO has requested that certain changes be made to our legislation. After various rounds of discussion between the FSC and IOSCO, we and the FSC believe that this Bill makes the necessary changes to ensure that the FSC and thereby Gibraltar, can become a signatory to the IOSCO MMoU.

90 I should note, however, that IOSCO will not give its definitive opinion on our legislation until it has actually commenced. It is possible, therefore, that despite our very best efforts, we will need to make changes to the proposed legislation in the near term after its commencement. We expect, however, that any such changes would be in the nature of minor amendments.

95 Mr Speaker, the Government has also taken the opportunity in this Bill to take into account a number of suggestions from the Financial Services Commission in regard to the same subject matter as the IOSCO requests, namely the strengthening and unifying of information gathering and co-operation powers of the FSC for its own regulatory and supervisory functions, and their consolidation of these powers in a single Act, upon eventual repeal of the equivalent provisions in the Supervisory Acts, while ensuring that safeguards are in place against potential abusers of power.

I now turn to the Bill itself.

100 In Part I, clause 2 – Interpretation – the definitions of the existing Supervisory Acts are retained, except that in clause 2, the definition of ‘Relevant Person’ is extended from the current definition under the Supervisory Acts to include, in (f), any person who is or has been directly or indirectly involved in a transaction which the Authority considers relevant to the pursuit of its obligations under this or any of the Supervisory Acts.

105 In Part II – Confidential Information and Documents – clause 3(1) sets out the crucial principle that information obtained by the authorities defined in clause 2, that is to say primarily the Financial Services Commission, must treat the information it obtains confidentially. Like clause 2(2), clause 1 is modelled on section 23 of the existing Financial Services Commission Act 2007. However, in clause 2(2) several further exceptions to the duty of confidentiality are added, primarily in order to meet IOSCO’s requirements.

110 These are: in clause 3(2)(d) the Memorandum of Understanding between the Authority as defined in clause 2, primarily the Financial Services Commission and other authorities – an IOSCO requirement; in clause 3(2)(e) to permit disclosures to a domestic authority listed in Schedule 1, effectively removing present restrictions on the FSC from speaking to itself with information obtained under one Supervisory Act in relation to information obtained by it under another Supervisory Act; in clause 3(2)(f) to permit disclosure to foreign authorities with functions corresponding to those of the Authority as defined in clause 2; in clause 3(2)(g) to clarify that disclosure for consolidated supervision is permitted; in clause 115 3(2)(h), (i) and (j) to permit the FSC to disclose information to liquidators and auditors of regulated firms, as well as to those responsible for ensuring compliance with company law.

120 In clause 4, Mr Speaker, this clause is modelled on section 54 of the current Financial Services (Markets in Financial Instruments) Act and it is an essential requirement of the IOSCO MMoU. One effect of this clause is that, for example, when a request for assistance is made from a non-EU authority that is party to an MoU with Gibraltar, the FSC could honour this request without running through a separate check list of requirements to satisfy itself that the request is proper, as this will already have been addressed prior to entering into an MoU.

125 Clause 5: this clause gives effect to the IOSCO MMoU requirement that the FSC, as a relevant authority in Gibraltar, has the express power to enter into co-operation agreements.

In clause 6, Mr Speaker, the clause is derived from section 33 of the Financial Services (Investment and Fiduciary Services) Act and has been included to meet the MMoU requirement that the power to require production of documents be extended to include requests for information.

130 Clause 7 is derived from section 33A of the Financial Services (Investment and Fiduciary Services) Act. A similar provision already exists in some of the other Supervisory Acts. The Government considers it useful for the FSC to require a skilled person’s report in any relevant area under supervision, in a consistent and harmonised manner.

135 Similarly, Mr Speaker, in clause 8 this clause is derived from section 101 of the Financial Services (Insurance Companies) Act and is being included here as it does not exist in all Supervisory Acts. This deals with the appointment of inspectors. Its merit lies in allowing for focused investigations by suitably qualified individuals to report on the affairs of persons carrying on or who are believed to be carrying on or to have carried on a regulated activity.

Clause 9 deals, Mr Speaker, with the powers of inspectors. IOSCO requires that inspectors should be allowed to examine individuals under oath and this is reflected in clause 9.

140 Clause 10, Mr Speaker: the clause permits the Authority to require that an inspector make interim reports and a final report of his investigation and allows for copies of any such reports to be forwarded to various persons and authorities, including the Minister with responsibility for Financial Services. The clause is taken from section 103 of the Financial Services (Insurance Companies) Act and is being included here as it does not exist in all of existing Supervisory Acts.

145 Clause 11, Mr Speaker, relates to the duty to produce records. This clause places an obligation on the person whose affairs are being investigated by an inspector and on any other person whom an inspector examines to provide information including documentation to the inspector. The clause is taken from section 104 of the Financial Services (Insurance Companies) Act and is being included here so as to extend to all regulated activities.

150 Part V, Mr Speaker, clause 12 expressly enables the Authority to co-operate with other authorities which exercise supervisory or regulatory responsibility over a relevant person. This power already exists under section 60 of the Financial Services (Banking) Act. The clause extends this power across all regulated activities and thereby to all relevant regulators, including securities regulators, as required by the MMoU of IOSCO.

155 Clause 13: this clause has been included because the IOSCO MMoU makes specific provision for circumstances where a recipient authority may refuse to co-operate. The clause is drawn directly from paragraph 6(e) of the MMoU.

160 Mr Speaker, clause 14 deals with offences and punishes wilfully making statements or providing information knowing it to be untrue in material respects. The clause is drawn from section 82(6) of the Financial Services (Banking) Act and has been included so that it can be applied across all of the Supervisory Acts.

Clause 15, Mr Speaker, has been included so as to ensure that unauthorised disclosures of information are punishable with sanctions including imprisonment and fines. The clause is drawn from section 16 of the Financial Services Commission Act.

165 Clause 16, Mr Speaker, punishes refusal to supply information or to co-operate with the Authority with an accelerating fine. The clause is drawn from section 104 of the Financial Services (Insurance Companies) Act, except for subclause (3) which is taken from section 2(2)(b) of the Crime (Money Laundering and Proceeds) Act on the protection of legal privilege.

170 Clause 17, Mr Speaker, deals with appeals to the Supreme Court and expressly provides for appeals from a decision of the FSC to the Supreme Court. This has been included as an important check on the Financial Services Commission's powers and is taken from section 104 of the Financial Services (Insurance Companies) Act.

Clause 18, Mr Speaker, sets out the Supreme Court's options once an appeal is lodged and is also taken from section 104 of the Financial Services (Insurance Companies) Act.

175 Mr Speaker, clause 19 ensures that the Authority's power to show information cannot be impeded if that information was obtained under one of the Supervisory Acts and deals with its transitional provisions.

180 Clause 20, Mr Speaker, deals with consequential amendments. This clause repeals a confidentiality section of the Financial Services Commission Act 2007 so as to ensure that clause 3 of the Bill, which is IOSCO compliant, is the sole relevant provision on confidentiality across the Supervisory Acts.

I must also mention that it is our intention to repeal further sections of the Supervisory Acts so that they do not run in parallel with the provisions of this proposed Bill. However, we thought it prudent not to make these repeals for the time being, given the aforementioned possibility that changes based on IOSCO feedback may need to be made to the Act after it has commenced.

185 Finally, I shall be putting the following two minor amendments at the Committee Stage. In clause 3(2) the word 'everybody' should in fact read as two separate words, separated by a space, it being the intention in 3(2) to refer to physical persons and collective entities; and secondly, Mr Speaker, in clause 4(4)(d), the letter 'a' in the word 'authority' ought to be capitalised as 'Authority', as the case is throughout the entire clause.

190 Mr Speaker, I am grateful to my hon. Friend, Mr Figueras, who I have discussed and consulted with on the Bill and we have... These two amendments that I will be moving come as a result of his intervention and I am grateful to him for that and for his co-operation.

I am also grateful to the Financial Services Commission for their work in getting this Bill to the House this morning.

195 I commend the Bill to the House, Mr Speaker. (*Banging on desks and applause*)

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of this Bill?

The Hon. Mr Selwyn Figueras.

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Hon. S M Figueras: Mr Speaker, yes, it is my honour and privilege to rise today to speak on the merits of the Bill.

I would like to take the opportunity first of thanking the Hon. Minister and his team for their diligence in dealing with the various enquiries and issues that arose when we discussed the Bill on a number of occasions before today. I would also like to congratulate the Minister on his maiden speech since he returned to this House on 4th July.

Today, the Opposition will not, Mr Speaker, be opposing the Bill.

I first raised the matter of Gibraltar's status as a non-signatory to IOSCO's MMoU publicly in March of this year, highlighting the fact that the act of signing up to the Multilateral Memorandum of Understanding was a very important measure for Gibraltar plc to take.

It was the then GSD Government in 2009 that signalled Gibraltar's commitment to sign up to the Memorandum and the Hon. Mr Licudi, who was at the time responsible for financial services, rightly pointed out that the GSD did not bring relevant legislation to this House before December 2011. Draft legislation, post the election, was then circulated to the then Leader of the Opposition, Sir Peter Caruana, for comment. It was our position then, as it is today, that in the absence of comments, Mr Speaker, it was the now Government's responsibility to actively manage the timetable in this regard to ensure a timely sign up to the MMoU.

At the time, Mr Speaker, the Government also issued a statement saying, and I quote:

'It is also important to note that there is presently no stock exchange in Gibraltar on which securities are listed. This is therefore not an issue that is of any pressing practical importance in that respect. Indeed, it is as important in practice as not having complied with a protocol on commercial fishing in rivers or industrial scale farming, given that there are no such activities in Gibraltar.'

It turns out, Mr Speaker, that as we had said at the time, the MMoU scope was wider than that. More specifically, we had explained in our own press releases, and I quote that:

'The MMoU's reach is, as the Government should be aware of, far wider than the Government lets on. Indeed, a cursory review of the MMoU and the organisations objectives makes it patently clear that the majority of its work is not concerned with stock exchanges but with financial products which are a key component to the financial services industry in Gibraltar.'

In May, Mr Speaker, I asked the then Minister for Financial Services, the Hon. Mr Licudi, whether the Government would be in a position to pass the legislation soon. I was assured that a Command Paper would be issued within a matter of weeks, which Command Paper was indeed issued on 14th June this year. This allowed for a period of two weeks' consultation.

I further understand that there was no response to the Command Paper and I am informed that the FSC, as part of its valued participation in this process, requested a number of changes to the Command Paper draft, one of them being the addition of subclause (f) to clause 2, which the Hon. Minister has alluded to in his address this morning.

Additionally, I have been given to understand by the very helpful team that has worked with the Hon. Minister on this Bill, that the other significant difference between the Command Paper and the Bill before the House is the deletion of a comprehensive list of consequential amendments which was part of the original draft in the Command Paper. The only consequential amendment that remains in the Bill today is the deletion of section 23 of the Financial Services Commission Act 2007 which will now, practically word for word, be law under clause 3 of the Bill. As for the other consequential amendments missing from this Bill, I am satisfied, following a discussion with the Hon. Minister, that from a practical perspective, it is desirable to attend to these others when there is certainty in respect of Gibraltar's approval as a signatory of the IOSCO MMoU.

In the time between publication of the Command Paper on 14th June and the publication of this Bill Mr Speaker, which was on 29th August, the financial services industry saw two further developments. Those were the publication by the European Securities and Markets Authority (ESMA) of its guidelines for the model MoU concerning consultation, co-operation and exchange of information related to the supervision of the Alternative Investment Fund Managers Directive entities and, importantly, four days later, the signing of regulations transposing that Directive into local law.

The ESMA guidelines set out the model for the Memorandum of Understanding between the EU and non-EU supervisory authorities for the purposes of achieving the appropriate supervision co-operation agreements required by the Directive – a Directive which, as I just explained, was implemented in Gibraltar a mere four days after the publication of those guidelines. Those guidelines further explain, and I quote:

'That the [ESMA] MoU should be complementary to the IOSCO Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information of 2002 (revised in 2012). This implies that, in order for it to be considered that both the European competent authority and the non-EU supervisory authority, have cooperation agreements in place as required by the Directive, both authorities should be signatories to both the MoU set out in the guidelines and the multilateral Memorandum of Understanding [IOSCO]...'

270 Mr Speaker, Gibraltar is not currently on the list of EU competent authorities and the passage of this Bill into law is critical to Gibraltar's inclusion in it. It will only be after Gibraltar signs up to the IOSCO MMoU that this limitation will be lifted and that Gibraltar will be able to fully offer itself as the AIFM jurisdiction that is fully open to the new and very exciting opportunity that this represents for the local funds industry.

Turning to the substance of the Act, the Hon. Minister has very comprehensively gone through all the provisions and there is nothing that I can add that he has not already dealt with.

275 To conclude, therefore, whilst Members on this side of the House may consider that it would have been desirable for this matter to have been concluded some time ago, we are all keen to see this legislation make its way into the statute books and, crucially, in so doing, are hopeful that our support for the Bill may see Gibraltar's inclusion on the list of IOSCO MMoU signatories without delay.

Mr Speaker: Any other Member?

280 I now put the question, which is that a Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

285 **Clerk:** The Financial Services (Information Gathering and Co-operation) Act 2013.

Financial Services (Information Gathering and Co-operation) Bill 2013
Committee Stage and Third Reading to be taken at this sitting

290

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

295 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken now? (**Members:** Aye.)

COMMITTEE STAGE

300

Financial Services (Information Gathering and Co-operation) Bill 2013

Clerk: Committee Stage and Third Reading.
The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Financial Services (Information Gathering and Co-operation) Bill 2013.

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In Committee of the whole Parliament

Financial Services (Information Gathering and Co-operation) Bill 2013
Clauses considered and approved

315

Clerk: A Bill for an Act to strengthen the information gathering and co-operation powers of the Commission established under the Financial Services Commission Act 2007, authorities appointed under a Supervisory Act and persons who exercise such functions and all other related matters.

320

Clause 1.

Mr Chairman: Stands part of the Bill.

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Clerk: Clause 2.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 3.

330 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Chairman, in clause 3(2) the word 'everybody' which is on line 3 should be replaced by the two words, 'every body'.

Mr Chairman: Those in favour? Those against? The amendment is carried.
Clause 3 as amended stand part of the Bill.

335 **Clerk:** Clause 4.

Hon. A J Isola: Mr Chairman, in clause 4(4)(d) the word 'authority' should be capitalised with a capital 'A'.

340 **Mr Chairman:** Is that amendment agreed to?

Hon. S M Figueras: Yes, Mr Chairman.

345 **Mr Chairman:** Clause 4 as amended stands part of the Bill.

Clerk: Clause 5.

Mr Chairman: Stands part of the Bill.

350 **Clerk:** Clause 6.

Mr Chairman: Stands part of the Bill.

355 **Clerk:** Clause 7.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 8.

360 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 9.

365 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 10.

Mr Chairman: Stands part of the Bill.

370 **Clerk:** Clause 11.

Mr Chairman: Stands part of the Bill.

375 **Clerk:** Clause 12.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 13.

380 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 14.

385 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 15.

Mr Chairman: Stands part of the Bill.

390 **Clerk:** Clause 16.

Mr Chairman: Stands part of the Bill.

Clerk: Clause 17.

395 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 18.

400 **Mr Chairman:** Stands part of the Bill.

Clerk: Clause 19.

Mr Chairman: Stands part of the Bill.

405 **Clerk:** Clause 20.

Mr Chairman: Stands part of the Bill.

410 **Clerk:** The Schedule.

Mr Chairman: Stands part of the Bill.

Clerk: The long title.

415 **Mr Chairman:** Stands part of the Bill.

BILLS FOR THIRD READING

420

Financial Services (Information Gathering and Co-operation) Bill 2013 **Third Reading approved: Bill passed**

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Financial Services (Information Gathering and Co-operation) Bill 2013 has been considered in Committee and agreed to with some amendments, and I now move that it be read a third time and passed.

430 **Mr Speaker:** I now put the question, which is that the Financial Services (Information Gathering and Co-operation) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

435

Questions for Oral Answer

TOURISM, COMMERCIAL AFFAIRS, PUBLIC TRANSPORT AND THE PORT

440

Upper Rock Nature Reserve **Private cars visiting**

445 **Clerk:** (viii) Answers to Oral Questions.
Question 544/2013, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, can the Minister for Tourism provide details of the numbers of private cars which have visited the Upper Rock Nature Reserve broken down on a monthly basis since he assumed office?

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

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa): Yes, Mr Speaker, I now hand over to the hon. Gentleman a schedule with the information he requests.

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SCHEDULE TO QUESTION NO 544/2013

	UPPER ROCK PRIVATE VEHICLE MOVEMENT											
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2012-13	1,834	1,561	1,459	1,398	1,896	1,161						
2013-14	1,190	1,749	1,135	1,871	1,407	1,145	2,026	1,075	738	711	901	1,442
									941	513	1,091	1,071

Hon. D J Bossino: Mr Speaker, whilst I receive the schedule, can I ask the Hon. Minister why it is – I am sure it is an administrative issue – that Table T11 as set out in the Gibraltar Government website, which details the total number of Upper Rock Nature Reserve visitors by month and year, ends in June of this year, 2013? Can he give an explanation as to why it has not been updated for the last five or six months?

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Hon. N F Costa: Mr Speaker, I do not know the answer to that, but I will be happy to find out for him.

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Hon. D J Bossino: Mr Speaker, the reason why it is raised, it has come to my notice, is precisely because I was doing some research in relation to the question that I have just posed and I just find it surprising that the information is not contained in that particular schedule and is rather outdated.

But if I can just have a second to review the schedule, I would be grateful.

Mr Speaker, not surprising in fact that the figures, if one does a comparative exercise between last year 2012-13 and the current year 2013-14, there is a reduction of about 50% particularly in August and September. The other months are more or less the same. Does the Minister have any concerns in relation to that and does he have any comment to make in relation to those figures?

470

Hon. N F Costa: Well, Mr Speaker, of course, any decrease in numbers travelling to the Upper Rock is not welcome news and I am sure that the hon. Gentleman will appreciate that on this side of the House we take that view. But before I take any concern of the statistics I would do so if there was a consistent pattern over perhaps three to six months as opposed to – as he has correctly identified – just two months.

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Hon. D J Bossino: Yes, Mr Speaker, clearly those two months are ordinarily the busiest. In fact, if one does an analysis of those same figures for last year, as you would expect precisely because it is a summer season, you see a massive increase and it must be very worrying indeed from the Government's perspective – it certainly is from my perspective and I am certainly not surprised by the figures – that the figures should be so far reduced from last year. Because in terms of the income which is being received in Government coffers, that must have a significant debt.

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So the only point I make is that although he says that he is reserving comment until there is a longer period of time when he can make an analysis, surely he can already make an analysis based on the fact that we are dealing with the busiest, traditionally as one would expect, the busiest period of time in terms of visitor arrivals at the Upper Rock.

485

Hon. N F Costa: Well, Mr Speaker, in respect of the preface to his question, he says they would make a significant impact on the revenue stream of the Government; it will make an impact to the extent that it has been reduced, no more and no less. It is a mathematical calculation which he can make in the same way that I can.

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495 He must remember, Mr Speaker, so that the public is not alarmed – and I am not saying that the hon. Gentleman is trying to be alarmist – that his question is specifically cast in terms of the numbers of private cars. We are not talking about people walking up the Upper Rock or tour operators, which of course is the main way in which people go to the Upper Rock.

500 **Hon. D J Bossino:** Mr Speaker, obviously I cannot make... I have not asked that specific question but obviously I refer the Hon. Minister to the point I made earlier in terms of the information that is ordinarily provided on the Government website and is not available from during that year and I look forward to seeing that information posted so I can make that analysis, indeed whether there has been a reduction in Nature Reserve visitors over the last year. I would expect that one would also see a dent in those arrivals because obviously people also travel in cars. If there are less cars going up one would have thought that
505 there were also less people accessing the Nature Reserve. But at this stage, I think it is just supposition until we have the precise figures in relation to visitor arrivals, but I am grateful to the Hon. Minister for the explanation that he has given.

510 **Clerk:** Question 546, the Hon. –

Mr Speaker: A supplementary question from the Leader of the Opposition.

Hon. D A Feetham: Yes, Mr Speaker, it is the Hon. Minister that has raised the question of the Nature Reserve visitors and tour operators by suggesting that while these figures may not be reflective of
515 the overall position when one takes into account Nature Reserve visitors and tour operators.

Does he have the figures for Nature Reserve visitors and tour operators and does he know whether those are up or down or is it just a comment? In other words, let us wait until we see what figures there are in the future in relation... what the figures show in the future in relation to these two areas.

520 **Hon. N F Costa:** Yes, Mr Speaker, as I said when answering to the preface to the question of the hon. Gentleman, Mr Bossino, the question was cast specifically in relation to private cars and therefore I replied to say that, in terms of the overall picture, we would need to consider as well tour and the transport operators.

525 I remember reading in *Hansard* an answer given by the Hon. Mr Peter Caruana when numbers were down in one particular year and he said that when numbers were down in terms of vehicular traffic in the Upper Rock, the positive flip side to that was that there was less congestion and therefore perhaps more pleasant.

530 **Hon. D A Feetham:** And can the hon. Gentleman perhaps postulate a reason why these are down for the months of August and September?

535 **Hon. N F Costa:** Mr Speaker, the hon. Gentleman surely knows the reason for that, and that is because our neighbour to the north decided recently to harass and bully little Gibraltar and decided to impose the most inhumane, disproportionate checks at the border, which surely had an impact on the number of tourists coming in.

540 **Hon. D A Feetham:** Mr Speaker, and perhaps can he confirm that in Cabinet, when all this was discussed, that the hon. Gentleman told the Chief Minister, ‘Well, next time that you throw concrete blocks into the...’ – (*Interjections*)

Mr Speaker: No, no, no! Order! Order! That is totally irrelevant.

Hon. D A Feetham: Well... may I...

545 **Mr Speaker:** I am not going to allow the Leader of the Opposition, under the guise of this sort of question, to hold a debate on the restrictions at the frontier.

Clerk: Question –

550 **Hon. D J Bossino:** Mr Speaker, but one I think relevant and serious point that arises from the answers he has just given to the Hon. the Leader of the Opposition is whether, when answering the... although I did not pose it specifically. When researching the answer to the question that I have posed in relation to private vehicle traffic, whether that ought not to have put him on inquiry in relation to whether there has been a consequential decrease in the number of visitors to the Upper Rock. That is the question I pose and
555 he simply says, ‘Look, I don’t know’, and that is his answer on the record.

But I really must insist whether he has any inclination, any information available to him, any indication at least, as to whether there has been a consequential decrease in the number of visitors to the Upper Rock Nature Reserve. I think that is certainly, from my personal prospective, the important point which arises from the reply he has just given to the Hon. the Leader of the Opposition.

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Hon. N F Costa: Mr Speaker, once again the question is cast in very specific terms. As I am sure that he understands I do keep... well, not just myself, but of course the Gibraltar Tourist Board and people in my Ministry, we do keep an ongoing review of the number of visitors that come into Gibraltar.

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Those visitors that come to Gibraltar do so by walking into Gibraltar, private vehicles, through tour operators and of course, we also have the cruise liner passengers who disembark and also go to the Upper Rock.

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So I am more than happy to engage in answering his questions, but I would rather that we do it scientifically and forensically, rather than on an overall memory exercise that I would have to do now, rather than being able to go through the figures and bring them to him in this House and he can then ask me the supplementaries that he wishes on that information.

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Hon. D J Bossino: Mr Speaker, is he telling the House that he has no indication whatsoever whether the figures are at least going up, down or more or less the same? Whether there is a worrying trend or something that one ought not to be concerned about, precisely because of the other channels of sources of visitor arrivals which have come through from the various points that he has mentioned? Can he at least clarify that position for me?

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Hon. N F Costa: Mr Speaker, yes. I have already clarified the position to the hon. Gentleman. I told him that his own analysis with which I agree, was that there were two months, August and September when the numbers were down and I have already replied to him that, in order for me to be able to say whether I am worried about whether there is a steady decrease or there was a two-month anomaly, I would like to see figures for a stream extending more than two months. Surely in terms of statistics on numbers we would have to take an annual view or at least a six-month view and not on the basis of two months where there has been a decrease, decide whether or not that will have an impact on the rest of the year.

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I have also told him that I am more than happy to engage in answering his questions on the other modes of entering into Gibraltar, but rather than doing an exercise based on my recollection, on my discussions with my officials, when we have considered the statistics and we have spoken to transport operators, etc that he does so properly by giving me notice of the question. I will more than happy to provide that to him and my view of those statistics, but over an annualised period, rather than basing on a two-month period, which I am sure he will agree with me, would give a skewed result.

595

Hon. D J Bossino: Yes, but Mr Speaker, it is the Minister for Tourism who has referred us to the despicable behaviour by the Spanish Government in the manner that it has behaved (**Several Members:** Hear, hear.) at the frontier. Yes, it is. That is... there has to be... Mr Speaker, that behaviour has to be – (*Banging on desks*)

600

Look, Mr Speaker, the Hon. the Leader of the Opposition has condemned the behaviour by the Spanish Government and this Party clearly condemns that behaviour as a collective. But Mr Speaker, surely then, he must... he must say, Mr Speaker, he must admit, that this cannot be the result of a two-month anomaly. I mean, if he is citing what is happening at the frontier which must be the obvious reason as to why there is such a huge reduction in the number of vehicular traffic accessing the Upper Rock, then surely given that the – borrowing the Hon. Chief Minister's word – 'choke-hold' at the frontier continues relentlessly, then surely one would expect that that will not be an anomaly and that that it will continue for many months to come, it seems. Does he not accept that analysis and the premise of the argument that I have just put to him?

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Hon. N F Costa: Mr Speaker, this is bordering on the politically absurd.

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I have already told the hon. Gentleman that I refuse to be drawn into making a hypothesis on the numbers, as the number of people that would be coming into Gibraltar for the rest of the year on his own analysis which was [*inaudible*] across the floor of this House, not just seven minutes ago, that the number of visitors were down in private cars in September and August. And he notes also in the preface to the question, that the other months were more or less where they were meant to be.

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So if the other months were more or less where they were meant to be and the only decrease relates to August and September, then I suggest to him that we wait until we have the full picture, which will be to take into account the full year, and then we can talk about the *facts* – the statistics – rather than me hypothesising and speculating as to whether or not there will continue to be an August and September, or

whether it will be a January, February, March and April which were more or less the same as the year before.

620 **Mr Speaker:** Next question.

625 **Lester Hotel, Devil's Tower Road**
Expressions of interest in development

Clerk: Question 546, the Hon. D J Bossino.

630 **Hon. D J Bossino:** Mr Speaker, can the Minister for Tourism advise whether there has been any further developments whether by way of a further expression of interest or otherwise, in relation to the development of the Lester Hotel at Devil's Tower Road?

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

Hon. D J Bossino: Mr Speaker –

Mr Speaker: I think we have missed a Question – Question 545.

640 **Clerk:** No, we have not, it is 546. Question 545 is going to be answered by the Minister for Health. (*Interjection*) Correct.

645 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, Mr Simon Lester of Lester Hotels came to see me on Friday, 3rd May of this year to update me on the project.

Mr Lester subsequently attended a meeting of the UKGTA in London in June 2013 as an observer. He gave a brief update on the project at this meeting. The GTB and I have had further e-mail correspondence with Mr Lester.

650 All I can say at the moment is that it is the present intention of Mr Lester to proceed.

655 **Hon. D J Bossino:** Mr Speaker, my first reaction is to welcome the news on the basis of the... The last occasion I asked in relation to this particular hotel was in September 2012, more than a year ago. The reply that the Hon. the Minister... This is the Lester Hotel – I see his bemused expression, I thought I had got it wrong.

The reply from the Hon. the Minister was that, pretty much, the thing had died a death because he had failed, I think it was, to pay his... the application fee for planning permission and then both the Hon. Leader of the Opposition and myself quizzed him as to whether he was making any further enquiries, given that this was potentially an important investment in Gibraltar. This was a hotel which I think at least the original plans were to build it at Devil's Tower Road. So what I can tell the Hon. the Minister is that I do welcome the news and the fact that there is a further expression of interest by the potential investor and that the Government is lending him a friendly ear and assistance I am sure in that regard.

665 Can he tell me, I do not know, whether there is any specific progress? Has the application fee been paid for planning permission? What further information, what further particulars can he give me so I can at least perhaps even have a time line as to when it is expected that the hotel will go up, whether there is anything which will delay or even prevent the proceeding of this particular project?

Hon. N F Costa: Mr Speaker, on a point of clarification, and whereas I do not have the Hansard excerpt which I normally do, I am quite sure I did not say that the matter had died a death.

670 What I told the hon. Gentleman and the Leader of the Opposition at the time was that Mr Lester had not paid the application fee and that I had made enquiries and that that was factually the position. But I did not suggest as a result of that it had died a death, but rather that the matter had not been progressed by the potential developer.

675 Since the answer to this House, there were developments by the developer and I have set them out in the answer to his original question. The matter is very much in the hands of the developer. He knows the support that the GTB and I are willing to give him in the event that he were to start the process. We spoke about marketing opportunities, marketing channels, how the Gibraltar Tourist Board is geared up to be able to market the project once it starts and when it starts is a matter entirely for him. He did relate to me the reasons in a private meeting which are of course entirely confidential, but I am sure that he will know

680 that I am just as eager as him as is everyone on this side of the House, for there to be an increase in bed stock of the quality that Mr Lester proposes to build, so as soon as he starts we will welcome the proposal and the project with open arms. I will also receive marketing support from the Gibraltar Tourist Board.

685 **Hon. D J Bossino:** Mr Speaker, this is based on information that I have received. Can the Hon. the Minister for Tourism advise whether there is any linkage between this potential project and the east side development?

690 **Hon. N F Costa:** Mr Speaker, the only way I can answer that question is 'not that I am aware'. When we spoke on the 3rd June or the date that I gave him, there was no mention at all of discussions in respect of the east side. We spoke of a very specific plot of land which is the same plot of land that was determined when they were in Government.

695 **New cruise terminal
Progress in development**

Clerk: Question 547, the Hon. D J Bossino.

700 **Hon. D J Bossino:** Further to Question 702/2012, can the Minister for Tourism advise whether any progress has been made in relation to the possible development of a new cruise terminal?

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

705 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Yes, Mr Speaker.

As I stated in answer to Question 702/2012 and after consultation with the local cruise agents and senior executives of cruise companies, I can assure this House that they are perfectly satisfied with the current facilities at the cruise terminal and that therefore monies would be better spent elsewhere.

710 May I take the opportunity to remind the House, Mr Speaker, that the existing cruise terminal was a project started by the GSLP Government and inaugurated by the GSD when in office. Therefore Mr Speaker, it gives me great pleasure to say that there are currently no plans to build a new cruise liner terminal.

715 **Hon. D J Bossino:** Mr Speaker, what an interesting lesson in history – what an interesting lesson in history there!

Well, Mr Speaker, as I understand the answer, the Government has decided not to proceed in relation to, the question was specifically, the possible development of the new cruise terminal. Apparently the basis for that is on the grounds of consultation which has been undertaken by his department no doubt. Now the question is this, because in their manifesto the GSLP Liberals promised that they would be providing, and I quote, 'improved terminal facilities'.

725 So, in the context of my question which dealt with possible developments in relation to the terminal, my question is, how are they going to make that particular manifesto commitment good. And in a spirit of constructiveness, can I tell him that from the little I know of the cruise liner industry, I am advised that – and I think it was mentioned in the manifesto itself which was a page which I assume that the Hon. the Minister had a hand in drafting – that the industry is looking in the future at the hop on/hop off facility. As I understand it the cruise liner terminal as it stands at the moment is not equipped to provide that facility. So can the Minister provide any information in relation to that?

730 **Hon. N F Costa:** Mr Speaker, in respect of some of the preface of his supplementary question, the consultation was done by my staff and myself so I spoke personally to the cruise liner executives in Miami and in the UK and also locally. In fact I think one of the first e-mails I received when in office, was an e-mail from I would say the biggest cruise local agent in Gibraltar, setting out to me in enumerated paragraphs why money should *not* be spent on a new cruise liner terminal. That advice was in fact echoed by everyone else that I met.

735 This is why I say in the answer to my question that it is £380,000 I believe the amount to be spent or was it £3.8 million rather? It was £3.8 million. Yes, it was £3.8 million because it was just underneath the threshold tender for an EU tendering process. Yes, it was £3.8 million for sure and it certainly was the case that £3.8 million could be much better spent differently.

740 He seems now to be amalgamating this question with another one as to the hop on/hop off issue. That
has been, I am advised by the Hon. the Chief Minister, an issue since 1998 which has been a live one
discussed by the local operators, etc and in respect of the – to take the last supplementary question, he
gave me two, in respect of the manifesto commitment on the cruise liner terminal, that we would improve
745 the liner terminal, we have already done some work, as I am sure I must have mentioned in the Budget
address.

We have attended to creating a new canteen within the cruise liner terminal building, we have also
better prepared existing surfaces, we have painted the walls at the terminal, we have removed the
humidity that was there and we are also considering whether there is any use to the disused part of the
750 building which is at the south.

**Marketing, promotion and conferences
Head 30, Tourism expenditure**

755

Clerk: Question 548, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Tourism provide a detailed breakdown of the expenditure
described as ‘marketing, promotion and conferences’ in Head 30 of the Estimates Book under Tourism?
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Clerk: Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the
Port.

Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):
765 Yes, Mr Speaker, I will be delighted to hand over to the hon. Gentleman a schedule with the information,
if he were to supply to me the year to which he refers.

Which year do you want?

Hon. D J Bossino: Mr Speaker, when I phrased the question, to be honest I did not have a particular
770 year in mind. I was referring to the Budget Book which... and I will tell him what was the cause of
concern in my mind. There was an actual expenditure of £27,261 for 2011-12 and then an estimated
figure with a forecast outturn for 2012-13 of £45,000 in each column and then obviously for this budget
year, the Hon. the Minister has budgeted in relation to that particular item another £45,000. So really
775 what I wanted was an explanation as to why he considers that there is such an increase from £27,000 to
£45,000. Does that assist?

Hon. N F Costa: So, Mr Speaker, are we talking then of 2012-13 or 2013-14?

Hon. D J Bossino: Yes, it is obvious from the explanation that I have given, Mr Speaker, that the
780 Hon. Minister’s interpretation of what I have just told him is correct, 2012-13.

Hon. N F Costa: So Mr Speaker, then if the hon. Gentleman could take me once again to the
particular item that he wants to question me on, and I will do my best to assist him.

Hon. D J Bossino: It is clear on the face of the question. It is Head 30. In fact, I was referring him to
785 the wrong one. It is actually Head 30... The reason being that there are two questions posed in almost
exactly the same terms which deal with the Tourism Head and also the Port and Shipping. The one I
referred to, the figures I gave him earlier were wrong. They referred to the Port and Shipping Head,
whilst the figure related to Tourism are there... It is at page 104 of the Budget Book and it is Head 30,
790 subhead (3).

It is the description, Mr Speaker, the Hon. Minister is asking for a description, it is ‘Marketing,
Promotions and Conferences’ and then it is sub-divided into (a) Gibraltar Tourist Board and (b) London
Office. I am in fact more interested in the Gibraltar Tourist Board figure.

I do apologise if the question was not asked in as particular a manner as he would have liked for him
795 to provide me with the information. I am not sure whether he has the information there available, but it is
a matter which can be stood down for, either he can write to me during the course of the next month or I
can indeed pose the question again at the next sitting.

Hon. N F Costa: Mr Speaker, I have no issue writing to the hon. Gentleman, now that he has been
800 able to clarify the scope of the question and the year.

**Small boat marina
Construction developments**

805 **Clerk:** Question 549, the Hon. D J Bossino.

Hon. D J Bossino: Mr Speaker, I hope this question has sufficient particulars for the Hon. the Minister to answer.

810 Further to Question 94/2013, can the Minister for the Port advise whether there have been any developments in relation to the construction of the 700-berth small boat marina and, if so, what these are?

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

815 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I am delighted that the hon. Gentleman should feel so comfortable in trying to make light of the fact that he forgot to state in the question the year to which he refers and that he should then have the tongue in cheek to try and make fun of it when he rises, rather than to silently forget the fact that he asked a question to which one could not know the answer because the year was not cited.

820 Be that as it may, Mr Speaker, the construction of the 700-berth small boat marina is going out to public tender in accordance with the Public Finance (Control and Audit) Act 1977, Procurement (Public Contracts) Regulations 2012.

Sufficient particularity there, Mr Speaker, and the tender notice has already been issued.

825 **Hon. D J Bossino:** Mr Speaker, I thought the question was pretty clear on the face of the Budget Book and the Hon. Minister knows that whenever he has any doubts in relation to any questions that I may have posed, he normally picks up the phone and asks me. But clearly he wanted to have his day in Parliament and choose to embarrass me. So be it. In fact, on a question which I am sure he could have answered just by picking up the phone if he wanted any further particulars – particulars which, in my
830 view, were clear on its face.

But, Mr Speaker, in relation to the 700-berth small boat marina, is the Government still confident that it will be able to complete the projects within the two years of this Parliament, because they are very...? The Hon. the Minister for Justice is obviously very excited about this particular project, no doubt, because he has a very close involvement with it. But does he remain confident that he will be able to complete this project within the two years of this Parliament?
835

Hon. N F Costa: Mr Speaker, the hon. Gentleman knows that I hold him in very high esteem and therefore it is hard for me to say these things, but in respect of the last question, he has embarrassed himself. He did not need me to embarrass him by forgetting the year, I am sorry.
840

And we are not just confident; we are sure.

Hon. D J Bossino: Mr Speaker, the Hon. the Minister gave a very technical reply to the question that I posed, and I would simply remind him of what he told this House in February of this year, in relation to the projects when I posed the question.
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He had told me that plans had been drawn up for the small boats marina; he said that the project was at the technical assessment phase, in terms of analysing a wave study and commissioning geo-technical surveys, etc – the environmental stage commission, the appropriate EIA, the maritime navigation assessment phase – can he give me any particular progress that has been made from February to date?

850 **Hon. N F Costa:** Mr Speaker, yes, delighted.

The hon. Gentleman refers to Question 94/2013 where I do set out the various studies and surveys which were being conducted. Those have obviously now been carried out, which has allowed us to proceed to the tender stage.

855 **Hon. D J Bossino:** Does he at this stage have an estimate of the cost of the project?

Chief Minister (Hon. F R Picardo): Mr Speaker, this is an issue that has come up on a number of occasions, in particular when we are dealing with something that is going to go out to public procurement. At the estimate stage, the Government is not going to give that information across the floor of the House or put it in the public domain because of course that could affect the competitiveness of the tender process and the value that the taxpayer gets for its money. I think the hon. Gentleman will understand that.
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865 Once a tender is awarded, it is awarded in a particular amount and that amount is disclosed, but we are in the middle of the tender process and therefore it would not be appropriate to provide that detail.

870 **Marketing and official visits**
Head 29, Port and Shipping expenditure

Clerk: Question 550, the Hon. D J Bossino.

875 **Hon. D J Bossino:** Can the Minister for the Port provide a... Well, this is the question which arises, it is the same point where the Minister has asked for better particulars, so I will treat that question in the same manner as I have done with Question 548, Mr Speaker.

Mr Speaker: Well.

880 **Clerk:** Well, could the Hon. Minister...?

Hon. D J Bossino: Shall I pose this formally?

885 **Mr Speaker:** Read it out.

Hon. D J Bossino: I will read it out.

Can the Minister for the Port provide a detailed breakdown of the expenses incurred under the 'marketing and official visits' head in Head 29 of the Estimates Book?

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

895 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, must I also read my answer or can I just agree across the floor of the House to send information to the... I need to read it?

Well, without any animus whatsoever to restart the debate we had two questions ago, I will be delighted to hand over to the hon. Gentleman a schedule with the information, if he specifies the year to which he refers.

900 **GibiBikes**
Update

905 **Clerk:** Question 551, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Hon. Minister for Transport provide this House with an update in respect of the GibiBikes urban bicycle rental facility?

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

915 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the position with the GibiBikes urban bicycle rent facility remains as set out in answer to Questions 927 of last year and 89 and 91 for this year.

920 The House should further know, Mr Speaker, that notwithstanding the best endeavours of the Gibraltar Bus Company and my Ministry to reach an amicable resolution with My Bike Station Limited to resolve the various problems set out in answers to previous questions, it became clear that an impasse had been reached. Her Majesty's Government of Gibraltar therefore instigated court proceedings in the Supreme Court of Gibraltar against My Bike Station on 27th July this year.

Furthermore, Mr Speaker, the hon. Gentleman opposite has been kept apprised by me of developments on confidential terms.

925 **Hon. S M Figueras:** Mr Speaker, I am grateful to the Hon. Minister for his answer in the House this morning and certainly, as he will appreciate already, grateful for the opportunities that he has given me to discuss this matter on Privy Council terms and the information that he has provided me with over the months.

I have brought this matter to light once more in this House, Mr Speaker, in order to effectively appraise the public and those users of the service – I suspect in declining numbers – who have expressed concern at what appears to be the unrelenting and inevitable loss of a service that they have come to rely upon over months and years, I think it is now.

930 I would ask the Hon. Minister whether... and I have not asked these questions specifically, so if he does not have the information, then certainly I will ask in future sessions. Is he able to say how many of the bikes that were within the system are... continue to be available today?

935 **Hon. N F Costa:** Yes, Mr Speaker, out of a possible 130, five remain working. Five, yes. As the hon. Gentleman knows, the bikes come installed with a particular chip which is required for the system to operate. Unfortunately, because of the problems that we have had with the supplier, we have been unable to fix the bikes. The hon. Gentleman knows, given our confidential briefings, that we really have tried to resolve the issue with the existing supplier. It certainly was the last resort to have to start proceedings but, representing the taxpayer, I felt that we have not been provided the service to which the previous administration contracted and we saw that there was no other choice but to start court proceedings.

940 **Hon. S M Figueras:** Mr Speaker, would the Hon. Minister say in this House whether the Government is exploring options for an alternative urban bicycle rental facility and if they are, at what stage these explorations might be?

945 **Hon. N F Costa:** Mr Speaker, I know that the hon. Gentleman asks me these questions across the floor of the House, but I know that he knows, because I have told him, that we are actively pursuing different options with companies outside of Gibraltar, obviously, because there is no resident expertise. With one particular potential operator, I would say that we are quite advanced, in that they should be in the process of forwarding to me – if they have not done so this morning or yesterday – quotes for an entirely new urban bike scheme.

950 **Hon. S M Figueras:** I am grateful to the Minister for that answer and certainly that would imply – and I will not ask him simply, because it is almost too obvious – that by that reply, the Government appears committed to replacing the urban bicycle rental scheme at some point during this term, given the state of play with the new potential suppliers. I will wait with some excitement for news of developments in that regard.

955 I do have one final question to ask the Hon. Minister and that is would the Minister concur that – and again with hindsight it is very easy to assess these matters in the way that I am going to – would the Minister concur that it might perhaps have been – in the face of a deteriorating system and the difficulties that were being experienced, would it have been perhaps – better to take the initiative and suspend the service in a manner that, might not, whilst inconvenient, would not have run the risk, as I suspect it may well have, of putting users off the concept generally, killing it rather than letting it die a death? Would the Minister not concur with that observation?

960 **Hon. N F Costa:** Well, Mr Speaker, first of all, to answer the preface to the supplementary, he says that the Government appears to be committed to replace the existing scheme with a new scheme. Well, I think it is fair to say that that forms part and parcel of the integrated sustainable transport and traffic plan and one of the questions that has been asked in respect, not just of Government Departments, but of course the surveys that have been conducted at households and on the street, are whether people would use bicycles as a mode of transport to go to work or for other use, and that will certainly factor into that.

965 I think it is no secret to say that bicycles, the use of bicycles, are welcome and then of course this is the reason why, given that the potential reply in that integrated policy will be that the use of bicycles should be advocated, like walking, and not the use of cars to go to work, for instance. We are already looking that should that be the conclusion, we would have a supplier in place to be able to come into Gibraltar and provide the new rental facility.

970 As to whether we should have suspended the scheme rather than let it die a death, well unfortunately right now it is an ailing patient, there are only five bicycles, but it is not dead yet. There are still operatives with the GibiBikes scheme that work with the Gibraltar Bus Company and the reason why the system was not cancelled was because, perhaps naively of me, I thought at different junctures that we were close to coming to an agreement that would have enabled us to fix the bikes, go from five or 12 at the time or 22 to 130 and have an operating effective system which would have resumed. That is why it was not cancelled.

990 **Hon. D J Bossino:** Mr Speaker, in fact I think the Hon. the Minister if he recalled when I had my hon. and learned Friend's responsibility for transport, I did raise questions in relation to the GibiBike scheme and in fact I think the way that we left it last year was that there were broadly two issues which had to be resolved. I recall that one of them was contractual in nature and the other one I cannot remember at this stage. But then when I asked the question, I was told that both those broad issues had been resolved and that we were now in the process of seeing the scheme developing and flourishing. So I am very glad for his last reply.

995 But, given that the relationship with the current previous supplier and the Government is now no longer there, can I ask what the nature of those proceedings are?

1000 **Hon. N F Costa:** Mr Speaker, in respect to the preface to his supplementary, he is in fact referring to Question 97/2012, where I do in fact say that the Government had identified problems, that we had met with the supplier and that it had been resolved. I even went further and said that it is expected that the remaining bike stations will be in place within the next few months. So his recollection is absolutely correct, we came to the point where we thought that everything had been resolved and it was just a question of bringing the bike stations to Gibraltar.

1005 As to the nature of the proceedings, I have briefed his hon. and learned Friend in confidence. I have no problem in doing the same with him, but I think that it is not appropriate to go into the nature or the detail of proceedings across the floor of the House, the matter being *sub judice*, but as I say, it does not stop me from further briefing Members opposite, should they wish to have further details in the same way that I was more than happy to do so with Mr Figueras.

1010 **Hon. D A Feetham:** Mr Speaker, the claim form – and I quite understand the desire and if it is acceptable on this side, by all means we will accept briefings on confidential terms – but a claim form and the particulars of claim, depending how they are filed, are public documents.

1015 Now, the issue that concerns me in relation to the answer that the hon. Gentleman has given and perhaps he might want to reflect on what I am about to say to him, is that if the claim, and I do not know, but if the claim is a claim for damages, perhaps, or specific performance with damages as an alternative (A Member: Or both.) or both, the problem with the answer that the hon. Gentleman has given to this House, is that he is already searching for alternatives and it appears that the relationship has broken down and therefore it might affect and might impact on the claim for specific performance.

1020 Perhaps the hon. Gentleman might want to reflect on that and perhaps clarify that what he is not suggesting is that the Government has, at this moment in time, already made the decision to look for an alternative, but the Government is looking for an alternative, should the Government need to look for an alternative depending on how the proceedings go in relation to the claim for specific performance. Of course, these are public proceedings and it may be used against the hon. Gentleman.

1025 **Hon. N F Costa:** Which is why, Mr Speaker, I noted to the hon. Gentleman that the Government is actively considering different options, and, as the hon. Gentleman correctly notes to me, they are public documents, so you are more than happy to get a copy and we can discuss them.

1030 **Bus fleet
Update on replacement**

Clerk: Question 552, the Hon. S M Figueras.

1035 **Hon. S M Figueras:** Mr Speaker, can the Hon. Minister for Transport provide this House with an update on the replacement of the Gibraltar bus fleet?

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

1040 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, following a pre-qualification questionnaire, five companies were invited to tender. These companies have submitted their proposal and vehicles have been brought to Gibraltar for testing.

1045 The result of these tests, together with the tender submissions, are currently being considered by the Procurement Office Board constituted to consider the tender. It is anticipated that this Board will be making its recommendations to Government in the near future and the Government expects to announce an adjudication of this tender in early December of this year.

1050 **Hon. S M Figueras:** Can the hon. Gentleman say whether... or rather is the Hon. Minister able to say whether there is a time frame in mind, once the process is complete – I am mindful that he has just said that they are in the tender process – whether there is a time frame for delivery of or for the roll out of the new buses in the coming months and years that he may be able to share with us?

1055 **Hon. N F Costa:** Yes, Mr Speaker, the answer is from what I am told by the Procurement Office, because of course it is not dealt with by my office directly, that once the buses are ordered it should take 12 months.

1060 **Hon. S M Figueras:** Can the Hon. Minister say whether, of the tenders being considered, any of them are for eco-friendly vehicles and if they are, the nature of those vehicles whether in the one or two or all the tenders? A general indication would be welcome.

1065 **Hon N F Costa:** Mr Speaker, first of all, it goes without saying that as a Government we would wish to choose the most environmentally friendly vehicle, but of course, we are not considering tenders yet. We are not considering tenders yet. I said in my original answer to the question that we have to wait to receive the recommendations of the tender board, so I cannot answer the question that he has just asked me.

1070 **Bus fleet maintenance**
Catering for gaps in resources

Clerk: Question 553, the Hon. S M Figueras.

1075 **Hon. S M Figueras:** Yes Mr Speaker, can the Hon. Minister for Transport provide details of the steps being taken to cater for the gaps in resources being experienced as the aging bus fleet undergoes routine and unexpected maintenance?

1080 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1085 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the steps that the Gibraltar Bus Company Limited can undertake to cater for any gaps in resources remain as contractually set out in the agreement Her Majesty's Government of Gibraltar inherited from the previous administration and to which it is contractually bound until August 2014.

Hon. S M Figueras: Mr Speaker, am I to take from the Minister's reply that he is not open to discussing what it is the bus company is actually currently doing in relation to filling the gaps in resources that they are experiencing, in terms of what replacement vehicles are being used and such like?

1090 **Hon. N F Costa:** Mr Speaker, it is not that I am not open to discussing any supplementaries that the hon. Gentleman asks me. I am simply answering the question that he has, and the bus company is tightly bound contractually to a particular private operator in terms of how it can manoeuvre to fill in gaps and resources.

1095 But if he wants to know the logistics and the mechanics, if a Dennis Dart bus were to for whatever reason require some maintenance or repairs, then a replacement Dennis Dart bus is used. If a Mercedes bus is used, then that has to be sent to Spain for repairs and another bus, Toyota Coaster or another Toyota would be used to replace it.

Those are the simple logistics of filling in gaps when one bus is undertaking repairs.

1100 **Hon. S M Figueras:** Mr Speaker, I note what the Hon. Minister says. However, in respect of at least the Dennis bus, just picking up on an example that he has given, the Hon. the Minister has said that if a Dennis bus breaks down, then another Dennis bus replaces it on the route. I have noticed certainly personally and others have seen, that there are replacement buses which are not Dennis buses currently servicing certain routes, namely Toyota Coasters as well.

1105

Hon. N F Costa: Yes, that is why I mentioned Toyota Coasters.

Hon. S M Figueras: Right, but since the Minister mentioned that if a Dennis bus is undergoing maintenance another Dennis bus will replace it, if there is a finite number of Dennis buses and one

1110 assumes – and I will be corrected if I am mistaken – that all Dennis buses are being used or are already deployed on routes in Gibraltar, that where one is undergoing maintenance and another replaces it, surely you are already short of one because they are all deployed.

I do not know whether perhaps the Minister can provide further information in that regard.

1115 **Hon. N F Costa:** Yes, Mr Speaker, the hon. Gentleman is correct to say that if, for instance, a Dennis bus breaks down and requires repairs, then the bus managers will look at which buses are available for that particular route. The hon. Gentleman also needs to take into consideration that it depends when a bus breaks down, that a particular route may be a slow route or one which is not generally used, so that the managers can in fact delay the timetable by say five minutes and there is one bus less.

1120 But what the hon. Gentleman needs to take into account, as I have said in the answer to the question, is that we are bound by the contract that is in place and we are very much limited by those contractual restraints.

1125 **Mr Speaker:** Next question.

**Taxi drivers
GPS enabled taxi meters**

1130 **Clerk:** Question 554, the Hon. S M Figueras.

1135 **Hon. S M Figueras:** Mr Speaker, yes, can the Hon. Minister for Transport say how he plans to tackle the lack of availability of taxi drivers at any given time to take full advantage of the new GPS enabled taxi meters?

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

1140 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, in the first place, I cannot accept the premise of the question which is cast in extremely wide and general terms. It is not the case that there is a lack of taxis, which is what I suppose he meant, rather than a lack of taxi drivers, because there are more taxi drivers than there are taxis. So I am reading his question to mean a lack of taxis at all places and at all times.

1145 In fact, since the introduction of the new Taxi City Service regulations and the employment and deployment of seven Transport Inspectors, I have received consistent positive feedback on the much improved city service. (**A Member:** Hear, hear.)

1150 Further, and as I have said on previous occasions in this House, the new GPS tracking system which provides real time vehicle positioning and status updates together with the recruitment of the inspectors, allows Government to monitor our roads, taxi ranks, the coach terminal and the airport.

Therefore, if a Transport Inspector receives a dispatch call, a complaint or appreciates that there is a lack of availability of taxis in a particular area, the officer has the legal power to immediately instruct a taxi to attend the area where the service would need to be provided. This was a power that did not exist before until the amendments were introduced.

1155 I conclude by reminding the hon. Gentleman that the effectiveness of the new system is actually being monitored daily by the Inspectorate, whom I meet very regularly, as indeed I do with the Gibraltar Taxi Association and, as I noted in my Press Release of 29th July, the Gibraltar Taxi Association and I have agreed, of course along with the Transport Inspectors, to review the situation three months from the date of the new City Service, to determine any changes that are required to be made.

1160 **Hon. S M Figueras:** Mr Speaker, by way of clarification and this might be of some help to the Minister, the question was drafted specifically in terms of taxi drivers, given representations that I have received certainly from a number of taxi drivers, that the system, for all its virtues and positive feedback though you may have had since its inception – all of which is certainly welcome on this side of the House, as I am sure community wide – the representations that I have received is that it is a very good system, but a system the effectiveness of which is limited only by the availability of numbers at any given time, hence phrasing the question of taxi drivers available in any given time.

1170 It may well be that, in the Minister's assessment, there are enough taxis certainly, but if at any given time there is a lack of taxi drivers driving those taxis, the effectiveness of the system may be limited thereby. That was the point of the question being asked.

I am grateful to the Minister for the replies and certainly take note of the fact that this is something that is under review and we will revisit at some point in the future in this House and I am grateful.

1175

**Coach park
Location on former Naval Grounds**

1180 **Clerk:** Question 555, the Hon. S M Figueras.

Hon. S M Figueras: Yes Mr Speaker, I note that the question is directed at the Minister for Traffic but that the Minister for Transport will be answering it.

1185 Can the Hon. the Minister for Traffic say how long the coach park will be located on the former Naval Grounds?

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

1190 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, to facilitate the construction of the affordable housing scheme on the site of the current coach park at Waterport, the coach park will temporarily be moved to the Naval Grounds.

Details are currently being finalised for the permanent relocation of the coach park and an announcement on this will be made in due course.

1195 **Hon. S M Figueras:** Is the Hon. Minister in a position to confirm that the permanent location of the coach park is intended to be the site of the old airport?

Hon. N F Costa: Mr Speaker, different options are being considered.

1200 **Hon. D J Bossino:** Mr Speaker, is the old terminal one of those options which are being considered?

Hon. N F Costa: Mr Speaker, *all* means that.

1205

**Public service vehicle access to border area
Alternative options**

1210 **Clerk:** Question 556, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for transport say further to Question 217/2013, which options the Government is exploring for public service vehicle access to the area of the border during peak times as an alternative to the runway crossing?

1215 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1220 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, the position remains the same as set out in my answer to Question 217 of this year.

Hon. S M Figueras: Mr Speaker, the Minister in answer to Question 217 said, and I quote:

‘...that at this point I would only like to say that there has been some extensive consultation with different operators...’

1225 He mentioned the GFSB and various other stakeholders as part of that consultation and this was back in May of this year. Has there been no progress on that agenda since that meeting, Mr Speaker?

Chief Minister (Hon. F R Picardo): Mr Speaker, I think I have given some details to the House previously in respect of this potential matter.

1230 Of course, the hon. Gentleman is talking about an area which is not controlled by Her Majesty’s Government of Gibraltar. Much of the area in question is controlled by the Ministry of Defence. We are talking about a military runway and therefore this is an issue that is being dealt with principally by me in

1235 relation to discussions with the Ministry of Defence, and those are not things that move quickly or apace sometimes, given the safety issues that affect crossing the runway other than at Sir Winston Churchill Road.

So Mr Speaker, there is nothing more to report at this time. When there is, I have no doubt that we will want to make a public announcement about it, if those options progress.

1240 **Hon. S M Figueras:** Yes, Mr Speaker, I am grateful to the Hon. the Chief Minister for his input. The MOD issue is not one that was flagged in reply to the original Question 217 in May, but certainly the Minister did intimate that discussions were afoot and that options were being considered. Certainly he did suggest that we should revisit the issue a few months hence and this is where we are today. Is the Government in any position to disclose what options if any are being considered?

1245 **Hon. Chief Minister:** Mr Speaker, when one is forthcoming with information, one finds that it is constantly then thrown back at one.

Mr Speaker, I thought it would have been obvious to the hon. Gentleman that by talking about the runway, he is talking about the Ministry of Defence and that one did not have to explicitly flag up the Ministry of Defence, because it is implicit when we are talking about the runway.

1250 But if I can just refer him to the subject of the question, he is talking about public service vehicle access to the area of the border during peak times as an alternative to the runway crossing.

1255 Well, Mr Speaker, look, if one wanted to be pedantic and not give him information, one would say there is no alternative of access to the frontier, other than through the runway. Whether that is across Sir Winston Churchill Avenue or whether it is elsewhere on the runway, it *has* to be on the runway unless we are proceeding with a tunnel, in which case I would have expected the question was about the tunnel or about the new, environmentally friendly floating buses that would have to float their way somehow to the border. (*Laughter*) I mean... So Mr Speaker, it clearly must be an issue that he would have understood was in discussion with the Ministry of Defence.

1260 Now look, whenever there is something to report, there will either be a public statement or there will be something said in this House. He must agree with me that it is desirable that we should find, if possible, alternatives for public service vehicles, so that they do not have to get caught, not necessarily in queues coming north to south; we are talking more about queues going south to north at different times of the day, and not necessarily related to the issues that we have today at the frontier, simply traffic issues.

1265

Mid Harbour Small Boats Marina Project Hindrance to cruise liners

1270 **Clerk:** Question 557, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Hon. Mr Netto is currently giving evidence in the Giraldi Inquiry, so instead I will be asking his questions today.

1275 Mr Speaker, given the overall dimensions of the Mid Harbour Small Boats Marina Project, can the Minister for the Port state if he is satisfied that such a size will not hinder the movement of large cruise liners within the Port?

1280 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1285 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, as part of the planning process the Port was consulted by the project manager on a number of occasions. The area specified as being suitable for the development of the Marina, was agreed. In doing this, a minimum clearance of 400 metres was specified which will provide adequate manoeuvring space for any vessel which is of dimensions able to use the berth on the inside of the Western Arm.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. Minister say who the experts are that he consulted in order for this conclusion to have been arrived at?

1290 **Hon. N F Costa:** Mr Speaker, I have just said in the answer to the question that the Captain of the Port was consulted by the project manager.

1295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister referred to a survey in answer to Question 549 to my hon. Friend, Mr Bossino which enabled the tender process to go ahead. Could Parliament have a copy of the findings of this survey?

1300 **Hon. N F Costa:** The environmental impact assessment, the copy was forwarded by the Hon. the Minister for the Environment to the Hon. Mr Netto.

**Sandy Bay reinstatement and beach stabilisation
Potential delay to project**

1305 **Clerk:** Question 558, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1310 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Tourism and the Port say if as a result of the Spanish Government's decision to stop the transportation of sand and stone through the frontier, will this mean a delay in the completion of the Sandy Bay reinstatement and stabilisation of the beach, including the combination of breakwater groynes, and if so, how does the Government intend to finalise the project?

1315 **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, we do not expect any delays to arise in respect of the completion of the works in time for the next bathing season.

1320 With regard to the supply of sand for beach replenishment, Government has invited tenders for this prior to the announcement of the Spanish blockade. Tenders have now been received and are currently being assessed and an award of tender is expected shortly. There is no delay to this element of the project anticipated.

1325

**Terminal Management Limited
Payment to former Commercial Manager**

1330 **Clerk:** Question 667, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister with responsibility for Aviation provide details to this House of the payment, if any, that has been made to the former Commercial Manager at Terminal Management Limited?

1335 **Clerk:** Answer, the Hon. the Minister for Tourism, Commercial Affairs, Public Transport and the Port.

1340 **Minister for Tourism, Commercial Affairs, Public Transport and the Port (Hon. N F Costa):** Mr Speaker, I will be answering the question as Minister for Tourism and Commercial Affairs.

As I rise in this House to answer the question, I clarify that I understand the question to ask whether Her Majesty's Government of Gibraltar made a payment to the former Commercial Manager of Terminal Management Limited due to the termination by the previous administration of his position at Terminal Management Limited.

1345 The answer is that Her Majesty's Government of Gibraltar has made no payment to the former Commercial Manager at Terminal Management Limited for termination of his employment by the previous administration.

1350 **Hon. D J Bossino:** Mr Speaker, that answer applies to the Government-owned company as well. In other words, it was not a Government-owned company which has made any payment to the former Commercial Manager.

In other words, what I am asking is this: whether the Government has made any payment to the former Commercial Manager at the Airport. What I am asking is whether Terminal Management Limited itself has, which I understand is a Government-owned company, whether it itself has... It isn't?

1355 **A Member:** It is a private company.

Hon. D J Bossino: It is not? Ah, it is a private company. Yes, go on...

1360 **Chief Minister (Hon. F R Picardo):** Just to assist the House for the purposes of perhaps Mr Bossino then formulating a supplementary, if he wishes, Terminal Management Limited was always a private entity, which had an exclusive contract with the Government to run the terminal, and I believe that the directors were the shareholders of that company.

1365 **SPORTS, CULTURE, HERITAGE AND YOUTH**

**Fire Brigade Audit Report
Publication**

1370 **Clerk:** Question 559, the Hon. Mrs I M Ellul-Hammond.

1375 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to the answer given to Question 218/2013, can the Minister with responsibility for the Fire Brigade say when the Fire Brigade Audit Report will be made public and what the main findings of it are?

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

1380 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I cannot state at this stage when the report is going to be made public. This will happen once the Government and the unions have finished the strategy of implementation of the report's relevant recommendations.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, has the Hon. the Minister already discussed the report with the staff and management?

1385 **Hon. S E Linares:** Yes, sir.

1390 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in May the Hon. Minister said the time frame would be no more than a further two months. When does the Hon. Minister envisage he will be able to provide a copy of this report?

Hon. S E Linares: Mr Speaker, as stated in the answer that I have just given to the question, once the Government and the unions have finished the strategy for implementation of the report's relevant recommendations. So until that time, we are not in a position to publish it.

1395 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Hon. Minister have an idea of how long it will take to formulate the strategy?

1400 **Hon. S E Linares:** No, I do not have at this moment because it is a work in progress and until we have all the meetings with the union which we are having and discussing the report, we are not in a position to go out public with the report.

1405 **Gibraltar Cricket Association
Provision of alternative facilities**

Clerk: Question 560, the Hon. E J Reyes.

1410 **Hon. E J Reyes:** Mr Speaker, can the Minister for Sports and Leisure provide details of the alternative facilities which will be provided to the Gibraltar Cricket Association as a result and consequence of the loss of accessibility of Europa Sports Ground for the playing, teaching and development of the sport?

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

1415 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** No Mr Speaker, not at this stage, but I have met on various occasions with representatives of the Gibraltar Cricket Association, the most recent on 24th July and 13th August. We are still in discussions with them on this issue.

1420 **Hon. E J Reyes:** Mr Speaker, as a result of those discussions and so on, is the Minister in a position to home us into what sort of areas are being seriously considered by both sides as alternative facilities?

Hon. S E Linares: Not quite yet, no.

1425 **Hon. E J Reyes:** Mr Speaker, does the Minister have any possible time frame by which he hopes to have alternative facilities available for the Cricketers Association?

Hon. S E Linares: Well yes, Mr Speaker, it is determined by as soon as we start eating into the usage of the Europa Point. At present, cricket is still being played there, so there is no problem at this stage.

1430 **Hon. E J Reyes:** So Mr Speaker, can the Minister confirm that I am correct in deducting from that, in that until an alternative site and premises are available for the playing of the sport and so on, the accessibility to Europa Sports Ground will still continue in favour of the Cricket Association?

1435 **Hon. S E Linares:** Not necessarily, Mr Speaker.

Hon. E J Reyes: So, Mr Speaker, unfortunately for the cricket fraternity, there could be a period of time when they have no access to an actual playing field and so on?

1440 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, this is a balancing act, as the hon. Gentleman will know. It could be, but we certainly hope it will not be, and we will do everything possible to ensure that it does not come about, that cricket will not have facilities available because of the need to break ground on the GFA's UEFA standard pitch. Now, this is an issue of space and I am sure that the hon. Gentleman shares the Government's desire that cricket should have the best possible facilities available to it as the alternative to Europa as soon as possible.

1445 But unfortunately, Mr Speaker, in two and a half miles by one mile, it is not always possible to move with the speed that one would wish, but he must take from the answers to these questions, which do not just involve the hon. Member because it involves the wider land plan of Gibraltar, that the Government is moving with great alacrity to ensure that insofar as possible, there will not be a day when cricket will not have facilities available to it as a result of the need to also make available to GFA the alternative area in Europa which they and UEFA have identified as the best place for the GFA UEFA standard stadium.

1450

Gibraltar Rugby Football Union Provision of renewed facilities

1455 **Clerk:** Question 561, the Hon. E J Reyes.

1460 **Hon. E J Reyes:** Can the Minister for Sport and Leisure state if he has, since the answer to Question 519/2013, 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 reached?

1465 **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 have met with the Gibraltar Rugby Football Union on a number of occasions informally. A further meeting has been arranged for this month.

1470 **Hon. E J Reyes:** Yes, Mr Speaker.

I know that the Minister says that he has met them informally and that he has a meeting planned. I wish to express to the Minister a concern – and confirmation from him, if possible, that he also shares my concern – that recently in a sports report in the local daily paper, there was some concern being expressed by members of the rugby fraternity about having to borrow MOD facilities and having turned up on a weekend and those not being available due to other MOD things.

1475

So can the Minister confirm his sharing of my concerns, as well as those of all sports lovers, that we really have to work together with the rugby fraternity to get them adequate facilities to ensure that the sport progresses, more so in the light of their pending application for international membership?

1480 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I want to associate the whole Government with those sentiments because the Government has supported and will support the application of the Gibraltar Rugby Football Union to become federated internationally and will continue to do so.

1485 But I want to go a bit further, Mr Speaker, and say that we should not just be working on that together as a community, we should have the full support of the Ministry of Defence in doing so. The Ministry of Defence enjoys the facilities that the Government makes available to the whole community as members of this community – *important* members of this community as they are.

1490 And its own sports facilities should, in my view, therefore also be shared with the community insofar as possible, when security concerns are not relevant. This is an issue that I have taken up directly with the Ministry of Defence as part of the ongoing discussions with the Ministry of Defence about all issues related to defence in Gibraltar and the footprint of the Ministry of Defence in Gibraltar.

I am sure that he would want to associate with those comments too.

1495 **Hon. E J Reyes:** Yes, Mr Speaker, I will unreservedly associate myself with the feelings expressed by the Chief Minister. He can certainly count on the unanimous support as well from this side of the House. I think the Chief Minister, in his succinct manner, has analysed the situation carefully and certainly the whole of Gibraltar will unite behind the Chief Minister on that matter, for the benefit of sports, and keep our fraternal relationship with the MOD, but in equal sharing and we must all give as well as receive.

Thank you for that, Chief Minister.

1500

Gibraltar Sports and Leisure Authority Vacancies

1505 **Mr Speaker:** Question 562, the Hon. E J Reyes.

1510 **Hon. E J Reyes:** Can the Minister for Sports and Leisure say how many vacancies currently exist within the Gibraltar Sports and Leisure Authority and by when this Authority expects to fill these vacancies?

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

1515 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, there are two vacancies for the posts of Sports and Leisure Assistants. All applicants have already been interviewed and it is projected to fill the vacancies in November of this year.

Sports grants Payments so far during 2013-14

1520 **Clerk:** Question 563, the Hon. E J Reyes.

1525 **Hon. E J Reyes:** Can the Minister for Sports and Leisure provide details of payments made so far, pertaining to the financial year 2013-14, 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?

1530 **Clerk:** Answer, the Hon. the Minister for Sports, Culture, Heritage and Youth.

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

I now hand over to the hon. Member opposite, details of the sports grants awarded so far in the 2013-14 financial year.

1535 **Mr Speaker:** It is a rather lengthy schedule. Could I suggest that we proceed with other questions and then the Hon. Mr Reyes can come back to any supplementaries that may arise from that schedule after he has studied it?

Hon. E J Reyes: By all means Mr Speaker, we have done that before and it has worked perfectly fine and I am content with that.

Schedule to question 563/2013

a) Grants to Sporting Societies:

Gibraltar Netball Association	£6786.82
Gibraltar Amateur Athletics Association	£1755.88
Gibraltar Hockey Association	£8566.27
Gibraltar Amateur Basketball Association	£5160.00
Gibraltar Federation Sea Anglers	£6746.69
Gibraltar Hockey Association	£6500.00
Gibraltar Shooting Association	£5250.00
Gibraltar Shooting Association	£3050.00
Gibraltar Hockey Association	£10500.00
Gibraltar Triathlon Association	£4000.00
Gibraltar Cheerleading Association	£ 300.00

b) International Competition

Island Games	£1798.00
Straits Games	£ 133.78
Island Games	£1392.31
World Fire Police Games	£ 250.00
Island Games	£ 330.87
Macabi Games	£5000.00

c) Sports Development

1 st Aid Course	£500.00
Sports Leaders UK	£521.23
1 st Aid Course	£405.00
Gibraltar Ice Skating Association	£442.50
Gibraltar Amateur Athletics Association	£496.85
1 st Aid Course	£820.00
Gibraltar Hockey Association	£1240.00
Gibsport Middle School Championships	£500.00
Gibraltar Hockey Association	£2150.00
Gibraltar Hockey Association	£2400.00
Gibraltar Climbing Association	£120.00
Gibraltar Shooting Federation	£747.30
Gibraltar Climbing Association	£292.21
Sports Development Association	£180.00
GASA Congress Scotland	£583.26
Gib Amateur Athletics Association Congress	£625.00
Findel – Sports Equipment	£940.00

Schedule to question 563/2013 contd.

d) Hosting of Special Sports Events

Gibraltar Classic Vehicle Association	£1200.00
Gibraltar Kennel Club	£10000.00
Gibraltar Squash Association	£5000.00
Thundercats Racing	£8500.00
Gibraltar Amateur Basketball Association	£52000.00
Backgammon Festival	£20000.00
Harley Davidson	£2600.00
Bowling Championships	£20000.00
Junior Chess Festival	£18000.00
Darts Tournament	£4550.00
Darts Competition	£188.10
Darts Competition	£256.50
Gibraltar Regatta - Accommodation	£436.00
Darts Tournament	440.00 Euro
Darts Tournament	£955.00
Royal Gibraltar Yacht Club	£6000.00

1540

**Europa Point
New football stadium**

Clerk: Question 564, the Hon. E J Reyes.

1545

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details inclusive of cost and completion dates in respect of the new football stadium which is to be built at the site of the Europa Sports Ground?

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

1550

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, I will answer this question together with Questions 565 and 566.

Clerk: Question 565.

1555

Hon. E J Reyes: Can the Minister for Sports and Leisure provide details in respect of any possible losses pertaining to the existing playground or recreation areas at Europa Point which may occur as a result of the development of the new football stadium in that area?

Clerk: Question 566.

1560

Hon. E J Reyes: Can the Minister for Sports and Leisure confirm that the new football stadium to be built at Europa will fall under the auspices of the Gibraltar Sports and Leisure Authority?

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

1565

Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares): Mr Speaker, it is anticipated that the new football stadium at Europa will not be a GSLA asset but a GFA asset. Costings, etc are not yet finalised. Loss of facilities, etc will not be clear until final plans are laid before the DPC by the GFA.

1570

Hon. E J Reyes: Mr Speaker, if the new stadium there will not fall under the auspices of the Sports Authority but run instead by the GFA, it is... am I correct in assuming there that it will then be a donation for the Gibraltar Government to build a sports facility and pass it over entirely to a sporting association, for which then the taxpayer has no control or say on its use?

1575

Hon. S E Linares: Well, Mr Speaker, details of that kind have not yet been decided with the GFA, so therefore it needs to be decided. But the asset will definitely be managed and taken over by the GFA.

As to how much they will pay or how much is the contract and all that, I have not got any details on that yet.

1580

Hon. E J Reyes: And Mr Speaker, will the Minister also bear very much in mind that, for example, during normal school hours, facilities for football there and so on should be made available to schools in all sectors as an extension of current existing sporting facilities within our education system.

1585

Hon. S E Linares: Well, Mr Speaker, that will be up to the GFA and I am sure the GFA will gladly have school children there playing football and doing sports there. But again, this is up to the GFA and how they handle the stadium. Being a Football Association, I would doubt very much that they would not allow schools or children, if they so desire, to use it. So it is a question of seeing how the GFA are going to manage that. It is up to them.

1590

Hon. E J Reyes: So the GFA, in my interpretation the GFA are the ones who are going to decide how, when and by whom those facilities are being used. Would that mean then that in exchange for that the GFA will give up its current daily allocations at the Victoria Stadium so that GSLA can then allocate those to other bodies?

1595

Hon. S E Linares: No, Mr Speaker, not necessarily. Again, as I have just said, it is a work in progress. It depends... What the hon. Member then is saying is that if the GFA or the schools use the football, then they are going to use the football in the Victoria Stadium. I think it is a question of the GSLA working with the GFA to see how they can maximise... and the stadium being under the management of the GFA, to maximise the area, to maximise the use of the stadium.

1600

But again, it is up to the GFA to co-ordinate with the GSLA.

Hon. E J Reyes: Mr Speaker, does the Minister envisage that the upkeep, running costs and so on of the new Europa Stadium, that the bill for that will be borne as well by the taxpayer or will that be borne by the GFA from whatever other income they can derive?

1605

Hon. S E Linares: Well, Mr Speaker, if it is run and managed by the GFA, I am assuming that the GFA will have to have the funds to run the place and running costs will be under the GFA.

1610

So yes the answer is yes, the GFA will have to manage the stadium. How then they do it and where the funds come from is up to them.

Hon. E J Reyes: And does Government envisage any sort of refund from the GFA for its initial investment costs in the building of the stadium or will that be entirely a gift from the Government to the GFA?

1615

Hon. S E Linares: Mr Speaker, I think I have already answered that question. It is up to the GFA to run its place and we have not got into those details yet.

Hon. E J Reyes: Mr Speaker, maybe I did not explain myself. Yes, the Minister did answer about the running and so on, but what I am saying is, the cost towards building to which the Minister has said that he still does not have the details and so on. What I am saying is, if the Government of Gibraltar is going to pay for the cost of building that stadium and then pass it over to the GFA to manage, to upkeep and so on, does the Government have any intention of recouping back from the GFA some of the money that it is investing in the building of this stadium or is the Government considering giving it as a gift to the GFA?

1620

1625

Chief Minister (Hon. F R Picardo): Mr Speaker, can I just say that we have to be very careful as to how we deal with these matters now, because the GFA is now a member of an international organisation which has its own rules and which prescribes what it is that football associations can do and what their relationships with governments are.

1630

For example, if there were not such barriers, Mr Speaker, then Germany, for example, that has the best performing economy in Europe could simply pump money into its football team and they would then have a huge advantage. So there are rules as to what it is that football associations that are members of the European Federation of Football Associations can do in their interaction with the government, and there are rules as to how they fund their headquarters, and if you call it the *national* football stadium, Mr Speaker. But the *national* football stadium in that parlance does not mean the *state* football stadium. It means the football stadium in the ownership of the National Football Association.

1635

For that purpose, Mr Speaker, as I understand it, in my discussions with the GFA in relation to the land issue that arises here, UEFA have a fund to assist what is known as infrastructure projects in *all* of the federated states and through that funding, entities that are football associations in each of the 54 states

1640 that are members of UEFA, fund their stadia and their other arrangements, like the management that the Hon. Minister was referring to of the stadium, which then produces income. And of course the German Football Federation will have a larger stadium that will produce more income than smaller federations may have.

1645 But it is not a question of governments being free – however much we might wish to – to inject a lot of cash into their football associations. I believe that the fund is called the ‘HatT...’, maybe the ‘HatTrick’ fund – I am no expert on this – which is the one that is used to assist the federations to develop their stadia and their facilities, and there are other funds available for the development of young footballers, etc. So in all of that context – and this is what the Hon. Minister is alluding to – there are a lot of rules that we need to ensure that we comply with in the way that Gibraltar as a nation assists our national football association. That is the subject of discussion at the moment between the Government and the GFA and the GFA and UEFA.

1650 What I think I am able to disclose, Mr Speaker, and I think we have alluded to before – and it may not be a disclosure; it may be something that the hon. Gentleman has already been told by us in this House – is that of course the Government feels that it is able, within the rules, to donate to gift the land of the stadium, where the stadium will be built, to the GFA. That is within the rules – that appears to be within the rules – and we can do that because it is for a sporting purpose.

1655 So in the same way that we might give the Cricket Federation or the Rugby Federation or any other Federation the use of a particular area and even create a lease in relation to whatever facilities you are able to use there, in this instance because the facilities cannot be public facilities – that new stadium cannot be a public stadium; it has to be a GFA-owned stadium – the advice that we have is that we can go as far as to gift the land.

1660 So, stage 1 is where you build... Well, that can be given by the nation to the GFA’s structure for this purpose, which is likely to be a corporation, as long as the lease provides that it is only to be used for sporting purposes. Otherwise, of course, if somebody were to buy from the GFA to then build houses on it, the Government would be entitled to a premium for the change of use, right? But the grant of the land, the gifting of the land into a structure set up by the GFA for this purpose, is within the rules. What happens there after that, we have to be very circumspect about what the rules at a European level allow us to do and do not allow us to do.

1665 I hope that is helpful.

1670 **Hon. E J Reyes:** Yes Mr Speaker, very helpful and I am grateful because the Chief Minister has actually been able to clarify what the ordinary person in the street hears and no one is quite certain, you know, the veracity behind that thing and they have asked me; hence why I hint at some of these questions. Certainly the Chief Minister and the Minister for Sport can rest assured that where things are being done properly, they will receive the full support from this side of the House in respect of the development of that sport. I may even tie it up, Mr Speaker, with your permission to the previous question on cricket about their usage of the sports ground.

1675 It is public knowledge that the Gibraltar Cricket Association are actually members of the ICC and hence derive some funding. They are worried and have probably shared this thought already with the Minister, that they could lose certain funding – even their membership could be put in jeopardy, if they do not meet the minimum requirements of playing fields that are available. I know in my time as Minister for Sport, they needed to have at least three different sites where the game could be played. But the Chief Minister did clarify before with the Minister for Sport, that if there is any time span of non-availability of a pitch, it would be a very short period of time and that I think will be very well received by the Gibraltar Cricket Association.

1680 May I, Mr Speaker, indulge in your generosity and ask the Chief Minister and the Minister for Sport and indeed all this House, to share with me in rejoicing that the Gibraltar Football Association is actually making history today by playing in the under-19 UEFA qualifiers this afternoon, a half past two kick-off – which unfortunately I think many of us will have to miss, but I am sure we will be updated by today’s social media on the score. (*Banging on desks*)

1685 **Hon. Chief Minister:** Yes, Mr Speaker, in fact arrangements have been made for these screens to show the match whilst the Chief Minister’s Question Time goes on.

1690 Mr Speaker, the Government is very alive to the issues of the Gibraltar Cricket Association, as I have told him before. But he has alluded to something which I think is worth commenting on, which is that they receive funding; and the Rugby Federation, if it becomes federated, will also receive funding.

1700 And then again, there are options for them to enable them to develop their facilities with that funding, something which they have not been able to do until now, with the existing regime, because all of the areas that each of them have been using are public areas which are multi-use. The difficulty, Mr Speaker, is, and the opportunity, in finding them an area which is exclusive use because then their federations fund the development of that facility and although maybe taking a little bit longer than any of us might want,

1705 because of the territorial extent of Gibraltar – and there are some people who do not even like the fact that we are trying to get a little bit bigger – it is certainly something that is very much on the Government’s agenda as a deliverable, which provides exclusive use facilities wherever possible, or shared exclusive use facilities – if I make that clearer, for example, rugby and cricket may be able to share but it is exclusively theirs in joint ownership and therefore their federations can jointly fund.

1710 Finally, Mr Speaker, if I can say this on behalf of the Government and people of Gibraltar and on behalf of this Parliament: God speed to the under-19s today. I know that they had a tough friendly match in preparation. I know that they will do their best – Gibraltarians *always* try their best when they are abroad. This is only the beginning and, Mr Speaker, we have great hopes for what the Gibraltar national team will be able to do when they go abroad in particular, but one thing they will *always* do is represent us in a sterling fashion, representing all the hopes and aspirations of the people of Gibraltar for success on the pitch.

1715 So God speed to them this afternoon. (*Applause*)

**Heritage related sites
Works undertaken**

1720 **Clerk:** Question 567, the Hon. E J Reyes.

1725 **Hon. E J Reyes:** Mr Speaker, further to the answer to Question 236/2013, can the Minister for Heritage provide details of all works, together with respective cost, undertaken at any Heritage related site, stating by whom these works were carried out?

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

1730 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to the answer to Question 236/2013 I now hand over to the hon. Member opposite the information requested.

Schedule to Question No: 567/2013

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

a) **Site:** Giralda Gardens Bunker
Works: Demolition of wall, removal of concrete walls, rubble, sand and vegetation. Hiring of equipment skips

Contractor: Construction & Maintenance Service Company Limited

Total Amount: £13,249.00

b) **Site:** Harding's Battery
Works: Manufacturing of carriage and transportation and placing of gun and carriage from South Gate to Europa Point (Harding's Battery)

Contractor: Casais Gibraltar Limited

Total Amount: £20,000.00

c) **Site:** St Jago's Arch / South Port Gates
Works: Conservation Works (May, June, July, August)

Contractor: Knightsfield Holdings

Total Amount: £29,285.24

d) **Site:** Eastern Beach Bunker
Works: Clearing of rubble, plastering, repair to ceiling and walls, hiring of skips and equipment, repair of girders, manufacturing and installation of windows

Contractor: Construction & Maintenance Service Company Limited

Total Amount: £5,410.00

1735 **Mr Speaker:** Again, can we attempt to make progress whilst the information is being circulated and considered.

1740 **Parson's Lodge; Moorish Castle
Works carried out 2013-14**

Clerk: Question 568, the Hon. E J Reyes.

1745 **Hon. E J Reyes:** Further to the answer to Question 523/2013, can the Minister for Heritage provide full details of all works undertaken at Parson's Lodge during the financial year 2013-14, inclusive of information pertaining to cost and contractors who carried out any works?

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

1750 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 569.

Clerk: Question 569.

1755 **Hon. E J Reyes:** Further to the answer to Question 523/2013, can the Minister for Heritage provide full details of all works undertaken at Moorish Castle during the financial year 2013-14, inclusive of information pertaining to costs and contractors who carried out any works?

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

1760 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, further to the answer to Question 523/2013, further works carried out at the Parson's Lodge are as follows:

Contractor – Koala Construction; the total amount was £1,553.14 and the works were remove, supply and fix a new flagpole.

1765 As to the answer to Question 569, no further works have been carried out at Moorish Castle.

1770 **Cultural grants
Details of awards so far 2013-14**

Clerk: Question 570, the Hon. E J Reyes.

1775 **Hon. E J Reyes:** Can the Minister for Culture provide details of cultural grants awarded so far pertaining to the financial year 2013-14?

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

1780 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, I now hand over to the hon. Member opposite details of the cultural grants awarded so far in this financial year of 2013-14.

Schedule to question 570/2013

Cultural Grants for financial year 2013/14	
Colourworks Limited – Sponsorship for Runway 2013	£4,500.00
Posters for Runway 2013	£600.00
Ainslie Andrews- Winner Rock Chef	£2,000.00
GND0 - World Jazz Championship Poland	£2,520.00
GND0- World Show Dance Championships Germany	£6,000.00
GND0 - IDO Licence & Workshops	£2,400.00
Art in Movement	£2,290.50
Runway	£5,200.00
Stylos Dance Academy	£1,842.50
Allegro Music Productions	£2,025.00
Kings Chapel Singers	£1,440.00
Gibraltar Horticultural Society	£1,500.00
Jordan Picardo – Vocational dance university scholarship assistance	£6,000.00
Simon Bolland - Vocational dance university scholarship assistance	£6,000.00
Rock on the Rock Club	£2,000.00
Gibraltar Philharmonic Society	£10,000.00
Danza Academy	£2,132.00
Gibraltar Photographic Society	£1,350.00
Santos Productions	£9,527.00
MO Productions	£5,700.00
Gibraltar Sea Scouts Pipe Band	£2,000.00
Re-Enactment Society	£900.00
Jetstream	£4,500.00
Gibraltar Arts & Crafts Association	£1,500.00
Gibraltar Dolls - Christine Mandleberg	£1,950.00
Keith Sheriff – Masonic Institute Symposium	£150.00
Joe Caruana - The Iron Knight of Malta	£2,660.00
Calpe Press - Nhean Haynes Cookery Book	£3,645.00
Jonathan Santos - Book One Inch High witch	£1,125.00
Sonia Golt - Dreams are made of this	£500.00
Nina Danino - Exhibition 2013	£5,000.00
Reach - Reunion Concert	£1,000.00
Runway 14	£3,200.00
Christian Fa – Assistance to represent University in Cultural tour of Brazil (playing an instrument)	£400.00
Janice Felices - Scholarship UK Flights	£3,000.00
Gibraltar face & Body Painting - Festival	£1,000.00
	£107,557.00

Mr Speaker: Next question.

1785

**John Mackintosh Hall
Caretaker position**

1790

Clerk: Question 571 the Hon. E J Reyes.

Hon. E J Reyes: Further to the answers to Written Question 61/2013 and 522/2013, can the Minister for Culture and Heritage say when the position of Caretaker at John Mackintosh Hall will be filled?

1795

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 522/2013 the Ministry for Sports, Culture, Heritage and Youth has no intention of advertising this post.

1800

This will be decided by the Culture and Heritage Agency and the board of the John Mackintosh Hall.

Hon. E J Reyes: Yes Mr Speaker, I am very much aware that he said that. I did not say that the Ministry was going to appoint. I said, ‘when will the position of caretaker be filled?’ – whoever the ultimate employer happens to be.

1805

Hon. S E Linares: It is up to the employer, when they want to advertise it and bring it out. At present, I have not heard of any indication from them that they are going to advertise, so they must be doing all the work internally and it is up to them to decide.

1810

Hon. E J Reyes: Mr Speaker, from my note the last time, the Minister answered the question which was at Question 522. He explained that the vacancy was going to be advertised and filled in by the agency but he said that it would be happening soon. Has there now been a shift in position, Mr Speaker?

Hon. S E Linares: Mr Speaker, which answer to which question is he referring to? I have got answer to Question 522: I stated the Minister for Culture has no intention of advertising this post. And in Written

1815 Question 61: 'since my answer to Question 235/2013, the caretaker of the Mackintosh Hall retired. The vacancy will be advertised in due course.'

By saying that, Mr Speaker, 'in due course', it meant that the Ministry is not advertising, no intention from the Ministry to advertise, but it would be in due course for...

1820 **Mr Speaker:** But that surely is not the point. The point is that the Minister, as Minister, is responsible overall for the Culture and Heritage Agency so he is in a position to answer questions on their behalf.

1825 **Hon. S E Linares:** Yes, Mr Speaker, and I also chair the Mackintosh Hall board, management of the Board and I have stated here that this item has not come up from them because they are the ones that manage it; I am just but the mere Chairman. They have not come to me or to the board indicating that this vacancy will be advertised.

1830 Therefore what I am saying is that the Ministry is not advertising because it is not incumbent on the Ministry to advertise. It would be the Mackintosh Hall itself, the board of management of the Mackintosh Hall to decide. Like I said, I have chaired those meetings and there is no indication that they are asking for the vacancy to be filled at this stage.

Mr Speaker: Is it not the function of the Chairman of the board perhaps to set the agenda?

1835 **Hon. S E Linares:** I am sure, but if somebody retires and the management, the facilities manager does not come to the board and say, 'Minister', or 'Mr Chairman, we need someone to replace Mr...' In this case it was Mr Capurro and Mr Brown – in fact there are two people who retired. One retired subsequently to that. They have not come back to me and said, 'we need a person', so I am assuming that they are either doing internal cover, or maybe – and I state maybe – in the *next* board meeting, they could well come and say, 'Minister, we have been covering for the last few months, we need those posts to be covered as soon as possible', and then the board takes the decision and brings out the vacancy, if the board decides that the vacancy should be brought out.

1845 **Hon. E J Reyes:** So then, Mr Speaker, can the Minister confirm that there has actually been a shift in position, because I think I am correct in interpreting from the answer given to Question 522, where this House was told that the Agency would bring out the vacancy for caretaker and that it would be happening soon, and am I correct now in assuming from what is happening today that it does not seem to be happening and in any case nowhere near being soon?

1850 **Hon. S E Linares:** As soon as the next board meeting, if they bring it up, which is the answer to the question as I have just explained.

1855 If they come to me and do not explicitly say that they need... When I say 'soon', it means that I go to the board, the board then discusses the issue – which has not arisen, because the board has not discussed the issues of vacancies, but I am sure they will because they are covering at the present with the staff that they have got currently. They are covering up, so as far as I am concerned, and he should know as a Minister, there is always, in Departments, always asking for more and more staff.

In this case, they have not asked readily now for the staff, but I am sure they will – and they will probably ask for even more to cover, but at this stage they have not.

1860 **Hon. E J Reyes:** So Mr Speaker, the Minister has tried to explain to me in his answer that, since the retirement of the caretaker that task seems to have been covered up by somebody else.

I can understand when it is clerical or admin grades that I can ask clerk X and Y to please cover for whatever was left by clerk A who has retired; but in the position of a caretaker, it is something that is a bit more specialised and one at least has to have a minimum, you know, amount of do-it-yourself knowledge and so on. Surely you cannot ask a clerk to cover over certain caretaker duties.

1865 Or, does the Minister have any information that could at least enlighten me as to who is carrying out the duties previously carried out by the caretaker which require minor works and maintenance, routine maintenance issues and so on?

1870 **Hon. S E Linares:** Mr Speaker, a very efficient maintenance team is doing that. He knows that Mr Brown was not the only caretaker there. There is also Mr Victor Soiza who was there as well and he, together with another group of young men, I should say, are doing a very, very good job and they are trainees actually, which he has asked the question as well, trainees which have been engaged to do maintenance work. Therefore they are not only doing the Mackintosh Hall; they are doing all other maintenance work for what he used to preside over, which is the Culture and Heritage Agency, which does not only involve the Mackintosh Hall; it involves many, many other assets.

1875

Hon. E J Reyes: And for the record, Mr Speaker, these trainees, are they part of the Future Job Strategy or where do they pertain?

1880 **Hon. S E Linares:** Mr Speaker, he has asked that question before. Yes, they are.

1885 **Electricity Authority**
Upgrading the distribution network

Clerk: Question 572, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1890 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to the answer provided to Question 239/2013, can the Minister with responsibility for Utilities state what has been done, or is likely to happen in the next few months in order to upgrade the distribution network of the Electricity Authority?

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

1895 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the following improvements to the electrical distribution network resilience have been completed this year with the installation of new sub-stations at the new Mental Health Facility substation and Engineer Car Park.

1900 GEA also upgraded electrical supplies to the Mosque. This is now fed from a GEA supply from Keightley Way substation instead of an MOD (GMES) supply. The Fair substation was also re-sited to the new location at the Naval Ground.

In addition, works are in hand to enhance the network to provide electrical supplies to the Sunborn Hotel.

1905 GEA are also programming enforcing the distribution electrical network over the next six months to allow GEA to take on Edinburgh Estate and Chilton Court consumers which are currently supplied from the MOD (GMES) network.

As part of an ongoing programme to replace and upgrade the high voltage distribution electrical distribution network that was started last year by this Government, the GEA have purchased equipment to replace Bedlam Court substation, Palace Gully substation and Line Wall Road, which are currently awaiting delivery.

1910 The GEA are also finalising the technical specification for the replacement of the next batch of sub-stations to replace Forty Step sub-station, Europa Road sub-station, Devil's Tower Road and Sandy Bay substations.

1915

New power station
Consequence analysis of proposed site

1920 **Clerk:** Question 573, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1925 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with the responsibility for Utilities, please advise the House if the Health and Safety consequence analysis has been conducted for the proposed site for the new power station, given the answers given by Government to Written Questions 75/2013 and 76/2013 and if so, provide Parliament with a copy?

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

1930 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, no consequence analysis has been carried out at this stage for the new power station, as previously advised.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, if no consequence analysis has been done, how come the Government is proceeding with the preliminary works and the tender process?

1935 **Hon. S E Linares:** Mr Speaker, because no consequence analysis is needed. I think the hon. Member Mr Netto is completely confused as to what needs to be done and he seems to have got the information from a Health and Safety course that he attended. Therefore there is no need to have a consequence analysis.

1940 What there is are many other types of analysis, but not the specific consequence analysis that he refers to and that is why I answered the question last time when he asked that there is no need for a consequence analysis.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Hon. Minister has mentioned many other types of analysis. Could he enlighten us as to what these are and whether they have been conducted?

1945 **Hon. S E Linares:** Yes, Mr Speaker.

It is a HAZID, a hazard identification analysis; a COMAH, control of major accident and hazard analysis; an EIA, environmental impact assessment; and a CDM, construction, design and management regulations, which we have to follow. So at least those are four that I have on my list when I asked.

1950 **Mr Speaker:** Given that we are dealing with a power station, I hope all hon. Members found that information very illuminating! (*Laughter*)

1955 **New power station
Commencement of works for reclaimed site**

Clerk: Question 574, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

1960 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister with responsibility for Utilities please advise the House if works have commenced for the reclaimed site for the new power station?

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

1965 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Mr Speaker, the works on the reclamation for the new power station have not yet started.

1970 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, does the Hon. Minister have an idea as to when the works will start?

Hon. S E Linares: Mr Speaker, I cannot state when I can inform the hon. Lady that we are doing an EIA at this present time so it is at that process, the EIA process but I would not like to say a date when it starts.

1975 **New power station
Environment impact assessment of reclaimed site**

1980 **Clerk:** Question 575, the Hon. Mrs I M Ellul-Hammond on behalf of the Hon. J J Netto.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister with responsibility for Utilities please advise the House if an environment impact assessment has been conducted at the proposed reclaimed site for the new power station, and if so please provide a copy to Parliament?

1985 Obviously, I am aware that you have answered this question in the previous question.

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

1990 **Minister for Sports, Culture, Heritage and Youth (Hon. S E Linares):** Yes Mr Speaker, the environmental impact assessment for the new power station will be conducted by the successful contractor.

Government has done a preliminary assessment to inform the EIA, that the detailed assessment can only be done once the final award of tender is made, as it is a project specific.

1995

HEALTH AND THE ENVIRONMENT

2000

**Upper Rock
Strategy**

Clerk: Question 545, the Hon. D J Bossino.

2005

Hon. D J Bossino: Can the Minister for the Environment advise whether a strategy has now been developed in relation to the Upper Rock?

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

2010

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will be answering this question as Minister with responsibility for the Upper Rock.

The strategy for the Upper Rock is currently being developed by the Department of the Environment in consultation with the Ministry for Tourism. It is hoped that the draft plan will be ready for consultation with stakeholders by December this year.

2015

Hon. D J Bossino: Mr Speaker, in answer to when I posed the question of the Minister for Tourism back in May 2012, he said that the... I asked about the consultation that was being undertaken by the Government and the answer I received was that the next step is that a paper will now be prepared by the Department of the Environment. Is this the paper that he has just mentioned which will be ready in December this year?

2020

Hon. Dr J E Cortes: Indeed, this is the draft that we are referring to.

2025

Hon. D J Bossino: Mr Speaker, when does he expect that we will have the plan ready thereafter? Because what I assume is going to happen is that once a paper is prepared, if I have understood and followed his answers correctly, it will then be sent out for further consultation, and presumably further input from the various stakeholders and by stakeholders. Maybe he can clarify whether they will include – if I can put it in the broadest terms possible – the environmental lobby and also the taxi drivers who make use of that facility. After that is complete, we will have a plan ready and I asked him at the beginning of my question how long he expects that that will be – how long he expects that that will take for that to be ready.

2030

Hon. Dr J E Cortes: Mr Speaker, the stakeholders are precisely as described and will include those entities and individuals who made submissions when submissions were invited from members of the public.

2035

As to time frame, I would not like to commit myself, one thing I have learned in the past 21 or 22 months is to be careful when I commit myself to timeframes.

2040

Hon. D J Bossino: Fine, Mr Speaker, I think I will leave it there for now and we will see how matters progress post December.

But can he give an indication as to the nature of the representations that he is receiving and whether the Government is developing, as a Government, a view as to which way... whether the environmental lobbyists will win the day. I know I am putting it in very stark days, I appreciate that, or whether the taxi drivers will have their day, because clearly, I can appreciate from their standpoint that it must be not an easy decision to take. I imagine that their submissions and their views as to how the Upper Rock ought to be used will be diametrically opposed and they have, both sides have valid interests in that area of land.

2045

So can he give us an indication I suppose is my question?

2050

Hon. Dr J E Cortes: Mr Speaker, I suppose it is to be argued that the environmental lobbyists won the day when they elected me as Minister, (*Banging on desks*) but there is no conflict of this nature. In any natural asset where there is a large amount of public use, there are challenges and obviously we are aware of those challenges. But the way that I see the plan developing and the amount of work that I have seen already – and I am sadly not involved in the day to day, I would very much like to be able to write the plan myself, but clearly I have very competent officials who are doing this – I think we are going to come up with something that is going to work very, very well for the users of the Upper Rock of all species, including humans and others.

2055

Commonwealth Park creation
Costs incurred; investment; funding; remedial works

2060

Clerk: Question 576, the Hon. S M Figueras.

2065

Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for the Environment provide this House with details of all costs already incurred in respect of the creation of the Commonwealth Park, further to the initial costs of some £87,000 incurred in respect of enabling works, including but not limited to excavation works, provision of parking spaces in alternative locations, design work, materials and all other relevant expenses?

2070

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

Minister for Health and the Environment (Dr J E Cortes): Mr Speaker, I will answer this question together with Questions 577 to 579.

2075

Clerk: Question 577.

Hon. S M Figueras: Can the Hon. Minister for the Environment provide details of the Government's estimate of the total investment it expects will be required for the creation of the Commonwealth Park?

2080

Clerk: Question 578.

2085

Hon. S M Figueras: Can the Hon. the Minister for the Environment provide details to this House of the manner in which the Commonwealth Park Project will be funded, in particular, whether the Government intends to fund the project from the proceeds of savers' debentures with the Gibraltar Savings Bank?

Clerk: Question 579.

2090

Hon. S M Figueras: Can the Hon. the Minister for the Environment provide details to this House of setbacks or difficulties, if any, encountered in the construction of the Commonwealth Park and where relevant, the cost of remedial works?

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

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Minister for Health and the Environment (Dr J E Cortes): Mr Speaker, although, for reasons I will refer to in a moment, we will not give an estimate of what the park will cost, I will tell him that to date a total of £1,119,208.20 have been spent on the Commonwealth Park project, inclusive of all enabling works and consultants' fees.

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As stated in answer to Question 784/2012, the development of the car park at King's Wharf site is part of an agreement with the developer of the site at no cost to Her Majesty's Government of Gibraltar. The exact cost of the project will not be known until the final account has been agreed with the contractor.

The project will be funded by a combination of a contribution from the Kusuma Trust and by Government's own funds. The project will also receive EU funding. No other sources of funding are being considered.

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There have been no setbacks or difficulties in the construction of the Commonwealth Park beyond what might be expected on a scheme of this size and complexity. The project is on programme for completion by the end of March 2014.

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Hon. S M Figueras: Mr Speaker, I am grateful to the Hon. Minister for his reply in that regard, specifically in relation to the costs incurred so far.

I am, however, unable to accept, Mr Speaker, that they are not in a position to provide an estimate of how much it is going to cost in the context of tender awards clearly having been made or the contract having been awarded for commencement of the works. The value of those awards must surely be something that the Government knows and should therefore be in a position to share with this House.

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Would the Minister explain in this House the reasons why it is unable to provide those estimates, when they can in fact say in respect of the housing projects, how much those awards have been valued at, the value of £130 million if I recall correctly? Can the Minister say in this House why, in respect of the Commonwealth Park, that information cannot be provided to the House and to the public?

2120 **Hon. Dr J E Cortes:** Mr Speaker, as I have stated before in this House, this is a project that is being carried out by GJBS and there are still discussions progressing with GJBS on some of the detail. But I think I can explain that this is not the average project and this is not the sort of project that can be cut and dry at the initial stages. The development of a garden has a lot of factors that have to be borne in mind – for example, weather conditions, the choice and selection of the mature trees that are going to be brought in – and this cannot be chosen very much in advance and has to be chosen during the time of the project.

2125 In fact, that is a process that is going on now and it will be very much depending on the actual species and the size of what is available on the market at the moment. And therefore, it is the sort of thing that has to be flexible and cannot be decided beforehand, like for example how much cement is going to be used in building a house. Developing a garden has to be flexible, I have considerable experience in this and in order to achieve the best value for money, we have to have this flexibility.

2130 **Hon. S M Figueras:** Mr Speaker, I disagree with the final point that the Hon. Minister is making in that because we have to have this flexibility we cannot have an estimate (**A Member:** Hear, hear.) I think those are two entirely incongruous points. It is entirely possible for a government that knows that it is going to be spending at least £113 million on two housing projects, to have an idea of what it will be spending in respect of a park, making allowances of course for the flexibility that the Minister says he needs to have in respect of the project.

2135 Mr Speaker, the Minister surely will agree with me that it is absolutely right that the public should know what the estimate is for the cost of this park in the same way as they know, because the Government has freely provided the information, how much the housing projects are going to cost. Mr Speaker, I do not understand – and I ask the Minister to try and enlighten me so that I understand – why it is that there is this hesitation to provide that kind of information which should be really in the grand scheme of things, rather innocuous.

2145 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is ground hog day. We have this debate and this question in almost every meeting of the House in relation to this particular development. Mr Speaker, we have answered before that we will provide the full cost of the development of the park and the hon. Gentleman has wanted to insist and insist that we provide the estimate.

2150 The hon. Member, the Minister for the Environment has set out already why it is not possible to provide the estimate in respect of this particular project. It is quite different when one is dealing with fixed price design and build projects like the ones that we are dealing with in relation to the housing schemes, Mr Speaker, which have been announced and in respect of which the data has been given. If the hon. Gentleman does not like the answer, well look, Mr Speaker, he can say what he likes but that is the answer he is going to get. This is not an attempt not to tell the public how much the project is going to cost.

2155 The hon. Gentleman is being told, he will have chapter and verse and the price of every single daffodil, that is, if those are relevant – and I defer to the Hon. the Minister for the Environment – and every tulip and every tree, if he wishes, Mr Speaker, when the project is complete. He will be able to analyse the cost of the compost, Mr Speaker, and absolutely every single other aspect of the park which he has been told, Mr Speaker, will be completed in less than six months' time. So if he simply asks the question how much has it cost, rather than how much will it cost, then he will detect Mr Speaker, the willingness to provide that information.

2160 At this stage, if the Government – in particular the Minister – does not feel comfortable giving the estimate and he has given him his reasoning as to why he does not feel comfortable giving the estimate, well then, Mr Speaker, I am afraid he has to accept that answer, with the caveat that there will be a full disclosure of every penny spent, once spent and at the end of the project.

2165 Otherwise, Mr Speaker, we are simply going to have an exercise going on in every meeting of this House until we have reached the end of the development where we will give the same answer that we have been giving him for a year, Mr Speaker.

2170 **Hon. S M Figueras:** Mr Speaker, the Hon. the Chief Minister will know that we have not been dealing with this in every meeting of Parliament since December 2011. In fact, there has been a gap of about three, four, five, six months, perhaps, since we have raised this issue in the House.

2175 **Mr Speaker:** It was last raised in July. I have the *Hansard* here, 18th July. It was last raised in July.

2180 **Hon. S M Figueras:** I am grateful, but it was not this specific question, Mr Speaker. Yes. This issue will be raised as many times as we consider it necessary and yes, indeed, the Hon. the Chief Minister will say that they will give the answer that they want to give. But the point is this, Mr Speaker: we are asking for the estimate, we are asking whether the Government has an estimate and if it does have an estimate,

whether it will share it. The fact that they will not is now clear because that answer has already been provided.

As to the cost of the Commonwealth Park once it has been delivered, well, I will be asking at that time, what the cost has been.

2185 The question right now is the estimate, because in exactly the same way as the Government sees fit to tell the electorate that a housing project is going to cost x even though we know that those are subject to commercial realities and practical realities on the ground that may cause that figure to change, it is, Mr Speaker, the public's right to understand what the estimate for that park is, before it is complete, at the time when it is asked for.

2190 Really, it is a very simple question and it is frankly astounding to Members on this side of the House that the Government is unable to provide us with what is really a very simple answer, we are certain, but which for many reasons clearly the Government is unhappy to share.

2195 **Hon. Chief Minister:** Mr Speaker, it has nothing to do with that and the hon. Gentleman needs to understand the parameters of what he is talking about a little bit better, before he gets up and tries to embarrass the Government.

2200 He does not realise Mr Speaker, that the tender awards for the properties in question at the Aerial Farm and the Coach Park are fixed price tenders subject to European rules that cannot vary according to European rules. They are fixed price design and build, Mr Speaker. That is quite different, quite different. Those are not estimates, Mr Speaker; those are fixed price contracts.

2205 It is quite different to say, 'Well look, we are developing something here, we may decide to change some of the specification, we may decide to make something less enhanced or more enhanced.' But Mr Speaker, look, the whole issue is this: *we* are the guardians of the public purse on this side of the House. They are there to check us, fair enough, they can ask whatever questions they like, they can ask the same question over and over again – and he has noticed, Mr Speaker, that I was not taking the point that the same question had been asked within six months, another point I might have taken, because it was not an issue that we were dealing with on that basis.

2210 We are simply saying, as guardians of the public purse, we want to tell you what it cost in detail, every daffodil and every tulip, but what we are not going to do, as guardians of the public purse, is tell you the estimate. Because, as guardians of the public purse, we do not think it is in the interest of the public purse that we should do that. We think that the public purse may actually end up *better off* if we do not share estimates of this sort.

2215 Because Mr Speaker, I have explained it before, *if you do*, some of those who are providing services to you will know how far you are prepared to go. Or is it that he does not know that when you prepare estimates of this sort, you also have to build in contingencies, you also have to build in a percentage of what more you are prepared to spend than the amount that has already been quoted to you?

2220 And so, Mr Speaker, as guardians of the public purse, in the interest of the taxpayer we are telling him, we will tell you every single penny that has been spent, but it is not in the interest of the taxpayer to tell you at the moment what the estimate is.

2225 **Mr Speaker:** Perhaps in order that it may not be thought that I have misled the House, I said that it had been raised in July, last July, but it was in the course of supplementaries. There was no substantive question on the Commonwealth Park project, but in the course of supplementaries – supplementaries involving the additional parking facilities at the Royal Gibraltar Yacht Club and so on – the hon. Member made a reference to the Commonwealth Park.

2230 **Hon. D A Feetham:** Yes, Mr Speaker, but I have to say I find the statement by the Hon. the Chief Minister difficult to understand, on the verge of being a ridiculous statement to make. Look, does he not accept that it is not only in the public interest and in the interest of the public purse for an Opposition to scrutinise not only what a project has cost at the end of the project, but what it is costing, particularly when it is six months, when this project is due to be completed in six months' time.

2235 Because, of course, if what the Hon. Chief Minister is saying really is, well, the Hon. the Minister for the Environment has an open cheque and can spend whatever he wants in relation to this particular project... Look, somebody listening to the debate to the exchanges today may well come to that conclusion because quite frankly, I am none the wiser as to whether, for example, there is a ceiling on this particular contract, or the Chief Minister as Finance Minister has said, 'No, no, no. we are so environmentally friendly as a Government that you can spend whatever you want.' Well, if that is the position, quite frankly we do not believe that that is in the public interest in the public purse. The reality is that the analogy that the hon. Gentleman has provided with the £116 million in relation to the two housing projects announced is an apposite analogy and I will tell him why. Because presumably you have also entered into contracts with GJBS – who is the main contractor – in relation to this particular project and you must know from those contracts how much this project is going to be, what the parameters are in

terms of the cost, unless... I return back to the original point that I made, which is that effectively, the Finance Minister, what he is doing is he is giving the Hon. the Minister for the Environment an open cheque. That certainly is not in the best interests of the taxpayer or the public interest.

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Now, can he clarify that?

Hon. Chief Minister: Look, Mr Speaker, what is very clearly to me is that hon. Members opposite, when of those hon. Members opposite that were in Government, obviously were never trusted with the purse strings, even in relation to their own Department by the then Chief Minister.

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Well, Mr Speaker, let us be very clear, whether he likes it or not, they lost the last election. We are the guardians of the public purse and they are here to ask questions about what we do with public monies. I have told him the complete opposite of what he has now asked me and he has chosen to ignore it. I have told him that not giving the estimate is in the interest of the taxpayer because it may enable us to bring the project in for less than the current estimate, because there are aspects of the work to be done which may be able to be done for less and, because I entirely trust my Ministers – in particular, I trust them with issues relating to taxpayers' money, otherwise I would not be in Cabinet with them – I believe that they are able to deliver projects for the cost estimated or for less, for the quality that the taxpayer expects.

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For that reason, Mr Speaker, whether they like it or not, they are going to have chapter and verse, compost bag by compost bag, daffodil, tulip and eucalyptus, the exact cost of developing the Commonwealth Park. They will not be able to hide behind any suggestion that the Government does not want to give the information. What they cannot do, Mr Speaker, is put the Government in a position where we are not able to save taxpayers' money that we might have been able to save them, because they want to insist on knowing estimate versus final cost.

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Well, Mr Speaker, I will tell them more. The Government is prepared to commit itself to show them, when the project is completed, the final cost *and* the original estimate. It may be that we go beyond the estimate, like most Government projects have historically done – because those who provide services to Government always see Government as deep pockets – or we may be able to save on the original estimates for each of the constituent parts of the park, but it is in the interests of the taxpayer and we are the guardians of the public purse, that that information be disclosed at the end of the project.

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Now, if they were genuinely here to try and assist the Government in that particular respect, and I cannot imagine any Opposition that might want to see a Government have to spend more than they need to on a particular project, then they will accept that, Mr Speaker. Otherwise, they will continue to make statements like the one that the hon. Member has made when he started his intervention that suggested that what I had said had been on the verge of being a ridiculous statement. Well, Mr Speaker, I have only been called ridiculous twice this week: one was by him and the other time, which I consider a badge of honour, was on the front page of *ABC* newspaper. I am getting used to him and *ABC* having the same views about the things that I say.

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Mr Speaker: Before these exchanges get out of hand, may I give the hon. Members some guidance in general terms. My experience as a Member of this House for over 20 years on both sides of the House, is that Government Ministers very often used to make the point that the Government is making, namely that they did not want to give an exact figure because it was commercially sensitive and that that might give rise to tenders being higher than what they would have been. Invariably, however, Members of the Opposition did not accept that. They always asked vehemently for estimates to be given. So it is nothing new, it is something that has happened over the years.

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But I will say this, that when a new project is introduced into the estimate of expenditure, let us say in the Improvement and Development Fund, unless a purely token sum is provided, a realistic sum has to be provided as an alternative, about the amount of money that the Government would estimate that they are able to spend in that financial year. Of course if the project were to go on beyond more than one financial year, they do not have to give the full amount as to what they would expect to spend in a subsequent year. That is in general terms; I think those are the parameters in which any exchanges have to be taken.

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Hon. D A Feetham: Mr Speaker, I think that what distinguishes this from, really, other questions that have been asked in the past in relation to estimates is that here we have a project that has actually been allocated, the contracts have been entered into by the admission of the Minister it is public knowledge, with GJBS and it is six months from having been completed. So if the Government does not have a pretty good idea of what this project is going to cost today, it will never have an idea until the final costs actually come out. I note the Hon. the Minister for the Environment nodding his head, but he was the one that stood up and basically said he really does not know.

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But can I ask the Hon. the Chief Minister this: bearing in mind that the contracts have been entered into with GJBS presumably for an amount – they cannot be open-ended contracts, I do not think that the Government would be mad enough to have... (*Interjection*) No, not on... (*Interjection*) No. Not on... Not in relation... There may be open ended in relation to some aspects of it, but as the overall contractor,

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2305 there must be some sum in the contract dealing with how much GJBS is going to be paid, as a minimum, for example. I would be very surprised if it did not.

2310 But can the Hon. the Chief Minister provide this House a flavour of what aspects of the work on this particular site, the cost of which still needs to be determined? Because if we are talking about three banana trees, I mean, look that is laughable, but if one is talking about substantial aspects of the work – and I am asking, what are the works, give me a flavour of the works for which sub-contractors, presumably – but it cannot be GJBS; sub-contractors of GJBS – still have not tendered or the Government or GJBS still has not gone out to the market for prices in relation to those aspects of the work. Can he give me a flavour of that?

2315 **Hon. Chief Minister:** Mr Speaker, I would have thought it was implicit in what I have said, that the works still to be contracted are works which are substantial and will affect the price of the project – not banana trees, daffodils, tulips or compost, because those to an extent – (*Interjection by Hon. D A Feetham*) No, no, I did not tell you that, Mr Speaker. What I told you was that you would have the cost, even of every daffodil and every tulip and every eucalyptus tree. You will also have the cost of any
2320 banana tree that may be there as well.

Hon. D A Feetham: Will you give way?

2325 **Hon. Chief Minister:** No, I am not going to give way. But what I am saying is that in terms of cost still to be incurred and contracts still to be done, there is sufficient there for us to be concerned that that could be reduced in some way and therefore that it is for that reason we do not want to share beyond the estimates already published, as Mr Speaker has rightly indicated, what the potential cost is going to be beyond that. That, Mr Speaker, is, in my view, what they should accept as the end of the point.

2330 Look, if they then want to come back to us when we have delivered the project and say, ‘This could have been delivered for less even than you have delivered it’, or, ‘Well done, we think this is a great project, fantastically delivered at this price’ – great. I have already said that we will let them see the *estimates* at the time that we have also had a completion cost for the project.

2335 Look, Mr Speaker, what could possibly be wrong with that, if that delivers to them all of the information, but not immediately, if it is going to deliver a better deal for the taxpayer?

2340 Look, at the end of the day, we are all here to ensure that the taxpayer gets the best possible deal – they in their checking capacity, we in our spending capacity. That is what we have to ensure and I think the mechanism that I am proposing, Mr Speaker, will ensure that they have all the information necessary to ask the questions which they have been pursuing for some time now, but in the context of not endangering the potential cost to the taxpayer. All the information will be given – the estimate, the actual and, you know, the cost of the banana tree.

2345 **Hon. D A Feetham:** Mr Speaker, I am afraid he has not understood the point that the Opposition is making in relation to this. You see, it is all very well for the Opposition to be able to scrutinise estimate and actual cost after the event. But surely he must accept that it is also part of the Opposition’s job to scrutinise estimate, what it is costing now and what savings can be made now whether the Government is managing, from a cost point of view, this project now – not after the event. So, I mean, what he is suggesting really is that if this project comes in at £1 million more than it really should have been, whether, we can criticise the Government after the event, but we cannot really do our job now in order to at least try and persuade the Government to change course or to adopt a different policy that might
2350 actually save the taxpayers’ money, and that cannot be right.

Now, you know, he has not answered my supplementary and the reason why I ask it is this –

Hon. Chief Minister: I have answered.

2355 **Hon. D A Feetham:** No, you have not. The reason why I asked it is this. When the Hon. the Minister for the Environment stood up and he talked about... he said, well he said, the overall cost is not known, he spoke about trees and he spoke about plants, now I would have thought that that part of the cost of the Commonwealth Park would be the minor part of the cost compared to the structural works that may be required in relation to... or the other types of work that may be required in relation to the Commonwealth Park.
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2365 Now, that is the reason why I am asking, give me a flavour of the type of works in respect of which the Government – or GJBS in this particular case as the main contractor – still needs to go out to tender. Because if he does that, maybe the Opposition would then be able to say, well actually this involves major structural work, it could cost, for example, £1 million. I can understand the force of the point that the Chief Minister makes. But if the Chief Minister says, well we are talking about really trees and it may be that the position may be different.

Now, that is why I have asked for a flavour of the type of works that still really need to go out to tender on behalf of GJBS.

2370 **Hon. Chief Minister:** Mr Speaker, I think the Hon. the Leader of the Opposition needs to listen more closely to the things that you say and the advice that you give the whole House.

Mr Speaker, I said already in the first answer, or the second answer that I gave him, the works are *not* daffodils, banana trees and compost; they are substantial works. I did not say structural because there are not that many structures there. There are a few but not many. Most parks do not involve structures; they involve *infrastructure* – nothing being built. That is the whole point of a park. But Mr Speaker, the way that – *(Interjection by Hon. D A Feetham)* Oh I see, the hon. Gentleman is murmuring under his breath that ‘structure’ does not mean ‘structures’. I mean okay, I mean, I suppose in the *Alice in Wonderland* world in which some of these questions appear to be posed, ‘structure’ does not mean ‘structure’, okay.

2380 Well Mr Speaker, look let us be very clear. The reality is that most Government projects come in over budget. The Hon. the previous Chief Minister, now the backbencher, Sir Peter Caruana, said in the context of the new airport when he made the announcement of it, that the terminal was going to cost £24 million. He used to laugh and we sometimes shared a private joke during the course of the election campaign, that I turned up everywhere with the *Chronicle* with the headline that had those £24 million on it, because by then we knew – and the Government had announced – that the cost of the project was 2385 actually going to be closer to £80 million. Right?

Now, in the context of where we are today with any project, we do not want to emulate that sort of overspending for the taxpayer, we want to get a better deal. I think it is right that somebody who, as a CEO of a particular entity overspends by that ratio is sacked by the shareholders. Well, that is what 2390 happened in that context, Mr Speaker, in relation to the airport terminal. We are making huge efforts to deliver things for less than we think they might cost at the outside. We are trying to stay within our estimates and we are trying to deliver within those estimates. What they have got from us today is that I have said we will share those estimates, Mr Speaker.

But rightly, when we are dealing with a Government project, it will be set out in the Estimates Book – aptly, properly called for the purposes of this particular – if I may call it – ‘debate’, if not question – and 2395 then thereafter there will be a balance to complete if the project goes on over a particular year and there will be a final account.

Now, Mr Speaker, in that context, can he not just accept that I am telling him that the works left to be contracted are substantial, not just trees – and by the way, Mr Speaker, planting trees and bringing large trees, etc is a very expensive business if it is done right. But it is substantial work that is to be done and if 2400 he does not believe that the Government is acting in bad faith, then can he not accept that we are saying in good faith, this is in the interests of the taxpayer. I have volunteered that we are going to provide Members opposite with the final account and with the estimate. I am just not prepared to do it today, for one reason and one reason only. We think it is in the interest of the taxpayer to continue to try and reduce the costs to be incurred, despite what the estimates we have been given are.

2405 If he considers that that is a good reason for wanting to proceed in a particular fashion, i.e. trying to ensure that the taxpayer gets the best value for money, the best bang for his buck, can I just please ask him to accept that, with the knowledge that the Government has volunteered that all of that information will be given to them.

2410 He will know Mr Speaker, that projects that he was involved in went hugely over budget – hugely. We did not say to him half way through the project, ‘Have you thought of not putting LED lights in the court rooms? Have you thought perhaps that you might want to choose slightly cheaper televisions or that the secure dock might be made of less secure glass?’ in order to try and persuade him to keep the costs down. Mr Speaker, we allowed them to finish the project and then talked about the costs over the estimate 2415 and what the value was. I understand that, in his case, it was in the region of £8 million estimated, perhaps £11 million total roughly. Well look, Mr Speaker, I will give him this: it is a better ratio than £24 million to £80 million.

Hon. S M Figueras: Mr Speaker, I have a supplementary on a different issue now, but still relating to the question, specifically Question 579 in relation to setbacks or difficulties.

2420 The Hon. Minister told this House that there have been no setbacks or difficulties other than the ones that are normally encountered in projects of this kind. Now, the Minister very quickly went on to say that it is not your average kind of project and therefore, in that context, I would be grateful for some more information from the Minister in relation to what those setbacks were, or are.

2425 **Hon. Dr J E Cortes:** No, Mr Speaker, I have no more information. I am not aware of any particular setback that would stand out. What could setbacks be? If you are using a truck, it could have a puncture. That is the sort of normal setback that one could have, but nothing that I could quantify or describe as anything major or of any significance.

2430 I am aware that the hon. Member made some comments in the press during a press release that he issued in advance of asking the questions. I suspect if it had been the other way round and we had done that, we would have been questioned about whether we were using the correct procedure, but that is another point.

2435 But, I do not know what he was referring to then and I do not know what he is referring to now. I am advised that there have been no major setbacks.

2440 **Hon. S M Figueras:** Mr Speaker, to take the Minister's point in relation to the questions being asked in advance of questions in a similar context being filed for answers in this House, it is indeed a very critical point that was raised on a number of occasions as a result of answers being provided publicly to questions already filed in this House and that has been more than well-rehearsed in past sessions of this House.

2445 I refer the Minister to the answer he gave in saying that there had been nothing other than the normal variety of setbacks encountered on projects of this description. Now, it may assist the Minister to know that the information that I received – and again the information may well have been mistaken and if that is the case then that is simply the case – information received from sources close to the project were that there were issues with the water table and the need to drain the site on a continuous or regular basis as a result of that. That was the issue that was brought to my attention, not by a random member of the public but by a source close to the project.

2450 As I have already said, if this information is in fact mistaken, I am happy to be corrected, but I would be grateful if the Minister could provide some information in respect of that.
Thank you.

2455 **Hon. Dr J E Cortes:** Mr Speaker, if this had been several years ago and I had been sitting in judgement as a magistrate and the hon. Member opposite had been sitting as an advocate, I would probably have dismissed his comments as hearsay. But as we are not sitting in court, I am aware that the water table is an issue, or was an issue, but it was a predicted issue and not a setback, because we knew that the water table has a certain depth and that when foundations – for example, for the bandstand – were being dug, there would be water coming in and that was pumped out. That is not a setback; that is something that was predicted as part of the course of working close to the water table. That is not a setback.

2460 **Hon. S M Figueras:** And of course Mr Speaker, because we are not in a court of law, I asked the question on the basis that I did, and I am grateful for the reply by the Minister.

2465 **Hon. Chief Minister:** Mr Speaker, I move that the House do now recess to 3.00 p.m. this afternoon.

Mr Speaker: The House will now recess to 3.00 p.m. this afternoon.

The House recessed at 12.27 p.m. and resumed its sitting at 3.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 5.43 p.m.

Gibraltar, Thursday, 17th October 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

CHIEF MINISTER

5

Lobbyists and political consultants Involvement in Government projects

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Clerk: Answers to Questions continue.
Question 653, the Hon D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Chief Minister please state whether any Government Minister is aware of any lobbyist or political consultant to the Government, including any employee, consultant or agent of such lobbyist or political consultant, acting as intermediary on behalf of or having any role or interest in any company or entity competing for, or proposing, any Government project?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon, F R Picardo): No, sir.

Sunborn
Cost of works

25 **Clerk:** Question 673, the Hon D J Bossino.

Hon. D J Bossino: Can the Chief Minister provide details of all costs related to the works required to be carried out on the *Sunborn* and those to enable the vessel to dock at its intended location at the Ocean Village Marina?

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

35 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the full extent of the works to be undertaken, both for the berthing of the *Sunborn* and in the immediate surrounds, are not yet fully finalised and I am not therefore presently able to provide the information being requested at this stage. It is anticipated – every one is now more enlightened than they were – that works should have been completed by early December. The information is therefore likely to be available for the Question and answer sessions of December or January.

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Western Beach reclamation
Report on progress

45 **Clerk:** Question 675, the Hon. D J Bossino.

Hon. D J Bossino: Can the Chief Minister advise what progress has been made in relation to the Western Beach reclamation?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, Government has appointed consultants to undertake an environmental impact assessment for the project and the final report is expected by the end of this month.

55 In parallel with the foregoing, Government has been finalising the design and costings for the scheme, but this may have to be fine-tuned once the findings and recommendations of the EIA assessment have been received. Tenders for the supply of materials for the project will then follow.

60 **Hon. D J Bossino:** Mr Speaker, the obvious question and I wonder if the Chief Minister could venture to answer is what timeline are we looking at in terms of the work starting: does he have an indication of what that may be? He may not.

65 **Hon. Chief Minister:** Well, Mr Speaker, because there is no EIA yet and this is not a straightforward EIA, because there are, as he knows, issues here relating to the runway which I think have been ventilated in this House before... It is not something where we can say we have advice that the EIA, although necessary, is not likely to bring anything to our attention that may require modification of plans. I would not wish to venture with a timeline at this stage on this particular project.

70 **Hon. D J Bossino:** I suspect I know what the answer is going to be, but one of the other issues which was ventilated the last time this was raised, in May last year, was that in fact there was a sort of cross-party position in relation to the desire that this project should continue despite the political consequences of proceeding with it. So, presumably the Government... and the implication must be that the answer is yes, that the Government is politically still behind that very much, very eager to continue with this project.

75 **Hon. Chief Minister:** The Government is, Mr Speaker. Is the Opposition?

80 **Hon D J Bossino:** Mr Speaker, as I said in the context of my question... I did say that there was a cross-party position in May 2012 – and I am sure that is still the case at the moment, Mr Speaker – but of course the Opposition is not here to answer questions.

Hon. Chief Minister: I am very grateful, Mr Speaker, because from that indication I will take it, unless the hon. Gentleman corrects me here or elsewhere, that there remains a cross-party position that we should go ahead with that project despite the political consequences.

Barclays Bank
Reduced operation and resultant dismissals

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Clerk: Question 677, the Hon. D J Bossino.

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Hon. D J Bossino: Can the Chief Minister provide full details of the arrangements which the Government is entering into in relation to the dismissals which have taken place or are shortly to take place as a result of the recent decision by Barclays Bank to reduce its operations in Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is not entering into any arrangements in relation to or in respect of the recent decision by Barclays Bank to reduce its operations in Gibraltar. The Government has not had notice of any dismissals being proposed by Barclays, only of a large scale of redundancies. I have written to all members of Barclays staff in Gibraltar and expect to meet many of them to seek to assist them. A copy of my letter to Barclays Bank staff members in Gibraltar is now provided to the hon. Member in case he has not had a copy. The Government is hugely disappointed by the decision made by Barclays Bank PLC to exit the Gibraltar retail market, although we are pleased that the Bank will continue to service large corporate clients and the financial services sector. Barclays is reducing staff numbers in many jurisdictions and announced 3,700 job losses worldwide, a cost reduction of approximately £1.7 billion according to the bank, and the scaling back of operations in Europe and Asia. Unfortunately, Mr Speaker, in Gibraltar the reductions in staff and in the service provided affect loyal employees and clients, none of whom in any way represent the types of business which led to Barclays and other banks around the world finding themselves in such huge difficulties in the past five years or so. Instead, Barclays retail clients in Gibraltar and its loyal staff members provided exactly the type of business model that built Barclays into one of the seven biggest banks in the world; yet, unfortunately, Mr Speaker, the loyalty of clients and staff is being repaid by a withdrawal of service and a dramatic reduction in employee numbers. We will continue to work with staff members and Unite the Union, as well as Barclays Bank management, on all issues that arise from these decisions.



THE CHIEF MINISTER

6 CONVENT PLACE

GIBRALTAR

3rd October 2013

To All Barclays Bank Plc Staff Members in Gibraltar.

Dear Barclays Staff Members,

I am writing to express the Government's support to you at this difficult time.

From the first moment that Barclays' management announced that they were undertaking a review that might affect jobs and services in Gibraltar we have been talking with the Bank to try to persuade them to continue retail banking operations in Gibraltar and to minimise job losses. That has not been possible for various reasons unrelated to Gibraltar or the excellent work that you do.

Now that the final decision made by Barclays' management has resulted in the announcement of severe redundancies, the Government is continuing its moves to secure a number of things, some of which will be directly beneficial to you. These include – but are not limited to:

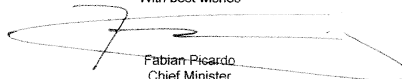
- (i) having government personnel available in the Bank to assist with finding alternative employment;
- (ii) ensuring Barclays respects your rights as an employee; and
- (iii) seeking to ensure that Barclays remains as flexible as possible when it comes to your redundancy payment and your release date should you find alternative employment.

At the same time we are working hard to seek new retail banking options for our community. This option may also result in many new job opportunities for which many of you are likely to be the best suited in our job market.

I am today meeting officers of Unite the Union that represents you to consider with them how best to assist you in this difficult time. Should you wish to contact my office directly to discuss any aspect of this matter, please feel free to do so by email on denise.ghio@gibraltar.gov.gi or giselle.taylor@gibraltar.gov.gi or by telephone on +35020076122. In coming weeks I will be happy to meet with any of you who may wish to see me.

I want you to be aware of this on-going work and of our continued effort to protect your employment and our community's retail banking needs. I am confident we will be able to do both.

With best wishes


Fabian Picardo
Chief Minister

Telephone (350) 200 70071; Fax (350) 200 76396.

115 **Hon. D J Bossino:** Yes, Mr Speaker, he does say that they are not ‘arrangements’ which the Government is entering into, but that is the way I described it. I do not know what is in his mind as to why he takes issue with that description.

I had seen a copy of the letter – and, in fact, I think it was posted on a Facebook page – but the fact is I have had a chance to consider the letter in some detail before coming to this House today, and I was going to quiz him in relation to some of the points that he makes.

120 My main focus – and I am not sure whether he saw our press release and saw my interview – was in relation to the fate of the employees, and that is something which certainly, as a Party, concerns us most at this stage as a matter of priority, given that the decision has already been made by this particular bank.

125 But he does say in the letter that the Government will be securing a number of things, some of which he says will be directly beneficial to you, and then he lists three items. Can I ask what would be indirectly beneficial to the employee?

Hon. Chief Minister: Mr Speaker, when we are ready to make announcements about things which are not referred to already publicly in respect of this matter, we shall do so; and the things which affect the employees directly are the matters already referred to in my letter, which he has seen and which he has come prepared to quiz me on, apparently.

I had not seen the hon. Gentleman’s interview or their relevant press statement in relation to this. Of course, we – across the House – are very concerned, not just, I am sure, about the employees but also about the service that Barclays provides; but the most directly affected individuals will be those who work in this bank... and as a result of decisions made by people outside of Gibraltar, because of problems created by people outside Gibraltar which have affected their balance sheet and the balance sheet of other banks, they are the ones who are now likely to find themselves in a situation of redundancy.

135 There are a number of measures that the Government is looking at, which he has seen listed here, which will be directly relevant to what can happen now in respect of those employees, and there are other matters that we are working on, which will hopefully also help to assist.

140 I would ask him, if he is truly concerned about the fate of, as he put it, those who work in the bank and may not have their employment protected going forward at this stage, that he should not press me further because there are sensitive discussions going on about some aspects of this.

145 **Hon. D J Bossino:** Mr Speaker, of course I do not know what is in the Chief Minister’s mind and what is going on behind the scenes, but I do have some questions which arise from the points that he raised in his letter, which I think can safely be in the public domain. If he thinks that in answering the question it will somehow prejudice anything, then by all means he ought to tell me and I will not necessarily insist. He wants me to give way – yes.

150 **Hon. Chief Minister:** Mr Speaker, even that might create a situation where people are able to detect what I do want to talk about and what I do not want to talk about.

155 Would he be happy to be briefed by me confidentially; not necessarily on Privy Council terms, but directly on this subject? I have no difficulty with *him* being aware of what it is that is going on and why it is that we are pursuing certain avenues.

Hon. D J Bossino: Mr Speaker, this is probably... In exercise of my personal judgement at the moment, I think what I will do is I will leave the matter. I will leave the matter... I will have that conversation with the Hon. the Chief Minister, and let’s see how he proposes to give me the information.

160 The difficulty I have with him giving me too much information confidentially is obviously that there may be items in that conversation that I may want to use publicly – this is a very public matter – but what I will do is not pursue the line of questioning arising from the points that I have in the letter and have that conversation with him, and then we will take it from there.

165 **Hon. Chief Minister:** Mr Speaker, given I have approached this on the basis that his real concern was the fate, as he put it, of those who work at Barclays, and I am very happy to share with him, very openly and without considering this a matter which we might want to comment on publicly... I think we need to suspend our political instincts to make comments about things in relation to an issue which affects the jobs of 100 people and I am happy to share with him the information that I have so that he is fully briefed, given his Shadow Cabinet responsibilities.

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**Sunrise Motel
Purchase by Government**

175 **Clerk:** Question 678, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Government confirm if it has purchased the Sunrise Motel on Devil's Tower Road and whether this will be used to house the Moroccan and other immigrant workers who must vacate the Buena Vista Hostel?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, Government has indeed purchased the Sunrise Motel building in Devil's Tower Road. The intention is to initially use this building for vacating the workers' hostel at Buena Vista.

185 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. the Chief Minister say that it will continue to be used as a hostel indefinitely, or is the Government actually looking at another site to house the workers?

190 **Hon. Chief Minister:** Mr Speaker, a number of options are being considered in that respect.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Hon. the Chief Minister enlighten us as to what the options are?

195 **Hon. Chief Minister:** Mr Speaker, the hon. Lady has actually set out the options in her Question: the possibility of using this site indefinitely or creating a new hostel somewhere else.

200

**Public servants
Working hours**

205 **Clerk:** Question 679, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what are the Government's current plans for changing the working hours of public servants?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, as has already been announced, and as set out in the GSLP/Liberal pre-election proposal for the future of the public sector, which was separate to the manifesto, the Government is currently undergoing a process of negotiation with the relevant unions towards a change in working hours which will provide for an increase in the opening hours of public counters all year round.

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Hon. D A Feetham: Mr Speaker, has there been any agreement reached with the unions in relation to this particular matter?

220 **Hon. Chief Minister:** No, Mr Speaker.

Hon. D A Feetham: Mr Speaker, so I take it from that that the Government is not in a position to proceed with a change of working hours, even if it were by introduction of a pilot scheme, for example, in relation to particular Departments – that is not going to happen until there is agreement with the unions?

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Hon. Chief Minister: It may happen, Mr Speaker, and a pilot scheme may be something that leads to an agreement.

230 **Hon. D A Feetham:** Is it the Government's intention then to introduce a pilot scheme? And if it is, can he provide some kind of framework, a time frame for the introduction of that pilot work, and perhaps refer to the Departments that are going to be the subject of that pilot scheme?

235 **Hon. Chief Minister:** Mr Speaker, a pilot scheme is something that is being considered with the unions, but it is being *considered*. It is not finalised, there is no list of Departments that will definitely be in the pilot scheme, and therefore I am not able to provide any more data at the moment – and there may *not* be a pilot scheme.

240 **Hon. D A Feetham:** Sorry, Mr Speaker, I perhaps had not understood the hon. Gentleman. I thought the hon. Gentleman had told me that there had been no agreement with the unions, but that nonetheless a pilot scheme was being considered independently of any consultation with the unions. Am I therefore, from the last answer that he has given me, right in saying that the pilot scheme will not be introduced unless there is also agreement with the unions in the process that the Government is undertaking at the moment in negotiations with them?

245 **Hon. Chief Minister:** No, Mr Speaker, a pilot scheme may be something that we agree to do with the unions or something that we decide to do ourselves, depending on where our negotiations with the unions take us.

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**Lobbyists and political consultants
Payments by Government**

255 **Clerk:** Question 681, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide details of the amounts paid by the Government in respect of lobbyists and political consultants since Question No. 184/2012?

260 **Mr Speaker:** I think it is 1084.

Hon. D A Feetham: I beg your pardon, 1084.

265 **Chief Minister (Hon. F R Picardo):** Right. Mr Speaker, the amount paid by HM Government in respect of lobbyists and political consultants, since my answer to Question 1084/2012, is £176,379.12.

Hon. D A Feetham: Mr Speaker, I know that if I press him in relation to the identity of the lobbyists he is not going to provide me with an answer in relation to this, but can he provide me, at the very least, with a number in terms of the lobbyists amongst whom this £176,000 has been shared?

270 **Hon. Chief Minister:** Mr Speaker, I have given the answer in the form that it was given by hon. Members when they were in Government – by the hon. now the backbencher, then the Chief Minister. I see no reason why I should not give him the number that he has asked for, so I am happy to add to the answer that the number is six.

275

**North Mole power station
Allocation of tender**

280 **Clerk:** Question 682, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state whether the tender for the new power station at North Mole has been allocated?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, this tender has not yet been allocated.

290 **Hon. D A Feetham:** Mr Speaker, the official notice that was published by the Government in the *Gazette* in relation to the tender for this particular project provided for expressions of interest by 31st May 2012 and the closing date for submissions for the tender by noon of 1st August 2013 – sorry, 31st May 2013 and the closing date was 1st August 2013. Can the Government please state, or the Chief Minister, why the tenders have not closed, in the light of the document as published by the Government?

295 **Hon. Chief Minister:** Mr Speaker, he has asked me a different question now to the one he asked me in his original Question as to the substance. He has asked why the tenders have not closed, rather than why the tender has not been allocated. Those are two separate things.

Even if tenders had closed by the end of August, it would take a considerable number of months to analyse and allocate the tender. These tender documents, when they come in, will not be a few scraps of paper. They will be very substantial, they will be much more than door stops, and they will require very careful analysis before it is awarded.

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305 But in fact he has asked me something different now, which is why tenders have not closed, which suggests to me that he knows what I am going to answer – which is that the period for tenders to be submitted has been extended at the request of a number of tenderers, although a large number of parties have expressed a request that the period be extended in order to be able to comply with some of the technical requirements of the tender. Therefore the Government's technical officers and the officers of the Electricity Authority have advised that the period for the submission of tenders should be extended. I believe that the period of extension is three months. If he wants more details of that he can ask me and I will be able to provide that data.

310 **Hon. D A Feetham:** Yes. Of course, as Leader of the Opposition, it is my job to have some knowledge of the matters that appertain to the important issues of the day. He said three months: can he just tell me what formal date this particular tender then closes after the extension?

315 **Hon. Chief Minister:** Mr Speaker, I understand it will be January.

Hon. D A Feetham: He does not have a specific date, then; just January? If he does not, then it does not matter; I will not ask the question.

320 **Hon. Chief Minister:** I do not, Mr Speaker, but if he wants to ask me that next month, I will come armed with a specific date.

325 **Hon. D A Feetham:** Can he confirm that the tender terms remain as had... Well, we have not see the actual tender terms – we have seen the summary of the tender terms that was published in the *Gazette* – but can he confirm that those terms are still the terms and there has been no variation of the terms, in particular in relation to terms of payment for this particular project and also the award criteria for the project?

330 **Hon. Chief Minister:** If he gives me notice of the question, I might be able to tell him.

335 **Hon. D A Feetham:** Mr Speaker, he is the Chief Minister of Gibraltar. It is an important project. We now know, as a consequence of the Question that I have asked, that the timeframe for submissions of tenders has actually been extended, and I think it really naturally arises from the answer that he has provided, in the same way as it has been extended, I am asking has it been extended on the same terms or has it been extended on terms where there has been variation. In particular, I am interested in these two. Does he know the answer? Or, if he does not know the answer, I quite understand – I will ask the question next time round, but if he has the answer there or he knows the answer, then I think it is incumbent on the Chief Minister – bearing in mind that it arises out of an answer that he has given – to answer it.

340 **Mr Speaker:** Hon. Members should take care, when asking the same Question next time round, that the six months rule applies where supplementary questions are concerned as well.

345 **Hon. Chief Minister:** I am grateful, Mr Speaker.
If I can just give the hon. Gentleman the answer – as I said when I got up, I do not have the information and I need notice of the question. If I had it, I would happily give it.

350 If the hon. Gentleman, instead of asking a Question that is a million miles from where he actually wants to go – because I can see that he has got some highlighted documents and he knew exactly where he was going – approach this on the basis of asking me the questions that he really wants the answers to, he would have had them. I see no reason for not having asked that question as his original Question, given that he knew where we were going, and I would then have the information and I could share it with him.

355 **Hon. D A Feetham:** Mr Speaker, I am tempted to suggest that he is slightly paranoid, but then again he will probably say, 'Simply because I am paranoid, it does not mean that you are not out to get me.'

Mr Speaker, I have identified the two areas which are of concern. I will ask, specifically in relation to the terms of payment, is this a contract that involves... or does the tender still involve the payment of a lump sum contract with milestone payments; or, for example, has that been varied where the Government may consider, as an example, a situation where the actual power station is leased to the contractor that is actually building it, and over a period of time, say 25 years, the contractor itself can then charge directly customers of Gibraltar for the electricity, which will involve the payment of the contractor without the need of the Government to fork out the money at this stage, which is a substantial investment?

Do the terms of payment that were advertised in the official notice still hold good – which is lump-sum contract with milestone payments; and then in terms of the award criteria, that it will be awarded to the most economically advantageous tender that meets the technical and environmental requirements set out in the tender document?

Hon. Chief Minister: Mr Speaker, I think I have answered by saying I do not have the information, but I think it is – (*Interjection*) No, no I asked you. Mr Speaker, the hon. Gentleman is confused. I asked him to ask specifically in his first Question. He has asked me a Question about whether the tender has been allocated. In fact, he wanted to know that which he was aware of, apparently, which is that the period for submission of tenders had slipped; and therefore, if he knew that, he knew that the answer to his Question was going to be no. But in fact, really, he wanted to fish for some other information.

But you know, Mr Speaker, all I was doing was advising him, and I know he does not like to take my advice but if he wants answers... If he just asks specific Questions, this Government is not going to duck providing that data. Not because, Mr Speaker, we somehow, when we see a question like this, become paranoid – and I have heard Oscar Wilde quoted so much more elegantly in the past – but because, Mr Speaker, of respect for this House.

I do not know the exact answers to the questions that he asked, and because of my respect for this House I do not want to say something that might unintentionally mislead it. It is straight forward: he has asked me what the questions are now, and I have told him I do not have the answer; I will come back, when he asks me the question next month, with the information.

But I can tell him this, for sure: in terms of the financial arrangements, there will not be an arrangement whereby the Government agrees that the cost of electricity will go up 5% a year for 20 years, as was the case in terms that *they* agreed for *their* new power station.

Aerial Farm and Coach Park housing projects Ensuring local purchase of materials

Clerk: Question 683, the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Chief Minister please state whether there are any conditions imposed on the successful tenderers ensuring that supplies and materials from Aerial Farm and Coach Park housing projects are purchased from businesses locally?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no such specific condition was included in the tenders. Nonetheless, the Government has and continues to encourage the successful tenderers to source as much of their materials locally as they are able to and to use local professionals in the delivery of their projects, as is the case on both such projects.

Hon. D A Feetham: Mr Speaker, bearing in mind that one of the successful tenderers is a Government-owned company, GJBS, can he perhaps enlighten this House as to what steps he has taken to encourage GJBS to purchase supplies from businesses locally?

Hon. Chief Minister: [*Inaudible*] Mr Speaker, the Government-owned company, GJBS, is in the same position as all other companies when it is a tenderer, and I have taken exactly the same steps as I have taken, and will continue to take, in relation to all of those who succeed in achieving tenders from the Government – encourage them, as I have said, that they should use local professionals and local suppliers for any of the jobs that they may be undertaking for the Government of Gibraltar.

Hon. D A Feetham: Well, but Mr Speaker, the word ‘encourage’ presupposes that the Government has done something about it. He cannot have encouraged these two companies for the very first time here in the House. Can he perhaps enlighten this House by what type of encouragement? What is the form that

420 that encouragement has taken? Has he, for example, had the directors of these two companies in his office and told them, 'Look, I would really like you to purchase from suppliers locally.'? What steps has he taken, in relation to this, that would exemplify the term 'encouragement', which is the one that he has used?

425 **Hon. Chief Minister:** Mr Speaker, nothing that would fall foul of European rules which if I had called them to my office and told them that they must take their supply from locals and that they must use locals, it would very likely be in breach of European rules, and he knows that these are actually European tenders, each of them.

430 So, Mr Speaker, I am not going to give chapter and verse of what I have done. He should just take it from me that I have encouraged the use of local expertise and local suppliers, and continue to do so, using all the arms of Government available to the Government within the rules set out in the Treaty on European Union.

435 **Talks with Spain**
Gibraltar's own voice, vote and veto

Clerk: Question 685, the Hon. D A Feetham.

440 **Hon. D A Feetham:** Mr Speaker, following the editorial of the editor of the *Panorama*, Joe Garcia, on 4th October entitled 'No voice, no vote – no talks!' can the Chief Minister assure this House that Gibraltar will have its own voice, vote and veto at any 'ad hoc talks' held with Spain?

Clerk: Answer, the Hon. the Chief Minister.

445 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is an issue that the hon. Gentleman and I discussed in our meetings on 'Privy Council' terms at the times when he was being briefed by me and was supportive of the Government in our present issues with Spain, a period of *entente cordial* that seems to have passed, I am sorry to say.

450 Mr Speaker, I am therefore surprised that he has wanted to ask me this publicly, as he already knows the answer. It cannot be to reassure the public either, Mr Speaker, as the position of the Government in this respect has been made known publicly also, specifically in my ministerial statement of 5th September 2013.

In that statement, Mr Speaker, I said this:

455 'Have no doubt that the Government will be responding to all the lies and defamations spread about Gibraltar in a measured and responsible way at the appropriate time.'

– as in fact we then did Mr Speaker, at the United Nations.

460 'Indeed, it has been quite remarkable to see the Spanish authorities take over a year to react to the call for dialogue we have been making since last April on the "ad hoc" formula. Well, for whatever reason they may be taking that attitude now, we welcome the fact that the offer made by William Hague, a year and a half ago with our support, is now going to be progressed. I have worked closely with the Foreign Secretary to elaborate on this formula. And, tonight, I want to be crystal clear with you about this proposed dialogue. There is no question of the sovereignty or future of Gibraltar being raised or discussed at these talks. The Spanish government has accepted that in their Parliament earlier this week.'

– the first week of September.

470 'These talks will not be bilateral or quadrilateral. Again, the Spanish government has accepted that in their Parliament. Gibraltar will have its own distinct voice at any such talks. The Spanish government has of course also accepted that. And I can assure you that there will be no agreements on Gibraltar matters without our consent.

475 As you know, the position of the United Kingdom and Gibraltar has been to create these "ad hoc" opportunities to meet, but to do so in the context of restating our strong commitment to the parallel trilateral forum for dialogue and the "double-lock" formula that Britain will not transfer the sovereignty of Gibraltar without our consent and will not negotiate sovereignty without our consent.

480 This is in effect a veto allowing us to prevent any resumption of bilateral talks on sovereignty between the UK and Spain under the Brussels process or otherwise. There is therefore nothing to fear from the formula we have developed for these "ad hoc" discussions.'

That is the end of my quote, Mr Speaker.

Mr Speaker: Before the Hon. the Leader of the Opposition asks any supplementary questions, there is a matter that I wish to make clear.

485 The whole question of *ad hoc* talks with Spain is a very important matter of great public importance, but that does not mean that I am going to allow a debate under the guise of this question on the whole issue of the frontier problems.

And in case anyone should think that I am acting anti-democratically, I should remind hon. Members, as they well know, that there is ample provision in the Rules of this House for a substantive motion to be tabled on that issue.

The Hon. Leader of the Opposition.

495 **Hon. D A Feetham:** Mr Speaker, lest anybody get the impression from that statement that I was going to be asking about the frontier, I had absolutely no intention of asking about the frontier. This is a very specific question about the terms for talks with Spain, and I am well aware of what the Rules are, and from all the questions that I have asked so far, there has not been a debate in relation to any of those questions.

Now, Mr Speaker, there is a distinction, simply because the hon. Gentleman has briefed me on Privy Council terms does not mean that the public... that I am not entitled to ask a question on a matter of public interest, where the public still are none the wiser as to the precise terms of engagement with Spain in relation to these talks. And of course, he may be briefing me in Privy Council terms, in confidential terms, which means that I cannot refer to what the hon. Gentleman has said to me in Privy Council terms, but whether I am satisfied or I am not satisfied as to the explanation that he has given me, it is not possible for me to raise that publicly because he has briefed me on Privy Council terms.

Now, Mr Speaker, it is obvious from the editorial of Mr Garcia – a man who has been an editor of a newspaper for many, many years – that not everybody has been clear about whether Gibraltar had its own voice and its own veto in relation to these talks.

Now, the Hon. the Chief Minister being very clear, Gibraltar has its own distinct voice: may I ask, directly with Spain; and also may I ask this? He says there is no question of any agreement without our consent. Could he also confirm that not only will the voice be directly with Spain – in other words, it is not going to be Gibraltar via an interlocutor, the United Kingdom, then Spain – and that no agreement without our consent means the right to exercise a veto directly with Spain, and again not a veto exercised by the United Kingdom on behalf of Gibraltar?

515 **Hon. Chief Minister:** Mr Speaker, I want to start by thanking you for reminding me in particular, that this should not become a debate and I am going to therefore try and stick to just answering the question, despite the many things I would like to say around it.

Mr Speaker, the hon. Gentleman has whittled down all of that into two questions which are very direct. Is Gibraltar's voice going to be direct with Spain or via an interlocutor? Mr Speaker, that is the first time that I have ever heard that suggested. I do not think even Spain has thought of that in all the public statements that they have put out, or in any of the things that I have heard, and I may have heard more than they put out in their public statements, but there is so much in the public statements that it may be that everything is in the public domain.

There is no question of somebody saying that they have their own voice but only being able to have my own voice in speaking to the United Kingdom, I do not have my own voice in relation to the discussion, and I have to speak through the United Kingdom. Even in their wildest imaginings the Spaniards have not yet proposed that. I do hope that the hon. Gentleman has not planted a seed. Right. That is the first point.

The second, Mr Speaker, is this question of the veto. Mr Speaker, I would never put Gibraltar in a situation where we are one with a vote in a room of two, three, four or more others, because I would then be putting Gibraltar in a situation of jeopardy. Even in trilateral talks, Mr Speaker, I would not expect that things should progress by vote, because I would not be prepared to accept that something be imposed on Gibraltar because the United Kingdom and Spain, the other parties to a trilateral forum, might vote two votes against our one, unlikely though that may be. So the issue of voting in that sort of forum, I trust he will accept is not something which is safe, and not something that we should succumb to, and therefore when I tell him, Mr Speaker, that there will be no imposition of anything on Gibraltar – and I am replaying in my mind the same things that I told him when we met – I therefore do not believe that there should be any forum to which Gibraltar lends itself, where decisions can be made by anything other than consensus.

In other words, the hon. the backbencher, when he was Chief Minister, used to express it in perhaps other terms which was nothing is agreed until everything is agreed. I think actually, Mr Speaker, although that is a different way of representing it, that talking about a forum where if there were to be agreements – I mean we have not yet got to that potential discussion, let alone be considering whether you could reach agreements and how you could reach agreements – but it is not, I think in my view, Mr Speaker, safe, to use another term that became a term of art of the Hon. Sir Peter Caruana, to countenance any discussion where Gibraltar subjects itself to the decisions of others and therefore the discussions should be, things

that we can agree by consensus. And if we have agreed something by consensus in effect round the table everybody has a veto.

550 Why is that something that should go round the table? Well, Mr Speaker, these are not issues to do with sovereignty. They are not issues to do with the future of Gibraltar. These are *ad hoc* on particular technical issues.

555 We cannot pretend, Mr Speaker, to impose something on Spain round the table on an *ad hoc* discussion. If we want to impose something on Spain, we go to the international community and we shame them or we go to a court and we get a finding against them, and then it is imposed on them, in the same way it might be imposed on us in some way.

560 But in a discussion round the table, Mr Speaker, I do not lend myself to any potential situation where I might be voted down with my one vote for Gibraltar, although we have a very close relationship with the United Kingdom and I doubt that would ever happen, but I would never put us in that jeopardy, and that deals with his vote point.

And dealing with the veto point, Mr Speaker, I believe that by talking about, only progressing things by consensus what we are saying is that there would be no question of anything being agreed until all parties were *ad idem* on something and therefore each would have a veto.

565 Mr Speaker, of course there is the *de facto* veto which is that Gibraltar would not implement anything that other parties might agree, and that we saw, Mr Speaker, long before the advent of the trilateral, the United Kingdom and Spain, in an unfortunate period in our history, met together under the Brussels process and agreed something and the people of Gibraltar expressed their veto.

570 **Hon. D A Feetham:** Mr Speaker, I do not want this to turn into a discussion between lawyers because, really, it really was a very simple question that I asked. He talks about consensus and he talks about reaching consensus, but the question was a simple question just dealing with the question of the veto.

575 Can he confirm, contrary to the editorial of Joe Garcia in the *Panorama* newspaper, that Gibraltar will have a right of veto – a directly exercisable right of veto – at any *ad hoc* talks? That really is the question and it lends itself to a simple yes answer, if that is the position. It would be supported by us.

Hon. Chief Minister: Well, Mr Speaker, apart from the fact that we are not going to enter into a debate, I can see exactly what he is doing and why he is doing it and what it is he is trying to get me to say which he knows will cause an effect and a ripple.

580 All, Mr Speaker, I am therefore going to do is to come back to what I have said, which if he looks carefully at what I have said, I think is very clear to interpret. Everybody round the table where you do not move other than by consensus, is able to stymie any progress by not simply agreeing. Now in that analysis, Mr Speaker, given that he wants me to express it in a particular way, and I can see exactly what it is that he is trying to do by taking me to the fork in the road where I say one thing or the other, and what the consequences could be of taking fork A or fork B. If he does not understand that everybody
585 round the table therefore has a veto, he does not want to understand that.

590 **Hon. D A Feetham:** With respect, I am sorry but all he does is just, really, create alarm bells in my mind when he answers in the way that he has answered. He talks about consensus. I ask a very simple question about will the Government have a direct right of veto exercisable directly in relation to anything that can be agreed at these *ad hoc* talks? And then he talks about that I want to take him down a road, that 'I know what the consequences are if I answer in a particular way.' Well look, if he is thinking in that particular way, it is because he does not want to give me a straight answer. People can hear and can make their minds up about this exchange, but if he does not want to answer a straight question with a straight answer, it is because there is something more than meets the eye and hence why he is talking about
595 consensus.

I will give him another opportunity. Will the Government have a right of veto directly exercisable in the context of *ad hoc* talks with Spain?

600 **Hon. Chief Minister:** Mr Speaker, it is obvious that he only understands the language of the playground, so I am going to express it in the language of the playground. *Yes.*

605 Because he needs to understand that when adults sit round a table to talk and agree things by consensus, until they all agree there is no agreement, therefore all of the adults sitting around the table have a veto before any agreements go, and they do not have to talk to each other when they are sitting round a table through each other, unless Mr Speaker they are going through a difficult period in their relationship.

But, Mr Speaker, let us look at what Joe Garcia actually said: a man who he does not often quote with authority as I do – he was my first Party leader, as he might care to recall. In fact, a man who editorialises

a newspaper he does not often send his press releases to, but anyway, never let the hon. Gentleman be in the position where he does not clutch at straws when he wants to.

610 The editorial says this: ‘Why should anything be imposed on Gibraltar which its people do not want?’ I could not agree with you more, Mr Speaker, could not agree with Mr Garcia more, and would there be a Gibraltarian who would agree that anything be imposed on Gibraltar which its people do not want? And he ends with a pithy phrase, ‘no voice, no veto – no talks’. Well, Mr Speaker, he is absolutely right. Why should anything be imposed on Gibraltar which its people do not want?

615 If he goes back and reads the *Hansard* of what I have said, that is exactly what we are saying. Nothing will be agreed until everything is agreed. The people of Gibraltar would have to agree to anything that might be discussed round the table, nothing would ever be imposed on Gibraltar at least whilst I am Chief Minister, Mr Speaker. But look, as far as he is concerned, he came back from holiday to tell us that after a week of bullying, he would remove the blocks and go to quadrilateral talks. Perhaps we could discuss in
620 detail what that means.

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

Clerk: Question 686, the Hon. D A Feetham.

630 **Hon. D A Feetham:** Mr Speaker, can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish state vessels on a monthly basis since the answer was given to Question 510/2013?

Clerk: Answer, the Hon. the Chief Minister.

635 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 687 to 689.

Clerk: Question 687.

640 **Hon. D A Feetham:** Can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish fishermen, where they have been unaccompanied by Spanish state vessels, on a monthly basis since the answer given to Question 511/2013?

645 **Clerk:** Question 688.

Hon. D A Feetham: Can the Chief Minister state how many incursions, excluding innocent passage, there have been into British Gibraltar Territorial Waters by Spanish fishermen, where they have been accompanied by Spanish state vessels, on a monthly basis since the answer given to Question 512/2013?

650 **Clerk:** Question 689.

Hon. D A Feetham: Can the Chief Minister state how many arrests have been made for illegal fishing in British Gibraltar Territorial Waters, on a monthly basis, since the answer given to Question 513/2013?

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

660 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand the hon. Member a schedule with the information requested.

ANSWER TO QUESTION 689
Answer to Question 686 to 689

	2013				
	June	July	August	September	October *
Major Incident (Class A)	5	12	25	8	3
Minor Illegal Incursion (Class B)	45	34	43	27	12
Fishing Incursions (Not accompanied)	43	38	36	58	28
Fishing Incursion (Accompanied)	0	7	1	0	0
Arrests for fishing	0	0	0	0	0

* October up to and including the 10th of October

**North Mole oil storage tanks
Assessment of planning application**

665 **Clerk:** Question 668, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Deputy Chief Minister say how will the information together with that provided by the various consultees that Government would naturally have at its disposal be used to make a proper decision in such a delicate request for resuming the storage of oil at North Mole with two additional storage tanks with a total capacity of 7,000 tonnes? How will the zone boundaries around this particular site be established?

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

675 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I will answer this question together with 668 to 670 and 672.

Clerk: Question 669.

680 **Hon. J J Netto:** Mr Speaker, can the Deputy Chief Minister say what European and local legislation will be considered for the application to rebuild the North Mole Oil Tanks. Furthermore, in relation to the European legislation could the Deputy Chief Minister confirm that apart from any other relevant EU legislation deemed necessary, the Seveso II Directive and in particular its land use planning aspects will also be taken into account at the time of making any planning decisions?

Clerk: Question 670.

690 **Hon. J J Netto:** Mr Speaker, can the Deputy Chief Minister say given his responsibility in Planning and Land matters how the overall assessment of the application by the Oil Company 'Nature' to rebuild the North Mole Tanks will consider the nature and severity of the risks presented by this waste oil storage installation to people in the surrounding area so that those risks are given due weight when making any planning decision?

Clerk: Question 671.

700 **Hon. J J Netto:** Mr Speaker, in relation to the application for the North Mole Tanks, can the Deputy Chief Minister say who is the competent authority in Gibraltar that will provide the hazardous substances consent for the storage of such amounts of oil, considering that this would exceed its control quantity of 2,5000 tonnes? Further to this, I would also like to know who on behalf of the Government is doing all the necessary consequence analysis for this application, and if the Deputy Chief Minister could provide me with all the documents to this effect including the risk and harm criteria used?

Clerk: Question 672.

705 **Hon. J J Netto:** Mr Speaker, in relation to the application to rebuild the North Mole Oil Tanks, can the Deputy Chief Minister say if in the corresponding consequence analysis of this application he has taken into account both existing facilities in the vicinity of the proposed site for the storage tanks, and future new installations such as the new permanent power station, and if so, could the Minister say which ones have been taken into account?

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

715 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes this is a 'live' application which is currently before the Development and Planning Commission for consideration. A presentation on the project was given in public in the John Mackintosh Hall at the DPC meeting on 5th September 2013. No objections were received by the Commission.

An EIA screening report has been circulated and the Town Planner has provided a screening opinion on that report to members of the Commission. These reports and the application itself will be discussed in public at the next meeting of the DPC on Thursday, 24th October.

720 The Government does not want to inadvertently prejudice or predetermine those discussions through the answers that it may provide in this House, given that my colleague the Minister for Health and the Environment and myself are both members of the DPC as well.

725 The House will know that there is also a court case pending in relation to the explosion of the original tanks that this application seeks to replace. The application is to use the tanks for storage only and not for processing.

730 **Hon. J J Netto:** Mr Speaker, taking into account what the Deputy Chief Minister has said in relation to the various presentations and the EIA report that will be circulated for further discussion, but I do not think that he has answered the part of my questions in relation to the legislation which will be applicable for the purpose of consideration of this matter.

735 **Hon. Deputy Chief Minister:** Mr Speaker, this would involve the hon. Member being given legal advice by this side of the House and I can confirm that all applicable legislation will obviously be taken into account by the Commission during its consideration of the application.

740 **Hon. J J Netto:** Mr Speaker, with respect to the Deputy Chief Minister, I was very specific in saying or in asking my question, what are the ones that will be taken into account. So I am actually asking in my original question which has not been answered, so given that I have given notice of the question, given that I have been very specific as to say which are the ones that will be applicable either from a European context or from within a local context, I think I at the very least should have an answer to that question.

745 **Hon. Deputy Chief Minister:** Mr Speaker, I think some of this information the hon. Member is requesting will emerge from the course of the meeting. There may be instances where the advice to the Commission is that certain pieces of legislation are not applicable and that others are. What I can say is that obviously all applicable and relevant legislation is taken into account by the Commission in its deliberations, which I think was the question.

750 **Hon. J J Netto:** Again, Mr Speaker, with respect, this issue might or might not appear when the discussion takes place in the Commission, but regardless of what may or may not happen in the Commission, I have given notice of a particular question and he needs to say whether he is going to answer the question or whether he does not want to answer the question. The question being that when they are considering this matter in front of them what are the legislation which are applicable for consideration both at the European level and at the local level. Can he be more specific about the answers to my questions?
755

760 **Hon. Deputy Chief Minister:** Mr Speaker, I can say that all relevant pieces of legislation will be taken into account in the deliberations of the DPC. I was told I remember when I sat on that side of the House that the Government was not the DPC and that they refused to answer questions about the DPC also on one particular occasion. We are quite flexible in that, now perhaps it is less relevant because all the proceedings take place in public. The media is invited, the public is invited, applicants are invited, objectors are invited, and all this information will emerge presumably during the course of the meeting.

765 **Hon. J J Netto:** Mr Speaker, he just said that all relevant legislation will be taken into account, one would have thought that that is an obvious answer, that all relevant legislation will be taken into account. Heavens forbid that they do not, but that is not what was the nature of my question, which I gave notice. I was very specific in asking what they are. Now, I do not expect him necessarily to be able to know what specific legislation they are to be taken into account at a local or European level, but I expect that the civil servants who do provide information to the Minister when he gets notice of my question he will be able to provide the answer, and so far I have not been given an answer.
770

Chief Minister (Hon. F R Picardo): Mr Speaker, I think that it is probably better to put it this way, and I think that the Hon. the Deputy Chief Minister is a member of the Commission and therefore may be embarrassed in this way.

775 The Commission may receive representations from those representing the applicant about which pieces of legislation are not applicable even if there is a view by someone else that they are applicable. That itself could be a live issue before the Commission. The Government therefore does not think it is prudent to say these are the pieces of legislation that individual members of the Government who happen to be on the Commission will decide are the ones that are applicable.

780 This is really for him to understand the fact that the Commission is separate to the Government. The Commission may take a separate view as to what is or is not applicable. The applicant may take a separate view as to what is or is not applicable and the way it is or is not applied to the application and that may lead to submissions by their counsel in front of the Commission or appeals from the decisions of the Commission about what is or is not applicable, but in any event, Mr Speaker, the hon. Gentleman is in effect seeking legal advice from the Government by saying, 'What does the Government believe are the

785 pieces of legislation which are applicable?’ Well, Mr Speaker, I do not think the Government is here to
give him that advice.

Hon. D A Feetham: Mr Speaker, I think the hon. Gentleman is being unfair in the latter point that he
790 makes. The hon. Gentleman is not seeking legal advice; the hon. Gentleman is seeking, is asking a very
specific question, which is capable of a factual answer which is, what are the pieces of legislation that
will be taken into account when coming to a decision? That is not legal advice; that is a question of fact in
terms of the legislation that will be taken into account by the board in coming to a decision.

Now, I take the Hon. the Chief Minister’s point about the fact that the DPC may say, well actually,
795 these six pieces of legislation are relevant and they may receive representation from parties saying well
the fifth and sixth piece of legislation are not relevant for *x, y and z* reason. I understand that. Will he
therefore, in the light of that and undertake that, when the process is complete, if the hon. Gentleman then
asks the question, ‘What pieces of legislation did you take it into account when, or the board took into
account when reaching the decision? Which were the applicable ones that the board took into account?’
800 that then the Government will answer the question, rather than prospectively, as the hon. the Shadow
Minister is asking?

Hon. Chief Minister: Mr Speaker, I do not think that the hon. Gentleman has understood what it was
that the Hon. the Deputy Chief Minister had said, and he will be very happy to hear me paraphrase it for
805 him.

But first of all, let me just explain to him again that the Government is very clear that asking us what
legislation is applicable to a particular piece of legislation – to a particular application, or anything else –
is asking us for a legal opinion. I know that he has been in practice long enough to know that many clients
may simply seek an opinion of what pieces of legislation are applicable to things. Mr Speaker, on a
810 myriad of different issues, one is asked in practice, please advise what is applicable to a prospective
application for *x, y, z* before the Planning Commission or what is applicable to a prospective application
for something else in respect of some other Government or other type of application. So, Mr Speaker, we
are very clearly at odds with each other as to whether that is a request for a legal opinion or not.

Now, what he will be happy to hear me say, Mr Speaker, because he does not appear to have
understood it in this way from the Deputy Chief Minister, is that given that after 9th December 2011, all
815 the proceedings of the DPC are in public, unless something is sensitive for security reasons or the other
very distinct exemptions, none of which apply in this case as he knows. I know that the Hon. Mr Netto
has scoffed, but he was talking about being very precise and asking questions about fact and it is a fact
that after 9th December 2011, all proceedings of the DPC are in public, including the deliberations of the
DPC. Well, Mr Speaker, for that reason the only thing that the hon. Gentleman needs to do is to pitch up
820 on the 24th as he has been told and listen to the application and listen to the deliberations. (*Interjection*)

HEALTH AND ENVIRONMENT

825

Upper Rock Nature Reserve Illegal traps

Clerk: Question 580, the Hon. J J Netto. Five eight zero.
830

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please advise the House if there
are any statistics available of illegal traps found within the Upper Rock Nature Reserve on an annual
basis, set by individuals trying to catch any of the animals within the Nature Reserve?

835 **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 Department of
the Environment treats any reports of illegal traps found within the Upper Rock Nature Reserve, or any
other area within Gibraltar, very seriously.

840 To date, the Department has received only one report of an illegal trap being found within the Upper
Rock as part of the Upper Rock Consultation Process. This matter was taken up by the Environmental
Officers from the Department of the Environment as a matter of priority but no traps have been found to
date. Systematic searches in different areas within and outside the Nature Reserve continue to take place
845 as part of the Upper Rock Surveillance Monitoring Programme.

Hon. J J Netto: Mr Speaker, I am grateful to the Minister for that answer.

850 He mentions in his answer that there has been only one report so far given to the Department of the Environment I think he has stated. But despite the fact that may well be the case that there has only been one report, is the Minister satisfied personally, particularly him given his background knowledge of the Upper Rock Nature Reserve whether in fact there are more people on an annual basis actually going up there and putting illegal traps in the Upper Rock Nature Reserve, regardless of the fact that we only have only one particular person who made a report and is being looked into.

855 **Hon. Dr J E Cortes:** Mr Speaker, I dare say that my knowledge of the Upper Rock Nature Reserve is probably more than just background, but having said that, I have no indication that there are more illegal traps on the Upper Rock now than there were in the past. I know of times in the past when there was definitely a problem there. This does not seem at this point in time to be so much of a problem, but clearly it is very difficult and this is why we are surveying regularly, and hopefully this is a true reflection of the fact that this is not a major problem but can become one at any point in time.

860

Hon. J J Netto: Mr Speaker, when the Minister says it is being surveyed, surveyed by whom, and how regularly?

865 **Hon. Dr J E Cortes:** Mr Speaker, it is surveyed by members of the Department of the Environment who are tasked with consulting other users of the Upper Rock, regular users of the Upper Rock and also visiting the Upper Rock to see if they detect anything untoward.

Hon. J J Netto: Does the Minister have a feel as to how many visits these particular monitors from the Department actually go to the Upper Rock Nature Reserve on a weekly, monthly basis?

870

Hon. Dr J E Cortes: Mr Speaker, I could not say without notice how often the officers of the Department go to the Upper Rock, but certainly the users of the Upper Rock which involves others, including volunteers who are very keen to ensure the protection of wildlife on the Upper Roc, are there on a daily basis.

875

Hon. D A Feetham: Yes Mr Speaker, just out of interest, what traps are we talking about here that are the source of concern?

880 **Hon. Dr J E Cortes:** Mr Speaker, given the fact that the Hon. Leader of the Opposition lives on the Upper Rock, I can assure him that the traps that I know about would not catch him. *(Laughter and interjection)* I will refrain from any further comment. The trap that I refer to that has come to my notice was a noose trap which would be aimed at catching rabbits.

885

Mid-Harbour Small Boats Marina Water quality, protected species and habitats

890 **Clerk:** Question 581 the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, in relation to the Environmental Statement made by 'The Fourth Dimension' on the Government Mid-Harbour Small Boats Marina, can the Minister for the Environment say what measures, if any, will be introduced to improve the water quality in that area in order to comply with the EU Water Directive, given the presence of storm water culverts, which may affect the marine environment and the location of the two rowing clubs in this area?

895

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

900 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, I will answer this question together with Questions 582 to 585.

Clerk: Question 582.

905 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say if, further to the Environmental Statement on the Government project for the Mid-Harbour Small Boats Marina, a more definitive survey has been conducted or perhaps even will be conducted in relation to any protected species listed either in the EU Habitats Directive and/or the Nature Protection Act as a result of any

910 impact associated with the loss or disturbance of this Government project, and if so, can the Minister make a statement to Parliament to this effect?

Clerk: Question 583.

915 **Hon J J Netto:** Mr Speaker, can the Minister for the Environment say if any modelling of water flows has been conducted or will be conducted in order to ensure the best possible result once the project of the Mid-Harbour Small Boats Marina is finalised for the marine environment?

Clerk: Question 584.

920 **Hon. J J Netto:** Mr Speaker, can the Minister for the Environment say what mitigating measures, if any, will be introduced in order to minimise any impact from sediment plumes released and dispersed during dredging that otherwise would result in increased suspended solids concentrations in the water column during the construction phase of the Mid-Harbour Small Boats Marina?

925 **Clerk:** Question 585.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment say whether it will accept the recommendation that is 7.04 Habitat creation opportunities, in the Mid-Harbour Small Boats Marina by the company 'The Fourth Dimension', in installing wave-attenuating revetments in the southern end of the development in order to provide opportunities for littoral and coastal habitats creation?

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

935 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, these questions all relate to water quality within the small boat marina. These issues are all dealt with within the Environmental Statement for the project of which the hon. Member has a copy, but nevertheless I will reiterate the points contained therein.

The deterioration of water quality within the small boat marina will be avoided through a number of initiatives.

940 Firstly in relation to the dredging, the total amount of silt that needs to be removed is actually considerably less than the initial estimates suggested, as a result the original proposal to vacuum up the sediment has been modified and the sediment will instead be moved to either side of the proposed caisson footprint using a clam excavator as opposed to suction. This will minimise any silt plume and particle suspension. It is expected that this action will be sufficient to keep levels of total suspended solids within the water column to a minimum.

945 Secondly, the Government has also taken on board the concerns relating to the storm water overflows and has modified the design of the small boat marina to maximise water movement within the marina basin whilst at the same time maintaining the maximum permitted wave height. This revision involves the inclusion of a number of submerged culverts, augmented by a number of smaller passages located at regular intervals between the breakwater caissons. These measures will allow movement of a sufficient amount of water through the marina and adjoining areas.

950 The measures described above have been approved and we are confident that they will ensure that the water quality status within the small boat marina does not deteriorate.

955 A monitoring programme is already operational in the immediate vicinity of the proposed marina and additional monitoring will be introduced to the area in order to ascertain that this is so and, should this monitoring indicate that water quality is being affected appropriate remedial steps will be taken.

There have been no further official surveys of the area. The survey conducted as part of the EIA process was definitive.

960 And in answer to the final point, the installation of wave attenuating revetments is a part of the marina design and will be included.

Hon. J J Netto: Mr Speaker, I am grateful to the Minister for that explanation. I think I have not heard anything from the Minister, unless he can correct me, in relation to if there are any protected species either included in the EIA Habitats Directive or the Nature Protection Act? Did he mention anything about that or have I missed it?

965 **Hon. Dr J E Cortes:** No, Mr Speaker, I did not specifically in this answer. I did refer him to the EIA which does cover that point, and which he has information on because he has a copy. There have been detected he will recall from the Environmental Statement that he is in possession of. There have been a number of individuals of *patella ferruginea* which are on the side of what is currently the revetment by

970 the Yacht Club and three examples of *pinna* species. Not all of these will be affected by the works. Those that would be affected would be removed as part of the works.

May I add, Mr Speaker, that they will be removed and replaced elsewhere in suitable habitat, of course.

975

**Barbary Partridges
Population since 1990**

980 **Clerk:** Question 586, the Hon. J J Netto.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please advise the House what the population of Barbary Partridges has been since 1990 on an annual basis?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I will answer this question together with Question 587.

990 **Clerk:** Question 587.

Hon. J J Netto: Mr Speaker, can the Minister for the Environment please advise the House of the number of Barbary Partridge chicks born since 1990 on an annual basis, and of those how many have grown into adulthood?

995

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

1000 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the Barbary Partridge is a secretive species. Due to the nature of much of the terrain within its breeding grounds in Gibraltar, the number of pairs is difficult or impossible to assess and population estimates are extremely difficult and would require very labour-intensive methods that would include complex mathematical modelling in order to achieve results that are approximate at best.

1005 Annual surveys and incidental observations do, however, provide a relative indication of numbers and these strongly suggest that numbers have dropped substantially during the current decade. Data from the Ornithological and Natural History Society annual winter bird count, a survey that includes all sites at which partridges are present in Gibraltar and kindly supplied to us by the Society, records the following mean values per decade: up to 1999 – circa 23 birds recorded; up to 2009 – circa 29 birds recorded; up to 2013 around 13 birds recorded. The total for 2013 was the lowest ever with 7 birds recorded. These are the number of birds recorded and, partridges being secretive, are taken to represent a proportion of the total number of birds present and obviously not the total population. Reports of small coveys on the Upper Rock recently give cause for cautious optimism, but the population is still extremely low, particularly on Windmill Hill Flats, its traditional stronghold.

1010 No such monitoring, relating to the second of the questions, has ever taken place. Partridge nests are normally extremely well concealed, so much so that one of the standard ways of locating partridge nests, in other areas of course, is with dogs. Dogs are not allowed off a leash within the Nature Reserve and cause obvious disturbance to partridges and other fauna especially when breeding. The resources, too, required to conduct such surveys with dogs or using any other methods have never existed.

1015 Furthermore, and most importantly, surveys of this type are not desirable because the retrieval of such detailed data would be extremely intrusive, whatever the method used and likely to lead to breeding failure among the partridges due to disturbance, the very opposite of what we want to achieve. So far I have referred to nests and chicks born alone. It is extremely difficult to monitor whether chicks fledge into adulthood following hatching as partridges are nidifugous meaning that the chicks leave the nest, wandering and foraging with their parents as soon as they have hatched.

1020
1025 **Hon. J J Netto:** Mr Speaker, I think what we can take from the answer provided by the Hon. Minister is that the last count as far as birds recorded of partridges is down to seven. What he has not provided in his answer is why the decline of the Barbary Partridges, what has been the cause of that and we all have speculated in the past that this could be as a result of domestic and feral cats in the Upper Rock Nature Reserve.

1030 But can I ask the Minister, given that the last recorded number for 2013 is seven birds, have we now reached the stage where if anything positive is not done to maintain the species we will soon find

1035 ourselves that we will have no Barbary Partridges in the Upper Rock Nature Reserve and they will become extinct, unless of course Barbary Partridges of this particular genetic type are brought from Morocco. Can the Minister therefore answer my question, which is what are the natural enemy of the Barbary Partridges; what is being done to avoid that; have we reached a situation where, if this continues, by next year we will find there will be no recorded partridges in the Upper Rock Nature Reserve; and what does he intend to do about it?

1040 **Mr Speaker:** I am going to allow the supplementary for a very personal reason as well, I am very interested in the answer as an ornithologist myself, but I really think that the hon. mover of the question should have inserted those matters in the original questions. He was asking for statistical information only and not for considerations which affect those statistics. I am just saying that for guidance.

1045 I am going to allow it, but would he please keep that in mind in the future because there is no difficulty in injecting those considerations into his questions.

Hon. Dr J E Cortes: Mr Speaker, I will in turn answer this question, because I am keen to do so and have a very good answer to give. *(Laughter)*

1050 Mr Speaker, the hon. Member did not ask why the Barbary Partridges had decreased, otherwise I would have answered what, in theory, could be the reason, because in nature you can never give a hard and fast response. These things have been mentioned before here and elsewhere, they could include predation by feral cats and by yellow legged gulls, they will include the reduction of habitat due to the fact that about maybe 10 or so years ago, possibly more, control of the fire breaks was reduced in scale, disturbance is probably not the main reason.

1055 Clearly the numbers have dropped and clearly, were nothing to be done, we are risking extinction of the Barbary Partridge. The hon. Member might well recall conversations and correspondence to this effect, years ago, when he was Minister and I was a representative of an NGO. Fortunately I am now the Minister and therefore steps are in fact being taken.

1060 We have increased clearing of vegetation to increase the amount of habitat present, we are developing a strategy for the control of predators and I can announce that in a recent visit to Rabat, I have obtained the agreement of the authorities in Morocco, who will be providing us with numbers of Barbary Partridges of the right genetic strain to re-introduce into Gibraltar in order to be able to supplement the numbers and hopefully between that and the improvement particularly in habitat we will be able to support the population.

1065 Clearly, Mr Speaker, we are talking about nature. It could be that there are other reasons that we do not know possibly disease, I have no evidence to suggest that, and perhaps even these measures are not sufficient. But we are certainly giving it a bigger try than has ever been tried before.

A Member: Hear, hear.

1070 **Hon. D A Feetham:** Yes, Mr Speaker, just dealing with the point that Mr Speaker made of course, and I thought that I knew the answer because I think there has been exchanges in the past, but my hon. Friend could not have known what supplementary arises because of course he has to wait for the statistics, before the supplementary. It may have well shown an increase – that is highly, highly unlikely that it showed an increase. But we had an exchange a number of months ago in relation to this particular issue. It is an issue that is also close to my heart as well, as somebody that lives up there and likes to walk in the Upper Rock as much as possible with dogs, on a leash I may add.

1080 But the last time that I asked questions about this, the Hon. Minister indicated that the main problem by far with the decline in numbers of the Barbary Partridge, which is after all an iconic species for Gibraltar appearing on our coins, was the question of the feral cats, and I asked him what he was going to be doing with the question of feral cats and he said we will make an announcement in due course.

1085 Now, can the Hon. Minister satisfy this House that the Government is getting to grips with the question of feral cats? I understand that it is a very, it is a very thorny issue, because of course as a proponent of protecting the species of Barbary Partridges, there may be people out there who say, ‘Well look, I am a proponent of protecting feral cats’, but the reality is that feral cats have been introduced by human beings into the Upper Rock into the Nature Reserve and if they are decimating, as indeed he said they were decimating, the population of Barbary Partridges, something has to be done about the feral cats and can he perhaps enlighten the House about that?

1090 **Hon. Dr J E Cortes:** I have got to repeat that in everything to do with nature and eco-systems, it is always probability, so it is likely that the feral cats are having a significant effect, and yes, I can say that we are getting a strategy together. I can say that clearly there are differing opinions, but I can also say that I have had very fruitful discussions on a number of issues with the Cat Welfare Society, and I am sure

that we can come up with a programme that will not offend anybody's sensitivities and that will hopefully be beneficial to the Barbary Partridge.

1095

Hon. D A Feetham: But Mr Speaker, how far away are we in terms of the execution of that strategy, bearing in mind that I asked this question last year, and last year he was telling me that the plans were in progress? It seems to me from the statistics that the hon. Gentleman has provided that every year that passes the population has declined and as the Hon. the Shadow Minister for the Environment quite rightly pointed out that, it would be a shame, laudable as it is that the Government is seeking to introduce Barbary Partridges from Morocco, it would be shame if we lost, what are species that are indigenous to Gibraltar – they migrate from Morocco to Gibraltar, but the birds that we have at present here in the Upper Rock. It seems to me that every time in every year that passes it is less likely that we will have those indigenous birds.

1100

1105

Hon. Dr J E Cortes: Mr Speaker, once again, I wish that the philosophy that the Hon. Leader of the Opposition is expounding now had been the philosophy of his Party when they had been in Government and I was telling them exactly what they are telling me now, and we would not be in this situation now. *(Banging on desks)*

1110

But being where we are, this is being incorporated as part of our plans for the Upper Rock Nature Reserve, I think we are only a short time away from that and the last thing I want to do, in bringing in partridges from Morocco, is bringing in partridges to become a cat's dinner, and clearly these things have to be taken side by side and taken together. But I think that by the time the next breeding season of the partridges arrives early next spring, hopefully the situation will be much improved for them.

1115

Hon. J J Netto: Mr Speaker, could I ask, in terms of the timetable ahead for the Minister, could he tell us when does he intend to implement the strategy and when is it that the new partridges from Rabat will be coming into Gibraltar?

1120

Hon. Dr J E Cortes: Mr Speaker, this morning we spoke about the Upper Rock Plan and how it is going to go to stakeholders in, hopefully, in December. That does not mean that actions that need to be taken and that can be taken in advance of the plan will not be taken.

1125

As far as importation from Morocco is concerned, we are progressing with the arrangements. Clearly dealing with what we are, there are often delays, but ideally we would want to have the partridges in Gibraltar sometime during the autumn, early winter. They would be kept in quarantine before they were released to ensure that they did not bring any diseases, so we would hope to be able to release these towards the end of the winter, but clearly it does depend on us actually getting the birds over. The agreement has already been arrived at. The *Eaux et Forêts* High Commissioner was very supportive and they have confirmed in writing that they will be providing these birds, and my officials are now in the process of trying to arrange the importation, clearly with all the relevant health and other paperwork that would be required.

1130

1135

St Bernard's Hospital ICU patients with dehydration

Clerk: Question 588, the Hon. Mrs I M Ellul-Hammond.

1140

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say how many patients, while in the care at St Bernard's Hospital, since 9th December 2011, have been admitted to the ICU because of dehydration?

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, could you repeat the number? I think my questions are slightly out of sequence. Which number? Is this Question 588? **(Mr Speaker: Yes.)** Okay, sorry, I had made my notes on partridges on my script, I do beg your pardon.

1150

Mr Speaker, this data started to be recorded in March 2012 and were not separately identified until then.

Since March 2012, no admission or transfers from other wards to the ICU are recorded with a diagnosis of dehydration. This also includes any admissions from the Care Agency.

However, three cases of dehydration are recorded from home admissions – one patient was suffering from self-neglect and two with severe diarrhoea and vomiting.

1155 If a response is required from 9th December 2011 to March 2012, given that the data was not collected separately, this would require going back to each individual case, file by file, and more time would therefore be required to answer that question.

1160

**St Bernard's Hospital
ICU patients with dehydration**

1165 **Clerk:** Question 589, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say how many patients, while in the care at St Bernard's Hospital, pay for an independent private carer, or from one of the two private care providers in Gibraltar, in order to attend to their basic needs of feeding and washing during their stay in the hospital?

1170

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, currently there are six patients in Captain Murchison Ward and 3 in Victoria Ward who pay for independent private carers.

1175 It is important to note that the responsibility of the nursing team is to provide care. However, some patients request the permission to bring in carers, paid or otherwise. This is only given when it has been discussed with the nurse in charge, and has been the case now for many years.

1180

**GHA Review Report
Publication**

1185 **Clerk:** Question 590, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to the answer given to Question No. 282/2013, can the Minister for Health say when the GHA Review Report will be made public?

1190 **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 have explained on several occasions in reply to previous similar questions that the report will be published when I am satisfied that enough has been done to address the main concerns raised within it.

1195 We are progressing along this route, but we are not there just yet, but it *will* be made public.

**GHA management structure
Unit General Managers**

1200

Clerk: Question 591, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health explain how the new three Unit General Managers system for the management structure of the GHA will work?

1205

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 GHA's management structure currently lacks focus in terms of service accountability for its Units, in that its services have been managed by many different directors on a segmented basis but no one in each Unit has had overall responsibility for organising its service delivery.

1210

We have three major services providing health care to the local population: St Bernard's with its acute services; Primary Care Services; and Mental Health Services, with the latter currently undergoing expansion.

1215 Each of these Units will have a General Manager, responsible to the Chief Executive, for the overall management of its services and its performance, including clinical and support service provision and financial and corporate management.

The Chief Executive and GMs together with the Head of Nursing and the Medical Director will form an Operational Team with overall responsibility for delivering the GHA's services.

1220

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will these Unit Managers be sitting above the Executive Directors in terms of line management?

1225

Hon. Dr J E Cortes: Mr Speaker, above the...?

Hon. Mrs I M Ellul-Hammond: The present Executive Directors.

1230

Hon. Dr J E Cortes: Mr Speaker, as part of the restructure, the whole system will change, and the Executive Directors will no longer form part of, the current Executive Directors, and indeed some of those posts will no longer form a part of the new operational management team. It is a restructure, after all.

1235

Hon. Mrs I M Ellul-Hammond: So, Mr Speaker, will the Unit General Manager for Hospital Services for instance be replacing the Chief Operating Officer and Medical Director and then there will be a separate Medical Director employed?

Hon. Dr J E Cortes: Mr Speaker, this is part of the restructure that is currently being undergone. The Unit General Managers will replace the role of the Chief Operating Officer.

1240

Hon. Mrs I M Ellul-Hammond: Mr Speaker, will the Clinical Nurse Manager for Primary Care remain and work under the new Unit General Manager for Primary Care Services, or will that position be made redundant?

1245

Hon. Dr J E Cortes: Mr Speaker, we are reviewing the management structure of the authority at the, what used to be the executive level, now called the operational management team level. We are not reviewing grades that are below that level, at this stage.

1250

Hon. Mrs I M Ellul-Hammond: So Mr Speaker, is the Hon. Minister saying that all the Executive Director positions will be made redundant but the clinical nurse manager positions will remain?

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Hon. Dr J E Cortes: Mr Speaker, I have said nothing about anybody being made redundant. I have clearly answered the question on how the system will work in my original response, I have volunteered further information for point of clarification, but I think that I have actually replied to the extent that the question was originally formulated.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, but what will happen to those who are currently in post? I think there are about eight Executive Directors and will they all be standing out and all applying for the three new management positions that will become available now?

1260

Hon. Dr J E Cortes: Mr Speaker, I do not know what they will do as individuals. What I will say is that the current executive is being replaced with a new operational management team, which is focused at running patient services at the financial efficiency and that is the thrust. I am not, I think, at liberty to discuss the individual situation of individual persons here publicly and certainly not without their permission.

1265

Hon. Mrs I M Ellul-Hammond: Mr Speaker, apart from the three Unit General Managers, will there remain a department for human resources within the hospital, and also will there be a director or management role or position solely for IT?

1270

Hon. Dr J E Cortes: Mr Speaker, at this point in time, we are addressing the operational management, the support services, which obviously include human resources, and IT will follow as part of the process we are considering.

1275

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say who approved this new management structure of the GHA?

Hon. Dr J E Cortes: Mr Speaker, the GHA has approved it, and I as its Chairman as well as the Minister for Health. Mr Speaker, by GHA, I obviously include the board of the GHA.

1280 **Hon. Mrs I M Ellul-Hammond:** And finally Mr Speaker, can the Minister confirm then that the clinical nurse manager positions will remain?

1285 **Hon. Dr J E Cortes:** Mr Speaker, I have already said that we have not reviewed posts below the level of what used to be called and still at this point of transition is called the executive.

**St Bernard's Hospital
Single-sex wards**

1290 **Clerk:** Question 592, the Hon. Mrs I M Ellul-Hammond.

1295 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the wards at St Bernard's Hospital will become male or female only, as per the Government's manifesto?

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

1300 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, the pressures on beds that this Government inherited have meant that this has not so far been possible, but it is on track to be delivered before the next general election. The timing will be reassessed in the light of the future opening of other facilities for the elderly.

1305 **New Mental Health facility
Advertising vacancies**

Clerk: Question 593, the Hon. Mrs I M Ellul-Hammond.

1310 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the vacancies for the workforce for the new Mental Health facility at the former RNH site will be advertised and what the composition and skill mix will be?

1315 **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 details of the workforce plan are being finalised in consultation with the professionals.

1320 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, by when will the plans and the composition be finalised and decided?

1325 **Hon. Dr J E Cortes:** Mr Speaker, the intention is clearly that we are able to open the new facility when it is ready and commissioned. That is our plan and we are on target.

**Smoking
Ban in outdoor eating areas**

1330 **Clerk:** Question 594, the Hon. Mrs I M Ellul-Hammond.

1335 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health advise whether he has considered the banning of smoking in outdoor designated areas for eating and whether legislation on this will be brought to Parliament?

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

1340 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, improvements to the Smoke Free Environment Act, as to many other Acts, are continuously being considered.

Hon. Mrs I M Ellul-Hammond: But Mr Speaker, is this consideration likely to be brought to this House as an improvement to the legislation?

1345 **Hon. Dr J E Cortes:** Mr Speaker, the consideration will not, the result of the consideration would have to come to this House if there is a need subsequent to that to amend or to propose to amend the Smoke Free Environment Act.

1350 **St Bernard's Hospital
New Stroke Unit**

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

1355 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Health say when the Stroke Unit will be set up at St Bernard's Hospital as per the Government's manifesto?

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

1360 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, discussions are taking place with the clinicians to determine the best model for stroke care for Gibraltar. This will include a visit from an expert in stroke management later this month. Following this, a timetable for implementation will be prepared. I trust that the hon. Members opposite will unanimously support this initiative.

1365

1370 **Electronic Health Record system
Implementation**

Clerk: Question 596 the Hon. Mrs I M Ellul-Hammond.

1375 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in response to the Hon. Minister's latest aim, yes, we will certainly support such an initiative for a stroke unit at St Bernard's Hospital.

Mr Speaker, can the Minister for Health say when the new Electronic Health Record system will be up and running?

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

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, a tender package for the Electronic Health record is being prepared. The implementation date will depend on the successful tenderer.

1385 **Mrs I M Ellul-Hammond:** Mr Speaker, when did the tender notice go out, and by when do tenders need to be submitted?

Hon. Dr J E Cortes: Mr Speaker, I said that the package is being prepared; it has not yet gone out, it should be out shortly.

1390

1395 **Principal Nurse Lecturer
Advertising vacancy**

Clerk: Question 597, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health advise when the vacancy for Principal Nurse Lecturer which is to become vacant soon will be advertised?

1400 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, a designate post will be established and advertised shortly with a view to facilitating a suitable practitioner to obtain the necessary experience for the role.

1405 In the meantime, the post will be temporarily filled by a well qualified professional following discussion with Kingston & St George's University, who are responsible for the nurse training programme.

1410 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, the Hon. Minister said advertised 'shortly' – shortly as in when, the next few days, few weeks, months?

Hon. Dr J E Cortes: Mr Speaker, shortly – shortly I could not be more short than that.

1415

GHA Complaints Process and Gibraltar Ombudsman service Function

1420 **Clerk:** Question 598, 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, in tandem with the Gibraltar Ombudsman service, works?

1425 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, the new Complaints Procedure is not yet in place.

1430 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Hon. Minister say that once it is in place, who will be dealing with arbitration on site for small or informal complaints, or will all complaints need to be formally investigated?

1435 **Hon. Dr J E Cortes:** Mr Speaker, I do not think that that question is one that I need to answer. We are working with the Ombudsman and with the responsible people within the GHA in developing the complaints process. I answered quite honestly and truthfully, as would be expected of course, that the new procedure is not yet in place. I cannot discuss the new procedures details because they still have not been finalised.

1440

Consultants' Contract Progress in negotiations

1445 **Clerk:** Question 599, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Health say what progress has been made on negotiating the Consultants' Contract, what has been the delay and when will the matter be resolved?

1450 **Clerk:** Answer, the Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, discussions are proceeding.

1455 Meetings have taken place with Unite the Union and GGCA and their consultant representatives to define the relevant items for discussion/negotiation and a Heads of Discussion paper is currently under consideration.

Further meetings are planned and after those have taken place, later this month, I will be in a better position to indicate when this matter might be resolved.

1460 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am conscious that those of us who are on either side of the House are able to move in and out and have a refreshment or otherwise have a comfort break,

but unless I move a recess neither you nor the Clerk are able to do so, so I would invite the House to recess for 15 minutes.

1465 **Mr Speaker:** The House will now have a short recess.

The House recessed at 4.52 p.m. and resumed its sitting at 5.13 p.m.

1470

EQUALITY, SOCIAL SERVICES AND THE ELDERLY

Alzheimer & Dementia facility Advertising vacancies

1475

Clerk: Question 600, the Hon. Mrs I M Ellul-Hammond.

1480 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say when the vacancies for the former RNH Alzheimer & Dementia facility workforce will be advertised and what will be the composition and skill mix?

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

1485 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, when a decision is taken, it will be announced.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister say again when the Alzheimer/Dementia facility is scheduled to open? Is it this autumn or at the beginning of the New Year?

1490 **Hon. Miss S J Sacramento:** Mr Speaker, I have never said that it would be ready to open this autumn. What I have said in this House is that it should be ready to open either at the end of this year or at the beginning of the New Year.

1495 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, so how many months is it necessary in order to put a workforce plan together, seeing that the hospital should be opening within the next two to three months?

Hon. Miss S J Sacramento: Mr Speaker, it is not a hospital; it is a residential facility, and once the plans have been finalised, appropriate announcements will be made as they are appropriate.

1500 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, these are plans for the facility or the plans for the workforce structure?

1505 **Hon. Miss S J Sacramento:** Mr Speaker, on the basis that the primary question relates to the workforce then my supplementary answer relates to the workforce.

Acting Nursing Co-ordinator, Mount Alvernia; acting Disability Team Leader Details of posts

1510

Clerk: Question 601, the Hon. Mrs I M Ellul-Hammond.

1515 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question 144/2013, can the Minister for Social Services say whether the post of acting Nursing Co-ordinator at Mount Alvernia has been reviewed and whether it will become a permanent post?

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

1520 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 602.

Clerk: Question 602.

1525 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question No. 145/2013, can the Minister for Social Services say whether the post of acting Disability Team Leader has been reviewed and whether it will become a permanent post?

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

1530 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, both posts continue to exist in the complement as provided for in the budget of income and expenditure for the current year in the same way as it existed in previous years.

1535 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to the acting Nursing Co-ordinator at Mount Alvernia, in February the Minister said that it was being filled on an acting capacity, so is this position still being reviewed eight months later?

1540 **Hon. Miss S J Sacramento:** Mr Speaker, that supplementary question is a different question to the substantive question, because the substantive question relates to the post and the post has always been there... well, has been there for the last couple of years, as provided for in the budget of income and expenditure.

1545 **Hon. Mrs I M Ellul-Hammond:** I will reiterate the supplementary, Mr Speaker. In February, the Minister said that this post was being filled on an acting capacity, and that the position was being reviewed. My question is, is this position still being reviewed eight months later?

Hon. Miss S J Sacramento: The answer is yes, Mr Speaker, but I still make the point that it is a completely different question to the substantive question.

1550 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, in relation to the post of acting Disability Team Leader, in February the Hon. Minister said that by the next sitting of Parliament, which was May, the Disability Service Review would have concluded. Can the Hon. Minister say what has been the conclusion of the review?

1555 **Hon. Miss S J Sacramento:** Mr Speaker, I think I said I would have hoped it would have been concluded, but the service continues to be reviewed and the status quo continues as it was then.

1560 **Hon. Mrs I M Ellul-Hammond:** So Mr Speaker, the Hon. Minister is saying that still eight months later the service and the post of the acting Disability Team Leader is still being reviewed?

Hon. Miss S J Sacramento: Yes, Mr Speaker, the Disability Service continues to be reviewed with the aim that it is much better improved by the end of it.

1565 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, and just one final supplementary on the Nursing Co-ordinator at Mount Alvernia: is this position at the moment being filled by a Care Agency member of staff or a GHA member of staff?

1570 **Hon. Miss S J Sacramento:** Mr Speaker, this is a Care Agency post and at present the person acting in this post is from the GHA, as indeed are other people in the Care Agency who are acting in the Care Agency and in the previous administration as well.

1575 **Residential Home Manager, Tangier Views
Review of post; restructure of residential service**

Clerk: Question 603, the Hon. Mrs I M Ellul-Hammond.

1580 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, further to Question No. 146/2013, can the Minister for Social Services say what the conclusion of the review of the outstanding post of the Residential Home Manager of Tangier Views is, and what the new restructure of the residential service is?

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

1585 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the review has not concluded.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, the Hon. Minister in February said that the review is almost concluded and a restructure is being planned for the new financial year. We are now nearly six
1590 months into the new financial year with still no restructure. Did the Hon. Minister perhaps mean next financial year?

Hon. Miss S J Sacramento: No, Mr Speaker, things are being reviewed. As things are reviewed, other things come up. When one conducts a review in consultation with the staff and listens to the staff,
1595 things will take as long as they take, but as long as management and staff are working together and it is not an issue for the staff, then let the review take as long as it needs to take, to make sure that the outcome is the optimum outcome.

Hon. Mrs I M Ellul-Hammond: So Mr Speaker, how much longer will the outcome be the optimum
1600 outcome, how much longer will that take?

Hon. Miss S J Sacramento: As long as it has to, Mr Speaker.

1605

Waterport Terraces Day Centre Opening

Clerk: Question 604, the Hon. Mrs I M Ellul-Hammond.
1610

Hon. Mrs I M Ellul-Hammond: Mr Speaker, further to Question No. 463/2013, can the Minister for Social Services say when the Day Centre at Waterport Terraces will be opening?

Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.
1615

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, I will answer this question together with Question 605.

Clerk: Question 605.
1620

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say if the vacancies for the workforce for the Day Centre have been advertised and how many staff will be employed to run the Centre and what will the skill mix be?

Clerk: Answer, the Hon. the Minister for Equality, Social Services and the Elderly.
1625

Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento): Mr Speaker, there is no date at present for the opening of the Day Centre at Waterport Terraces.

In Question 605, the hon. Lady has not specified which day centre she is referring to, and on the basis
1630 that she has asked other questions relating to Waterport Terraces Day Centre, I am assuming that she is referring to this facility in this question and the answer provided is on this basis.

Vacancies have not been advertised and no final decision as to workforce has been taken.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, yes, the Hon. Minister is correct, it is the Day Centre at
1635 Waterport Terraces.

Mr Speaker, in June the Hon. Minister said that the Waterport Terraces Day Centre would categorically be opening in a couple of months. What has been the delay?

Hon. Miss S J Sacramento: Mr Speaker, I do not recall categorically saying that it would be opening
1640 in a couple of months; I recall having said that it would be opening shortly.

Now, Mr Speaker, there are things that are being looked at because when one is responsible with the administration of public funds, one starts to look at the best outcome for the service, for the product and for the money being spent on it. Therefore, while it is still my desire to open it shortly and indeed very shortly, because for me everything I want to do very quickly, but these things take time, Mr Speaker, and more haste less speed, which is perhaps something that the previous administration could have employed
1645 when dealing with the Care Agency. **(Several Members: Hear, hear.)** *(Banging on desks)* But the hon.

Lady, Mr Speaker, can rest assured that when this facility is open, it will be a fantastic facility and I cannot wait to open it myself.

1650 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, I am sure the Hon. Minister did not mean to mislead Parliament, but if I can read from *Hansard* of June, the Hon. Minister said, ‘We are now at a stage where I can say categorically (*Interjection*) that this centre will be opened in the next couple of months, Mr Speaker.’ (*Interjections*)

1655 **Hon. Miss S J Sacramento:** Mr Speaker, I certainly would never intend to mislead Parliament (*Interjections*) and I did say that I did not recall what I said, but that I thought that I had said that it would be open shortly, Mr Speaker. (*Interjections*)

1660 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, again back in June, the Hon. Minister said, ‘The facility itself is now ready and what we are doing is we are dealing with the staffing issues.’ Four months later, does the Minister still not know how many staff need to be employed or what the skill mix would have to be and a date to advertise these vacancies?

1665 **Hon. Miss S J Sacramento:** Mr Speaker, we are going round in circles here because I have already answered that question. I have already said that I am looking at what is happening and as soon as it is ready, then everything will be announced as appropriate.

1670 **Hon. D A Feetham:** Mr Speaker, can the hon. Lady at least answer this, what has changed from the use of the word ‘categorical’ in June to now the hon. Lady being a convert to this principle of less haste, etc? What has happened between June and now for the hon. Lady to have such a seismic shift in the way that she approaches this?

1675 **Hon. Miss S J Sacramento:** Mr Speaker, there has not been any seismic shift as they are trying to imply. Because the intention is always to open things as soon as possible, (*Interjections*) but as properly and as responsibly as possible, and all that has happened is that we have reviewed our initial views on how this was going to happen, and we have changed our mind in a certain way of things – so what, Mr Speaker? We are just looking at it so that it is the most efficient and cost effective place that can be run, because we are responsible with the use of the taxpayers’ money, Mr Speaker.

1680 **Hon. D A Feetham:** So Mr Speaker, this has nothing to do, for example –

Chief Minister (Hon. F R Picardo): If I might just add to that –

1685 **Hon. D A Feetham:** I am on my feet already –

Hon. Chief Minister: Then I will not be able to give you the benefit of what I am going to say –

1690 **Hon. D A Feetham:** Well, if he wants me to give way, I have asked him on a number of occasions and I will give way. He has not to me on a number of occasions, but I will to him.

Hon. Chief Minister: That’s okay... [*Inaudible*] (*Laughter*)

1695 **Hon. D A Feetham:** Well, Mr Speaker, can the hon. Lady then assure us that this is nothing to do with the Government’s priorities for funding, that the hon. Lady... this is not a situation, as indeed those of us who have been Government Ministers may have at one time or another experienced, where the Government has to lay down priorities and the cause of the shift from categorical to the position that she adopts now is that she has been told either by the Finance Minister or probably more likely by the Minister for Employment, Mr Bossano that there is no money for this particular project at this present time?

1700 **Hon. Chief Minister:** Well, Mr Speaker, let me deal with what I was going to deal with and as Minister for Finance also deal with that point. That is not the position, Mr Speaker. There is money for this project and for more.

1705 Mr Speaker, that is what prudent management of finances of the Government delivers. Instead of spending £24 million initially on an Airport that cost £80 million, we are able to ensure that we deal with issues like this.

But I think, Mr Speaker, it is very unfair to have done what the hon. Lady did in the report quote that she purported to take from *Hansard*. In fact I think the important thing is to look at the whole of the

1710 *Hansard*. It starts at page 19 of the relevant day at line 195, Mr Speaker, and the first reference to a time when the facility will be open when the Hon. the Minister spoke was to say this, after having said it would open shortly:

‘I think that, realistically, Mr Speaker, the answer to that is within a couple of months.’

1715 There then ensued a very long debate, Mr Speaker, before – (**Mr Speaker:** Debate! Debate!) indeed, Mr Speaker, indeed I am very sorry to say – and it was only then, at the very end of that process, that the quote that the hon. Lady has referred to appears, and I think it is fair, Mr Speaker, to put it in context for those, I was going to say ‘listening’, but today it may actually be watching, and that is the phrase at line 1190, Mr Speaker. This is where the Minister said:

1720

‘We are now at a stage where I can say, categorically, that this centre will be opened in the next couple of months, Mr Speaker. For me, as far as I am concerned, I would wish for it to be opened tomorrow; I would in fact wish for it to have been opened yesterday. But these things happen, Mr Speaker, they are not easy to do and to do them properly, we need to do them well.’

1725

So in fact, Mr Speaker, the Minister is exactly where she was then: she wants to ensure that this is done properly. We do not want another fiasco, Mr Speaker, like the Mental Health Centre, where there was a lot of speed, very little haste and the whole thing has meant that the whole facility has had to be redesigned and more good money thrown after bad.

1730

Hon. D A Feetham: Mr Speaker, with respect, he has left out the first sentence of that paragraph, which he has just read:

1735

‘We are now at a stage where I can say, categorically, that this centre will be opened in the next couple of months, Mr Speaker. For me, as far as I am concerned, I would wish for it to be opened tomorrow; I would in fact wish for it to have been opened yesterday. But these things happen...’

What she is saying is –

1740

Hon. P R Caruana: Lamenting the two months’ delay.

Hon. D A Feetham: Exactly. She is lamenting the two months delay, but she is saying that it will categorically be opened within the next couple of months. Because I have to ask a question, is that not the case?

1745

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is reaching new heights of misunderstanding. He gets up and says, ‘What you have not done is read the first sentence.’ Actually, Mr Speaker, I read the whole of the first sentence that he then re-read. I know, Mr Speaker, that sometimes he and I have difficulty understanding each other, but I thought we could hear each other, and therefore, Mr Speaker, I have nothing more to add, other than the Government’s intention is to open this centre as soon as possible, but to do it properly and that is requiring a bit more time than anticipated.

1750

I understand that they might want to urge us to do this. They did not do it in their time, Mr Speaker. It was closed for a very long period of time. In fact, it was closed for three years after it was completed in their time. Yes, well, nothing was done with the unit for three years and therefore, Mr Speaker, we will take this as their encouragement that our policy of doing this day centre there is one that they encouraged to such an extent they now adopt it and wish to have it delivered as soon as possible.

1755

Thank you for that backhanded compliment: we are on our way.

1760

**Alzheimer & Dementia facility
Conversion of former John Mackintosh Wing**

Clerk: Question 606, the Hon. Mrs I M Ellul-Hammond.

1765

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say who advised on the conversion design and layout of the former John Mackintosh Wing into an Alzheimer & Dementia facility?

1770

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, I will answer this question together with Questions 607 to 609.

1775 **Clerk:** Question 607.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say when the plans for the conversion project of the former John Mackintosh Wing into an Alzheimer & Dementia facility will be submitted to the DPC?

1780 **Clerk:** Question 608.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say if the John Mackintosh Trust has approved the change in design of the new project at the John Mackintosh Wing of the former St Bernard's Hospital?

1785 **Clerk:** Question 609.

1790 **Hon. Mrs I M Ellul-Hammond:** Mr Speaker, can the Minister for Social Services say if building approval has been sought on the works being carried out at the former John Mackintosh Wing and whether it has a certificate of fitness?

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

1795 **Minister for Equality, Social Services and the Elderly (Hon. Miss S J Sacramento):** Mr Speaker, the John Mackintosh Wing will not be an Alzheimer & Dementia facility. It will be a residential facility for frail elderly which will include people with Alzheimer's.

The John Mackintosh Trust has been fully apprised of the developments at the site and the change of plans. The changes have been accepted by the Trust.

1800 A team comprised of Government project managers, Care Agency and GHA management have been involved in the re-design of the layout, the plans have already been submitted to the DPC and Building Control Department.

As with all HMGOG projects, building approval has been sought on the works being carried out. The works are not complete and as such a certificate of fitness cannot yet be issued.

1805

**Alzheimer & Dementia facility, former John Mackintosh Wing
Advertising vacancies**

1810 **Clerk:** Question 610, the Hon. Mrs I M Ellul-Hammond.

Hon. Mrs I M Ellul-Hammond: Mr Speaker, can the Minister for Social Services say when the vacancies for the former John Mackintosh Wing Alzheimer & Dementia facility workforce will be advertised and what will be the composition and skill mix?

1815

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, when a decision is taken, it will be announced.

1820

Hon. D A Feetham: Mr Speaker, yes, I understand that when she said that when a decision is taken, it will be announced. Is she saying that there has been no decision as to the composition and skill mix of the workforce or has that decision been taken but the Government really is not in a position to, or does not want to announce it at this stage? Because a considerable amount of work presumably must have gone into, and the Government must have an idea of the composition and skill mix of the workforce needed for this particular facility, I presume.

1825

Hon. Miss S J Sacramento: Mr Speaker, the question was in relation to advertisement of the composition and the skill mix and that is the basis on which I formulate my question. Yes of course work has been done in relation to the general number of staff that will be required for this. When you work in these types of environment there are certain ratios that apply depending on the level of dependency of the beds. We have a general idea but it is indeed as the hon. Member said we are not in a position to announce it now.

1830

1835 **Hon. D A Feetham:** With respect to the hon. Lady the question was, 'will be advertised', and then there was a second part of the question, 'and what will be the composition and skill mix', so effectively it is two questions in one. Hence why I have asked my supplementary. But she has answered it.

1840

TRAFFIC, HOUSING AND TECHNICAL SERVICES

Traffic and parking management Role of Mott MacDonald

1845

Clerk: Question 611, the Hon. S M Figueras.

1850 **Hon S M Figueras:** Mr Speaker, can the Hon. Minister for Traffic say whether Messrs Mott MacDonald are playing an active role in the management of Gibraltar's traffic and parking in any capacity during the time that the Government awaits preparation of the Sustainable Traffic and Transport Management plan?

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

1855

Minister for Traffic, Housing and Technical Services (Hon. P J Balban): Mr Speaker, Mott Macdonald are the Government's appointed consultants, engaged to assist with the development of Gibraltar's Sustainable Traffic, Transport and Parking Plan. Their role is to provide specialist advice on matters relating to this with the purpose of delivering the plan. This does not mean that they are involved in day-to-day management decisions regarding traffic and parking matters.

1860

Hon. S M Figueras: Mr Speaker, can the Minister say, having taken notes certainly of what he has just said in his answer, whether any traffic management situation or decision is run by them for any kind of advice or whether that has been the case, since they have been taken on to prepare the plan?

1865

Hon. P J Balban: Mr Speaker, the traffic consultants are there to develop the plan for Gibraltar. They do not take decisions in that respect; that is taken by other persons, so the reply is no.

1870

Eastern Beach multi-storey car park Details

Clerk: Question 612, the Hon. S M Figueras.

1875

Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Traffic provide more details in relation to the multi-storey parking facility at Eastern Beach, announced as part of the launch of the two housing projects at the Aerial Farm and the current coach park?

1880

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

1885 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, in fulfilment of the Government's manifesto commitments to provide 300 parking spaces at Eastern Beach we recently announced that we would be constructing a new multi-storey car park on the site of the existing car park at the entrance to the beach. This will consist of a two-storey structure providing 147 spaces at ground level, 143 at the first level and 150 on the top open deck, thereby providing a total of 440 spaces. Preliminary works will very shortly be starting, with the intention being that completion is achieved prior to the start of the next year's bathing season.

1890 **Hon. S M Figueras:** I did not quite catch where exactly the multi-storey facility is going to go – in Eastern Beach certainly, but I did not quite get the detail. Perhaps the Minister will be so kind as to repeat it.

1895 **Hon. P J Balban:** Mr Speaker, the multi-storey facility will be positioned at the entrance to Eastern Beach.

Hon. S M Figueras: Mr Speaker, can the Minister say whether what he means by ‘at the entrance to Eastern Beach’ is on the east side reclamation bit, at the entrance to the beach, or – ?

1900 **Mr Speaker:** The existing car park.

Hon. S M Figueras: But, Mr Speaker, there are a number of car parks in the area, hence why I am driving at this point.

1905 **Hon. P J Balban:** Mr Speaker, it is actually where the existing small car park is, opposite Latinos on the Beach.

Hon. S M Figueras: Mr Speaker, one more supplementary. Is the Hon. Minister in a position to say to what use it is intended these parkings will be put? (*Interjection and laughter*)

1910 **Hon. P J Balban:** Mr Speaker, the facility is meant to be for parking vehicles! (*Laughter*)

Hon. S M Figueras: Yes, well, guided by the Chief Minister, I could have expected that the answer would be about as helpful as that!

1915 Clearly, I need to be a little more specific as is the pattern that has been developing for some time in respect of even more serious matters than parking.

Perhaps the Minister will indulge me once more and provide me with some information in relation to whether the parking facility will be used exclusively for the use of residents at the new Aerial Farm housing project or whether some of these will be available to the public for use attending the beach or the area. It was information of that nature that I was driving at, Mr Speaker.

1920 I am grateful for the Chief Minister’s interjection.

Hon. P J Balban: Mr Speaker, the housing project at the Aerial Farm will have its own parking so the intention of this new parking is for beach users and general public.

1925 **Hon. S M Figueras:** Yes, one more supplementary. Is it intended that this will be a paying car parking facility or free to Gibraltar residents?

Hon. P J Balban: Mr Speaker, there will be no charge for use of this car park.

1930

ADJOURNMENT

1935 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House do now adjourn until tomorrow at quarter past nine in the morning.

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

1940 I now put the question, which is that this House do now adjourn to Friday 18th October at 9.15 a.m.

Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Friday 18th October at 9.15 a.m.

The House adjourned at 5.43 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.15 a.m. – 10.45 a.m.

Gibraltar, Friday, 18th October 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*]

Questions for Oral Answer

TRAFFIC, HOUSING AND TECHNICAL SERVICES

Parking problems Plans to address

Clerk: Sitting of Parliament, Friday, 18th October 2013. Answers to Oral Questions continue.
Question 613, the Hon. S M Figueras.

5 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic say what he plans to do to address the daily parking misery for working Gibraltarians?

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

10 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, the Government's Sustainable Traffic, Transport and Parking Plan will look at parking and include strategies aimed at trying to improve what has traditionally been a problem locally. The general classification of this as a 'misery' by the hon. Member is, however, a matter of opinion as different areas of Gibraltar have different types and levels of problems at different times of the day but what is clear is that any 'misery' which is being experienced stems from long before 9th December 2011 and will likely be relieved

15 (*Banging on desks*) – where appropriate – by the implementation of the findings of the GSLP/Liberal Government’s Sustainable Traffic, Transport and Parking Plan.

Hon. S M Figueras: Mr Speaker, since the New Dawn, all that we have heard in the context of traffic is that the Sustainable Traffic and Transport Plan will be the magic pill that solves all the problems. Is it
20 not the case, Mr Speaker, that works on Commonwealth Park have certainly not assisted in dealing with this parking misery?

Hon. P J Balban: Mr Speaker, on the contrary, if we look at actual parking statistics – if we look at the parking that was lost at the Commonwealth Park, there was a total of 342 spaces lost at the
25 Commonwealth Park, now what happened was that across from the Commonwealth Park provision was made for this and now there are a total of actually 360 so in fact there has been a net gain in parking, (*Banging on desks*) apart from that there has also been 17 spaces over and above the 360 which have been allocated for pay and display, allowing people who want to go to work or want to go to any of the leisure
30 places along Queensway Quay, for example, can do so.

Hon. S M Figueras: I see, Mr Speaker, yes, indeed, but the fact that the parking has been provided now does not change the fact that Commonwealth Park and the works relating to it have caused significant difficulties for drivers every day. But, Mr Speaker, will the Hon. Minister say whether it is
35 intended to deal with anything to do with traffic to try and address what is a daily parking misery for working Gibraltarians despite what he might say, before Messrs Mott Macdonald provide him with any kind of suggestions or recommendations? (*Banging on desks*)

Hon. P J Balban: Mr Speaker, the hon. Gentleman has to realise that yes, the Commonwealth Car Park is under construction but the loss of parking was mitigated. In fact, there has been a net increase in
40 parking spaces – which means to say that obviously it would have been ideal to have had Commonwealth Park and have had the other car park, but that is just not possible. We have got... It is just not possible.

But what has happened is there has been a net increase, so if you compare parking now to before 9th December, there has been an increase in parking spaces.

Now, to the second part, obviously the Government has invested in a consultant which is there for this
45 purpose to give advice as to where we go from here. There are many things that we have already in the pipeline that will happen, (*Interjections*) but of course, there are loads of things that need to be done which were there before 9th December. I can give you an example, the Trafalgar Interchange was not made with the pedestrian in mind. There is absolutely no concern for the pedestrian. That is something that this Government is very, very conscious of and it is something this Government intends to improve
50 upon and to correct.

Hon. S M Figueras: Mr Speaker, it is interesting that the Minister should today say that the Trafalgar Interchange is one of the GSD initiatives – not surprisingly – that they are seeking to review at some
55 point, when previously in sessions of this House, he has said that that was something that will be decided once the Sustainable Traffic and Transport Plan was created.

But be that as it may, Mr Speaker, what would he say to the suggestion that the reality, post the New Dawn, will be that the park will be on one footprint of prime real estate in Gibraltar and the two levels of parking that were part of their manifesto commitment will now be on two other equally large footprints of
60 prime real estate in Gibraltar?

Mr Speaker: The Hon. Minister does not have to answer that question because he is being asked to express an opinion.

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

65 In relation to parking generally, we heard yesterday, as well, that the new parking that was announced by the beach that was in pursuance of their manifesto commitment for 300 parking spaces will now in fact have 440.

Mr Speaker, can the Minister say how he reconciles all these promises and partial delivery of some parking, a lot of which is needed, with the environmental filter that this Government holds in such
70 apparent high regard?

Hon. P J Balban: Mr Speaker, I am not entirely clear what the hon. Gentleman is referring to in terms of the environment. The environment aspect of it – can he be more specific?

75 **Hon. S M Figueras:** Mr Speaker, there is no issue of being more specific. The question was really rather clear and that is how the Minister reconciles the manifesto commitment and partial delivery of all

these car parking spaces with the environmental filter that this Government holds in such apparent high regard.

80 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Speaker, if I may, these things are not mutually exclusive (*Laughter*) – no absolutely not. (*Interjections*) The new car parks, for example, will all be fitted with charge points for electric vehicles and we have already led the way in the Government's fleet by having our own hybrid and electric vehicles as we have seen recently, and clearly the increase in parking spaces will help in the day to day.

85 But that does not mean that the Government would carry on encouraging the use of public transport, as we saw yesterday here, that we are looking at a new bus fleet and an increasingly efficient bus service. In fact, it would do us good to have more parking spaces, because then we can use public transport and we can leave our cars parked and not burning fuel.

90 **Hon. S M Figueras:** Yes, Mr Speaker, it is in fact, it is indeed very interesting, but the bulk of the parking spaces that you are planning to build are in the city centre and that is what is so incongruous and that is what I am asking the Government to reconcile with their environmental filter.

95 **Hon. P J Balban:** Mr Speaker, in fact, most of the car parks in the centre of town were actually car parks built by the Members across the floor. They started building Engineer's Lane car park and they started building the Theatre Royal car park . The fact that we decide to build a car park at Queensway is something which we thought was very important, was vital – as you rightly say, because you started this question, saying the misery of local persons. We cannot force people, or put guns to their head and tell them they cannot use their cars. We can actively try to encourage them not to use their cars by way of encouraging use of public transport, improving on public transport, improving on other methods and other ways, but what we cannot tell people, 'You cannot use your cars', and hence you need to have some facility for them to park in town.

105 **Hon. S M Figueras:** Mr Speaker, can the Minister say how they have improved public transport from what they inherited in December 2011, much as he claims that this is what they should be doing?

The fact of the matter is, Mr Speaker, that we were not the Party with the so-called environmental filter, we were not the Party that offered twice the number of parking spaces on site at Commonwealth Park, and that is the difference between that party on that side of the bench and this party here. (*Interjections*)

110 **Hon. P J Balban:** Mr Speaker, yes, we across the floor on this side of the House are very aware that it was this party who had the environment close to heart. In fact, one of the only things done by the Members across the floor was, at the very last minute, to get GibiBikes on the road, and the GibiBikes have been... as we have explained, have given us problems from the start. So that was as much as was done for the environment by the previous administration.

115 This Government is clear – no-one can deny the fact that this Government has looked into not only changing the fleet of vehicles; we have started with the new G1, which is a totally electric vehicle. We have got hybrids within the Government fleet. As my colleague explained earlier and as the next question will touch upon, all our car parks have and will have the infrastructure needed to provide electric... The infrastructure for electrical systems will be there, so in future anybody who wishes to buy an electric vehicle or a plug-in hybrid will be able to do so. That is a very positive step for the environment.

120 **Mr Speaker:** Hon. Members are beginning to debate now. The purpose of Question Time is to elicit information or to press the Government to take a certain line of action, but not to debate different policies.

Electric or hybrid vehicles
Plans for electricity charging bays in local car parks

130 **Clerk:** Question 614, the Hon. S M Figueras.

135 **Hon. S M Figueras:** Mr Speaker, can the Hon. the Minister for Traffic say whether there are any plans for the provision of electricity charging bays in local car parks for the use of electric or hybrid plug-in vehicles?

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

140 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, charging points for electric and hybrid plug-in vehicles have been provided in the Engineer's Lane and Arengo's Palace multi-storey car parks. These were not part of the original design but were added to cater for users of said car parks acquiring these types of vehicles in the future. Charging points are also being installed in the new car park currently under construction at South Pavilion.

145 The improvement of air quality is one of the objectives of the Government's Sustainable Traffic, Transport and Parking Plan and greater use of environmentally friendly vehicles would contribute towards this. The provision of more charging points is therefore something that is being considered for new parking facilities to be developed in the future.

150 **Hon. S M Figueras:** Mr Speaker, as a proportion of all the parking spaces that the Minister has referred to in Engineer's Lane and Arengo's Palace and the new car park at South Pavilion Road, is he able to say what proportion of those parking spaces will have facility.

155 **Hon. P J Balban:** Mr Speaker, the infrastructure has been laid for the whole parking, so although you cannot see the charging points there and then, and we are not going to place or install expensive charging facilities in all the parking bays when people at this moment in time have not got electric vehicles or have no intention of buying them at the moment, but the actual infrastructure the cabling is there, so in the future if people wish to have an environmentally friendly vehicle, that can be arranged. Suitable sockets can be placed in that parking bay in question.

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

165 **Government's new housing projects
Charging points for vehicles; tender bids; sales and rentals**

Clerk: Question 615, the Hon. S M Figueras.

170 **Hon. S M Figueras:** Yes, can the Hon. the Minister for Traffic say whether provision will be made in any of the new housing estates of electricity charging points for vehicles in the developments' parking areas?

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

175 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, I will answer this question together with Questions 620 and 621.

Clerk: Question 620, the Hon. E J Reyes.

180 **Hon. E J Reyes:** Mr Speaker, can the Minister for Housing provide details of all tender bids received in respect of Government's new housing projects as recently announced?

Clerk: Question 621, the Hon. E J Reyes.

185 **Hon E J Reyes:** Can the Minister for Housing provide details of how many houses will be for sale and how many for rental, in respect of Government's new housing projects as recently announced?

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

190 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, tenders were invited on 7th December 2012 for the development of the Aerial Farm site for an affordable housing scheme.

Similarly, tenders were invited on 5th February 2013 for the development of the Coach Park site, again for an affordable housing scheme, although in this instance it included one building for rental, for the elderly.

195 Both tenders were evaluated following the principles and requirements set out by EU and Gibraltar
Legislation in respect of public procurement. This resulted in the Aerial Farm tender being awarded to
GJBS and the Coach Park tender to Casais.

The Aerial Farm affordable housing scheme will be for the sale and this consists of a total of 564 flats,
200 comprising 38 one-bedroom flats, 166 two-bedroom flats, 321 three-bedroom flats and 39 four-bedroom
flats. The majority of the flats at the Coach Park site will also be part of the affordable housing scheme.
This consists of 380 flats, comprising 65 one-bedroom flats, 143 two-bedroom flats, 152 three-bedroom
flats and 20 four-bedroom flats. The 65 one-bedroom flats will be provided for rental for the elderly.

Adequate parking provision will be provided within both estates and this will include the provision of
205 electricity charging points for vehicles.

Hon. E J Reyes: Mr Speaker, can I please clarify a little point there? I think the Minister, from my
note, said that there were 380 flats being built at the Coach Park and he said the majority would be for
210 sale. Am I right in deducing that other than the 65 for rental, which I think is the amount for the elderly,
all the rest remain for sale or some of the remainder that are not for the elderly are also for rental?

Hon. P J Balban: Mr Speaker, yes I did say that 380 flats were being built and that the 65 one-
bedroom flats which I mentioned will be provided for rental for the elderly, the rest are low cost homes
within those estates.

Hon. E J Reyes: So Mr Speaker, I still have a minor doubt, other than the 65 rental that seem to be
215 suited for the elderly all the others will be for sale and therefore no rental for those on the general housing
waiting list.

Hon. P J Balban: Mr Speaker, as mentioned, there are 65 one-bedroom flats which are provided for
220 rental for the elderly within this estate. It is obviously assumed that many of the persons who intend or
who will take over these flats and there is a big demand for these flats, will relinquish their own flats
which means to say that we will have an amount of flats which will go back into the housing stock.

Hon. E J Reyes: Thank you for that, Mr Speaker.
225 In respect of Question No. 620, I asked for details of all tender bids received I have not heard that, Mr
Speaker.

Hon. P J Balban: Mr Speaker, the details that I have given the hon. Gentleman is that the two tenders
230 one was awarded to GJBS and that was the one at the Aerial Farm and the Coach Park was awarded to
Casais. The rest of that information is public knowledge that has already been released. (*Interjections*)

Hon. E J Reyes: Mr Speaker, can the Minister please guide me, because I posed the question because
235 I was not able to find it under publicly available documents? What I want is details of all the tenders
received not just the name of the successful tenderer. I want to know company XYZ and what the bid was
and so on. If it is a public document, can I please be directed in the right location?

Mr Speaker: If the Hon. Minister does not have the information with him, he can try to obtain it and
let –

Chief Minister (Hon. F R Picardo): Mr Speaker, I think just to assist, there are two issues. I think
240 the hon. Member may not have all the detailed information with him, but the practice has been and will
continue both under the previous administration and I think historically, since procurement commenced in
Gibraltar, by way of tender, that the information given is the information of the successful tenderer and
the amount in which they bid and also the number of tenderers who submitted bids. I do not think that we
245 have ever given – and when I say ‘we’, I mean the Government and not necessarily this Government –
has ever given the details of who else tendered and what the amounts of their submission for tender was. I
do not believe that information has ever been given.

In any event, Mr Speaker, whilst we check that – because if it has been given before, I see no reason
why it should not be given again, but I believe it is not given – in any event, the hon. Gentleman will
250 know that in European tendering – and both of these were European tenders – there is a period when
appeals can be made by those who are not successful and for that period certainly, which we are still in as
I understand it, we would not be disclosing the names and amounts of those others who might have
submitted tenders.

So there are two issues, if you will allow me: first of all, checking whether that is information that is
255 ever disclosed, other than the number of other tenderers; and second, the time when it could be disclosed,
when you are dealing with a European tender which may be after the period for filing appeals, etc has

passed. I think that time will pass probably by the end of this month. It is a short appeal period of above 30 or 60 days.

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

Yes, I accept that the Chief Minister would like to check that information. Can I add that, if it is the case that it has not been disclosed before, he may well wish to consider and make that information available now. In fact, I do understand what the Chief Minister is saying, that there has to be a period for appeals and so on. Is the Government at least able to say how many tender bids were received, just as a global figure, whether just one tender or five tenders? How many tender bids were received in respect of each of the projects?

270 **Hon. Chief Minister:** Mr Speaker, I think that there should not be any difficulty telling the hon. Gentleman how many have been received. I do not think that would affect any appeal process, and it may be, Mr Speaker, that we do make the decision, when I go back and check that, even if we... 'we', again, the Governments, not just this Government, but historically, since tender procurement began, do not give out the information in the Parliament, because of course there are commercially sensitive aspects about prices that people may have put up. Some people may have a lower price but they may be disqualified because they failed to comply with part of the tender and that is why their price may be lower, so all sorts of issues like that.

275 It may be that even if we make the decision that that information cannot be shared across the floor of the House, there may be no difficulty sharing it behind the Speaker's chair, as long as there is a confidentiality accepted and therefore there is not any commercial issue with Members of the Opposition having the information and then sharing it with some of the unsuccessful tenderers. Those are the issues that we can look at.

280 I am quite happy to go back and check. My feeling is that we have never shared the information and what I will do is, before I sit down, I will give way to the Minister, so that he can give the information if he has it, of the numbers of tenderers who submitted tenders.

285 Mr Speaker, I have given way to the Minister so he can give the number.

Mr Speaker: Does he have the information?

Hon. Chief Minister: Yes, he has it.

290 **Hon. P J Balban:** Mr Speaker, if we look at the Aerial Farm tender, there was a total of seven tenders which were accepted, which were submitted, and for the Coach Park tender site there were 12. Now I must say that it does not necessarily follow that they are 12 different companies or seven different companies, because some companies may choose to make different offers for the same project.

295 **Hon. D A Feetham:** Yes, Mr Speaker, the hon. Gentleman has said that he needs to look at the practice and if the practice in the past has been by the GSD Government that this information has been provided, that the Government will also provide it. I think really that should not really be a consideration. At the end of the day, the Government now makes decisions as to whether to disclose information or not to disclose information. I quite understand, irrespective of what has been the historical practice, that there may be reasons and valid reasons why not to disclose the identity of all of them and I can think of a number of reasons why not to, but that has to stand independently of what the practice has been in the past.

300 But can I ask him this: have these two successful tenderers been the most economically advantageous tenders that the Government has accepted out of the seven and the 12 – by which I obviously mean that they have come in at a lower price than the others – or have the successful tenderers been, they may not have been the lowest price but there may have been other reasons why the Government has accepted, because I accept, as well, that in some cases, it may well be there may be valid reasons why the Government may accept one tender above another, even though that was not the lowest price tendered.

310 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman should not think that my Government is going to be constrained by the things his Government did. He knows that we have departed from the practice in myriad instances when we think that the practice of the previous administration or administrations has not been the one to follow now – *vide* monthly meetings of Parliament transmitted live on television and the internet. Where there is a good reason for departing from practice, we depart from it – *vide* public meetings of the Development and Planning Commission, so that is not going to be the issue.

315 But where the hon. Members were pursuing, for example, a policy of previous administrations themselves, when they were in Government – and I say plural, because as I have indicated this may be a practice going back to 1977 when the Procurement Act was first introduced – then there may be a very

320 good reason for that. That is why I do not want to depart from that practice without understanding what the reasoning was.

If it was just – he really goads me to say this – the secretive practice of the GSD Government from 1996 to 2011, well look, that is not going to be a reason for us to continue with the practice; but if this is something, as I suspect, that comes from the beginning of public procurement in Gibraltar for competitive reasons in the market, where you do not necessarily want to show other people’s prices to the whole of the market, then that practice is going to continue.

325 That is why I have opened the door slightly ajar to the possibility of sharing information with Members of the Opposition and not necessarily sharing it across the floor of the House, which is another possibility which I am not committing myself to because I would have to understand whether that would have the effect of opening more widely the sharing of information.

330 Mr Speaker, in terms of whether these were the economically most advantageous tenders that were submitted, well look, Mr Speaker, I consider that they certainly would have been, without even looking at the prices, because that is what the criteria established by the tender boards, when tenders are put out, set out to achieve. That does not necessarily mean that the cheapest of the submissions is the one that is chosen, because that may not be the economically most advantageous.

335 You could have, for example, and the Hon. Mr Balban has pointed out that more than one submission has been filed in some instances by the same entity. So you could have a submission from one entity that offers to build x which would produce a price of an amount per square metre, or another submission from the same entity or another entity that offers to build so much and that produces another price per square metre. You look at them and the price of one is higher than the price of the other on the face of it. This might be £5 million more than this but you get many more square metres for the extra £5 million. So if you work it out per square metre, is that economically more advantageous?

340 The type of construction, the standard of finish proposed, all of those things can affect what you might call the bottom-line price, which may be higher in one instance than in another, but still the higher price might be economically more advantageous, because you get, as I said yesterday in relation to another question, more bang for your buck, even though you are paying more up front. So all of those things are what makes up the tender criteria and it is designed to deliver in effect the best value for money for the taxpayer and in each instance, of course, the Government would not have proceeded with anything other than the best value for money for the taxpayer.

350 **Hon. D A Feetham:** Yes, Mr Speaker, of course I could be forgiven for the comments that I made in preamble to my question because, of late, the Government, Cordoba, the Constitution, the Tripartite talks has been quite keen on taking GSD clothes and adopting GSD policy, but Mr Speaker, can the Hon. the Chief Minister perhaps help us as to whether the price at which these tenders came in were the cheapest, and if they were not the cheapest, can he give us an explanation, a reason why the Government preferred these two tenders above the other tenders? Why they were more economically advantageous to the Government, in the Government’s view?

360 **Hon. Chief Minister:** No, Mr Speaker, I am not going to provide that sort of information at this stage because I am going to go back and check what the practice was. Because even by disclosing whether these are or are not the cheaper, I may be offending that practice which was a GSD practice which I now appear to be offending and I want to understand what the rationale behind that was, before I decide to change it in any way. Even if I am just going to be saying that they were the cheapest or they were not the cheapest, but look, certainly by the next House, I will have had the chance to check, so if he asks then, we can be in a position to share that information, if it is shareable or otherwise.

365 But, Mr Speaker, the reasoning I have already explained, in the event that these were not the cheapest bottom line figures, then they will certainly have been the most economically advantageous for the Government and therefore the most value for money for the taxpayer.

370 He was involved, I assume, in tendering when he was dealing with the Courts development, which, having checked, actually went up from £7 million-odd to £12 million. He is shaking his head. If that did not go out to tender, then perhaps he has some questions to answer about that. But anyway, Mr Speaker, it is always about getting the best value for the taxpayer and there is no question of us doing it in any other way.

375 Finally, Mr Speaker, it is true that the hon. Gentleman has spent the better part of the last two weeks putting foot directly in mouth in respect of a number of different issues, one of them relating to the Government’s attitude to the constitution, another the Government’s attitude to the Cordoba process and the Tripartite Forum. He does not seem to understand the fine differences between us and them on those issues and our attitudes.

Perhaps I can illustrate it to him in a way that is stark enough that even he will understand. We will never adopt the previous Government’s policy on an Andorra style solution.

380 **Mr Speaker:** Does the Chief Minister feel that it is really necessary – we are dealing with questions on housing and electricity parking points – to go into the whole question of the tripartite process?

Hon. Chief Minister: Mr Speaker, I apologise for having fallen into the trap laid for me so blatantly by the Leader of the Opposition who did feel that it was necessary to talk about Cordoba, the tripartite and the constitution when dealing with housing, I will not let it happen again. Thank you so much for pulling me up on it.

Mr Speaker: Does the Hon. Mr Figueras have any supplementary?

390 **Hon. S M Figueras:** Yes, Mr Speaker, I have looked quickly at the press release in relation to the housing development and if I have missed it, I do apologise, but is there a contract timeframe, contract date or is there an estimate of when the housing projects are expected will be completed?

395 **Hon. P J Balban:** Mr Speaker, the plan is that these housing estates will be finished before the next election, so as to be able to deliver on our manifesto commitment.

Hon. E J Reyes: Mr Speaker, if I can come back to what I was asking in 620 and 621. The Minister provided me with information that he said he could provide at that moment in respect of the Aerial Farm and the Coach Park developments. However, there is no reference to another recently announced Government housing project which is that around the Europort Avenue area which I have a figure that it was awarded for £8.9 million to build 72 flats, but the Minister has not told me whether those are going to be for rental and for sale and so on.

405 **Hon. P J Balban:** Mr Speaker, the estate which was actually mentioned in the press release issued yesterday, that is an estate which is for rent, Government rental and it is Government rental for the elderly.

410 **Hon. E J Reyes:** I am much obliged, Mr Speaker, because the press release did not say whether they were for sale or for rental. It did mention the elderly but the elderly are entitled to purchase, I suppose.

Housing Works Agency and the Ministry for Housing Details of review

415

Clerk: Question 616, the Hon. E J Reyes.

Hon. E J Reyes: Further to the answer to Question No. 331/2013, 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?

420

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

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

Hon. E J Reyes: Does the Minister at this stage have any idea when that consideration will be concluded?

430

Hon. P J Balban: No, Mr Speaker.

Mid Harbours Estate Non-compliance of house rules

435

Clerk: Question 617, the Hon. E J Reyes.

440 **Hon. E J Reyes:** Further to the answer provided to Question No. 472/2013, can the Minister for Housing provide details of actions taken in order to curtail non-compliance of house rules at Mid Harbours Estate?

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

445 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, further to my answer to Question 472/2013, I am pleased to inform the following: the tender for the CCTV cameras has already been awarded and works for the installation are due to commence.

The installation of barriers at the entrance and exit points of the garage are also at an advanced stage. The tender for these has also been awarded and works are ongoing.

450 We continue to work closely with the RGP who are patrolling the area.

Hon. E J Reyes: And in respect of, if I understood it correctly, the CCTV cameras, the tenders have been received, so can the Minister confirm that it is still undergoing the tender analysis process? In respect of the barriers, he says that the works are at an advanced stage. Can he therefore say how much the tender was awarded for and to whom?

Mr Speaker: Strictly speaking, I do not think that the details about the work, the tender arise from the original question, which is to provide the House with details of actions taken in order to curtail non-compliance. That question has been answered. In the process of answering, there has been mention of a tender but that does not arise from the original question.

460 **Hon. E J Reyes:** I accept that.

Mr Speaker: However, if the Minister has the information at hand and he wishes to provide it, by all means.

Hon. E J Reyes: That was my intention, Mr Speaker, I accept that it is stretching it a bit, but the Minister may well happen to have the information and it saves us a question next month and it saves the whole of Gibraltar waiting another month just to hear information that he may well have at hand and he may have no problems in providing it.

Hon. P J Balban: Mr Speaker, yes, both of the tenders were awarded. The information I have with me at the moment is that the successful tenderer for the CCTV cameras was Sheriff, and that is as much information I have with me at the moment, Mr Speaker.

475 **Hon. E J Reyes:** I accept that, Mr Speaker, and thank you for allowing me the liberty and obviously you will hint at me very strongly that I pose then the worded question for next month's issue, so the Minister even has advanced notice of what I intend to seek next month.

480 **Hon. P J Balban:** Yes, if the hon. Gentlemen would like to pose the question for the next session of Parliament, I would be happy to provide him with the information requested.

485 **Making empty homes suitable for re-allocation**
Expenditure incurred

Clerk: Question 618, the Hon. E J Reyes.

490 **Hon. E J Reyes:** Can the Minister for Housing provide updated details in respect of expenditure incurred since the answer to Question 532/2013 in respect of contracts awarded for making empty homes suitable for re-allocation, stating to whom payments were made, how much has been paid, the number of residential homes pertaining to each payment as well as indicating if the services contracted were for repairs or cleaning?

495 **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 618

Contractors	Aug-13	Sep-13	No. of Properties
Base Maintenance Services		£4,847.00	1
Garcia & Perez Construction Co Ltd		£10,800.00	1
L Luz Property Services Ltd	£6,453.00		1
On The Level Ltd		£15,756.00	1
W&N Works Ltd		£20,200.00	1

ALL SERVICES CONTRACTED WERE FOR REPAIRS
NONE WERE FOR CLEANING

500 **Hon. E J Reyes:** This is fine, Mr Speaker. I take the opportunity as well to thank the Minister, because in the last question session, we managed to get, at long last, the right formula of what I was seeking and so on, and I see it has been replicated again this month. I am extremely grateful, as this then allows me not to have to present any supplementaries, so I hope we keep to this format for the future as well.

505

**Government rental homes
Details of repairs**

510 **Clerk:** Question 619, the Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Housing provide details in respect of rental homes assigned since the answer to Question 533/2013, indicating how many will be repaired by (a) the Housing Works Agency; (b) sub-contractors; and (c) the assigned tenants themselves?

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

520 **Minister for Traffic, Housing and Technical Services (Hon. P J Balban):** Mr Speaker, since the answer given to Question 533/2013, 15 flats have been assigned. The repairs are to be undertaken by the following: (a) Housing and Works Agency – 2; (b) sub-contractors – 12; (c) the assigned tenants themselves – 1.

525

**Government rental homes
Repairs undertaken to lifts**

Clerk: Question 622, the Hon. E J Reyes.

530 **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 answer to Written Question 94/2013?

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 522

LOCATION	DATE & TIME REPORTED	DATE & TIME REPAIRS COMPLETED	CONTRACTOR
Upper Wave Hse	10/07/13 17:30	11/07/13 13:04	OTIS
Alert Hse	10/07/13 17:41	10/07/13 13:07	OTIS
Sea Wave Hse	10/07/13 18:53	10/07/13 20:42	OTIS
Wave Crest Hse	10/07/13 19:21	11/07/13 20:45	OTIS
Bow Wave Hse	11/07/13 11:16	11/07/13 12:05	OTIS
Bow Wave Hse	12/07/13 22:35	12/07/13 08:57	OTIS
Orsova Hse	15/07/13 17:02	16/07/13 18:12	OTIS
Canton Hse	15/07/13 10:28	15/07/13 16:09	OTIS
Bajevichan Hse	16/07/13 22:10	16/07/13 14:06	OTIS
Orsova Hse	16/07/13 10:04	16/07/13 12:09	OTIS
Orsova Hse	17/07/13 10:47	17/07/13 12:03	OTIS
Upper Wave Hse	18/07/13 07:20	18/07/13 13:02	OTIS
Alameda Hse	19/07/13 18:04	19/07/13 19:37	OTIS
Ronalds Hse	21/07/13 09:14	21/07/13 10:22	OTIS
Upper Wave Hse	22/07/13 08:30	22/07/13 13:02	OTIS
Upper Wave Hse	23/07/13 17:30	24/07/13 09:11	OTIS
Upper Wave Hse	24/07/13 17:00	24/07/13 20:36	OTIS
Upper Wave Hse	25/07/13	25/07/13	OTIS

GIBRALTAR PARLIAMENT, FRIDAY, 18th OCTOBER 2013

Sea Wave Hse	10:30	17:00	OTIS
	29/07/13	29/07/13	
	09:12	16:45	
Parlay Hse	29/07/13	29/07/13	OTIS
	20:41	21:17	
Ocean Wave Hse	29/07/13	29/07/13	OTIS
	11:00	16:14	
Alameda Hse	30/07/13	30/07/13	OTIS
	11:07	17:15	
Caroline Hse	31/07/13	31/07/13	OTIS
	19:40	20:32	
Referendum Hse	01/08/13	01/08/13	OTIS
	10:50	11:26	
Constitution Hse	01/08/13	01/08/13	OTIS
	10:15	12:04	
George Jeger Hse	01/08/13	01/08/13	OTIS
	13:45	20:11	
Sea Wave Hse	02/08/13	02/08/13	OTIS
	14:45	15:15	
Sea Wave Hse	05/08/13	05/08/13	OTIS
	18:13	19:27	
Bow Wave Hse	05/08/13	05/08/13	OTIS
	21:13	22:12	
Sea Wave Hse	07/08/13	07/08/13	OTIS

Constitution Hse	11:44	14:49	OTIS
	07/08/13	07/08/13	
Alameda Hse	15:22	18:53	OTIS
	08/08/13	08/08/13	
Victoria Hse	10:10	17:45	OTIS
	10/08/13	17:40	
Ironside Hse	12:52	14:10	OTIS
	12/08/13	12/08/13	
Brother O'Brien Hse	10:46	12:56	OTIS
	12/08/13	12/08/13	
Bow Wave Hse	15:38	18:55	OTIS
	12/08/13	12/08/13	
Sea Wave Hse	10:18	11:26	OTIS
	14/08/13	14/08/13	
Bow Wave Hse	09:45	11:24	OTIS
	14/08/13	14/08/13	
Bow Wave Hse	20:39	21:11	OTIS
	14/08/13	14/08/13	
Sea Wave Hse	10:18	11:26	OTIS
	14/08/13	14/08/13	

Constitution Hse	17:57	19:11	OTIS
	16/08/13	16/08/13	
Parlay Hse	17:30	19:29	OTIS
	16/08/13	16/08/13	
Brother O'Brien Hse	16:12	16:42	OTIS
	16/08/13	16/08/13	
Alameda Hse	14:21	18:01	OTIS
	16/08/13	16/08/13	
Sea Wave Hse	21:02	21:32	OTIS
	16/08/13	16/08/13	
Bow Wave Hse	12:10	15:48	OTIS
	16/08/13	16/08/13	

Camille Hse	17:27	17:50	OTIS
	20/08/13	20/08/13	
Bay Wave Hse	09:00	10:42	OTIS
	20/08/13	20/08/13	
Refrigerator Hse	10:01	10:50	OTIS
	21/08/13	21/08/13	
London Hse	12:42	13:04	OTIS
	21/08/13	21/08/13	
Chispa Hse	08:25	12:51	OTIS
	21/08/13	21/08/13	
Coast Wave Hse	10:06	10:44	OTIS
	22/08/13	22/08/13	
Alameda Hse	09:15	11:04	OTIS
	23/08/13	23/08/13	
Sea Wave Hse	15:05	16:32	OTIS
	24/08/13	24/08/13	
Referendum Hse	14:13	14:50	OTIS
	26/08/13	26/08/13	
George Jagan Hse	16:31	18:02	OTIS
	26/08/13	26/08/13	
Alameda Hse	11:52	14:18	OTIS
	27/08/13	27/08/13	
W. World Hse	09:19	11:11	OTIS
	28/08/13	28/08/13	
London Hse	12:21	13:49	OTIS
	29/08/13	29/08/13	
Alameda Hse	21:01	21:30	OTIS
	31/08/13	01/09/13	
Bay Wave Hse	18:19	18:58	OTIS
	01/09/13	02/09/13	
Trust House Hse	12:50	13:55	OTIS
	01/09/13	01/09/13	
Alameda Hse	17:11	17:41	OTIS
	01/09/13	01/09/13	

Proclamation Hse	09:19	11:40	OTIS
	02/09/13	07/09/13	
	08:59	11:26	
George Jeger Hse	02/09/13	02/09/13	OTIS
	18:28	19:31	
Sea Wave Hse	10/09/13	01/09/13	OTIS
	09:47	8:11	
Knights Court	03/09/13	03/09/13	OTIS
	11:05	12:01	
Alameda Hse	05/09/13	05/09/13	OTIS
	11:17	17:31	
Rouisse Hse	03/09/13	03/09/13	OTIS
	15:51	18:18	
Ocean Wave Hse	04/09/13	04/09/13	OTIS
	10:48	13:02	
Referendium Hse	04/09/13	04/09/13	OTIS
	20:19	21:30	
Ocean Wave Hse	05/09/13	05/09/13	OTIS
	18:17	19:33	
Wave Crest Hse	05/09/13	05/09/13	OTIS
	12:39	14:27	
Referendium Hse	05/09/13	05/09/13	OTIS
	11:00	14:03	
Row Wave Hse	05/09/13	05/09/13	OTIS
	10:11	17:00	
Sea Wave Hse	08/09/13	08/09/13	OTIS
	8:15	11:07	
Sea Wave Hse	08/09/13	08/09/13	OTIS
	10:57	21:22	
Ocean Wave Hse	09/09/13	09/09/13	OTIS
	16:16	17:15	
Proclamation Hse	09/09/13	09/09/13	OTIS
	10:16	11:19	
Proclamation Hse	09/09/13	09/09/13	OTIS
	10:00	21:17	

Ironside Hse	19:33	20:46	OTIS
	13/09/13	13/09/13	
Alameda Hse	09:16	10:53	OTIS
	16/09/13	16/09/13	
Sea Wave Hse	16:08	16:53	OTIS
	16/09/13	16/09/13	
Bishop Canilla Hse	10:52	11:10	EMBARBA
	16/7/13	16/7/13	
Bishop Canilla Hse	13:15	13:52	EMBARBA
	15/8/13	15/8/13	
Bishop Canilla Hse	09:02	09:35	EMBARBA
	09/9/13	09/9/13	
Albert Risso Hse	13:22	13:45	FAIN
	19/8/13	19/8/13	
Albert Risso Hse	10:44	10:44	FAIN
	12/9/13	12/9/13	

535 **Mr Speaker:** Now, this is a rather lengthy schedule, so I would suggest that we move on to the next question in the meantime.

540 **Decanting of tenants**
Provision of details

Clerk: Question 623, the Hon. E J Reyes.

545 **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 Written Question 95/2013, indicating the reason why, the date when said decanting became necessary and the date when tenants were able to return to their home?

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

550 **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 623

A total of three 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	Flooding	08/08/13	09/08/13
Tenant 2	Fire at premises	16/07/13	Works ongoing
Tenant 3	Refurbishment/works	30/09/13	Works ongoing

Mr Speaker: This is rather shorter and I will allow the Hon. Mr Reyes or any other Member to ask any supplementaries arising from the two schedules.

555 **Hon. E J Reyes:** If I may, Mr Speaker, in respect of tenant number 2 that required the decanting due to a fire at the premises, that seems to have happened towards the end of July and the works are on-going. Does the Minister have by chance any sort of information whether these repair works will be concluded relatively soon, or will it be a case as unfortunately has happened in the past, where he had to eventually re-allocate the house on a permanent basis because the damage was so extensive? Does he have any
560 indication at this stage whether it is work in progress or it seems to have been such a major thing that the tenants may have well been moved out on a permanent basis?

565 **Hon. P J Balban:** Mr Speaker, with great fear of actually giving a timescale, I did ask that question to my members of staff and they said that they were of the opinion that these works were due to finish next week. Again, that is what they told me.

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

570 What may have to happen, Mr Speaker, is that if I do pose this question again in the future, although the information has been provided to me of when the decanting was necessary and so on, because I also say the dates when the tenants were able to be sent back home.

575 Perhaps in a future answer, if it does end up being a schedule, like tends to happen on most occasions, once the works have been completed and the tenant has been able to move back home, perhaps the Minister can ask his staff to ensure that that is included in the schedule and in that way we actually have an audit trail of the date of decanting and when they [inaudible] get back. It is more of an admin matter that I would like his staff to take into account. With plenty of notice, I think that would not cause a major headache and I am sure the Minister will be able to oblige.

Hon. P J Balban: Mr Speaker, yes, I am happy to oblige with that request.

580

**Residential homes
Number allocated and assigned**

585 **Clerk:** Question 624, the Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Housing say how many residential homes have, since the answer to Written Question 96/2013 been (a) allocated and (b) assigned, showing the room composition of the respective homes?

590

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, since the answer to the Written Question 96/2013, 55 flats have been allocated and assigned as follows.

595

Allocated: 1RKB, 6 in number; 2RKB, 14; 3RKB 13; 4RKB, 7; 5RKB, 0; 6RKB, 0. That is a total of 40 flats allocated.

As to assigned, we have 1RKB, 0; 2RKB, 8; 3RKB 4; 4RKB, 2; 5RKB, 1; and 6RKB, 0. That provides us with a total of 15 assigned.

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Mr Speaker: Next question.

FINANCIAL SERVICES AND GAMING

605

**Gibraltar as a pensions domicile
Results yielded**

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Clerk: Question 625, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Financial Services say whether, further to statements made by his colleague, the Hon. Gilbert Licudi, formerly Minister for Financial Services, during his Budget address in June this year, the 'increased interest' in Gibraltar as a pensions domicile has yielded results?

615

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, the Gibraltar Income Tax Office has to date approved a total of 201 member QROPS in Gibraltar. We have strong indications that this number is set to multiply in the very near future.

620

I can report that HMRC publishes a list of QROPS schemes on a monthly basis. This is a list of pension schemes that have notified HMRC that they meet the conditions to be a Qualified Recognised Overseas Pension Scheme (QROPS) and asked to be publicly listed.

625

At the beginning of September 2012, there were 10 such Gibraltar schemes publicly listed, whilst the current list has 23 Gibraltar schemes. Therefore the number of publicly listed schemes has more than doubled in the last 12 months as a result of increased QROPS activity and ahead of a further expected increase in Gibraltar QROPS business.

I would therefore like to take this opportunity, Mr Speaker to congratulate my predecessor the Hon. Mr Gilbert Licudi on his work whilst Minister for Financial Services in carving out (**A Member:** Hear, hear.) (*Banging on desks*) a new and increasingly interesting area of our sector.

630

**New marketing management system
Further details**

635

Clerk: Question 626, the Hon. S M Figueras.

Hon. S M Figueras: Can the Hon. the Minister for Financial Services provide this House with further details of the 'new marketing management system being introduced to manage more efficiently, the wealth of contacts that have been established over time and ensure that this area delivers effective

640

results', and supports the Government's 'drive to increase direct marketing activity', as referred to in the Budget address on Financial Services in June this year?

645 **Clerk:** Answer, the Hon. the Minister for Financial Services and Gaming.

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, the Finance Centre Department has been piloting its direct electronic marketing via a system called 'Mail Chimp'. Mail Chimp is an e-mail marketing service provider and is used globally. Mail Chimp presently holds one of the Finance Centre Department's databases made up entirely of e-mail addresses that are segmented geographically and by industry segment.

650
655 The system has enjoyed a reasonable rate of success and is used in parallel to hard copy marketing Facebook and Twitter. The initiative has been managed by Paul Astengo in conjunction with the other members of the Finance Centre team and has been welcomed by the industry.

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

660 One question that comes to mind as a result of the answer is whether there are any data protection issues that arise from the use of a service like Mail Chimp. I do not know where the service is located. I do recognise the name and the service, but I wonder whether there are any issues that arise from the use of that system or whether the Minister is satisfied that all the relevant controls and certification are in place from that provider, to his satisfaction?

665 **Hon. A J Isola:** Mr Speaker, my understanding is that there is not an issue. An awful lot of the information there has been put on by the Finance Centre Team themselves in terms of expanding their own database. A push is on at this moment in time to further that by contacting people around the world who are linked to Gibraltar in Financial Services who wish to receive information and are consequently put on the database and receive the information that is regularly passed through on developments in Gibraltar in relation to Financial Services.

670

Experienced Investor Fund Regulations Results yielded from recent changes; establishment or re-domiciliation of funds

675 **Clerk:** Question 627, the Hon. S M Figueras.

Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Financial Services say whether recent changes to the Experienced Investor Fund Regulations have yielded results for the local funds industry in the context of the establishment or re-domiciliation of funds to Gibraltar, contracting or retaining the use of 'reputable and substantial administrators based in jurisdictions of equivalent standing to Gibraltar'?

680

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

685 **Minister for Financial Services and Gaming (Hon. A J Isola):** Mr Speaker, there have been no EIFs registered with an external fund administrator during the period since the implementation of the EIF Regulations on 12th April 2012.

690 According to the FSC website, three External Fund Administrators have been approved – which are: Credit Suisse Fund Services (Luxembourg) SA; Société Générale Securities Services; SGSS (Ireland) Limited; and Swiss Financial Services (Ireland) Limited – since the new regulations were introduced in April of last year.

A further two applications for approval from a fund administrator outside of Gibraltar are currently pending consideration.

The sector believes that the new approved administrations will unquestionably lead to further activity for our local funds industry.

695

Hon. S M Figueras: Mr Speaker, the regulations came in some time ago and whilst certainly, in certain respects in this industry some things do not move as quickly as we might otherwise hope. Is the Minister able to say or provide us with his insight as to why perhaps, if there are any specific explanations, this might not have yielded results yet in that respect?

700

Hon. A J Isola: Mr Speaker, for an external fund administrator to come to Gibraltar, requires a certain degree of planning before that decision is taken. That decision will only be taken when they

believe there to be sufficient interest in that business for them to locate to Gibraltar by being licensed here.

705 Subsequent to that, an application requires to be made to the Financial Services Commission, there is a process there. So I do not believe the five and possibly six companies that are registering in Gibraltar external fund administrators are doing so for the fun of it. There is a time element, there is a cost element and I therefore believe that what the current ones that have registered are preparing for is to begin to use Gibraltar as a funds jurisdiction which I believe is what we and the entire industry wishes to happen, and I believe it will.

710

**Gibraltar as a Trusts jurisdiction
Proposals for legislation**

715

Clerk: Question 628, the Hon. S M Figueras.

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Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Financial Services say when proposals for legislation introducing anti-forced heirship rules, changes to the perpetuity period, private trust companies, purpose trusts and foundations can be expected to be brought before this House as part of the on-going process of making Gibraltar a more competitive and attractive Trusts jurisdiction?

725

Clerk: Answer, the Hon. the Minister for Financial Services and Gaming.

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Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, we are progressing the various pieces of legislation and each is at a different stage of the required process. It is expected, subject to any unforeseen issues arising, that all the named legislation will be in force at different stages but not later than the end of the first quarter of 2014.

735

For the avoidance of doubt, all this type of legislation will be OECD compliant from a transparency and availability of information point of view.

I would therefore expect these pieces of legislation to be brought before this House over the next few months.

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Hon. S M Figueras: In terms of consultation, Mr Speaker, can the Minister say which entities bodies have been involved in that process with the Government, if any at all, and I am certainly aware that there are a couple at least?

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Hon. A J Isola: As I am sure my hon. learned Friend will know, these pieces of legislation, the specific ones that he has referred to, were proposed by STEP and we have obviously been working very closely with STEP in respect of this legislation. I have met with them myself as well as, of course, has my predecessor met with them in the intervening period.

750

These proposals were made in May 2010 when the first request was made for this legislation to be passed through and although STEP is the principal mover of this legislation, in terms of making the suggestions and proposals to Government, we have also discussed this with the Finance Centre Council who represents, in effect, all the players in the Financial Services Sector, combined in that one unit. This was discussed as recently as last week, when I updated them on the progress that we have.

EDUCATION, TELECOMMUNICATIONS AND JUSTICE

**Gibraltar Court Service
Vacant posts; steps to fill these**

755

Clerk: Question 629, the Hon. S M Figueras.

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Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Justice confirm the number of vacant posts at the Gibraltar Court Service and the steps if any, being taken to fill these?

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

765 **Minister for Education, Telecommunications and Justice (Hon. G H Licudi):** Mr Speaker, the number of vacant posts at the Gibraltar Court Service are as follows: three Executive Officers; one Administrative Officer; and one Bailiff.

770 A notice inviting applications for the posts of Executive Officers was issued on 5th October 2013. The closing date for applications is 21st October 2013. The post of Bailiff was advertised internally but there were no suitable candidates from within the service. The vacancy was further advertised on 8th October to Government owned companies as well as to Government agencies and authorities. The closing date for applications was 15th October 2013. The recruitment process for Administrative Officers has not yet commenced.

775

**Gibraltar Court Service
Replacement of CEO**

Clerk: Question 630, the Hon. S M Figueras.

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Hon. S M Figueras: Mr Speaker, can the Hon. the Minister for Justice say what if any plans the Government has for the replacement of the recently departed CEO of the Gibraltar Court Service?

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

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Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the Government's current intention is to abolish the post of Chief Executive Officer of the Gibraltar Court Service. Pending final arrangements on the management structure at the Gibraltar Court Service, a senior Executive Officer is acting as CEO.

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Hon. S M Figueras: Mr Speaker, I am grateful to the Minister for the answer. Would it be possible for the Minister to provide us with some insight as to the Government's thinking in this respect and not replacing the CEO?

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Hon. G H Licudi: Yes, Mr Speaker. I do not want to delve into areas of speculation or hypothesis as to what may happen. That is why I say this is our *current* intention. The present Chief Executive Officer – because he is still in post in fact until the end of October, although he is on leave – Mr Davies who is incumbent, he is on leave as from 4th October – he is still holding the post until the end of October.

800

He was brought in on a three-year contract to do a specific job by the former Minister for Justice, in particular, to do with the structural works that were involved as well as organisational issues. By and large the job that he was brought in to do has been completed. The works have been completed, part of the re-organisation has been done, there is still ongoing work on some internal issues, internet services and IT issues and some things still need to be done and clearly there is on-going work.

805

The Government felt that it was not necessary to continue with an externally appointed CEO on a contract basis. Therefore, the Government's position is that there should be a management structure which will still have a head in the form of probably a senior officer of the Government, so the numbers will not change. It is just that the CEO or the person heading or managing the Court Service ultimately will not be a contracted officer; it will be a permanently based officer at the Gibraltar Court Service.

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Hon. D A Feetham: Yes, before I ask my question, may I on behalf certainly of this side of the House thank Mr Davies for the work that he has done over the last three years. I personally was instrumental in bringing him over, I know the size of the task that he had when he took over. It was a very, very difficult job in terms of combining the structures of the Magistrates' Court and the Supreme Court, which were two separate entities both in terms of courts but also in terms of management and how they were run into an integrated Court Service.

815

I believe that as a consequence of the job that he has done, together of course with the staff underneath him, the people that were there and have been there for many, many years that the service today is much better than the service that it was three years ago. I talk only for this side of the House, because of course I cannot presume to talk on behalf of the Government in relation to this.

820

But as I understand it, effectively what the Government is doing is just simply doing away with the post of CEO and replacing it with a senior officer, so that it becomes effectively just simply a Civil Service structure, because of course you can have a locally appointed CEO, for example, to head or you can have somebody from the Civil Service that is also appointed CEO. But as I understand it, really, other than the nomenclature of it, the structure is going to remain more or less the same. There is going to be a

825 head, presumably two SEOs underneath it, which is the position today. Can he just clarify that? That is my understanding of it.

Hon. G H Licudi: Yes, Mr Speaker, before I answer the question and dealing with the first part of what the hon. Member has said, the Government certainly acknowledges the work that Mr Davies has done over the last three years and I have in fact, written to him and thanked him for what he has done for the Gibraltar Court Service in the last three years.

830 But the hon. Member is exactly right: the structure will remain as it is. There may be a change in the role and the name, but it will not be a contracted officer. It will be more of a permanent structure, but the structure in terms of management will remain the same. We have not made those final arrangements yet and that is why I said the Government's *current* intention is to do that. But certainly, we will see no
835 reduction in numbers and there will still be a head of the Gibraltar Court Service, managing and taking responsibility for the Court Service.

840

GCSE and post-GCSE education
Student numbers, gender, educational establishments

Clerk: Question 633, the Hon. E J Reyes.

845 **Hon. E J Reyes:** Can the Minister for Education provide details in respect of the number of students, broken down by gender, who are repeating subjects pertaining to GCSEs which they sat examinations for at the end of the academic year 2012-13, indicating at which educational establishment they are currently receiving revision tuition?

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

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, I will answer this question together with Question 634/2013 and 635/2013.

855 **Clerk:** Question 634.

Hon. E J Reyes: Can the Minister for Education provide details in respect of the number of pupils who sat GCSE examinations, broken down by gender and educational establishment where they received full-time education at the end of the academic year 2012-13?

860 **Clerk:** Question 635.

Hon. E J Reyes: Can the Minister for Education provide details of how many students have enrolled for post-GCSE education in Year 12 or equivalent, for the academic year 2013-14, broken down by gender and educational establishment?

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

Minister for Education, Telecommunications and Justice (Hon. G H Licudi): Mr Speaker, the
870 information requested by the hon. Member is set out in the schedule which I now hand to him.

SCHEDULE TO QUESTION 635 of 2013

Answer to Q 633 of 2013

The details of the number of students, broken down by gender, who are repeating subjects pertaining to GCSEs at the end of the academic year 2012/2013 are as follows:

Bayside School		Westside School		Gibraltar College	
Boys	Girls	Boys	Girls	Boys	Girls
18	0	0	14	10	10

Answer to Q 634 of 2013

The number of students who sat GCSEs at the end of the academic year 2012/2013 are as follows:

Bayside School		Westside School		Gibraltar College	
Boys	Girls	Boys	Girls	Boys	Girls
192	0	0	240	75	56

Answer to Q 635 of 2013

The details of how many students have enrolled for post GCSE education in Year 12 (or equivalent) for the academic year 2013/2014 is listed below:

Bayside School		Westside School		Gibraltar College	
Boys	Girls	Boys	Girls	Boys	Girls
119	4	0	136	62	36

Mr Speaker: On conclusion of the supplementaries to these questions, we are going to have a short recess of about 10 minutes while some paperwork is being done in connection with the motions which the Chief Minister proposes to introduce regarding appointing the Select Committee.

875 **Hon. E J Reyes:** Can I ask the Minister, it could be a little bit of just a typographical error, but in the schedule to reply, in his answer to Question 633, it says:

‘the details of the number of students, broken down by gender’

880 – which is what I requested –

‘who are repeating subjects pertaining to GCSEs at the end of the academic year 2012-13...’

885 Can I just clarify that is those who did the GCSEs in academic year 2012-13 and are taking it under the academic year 2013-14. Is that correct? I am being pedantic in nomenclature, but I want to get it right.

Hon. G H Licudi: Yes, Mr Speaker, the hon. Member is entirely right. These are GCSEs which were taken at the end of last year and are now being repeated.

890 I should say that these boys and girls are not just repeating the ones that they have chosen to repeat which they did at the end of the academic year 2012-13. The repeat programme in each school involves a package which involves some of the subjects they did and sometimes involves one or two extra subjects.

895 With regard to the figures, the most important innovation in terms of previous years in those figures is of course Bayside School, where previous years the answer would have been zero boys and zero girls and we have introduced, as the hon. Member knows, the possibility of making sure that boys and girls have the same opportunities, regardless of which school they go to. Therefore the repeat option is now available in Bayside School, when in previous years, the hon. Member knows it was not.

900 **Hon. E J Reyes:** Yes, Mr Speaker, I am very grateful for that and I just want to inform the Minister that I concur wholeheartedly with what he said. It is a very welcome innovation. Obviously that figure of 18 boys under Bayside would probably have been slightly lower and would have appeared under the column of the Gibraltar College for Boys there, so it is progress and therefore for the benefit of our students. I thank him wholeheartedly on behalf this side of the House for having implemented something that we were also very strongly committed to doing.

905 Thank you, Mr Speaker.

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may now move the recess for 10 minutes.

Mr Speaker: The House will now recess for about 10 minutes.

910 *The House recessed at 10.25 a.m. and resumed its sitting at 10.42 a.m.*

SUSPENSION OF STANDING ORDERS

915

Standing Order 7(1) suspended to proceed with a Government motion

920 **Clerk:** Suspension of Standing Orders. The Hon. the Chief Minister.

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 motion.

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

GOVERNMENT MOTIONS

930

Standing Order 7(1) suspended to proceed with a Government motion

Clerk: Government Motions. The Hon. the Chief Minister.

935 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows and which has been circulated to hon. Members a moment ago:

940 *'That this House approve, pursuant of Standing Order 59, the suspension of Standing Order 19 but only to the extent that at least five days, exclusive of Saturdays, Sundays and public holidays, notice is required of the motion which has been notified by the Hon. Chief Minister on 16th October 2013 and circulated by the Clerk on 16th October 2013.'*

945 **Mr Speaker:** I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

Select Committee on Parliamentary Reform Five Members appointed

950

Clerk: The Hon. the Chief Minister.

955 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name which reads as follows:

'This House, acting in accordance with the motion dated 4th June 2013, hereby:

RECALLS that a Select Committee on Parliamentary Reform was established on that date;

960 *RECALLS that the purpose of the Committee was to consider the implementation of appropriate recommendations of the Report produced by the Independent Commission on Democratic and Parliamentary Reform; and*

965 *HEREBY approves the appointment of the Hon. Fabian Picardo MP (Chairman), the Hon. Dr Joseph Garcia MP, the Hon. Neil Costa MP, the Hon. Daniel Feetham MP and the Hon. Damon Bossino MP to the said Select Committee.'*

970 Mr Speaker, the purpose of this motion is to start the process of the Select Committee's work. The work that will be done by the Select Committee was the subject of the discussion that the House enjoyed back in June. This is really just enabling us to start that work, to have the Committee appointed which is something that has to be done by motion under the Rules. You kindly pointed out to me that the Committee will also need a Secretary, of course, but that Secretary does not have to be appointed by a motion in this House and the Committee itself can invite somebody to become its Secretary.

975 So, Mr Speaker, for all the reasons that we debated last time that this issue was on the floor of the House and for all the reasons I have indicated now, I commend the motion to the House and may I just thank the Clerk for having quickly come up with the formula of words that one has to use to negotiate the maze that is parliamentary procedure at the moment, and enable us to take this motion now. You never know, the Select Committee might make all of these things easier.

980 **Mr Speaker:** I now propose a question in the terms of the motion moved by the Hon. the Chief Minister.

If no hon. Member wishes to speak on the motion, I will put the question. I now put the question in the terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

985

ADJOURNMENT

990 **Chief Minister (Hon. F R Picardo):** I have the honour to move that the House do now adjourn until Tuesday 29th October at 9.15 in the morning.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Tuesday 29th October at 9.15 in the morning.

995 I now put the question, which is that this House do now adjourn to Tuesday 29th October at 9.15 in the morning. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Tuesday 29th October at 9.15 in the morning.

The House adjourned at 10.45 a.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 9.20 a.m. – 1.15 p.m.

Gibraltar, Tuesday, 29th October 2013

The Gibraltar Parliament

The Parliament met at 9.20 a.m.

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

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

Questions for Oral Answer

ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Construction industry Maximising business opportunities

Clerk: Sitting of Parliament, Tuesday, 29th October 2013. Answers to Oral Questions continue.
Question 636/2013, the Hon. D J Bossino.

5 **Hon. D J Bossino:** Is the Government in a position to state which measures, if any, it intends to take to maximise the opportunities for business for local construction and general building suppliers?

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

10 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, there has been a substantial increase in the number of local construction companies undertaking Government contracts, who in turn, make much greater use of local building supplies in sourcing their needs, as compared to cross-border companies.

15 This has been achieved by applying more diligently, the policy introduced by the previous administration in the allocation of works to approved contractors. The situation is regularly monitored, and any further measures that may be required will be introduced.

Hon. D J Bossino: Mr Speaker, if I may, the hon. Gentleman has referred to a more diligent application of what was our policy. Can I ask him how he has been more diligent?

20 **Hon. J J Bossano:** Well for a start, in terms of the numbers. I can tell the hon. Member that although we have changed nothing in what was introduced, which effectively required a cascading effect all the way down the line... So not only does the person that gets the contract have to be an approved contractor, but the person that supplies sub-contract work to the main contractor has to be an approved contractor. I do not think that it was being monitored in terms of the lower levels of the supply lines, and we are now doing that.

25 So effectively, the approved contractor list means that when somebody gets a contract on a Government job, we then monitor that the supply lines are from the people that are here as approved contractors, and if they are not, for example, they need to give an explanation. In some cases somebody comes in with detached workers to do a specialist job for three or four weeks, and therefore we monitor that that is happening because there is nobody available, or if there is somebody available, there is a big difference in price.

30 Clearly, I have a got a particular example in mind, where the only reason why we allowed somebody to come in with detached workers to do a job recently, was because the gap between the price quoted to the main contractor by this particular entity was about half of what the local entity was. But as long as a price is close, I think that degree of monitoring was not being done.

35 **Hon. D J Bossino:** I am grateful. Mr Speaker, the hon. Gentleman refers to 'we'. Of course that could apply to the Government in general, but I would just like to focus and home in exactly who is actually controlling this? I understand that under the previous administration, much of that exercise was carried out from a Department, out with his Department now which is the Department of Employment. Is it the Department of Employment which is running the show so to speak, as far as the more diligent application of this policy is concerned?

40 **Hon. J J Bossano:** Yes, because the Department of Employment is in a position to do it better than anybody else, because of course if it is a question of work, then if they are bringing in for example detached workers, that the approval of the detached workers is done by the Employment Service. So the contractor that gets the job has to notify us who is being used, and where there is for example – as I have said in this particular recent incident – a contractor from outside and a contractor from here, they have to justify why they want to give the contract, and in this case, the justification was a very large difference in price, and we monitor that they come in and that they come in exclusively to work on that particular site, that they work for the number of weeks they say they need to work, and that when the contract is finished the workers go.

45 We also monitor that the workers bring the proper identification that they are paying social insurance in the country of origin, and the main contractor has to deduct PAYE from the sub-contractor payment, to make sure that when the entity that has come in disappears, we do not lose out on the PAYE. So there is quite a heavy hand on this.

50 **Hon. D A Feetham:** Yes, Mr Speaker, as I understand it, there are two aspects to the policy. One is ensuring that effectively Gibraltarians get employed by those contractors on the approved list, that get Government contracts, and the second, as the hon. Gentleman has just outlined, is that suppliers for those contracts are local suppliers.

55 Now, can I just explore with the hon. Gentleman the amount of detail that his Department gets involved in when considering the allocation of contracts? How do you control this? I can understand, for example, that when a contract is allocated, you may set a condition that the particular contractor takes on board five Future Job Strategy trainees, depending on the size of the job. But how does one impose the obligation that then there is a cascade down the chain, in terms of the suppliers, and the contractors purchase from local suppliers?

60 **Hon. J J Bossano:** Well in fact, the system that we are applying is, as I have said, not something that will change. It is actually as detailed as that in the system that was introduced, I think it was in 2010, which requires that the use of a sub-contractor should also be from the approved contractor list. Therefore, if it is not somebody from the approved contractor list, we can stop the sub-contractor, purely on the basis that it is in breach of the original terms of the allocation of the work.

75 When they come in to join the approved contractor list, they are told that one of the conditions of being on the approved contractor list is not to take in trainees, but in fact to take people who are unemployed. The trainees are only provided in areas where we do not have the skills they need, and we try to persuade them, but in many cases, this is not possible because of the length of the contract. People tend to take them on if they have got a contract that runs for months, but if they have got a contract for four weeks, you can hardly say to them you have got to take a trainee for four weeks.

80 But effectively, we are able to do it because all those conditions are there, and we are on top of it now. Therefore, whenever a request for employment comes in, or a request for detached workers comes in, before we reply, we check where the work is being done, we check the workforce of that particular entity, we check the proportion of local labour that they have, not necessarily Gibraltarians but residents as compared to cross-border workers, and that is an ongoing exercise.

85 In effect, the industry is now used to that, so the monitoring that is taking place now, is that occasionally we catch somebody that is not meeting the conditions, but in most of the cases, they know what to expect and they do not try to get past it.

90 **Hon. D J Bossino:** Mr Speaker, I am grateful for the reply. The hon. Gentleman talks of checking what the proportion of the... I think he mentioned what the proportion of the local work force is in a particular company, and I think he mentioned conditions. But I suppose two questions, Mr Speaker: what are the criteria which are applied, is there a set of criteria which will assist in determining whether the supplier or the sub-contractor gets the contract, and who determines it? Is there a board, is it the Hon. Minister himself personally who looks through this, is there somebody else within his Department? Can he answer those points?

100 **Hon. J J Bossano:** Well obviously I do not have the time. If I had to look at every contract myself and do it myself, the 12 hours that I do would not be enough, I would need 24! But the answer is that the monitoring is done because there is an automatic system in place, in that everybody that wants to employ somebody is required by law to open a vacancy before the contract is approved.

105 When that vacancy comes in, before the person is permitted to employ somebody who has not been provided by the Department, from the unemployment list, we check where the person is going to work, we check whether he is working on a Government contract, we look at the profile of that company, and the share of local workers that they have got, and because this has been happening now for a long time, basically there is a repeat exercise.

110 It is not as if there were an ever expanding construction sector. There may be something like 50 more small construction companies now than there were a year ago, but there are no big companies. The big companies know what is going to happen if they try to get past the system, because they will be caught, so they do not even try it.

Occasionally as I have said, we get some people that may be new to working, and therefore think that they can get away with not complying with the rules of the tender. It happens in both those things that are given out, like big contracts that are given out by the Procurement Section, which are the contracts that have to go out because of the EU, and it happens in the bulk of the contracts which are all small contracts that are given out, where the policy is that there are something like 15 local companies that are doing most of the routine work for the Government, and the Department gets three quotes.

115 Of the three quotes, if the three are very close, the work is given to the one that is least loaded and if there is a big difference, then clearly it goes to the lowest quote. In that context, they then monitor the requirements for labour. All those sub-contractors and all those small contractors know, that they have to give preference to the people that are provided by the Employment Service, which is what the system introduced in 2010, which was announced in Parliament, requires.

120 **Hon. D A Feetham:** Mr Speaker, yes. But the system in 2010, there was a difference to this system and he has said that, I do not think that he has used the word 'refined', but certainly he has intimated that they have attempted to improve upon – (**Hon. J J Bossano:** More diligent.) more diligent yes.

125 Now in 2010, the system in place at the time was, that there was a list of approved contractors, mainly medium to large size companies who, if they wanted to be awarded a Government contract, and the criteria, the actual guidelines was divided into size of contract, the very large contracts, there were four or five of the largest companies deemed to have the expertise to deal with those contracts, and then there were smaller contracts.

130 But am I right that there has been a departure from that in his administration, in the sense that we have seen, over the last couple of years, a huge increase in the number of construction companies that have been incorporated as new companies, as start-up companies, and that what his administration is doing is encouraging the incorporation of these construction companies and that these smaller companies, start-ups, have then been added on to the Government list of approved contractors and are being awarded smaller contracts? Indeed, I ask because of course we know, that there have been companies that have

been incorporated with addresses of No. 6 Convent Place, and that his Ministry, with his office providing shareholders, and his office providing also directors and directorship service, in order – according to him – to help these companies. Is there a departure from the previous practice in that sense that I have just outlined?

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Hon. J J Bossano: Well, no. There has not been a departure, because what he has described is not what was there that was put in 2010. He is describing what existed prior to 2010, and prior to 2010 there was a list of approved contractors, which was effectively kept by Technical Services which was divided by size and by expertise in terms of what they were able to do. That was replaced in 2010 by the system that is in existence now, which is that there was one that was really monitored by the Employment Service, because in the original one, there was no link to having to take workers that were unemployed. In the one that was introduced, there was a link, which said one of the clauses was that the people that were provided by the Employment Service had to be taken on if they were suitable.

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One of the things is that, in fact, there were contracts maybe of £1 million given from my knowledge of what was there when we came in, and maybe they took on one or two workers. So in effect, what I am saying is that they were paying lip service to having to take one or two token guys from the unemployment list, in order to be fulfilling the contract as whereas now, they really have to make a very strong case, to get away with not taking the people that we send that are available.

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For example, at the moment there is something like 23 vacancies for the construction industry open, and they are open because the skills that are required are not available amongst the people that we have got out of work. So it is true of course, that there are now more companies because one of the things in the new start-ups is that – as I have explained before, Mr Speaker – some of the older unemployed construction workers, people in their 40s and 50s, are the ones that were encouraged because they were the ones more difficult to place with other companies. They were encouraged to start their own small company, to which work is then sub-contracted. So most of these are doing either small maintenance jobs for the Government directly, or sub-contracting to bigger entities, because they are on the approved contractor list and they are eligible to receive sub-contract work.

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Hon. D A Feetham: Yes, but what I am trying to explore –

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Mr Speaker: I think we are in danger of debating. May I ask the Leader of the Opposition, if he is going to ask more supplementaries, to make sure that they are much shorter than his previous one.

Hon. D A Feetham: Yes, what I am trying to explore – of course, Mr Speaker – what I am trying to explore with the hon. Gentleman is the artificiality or otherwise of the situation. If you have, and I think it was about 800 new construction companies that have been incorporated – the figure escapes me but we debated it in the past, we asked questions in the past about this and I mean, effectively, what the Government is doing is handing them Government contracts in order for them to employ people off the unemployment list.

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There may be merit in relation to that, but it creates a certain artificiality in the economic activity that the Government is creating. I just wanted to ask the hon. Gentleman, is that the intention, it is the encouragement of incorporation of small companies, upon the promise of Government contract, be it by a sub-contract or otherwise, on condition that they then employ people from the unemployment list?

Hon. J J Bossano: I do not see why us implementing the policy they introduced makes it artificial, and when they were doing it, it was not, Mr Speaker.

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But in any event, I know the hon. Member has talked about 800 construction companies before, and if he recalls, what I told him was that I did not know where he got that figure from, because I was not aware of 800 construction companies being formed.

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It may well be that he does not realise that self-employed construction workers can be registered and they appear as an entity, but it is not a company employing anybody. But there is certainly not 800 construction companies in Gibraltar, of that I can assure him, and there are certainly not 800 on the approved contractor list.

The small construction companies that are being able to sub-contract now, and employ maybe a dozen people, of whom one or two may be a trainee, are no more than 15 or 16. So, the figures are not that the entire economy is depending on these 15 guys now driving the 10% growth, if that is what he thinks. So the answer is no. There is no artificiality about it; it is work that needs to be done, except that now more of the work is being done by resident workers than was the case before. More of the work was previously being done by Frontier Workers, so the number of construction workers went down last year by 1,000. In last year's employment survey, there were 1,000 less cross-border construction workers and there were more Gibraltarian construction workers, and that is the purpose of the exercise, which I am sure they support, because they introduced the idea.

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Hon. D A Feetham: Mr Speaker –

200 **Mr Speaker:** One last supplementary.

Hon. D A Feetham: Mr Speaker, with respect to the hon. Gentleman, he has not answered my question. Is it Government policy to encourage the incorporation of small companies, which will then effectively be given Government contracts, on condition that they employ people from the unemployment list? Is it Government policy?

205 **Hon. J J Bossano:** Mr Speaker, that question was originally prefaced by the fact that there were 800 such companies. First, there are not 800 such companies, there are 15 companies. The 15 companies are free to compete for work anywhere in Gibraltar including the Government. The condition attached to them is not that in order to get Government contracts they have to be employing people from the service that is the condition attached in the policy introduced in 2010 in order to be on the approved contractor list.

210 This 15 are on the approved contractor list for as long as they take on Government workers and they can bid for Government work. Therefore, there are now 15 people in employment, and employing other people that previously were unemployed. It is the Government policy to get as many Gibraltarians into jobs as possible, and it is Government policy to give priority to locals to do Government work.

215 **Mr Speaker:** Next question.

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Apprenticeships and Future Job Strategy Update on arrangements

225 **Clerk:** Question 637, the Hon. D J Bossino.

Hon. D J Bossino: Further to Question 482/2013, can the Minister for Employment advise what stage the new arrangements for apprenticeship schemes have reached?

230 **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 Question 638 and 640.

235 **Clerk:** Question 638.

Hon. D J Bossino: Mr Speaker, the hon. Member is being kind to me today, he has not bunched up four or five questions, so we are making some progress, it is three.

240 Question 638, 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 the names of the Government Departments, Companies Agencies and Authorities; the nature of the training they are each receiving; which Future Job Strategy company they are employed by; what the duration of the contracts are; and how many of these trainees have guaranteed jobs following conclusion of their Future Job Strategy contracts?

245 **Clerk:** Question 640.

250 **Hon. D J Bossino:** Can the Minister for Employment state how many individuals have participated in the Future Job Strategy Scheme since it commenced, to include details of their ages and how many have secured employment in the private sector or public sector?

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

255 **Hon. J J Bossano:** Mr Speaker, I apologise to the hon. Member for only answering three questions together, I will try and do better at the next meeting.

Mr Speaker, 24 persons are on the Level 1 City and Guilds training course for the wet trades. As at the end of September, there were 109 trainees in the Public Service and 83 in the private sector in the

260 Employment Training Company and 64 in the Public Service and 76 in the private sector in the Construction Training Company.

Construction training is provided to those in the Construction Training Company with 39 private sector placements and the Construction Training Centre. All construction trainees are guaranteed employment in the private sector. Other private sector areas with placement providers are in security, cleaning, maintenance, hairdressing, carers, receptionists, gardeners, sales, customer service and seamen. All of whom are covered by business partnership agreements on completion of their training.

265 In the case of the Public Service placements, this spread over the following areas: Care and Social Services, Education, Health, Construction Training Centre, Gibdock, Treasury, Tax, Postal Services, Human Resources, Employment, Tourism, Transport, Sports, Culture, Electricity, Consumer Affairs, Maritime and the Royal Gibraltar Police.

270 The nature of the training is social and healthcare, administration and office skills, policing and construction and mechanical skills.

The contracts duration are as follows: terminating this month, 45; next month, 40; December, 138; January 2014, 19; February, 19; March, 26; April, 16; May, 7; June, 7; July, 11; August, 1; September, 3.

275 Nine hundred and ninety-nine individuals have participated in the Employment Training Schemes since they commenced on 1st February 2012. Of these, 564 have secured employment following completion of their training. The age structure of the trainees has been as follows:

Age	Number
15	10
16	23
17	57
18	86
19	134
20	114
21	93
22	71
23	62
24	32
25	17
26	20
27	17
28	15
29	10
30	11
31	13
32	12
33	11
34	14
35	16
36	18
37	9
38	7
39	5
40	12
41	10
42	4
43	8
44	7
45	7
46	9
47	8
48	9
49	1
50	1
51	6
52	7
53	3
54	9
55	6

56	2
57	1
58	4
59	4
60	3
64	1

280 These ages are at the start of the training.

Mr Speaker: May I say that Question 638 was really on border-line, as to whether it was of excessive length and detail. The statistics that are being asked for would much more appropriately have been the subject of a question requiring a written answer. I do not think we can have this kind of statistical information taking up so much time of the business of the House.
285 Any supplementaries?

Hon. D J Bossino: Mr Speaker, in answer to your point if I may, this is in fact the third time I have asked exactly the same question in exactly the same terms, and I must say that the hon. Gentleman is making progress because he seems to be answering the question with a bit more detail as time progresses, so I do congratulate him for that.
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But I have never received criticism, indeed when I have filed the question, or indeed across the floor of the House from the Speaker, or the Speaker's staff, as to the excessive length of the question. I am very conscious of keeping to the rules, but I must insist, Mr Speaker, this is information which I have posed in *exactly* the same terms as the hon. Gentleman well knows, on two occasions in the past. I think this is the third, perhaps even the fourth occasion, Mr Speaker.
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In fact, I have tried to persuade the hon. Gentleman to come round to my way of thinking. Given that he is a details man and indeed, I consider myself a details man, this is in fact a very composite question which if answered fully, and if I may say so and encourage him to do so perhaps next time, I know he has been encouraged by my hon. Friend, the Leader of the Opposition when he had my Shadow Portfolio in the past, to present this information in a schedule, as indeed other of his colleagues provide information in that format, because then, what one would have, when answering the question, is a full snapshot of where the Future Job Strategy Scheme is. And therefore, one would be able to examine whether the promises and guarantees which the hon. Gentleman and his Party made at the time of the General Election, and at the beginning of this Parliament, in relation to the success or otherwise of the Scheme, would be able to be put truly to the test. Mr Speaker, that is in answer to the point the Speaker has made.
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Mr Speaker, I am not sure, whether in answer to the first question which I posed, which is 637, relating to what stage the new arrangements for the apprenticeship Schemes have reached, has in fact been replied to. If it has, I have missed it and if the hon. Gentleman could oblige me, and answer that bit of that question again, because I do not think I have had a reply to that question. If he could assist?
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Hon. J J Bossano: Can I just say, Mr Speaker, that in fact he has not put the same question before in terms of the age. That is, he has never asked for the age of each individual of the 999 and I have given him the age profile of the 999, so that is the new bit. The rest, I accept, are a repetition of what has been asked in the past.
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Mr Speaker: May I say that it is just as well, that pensionable age is 65 and not 80 or 90, otherwise we would have been here until tomorrow. *(Laughter)*

Hon. D J Bossino: So, Mr Speaker, if the hon. Gentleman allows me, if I may just in relation to the point he has just made, he alights on not the correct question, the question which he is referring to in relation to ages, is in fact 640. The question which I posed on two occasions – this being the third occasion – in the past, and again today, is 638 in exactly the same terms, other than perhaps a change in the preamble when I say, further to question so and so.
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Hon. J J Bossano: That is exactly what I have just said, that the new bit is the one of the ages. As regards the first part, Mr Speaker, the original answer, and the one I am repeating now, is that there are now 24 young persons doing the Level 1 City and Guilds training course for the wet trades.
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Hon. D J Bossino: Mr Speaker, with respect, I do not think that is an answer to the question I have posed. He has said in the past, in this House, that by September we would have had the new training scheme in place, in relation to apprenticeships. I can show him where he has said so in *Hansard*, and that is really what I wanted to know, whether the new system had been, he gave me an indication at the last sitting of the House, because I asked him what the new system would be, but has the new system been
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335 introduced, because he has just given me a figure of how many people are doing what. He has not confirmed to me, whether the new system has been introduced, unless I have misunderstood his answer.

Hon. J J Bossano: Yes, that is what I am telling him, Mr Speaker, the new system was introduced and there are now 24 people in the new system doing City and Guilds Level 1. That is what I have just told him.

340 **Hon. E J Reyes:** Yes, Mr Speaker, if I may, because I have in the past also questioned the Minister for Employment on this one. Can the Minister enlighten us, given that there are now 24 trainees all working towards Level 1, can he confirm two things, Mr Speaker? One is that there are none currently having achieved Level 1 and working towards Level 2, which is what provides the qualified craftsman status, and of that 24, are those trainees who were there prior to December 2011, or have they been taken on, or is it a combination of both? Perhaps the Minister has details.

345 **Hon. E J Reyes:** Because like my hon. colleague will say, we had been told that the new system was coming in, and the Minister is now confirming yes, we have a new system, but we do not know how many are carried over from a previous intake, or how many have come in in September's intake which was what we were always led to believe, that a new type of intake and so on would be occurring as of a couple of months ago?

Hon. J J Bossano: These 24 are 24 new additional trainees who were not there before September. In September, there were 64 between Gibdock and the Construction Training Centre. I think there were about 40 in the Construction Training Centre and 24 in Gibdock, and they are all in the Construction Training Centre. There may be one or two still doing Level 1, most of them are on Level 2 and I think in Gibdock they are on Level 3. Those who have started now, they are at the beginning of Level 1, the new 24.

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

And the Minister before mentioned, he said that they were working towards City and Guilds. We have had this exchange before, whereas my understanding always was that those in the Construction Training Centre, carrying out NVQ's the awarding body was City and Guilds, whereas those who were at Gibdock, it was another awarding body, I think it was EMTA or something like that.

365 Given that he has now mentioned City and Guilds, does that mean that there has been a change of the, what's the correct word for it, of the awarding body, they are all working towards NVQ but is City and Guilds now the awarding body for the engineering trades, or does it remain the same awarding body that we had before, which I believe was EMTA.

370 **Hon. J J Bossano:** No, the City and Guilds has only been introduced for the wet trades for the new 24. The others are continuing with what they are doing already, because clearly we would not be changing the awarding bodies in the middle of their training. They are half way through so they are completing, but all the new ones that come in, will be put on the City and Guilds examining body.

375 **Hon. E J Reyes:** And just to clarify, so that I am not in doubt later on, Mr Speaker, I am grateful I have been told that the new intake consisted of 24 trainees working towards Level 1. Can the Minister confirm to me that those 24 are all within the construction trades and that there are no new entries at Level 1 on the engineering trades, or are there some intakes towards the engineering trades?

380 **Hon. J J Bossano:** No, at this stage they are all in the construction trade, because we are concentrating in the area where we know there is the greatest demand, but it is intended to do it in other areas next year. But at the moment, all 24 are in the construction industry.

385 **Hon. E J Reyes:** I do run the risk, Mr Speaker, of being a bit pedantic. But, the Minister has said he hopes to have an intake on the engineering trades next year. Can I interpret next year to be January, or are we talking of what we traditionally call an academic year, which is next September, hence still 10 months away?

390 **Hon. J J Bossano:** It is likely to be after Easter. That is the target. So it will not be in January, but I am hoping to have it in place by April. I cannot guarantee that it will be, but that is the target.

Hon. D J Bossino: Mr Speaker, in the composite question which I asked, again I am not sure whether he has answered it, certainly the way I intended it to be answered, given the way I phrased the question, which is what the duration of the trainees' contracts are. I think what he has given me are the termination dates, what I would be interested in Mr Speaker, is whether they are on three-month placements, or six-

month placements or 11-month placements. I am sure he cannot answer the question now, but is it something he would reconsider when I pose the question again. I would emphasise that it is this bit of the composite question, which is what the duration of their contracts are?

400 **Hon. J J Bossano:** The hon. Member is right in saying that I cannot tell him when each one of the
people that are finishing started, without going back and checking it, but he knows of course, that the
policy is that the bulk of the contracts will be three months, because I have told him that before and that it
is only where a case is made for special skills, that they are over the three months, although there will be
405 people that have been longer than three months there, simply because they were there, as he knows we
have still got people from the VTS that were... and there are people who have been around for six or
seven years.

Hon. D J Bossino: But it is information which he can provide, just so that he understands what
410 information I am seeking, Mr Speaker.

Hon. J J Bossano: Mr Speaker, I can provide because each person has got a contract of employment,
so clearly there is a start and a finish date.

415 **Hon. D J Bossino:** Mr Speaker, again, homing in on the composite question, I also asked what the
nature of the training they are each receiving is. He referred in his answer to Policing, can he expand on
that, and is that the Cadet Scheme that the RGP are pursuing?

Hon. J J Bossano: Yes, there are six in the Police Cadet Scheme that were taken on last year, for two
420 years, and there are six that are being recruited this year.

Hon. D J Bossino: Mr Speaker, obviously the question relates to the Future Job Strategy, so is he
confirming to this House today, that the RGP Cadet Scheme forms part of the Future Job Strategy,
because if it is, that is news to me, but can he confirm what the position is?

425 **Hon. J J Bossano:** Yes, they are paid a minimum wage and they have a Contract of Employment with
the Employment Training Company. Of course clearly, if they are successful, they will be given an
opportunity to join the Police Force at the end.

430 **Hon. D J Bossino:** Mr Speaker, can I also encourage him, lots of encouragement from my side today,
Mr Speaker, that he provides me with the information that he started providing me with, which relates to
the names of the Government Departments, Companies, Agencies and Authorities on a quarterly basis. I
think the last information which he sent me was sent in April, which took us up to the first quarter of
2013. I would be grateful if he could update me with that information and that is why I asked the
435 question. I would not have asked it if he had given that to me by letter, which he has undertaken to do in
the past.

Hon. J J Bossano: Mr Speaker, the hon. Member is perfectly right and I apologise for not having
done it. The Department should have done it automatically and they did not do it. I only realised it when I
440 got the question and I am sorry it has not happened.

Hon. D J Bossino: Mr Speaker, also the other information, which I know he has said in the past he
will not be providing, but again I would try and persuade him to provide it – because this is information
which I think we ought to have. Again, it goes back to the point I made earlier in response to the Speaker,
445 which is that if we had this information, we would be able to properly take the Government to task as to
whether this scheme has been successful or not. And that is, that he provides the details of those private
entities and I widen the question as much as I possibly can, because then we will be able to establish –
and I made that point during the course of my Budget speech, and that point has been made when the
Hon. the Leader of the Opposition held my role in the past – whether this scheme is in fact working or
not, and whether it is genuinely working or whether it is in fact an artificial scheme.

450 I think we need to know exactly, Mr Speaker, which private entities are participating in this scheme.

Hon. J J Bossano: Well he is not going to persuade me, and I do not accept that knowing the name of
the employer makes it more or less artificial, and I would remind the hon. Member that the last time when
455 in January I mentioned 101 had been employed, the Leader of the Opposition said to me would I admit
that I was not being any more successful than Mr Montiel was because Mr Montiel had 101 people who
were able to obtain employment, and I have just told him it is 546 and he is still trying to find fault with

it. I would have thought he would say that he is overjoyed that I have done five times as much as Mr Montiel did.

460 **Hon. D J Bossino:** But you see, Mr Speaker, that is precisely the point. What I think we would want to know, is whether these individuals, these 560-odd are employed and who they are employed by, then we will be able to know exactly what the position is.

At this stage, we are blind as to whether he is shoe-horning Future Job Strategy trainees in particular companies, who may be benefiting – the point was made by my learned hon. Friend in the past – from
465 Government contracts. I think this is a serious point of openness and transparency.

I dare say, Mr Speaker, that there are other Members of his Government who would not have made an issue of this and would have provided this information without much ado. I would again, try and persuade him and encourage him, to see what point it is that we are making and to see the error of his ways, and provide us with information which I think, from the Opposition Benches, we are legitimately seeking.
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Hon. J J Bossano: Well Mr Speaker, if the error of my ways is that I do not agree with him, I think I want to stay in error for a very long time to come.

I have to tell him that I do not know who the 101 that they claim were employed are, or where they were, and I have found no evidence in the Department that they even exist, and I have not chosen to make
475 an issue of that with the hon. Members opposite.

What I can tell him, is that the vast majority of the 546, are in companies that have nothing to do with the Government, that I can tell him, because we have not got enough work in the private sector to generate an income for 546 people to be employed. It is as simple as that, and if the hon. Member thinks of it, that would be – these people are not all in the construction industry. Let us start by analysing that, if
480 they all were, that would be almost two thirds of the construction industry. If he knows anything about the statistics in the employment survey, he will know that his suspicions cannot be well founded, because statistically they are basically flawed.

The answer is, he has not persuaded me and I am not going to give him the names.

485 **Mr Speaker:** May I... It has been a complaint of Oppositions over the years, and of Governments indeed, that perhaps five working days, or even seven, may not be sufficient in order to obtain very detailed statistical information. In my view, to bring information to this House, about where 564 people are employed, is such a case. In fact, on this occasion, the Hon. the Minister has had more time, because the questions are being answered today and not at the earlier part of the meeting.

490 But had it been the earlier part of the meeting, then we are talking of five or six working days. That I do not think is a reasonable situation, I do not think Government Departments, or Ministers for that matter – and this is an age old thing, going back when I was a Member of the House – can be paralysed for five or six days in order to obtain such statistical information.

Nor do I consider that it is proper that such information, that Members should expect that to be given across the floor of the House. There are two other avenues that the Members of the Opposition have; they can write to the Minister, they can ask a Question for Written Answer. Then, if they are not satisfied, by all means, raise the matter here, but do not expect to get detailed information of that nature across the floor of the House, because it is very time consuming and I do not think that that is what the House is here for.
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500 That is by way of general guidance. *(Laughter)*

Hon. D A Feetham: Well, Mr Speaker, I rise as Leader of the Opposition. May I suggest to Mr Speaker, that perhaps next time round, he ought to – *(Interjection)* No, no, perhaps next time round, he ought to take care what questions he allows on the Order Paper because –
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Mr Speaker: But what does the Leader of the Opposition think that I do, when questions are tabled? That I do not take care? That we do not look at them?

510 **Hon. D A Feetham:** Can I, may I –

Mr Speaker: But as I said about one of the questions, it was border line. I gave the Hon. Mr Bossino the benefit of the doubt and allowed the question. It is not the first time – *(Interjection)* it is not the first time, I am sure that the Hon. Sir Peter Caruana will recollect, that on one occasion he had a very, very lengthy question, and I said, ‘Look, there is a very lengthy preamble, therefore there is no problem, but do not take that as being a precedent.’
515

Now in my view, as I have given the hon. Member the benefit of the doubt, Question 638 was of excessive length, and there are rules about that. I have allowed it on this occasion, the Hon. the Leader of

the Opposition is now encouraging me to be perhaps more careful for the future, and I will do so if he so wishes.

520 May we carry on with the rest of the business please?

Hon. D A Feetham: Well, Mr Speaker –

525 **Mr Speaker:** May we now have Question 639. (*Interjections*)

Clerk: Question 639 –

530 **Hon. D J Bossino:** Mr Clerk, there were three questions which have been posed, and I have not finished my supplementaries in relation to all of them. I have a supplementary in relation to Question 640. Am I allowed to proceed?

Mr Speaker: Yes, alright. You wish to ask further supplementaries? (**Hon. D J Bossino:** Yes.) Right, I will allow you one or two then. Carry on. Yes.

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

Mr Speaker, Question 640, to remind the hon. Gentleman for his assistance, related to how many individuals have participated in this scheme since it commenced, to include details of their ages and he gave me a long litany of information which I have not been able to jot down, or indeed digest properly. I will do so with time, and now that *Hansard* is made available quickly, (*Interjection*) I will be able to do so before the next sitting, I hope.

540 Can he give me this information now across the floor of the House: is he able to tell me, how many school leavers from the 2012 and 2013 intake, have gone through the scheme? Because of course it will have been those two dates which would have been impacted. Those school leavers rather, which would have been impacted by the introduction of his policy, which was introduced in February, 2012. Is that information which he can provide to me this morning?

550 **Hon. J J Bossano:** I can tell him, Mr Speaker, that of the 999 in the list, 699 are under 25, so that shows that about two thirds are in the under 25 age group. He will see that in fact, 15 and 16-year-olds, there are only 33 out of the 999. So remember that the hon. Member has asked Mr Speaker for everybody that has been through the scheme since it started on 1st February, 2012. Therefore, we are talking about the people who have been through it for two years. We are doing an analysis now of where school leavers have finished, not just in the last 2 years, but in the years before that. When that is ready, I will give him any more information that is available.

555 **Hon. D J Bossino:** So that last point which he has mentioned, what does the analysis entail and will that information be published in a report? I did not quite catch the last bit which I received at my end as a bit of a mumble, is he able to expand on that?

560 **Hon. J J Bossano:** Well yes, the answer is that I am not able to give him an answer to the question that he asks related to school leavers, because that information does not exist. It requires us to obtain the list of school leavers from the Education Department and then to put a team of people, finding out where those school leavers are today, and we are doing such an exercise. That exercise is not going to be done in order to publish it or produce a report; it is going to be done for the purpose of manpower planning within the Employment Service. But when that exercise is ready, I will be able to provide the answer to the kind of questions that he has asked me as to where school leavers have finished up, but that is not information that is available today, but it is in the process of being done, that exercise.

570 **Hon. D J Bossino:** But is this information which you will be publishing once it is complete – because if it is not, then obviously I need to time the question accordingly – is he going to be advising me, Mr Speaker, as to when that exercise is going to be complete, because obviously then when it is complete, I will be able to ask him if he is going to provide it across the floor of the House, if it is not a report which he is going to be publishing unilaterally? Does he understand why I am asking the question?

575 **Hon. J J Bossano:** I am telling him that it will take several months to do and if he puts a question in several months' time, I should be able to give him an answer. We are at the beginning of that exercise, we have not yet actually engaged in it. We are at the stage of having compiled a list of school leavers, it is an exercise that has to be done one by one, and there is no other way of doing it. You have to effectively track down the employment history of each individual since they left school, in order to find out from the... you see, the fact that we have got a certain number of people registering as unemployed, does not

580 necessarily mean that that is the only number that is without work. This is something I had raised many times before, and urged the previous Government to do, but it was never done, because it is obvious that there is a gap between the numbers that enter and leave school, and the numbers that enter the labour market.

585 **Hon. D A Feetham:** Mr Speaker, just in relation to the 24 new trainees in the Construction Training Centre, how were those individuals recruited? Did his Department advertise and say, 'Look, we are now going to be offering these new Level 1 City and Guilds,' or was it done internally from within the unemployment list, or was it done internally from within the pool of Future Job Strategy trainees that he may already have placed within Government Departments?

590 **Hon. J J Bossano:** Every single unemployed person that had expressed an interest in working in the construction industry, and every single person in the Construction Training Company, was interviewed individually and offered the opportunity of taking on these courses. These are the 24, the first ones that were selected and there will be more next year.

595 **Hon. D A Feetham:** What about people outside the unemployment list? People that maybe school leavers that may be interested in doing Level 1 City and Guilds, this new effectively course the Government has set up. Was it open to them and if not, why not, and when is it going to be open to them?

600 **Hon. J J Bossano:** Well, Mr Speaker, every single person that has registered as looking for work, every single one not just school leavers, of any age, has been told about this opportunity, I do not know what more we can do. Presumably they do not come looking for work. I suppose when we get the list of all the school leavers, we can find out those who have not come looking for work and go knocking on their door to see if they want to work.

605 But at the moment, it is limited to those that have registered as wanting to look for work, and expressing an interest when they get interviewed. We now have one-to-one interviews that did not used to happen before. In those interviews, people are told of the opportunities that exist in the economy of Gibraltar, and the fact that the work available is in the private sector, which under the previous administration we had been told Gibraltarians never wanted to work in.

610 They are now working in the private sector, and they are being told they get trained in order to work in the private sector, and we have got people who are interested in doing it. As long as they are interested in doing it, the courses will be provided. There is no limit.

615 **Mr Speaker:** One final supplementary.

Hon. D A Feetham: Yes, but of course, Mr Speaker, you do not have to be on the unemployment list to be interested in this particular course. You may be someone who is already, for example, employed in the private sector but may wish to have a formal qualification in construction, who might find that this particular course is a worthy course to do, and may wish to do it. Is he really seriously suggesting that those people that want to improve their lives by getting better qualifications, simply because they have a job they are not going to be allowed on to the scheme, because the hon. Gentleman is just simply making it exclusive to those who are looking for a job?

625 **Hon. J J Bossano:** No, Mr Speaker, what I am saying to the hon. Member is that there will be many more people going through the scheme than there were before, and that as far as I am concerned, it is right to give priority to those who have got no work at all, who are in greater need of a job, than those that have already got a job.

630 When we exhaust that, then we will see if there are people who are already working who want to give up their job, work for the minimum wage, and do a training course. I doubt very much whether there are any (*Laughter*) but we will explore that possibility when we have exhausted the supply that we have got at the moment.

635 **Employment Service positions
Details of those filled**

Clerk: Question 639, the Hon. D J Bossino.

640 **Hon. D J Bossino:** Can the Minister for Employment provide full details of all the positions currently filled at the Employment Service, to include names and grades held, whether the individual is a civil servant or an employee of the GDC or a trainee in the Future Job Scheme?

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

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, the following posts are currently filled in the Employment Service: civil servants – two Senior Officers; two HEOs; one EO; two AOs; one AA; one Personal Secretary; and one Messenger.
GDC – one Grade 5; two Grade 4s; four Grade 3s; five Grade 2s; five Grade 1s.
650 No trainees fill posts in the Employment Service and I am not prepared to give him any names.

Hon. D J Bossino: Mr Speaker, is there any reason why the hon. Gentleman refuses to give me any names? This is not an improper –

655 **Mr Speaker:** I personally think that it is not acceptable that the names of individual civil servants in a Department should be given across the floor of the House. I think it is quite unnecessary and the hon. Member would have to really convince me, privately, that that should be the case. I cannot see why, in this House, the names of individuals should ‘willy nilly’ be given for public information. Information has been given about the grades that have been filled, I do not think it is necessary, and I so rule, that I am not
660 going to allow individual names.

Hon. D A Feetham: Mr Speaker, may I – Mr Speaker cut me short last time round and I would just ask him, as a matter of courtesy to the Leader of the Opposition, if I may be allowed to make perhaps the point which I can now make, that I was going to make before?

665 It is this, that of course if Mr Speaker allows a question on the Order Paper, Mr Speaker is effectively ruling, because Mr Speaker gets the questions, that the question is in order. Now –

Mr Speaker: No. May I – ?

670 **Hon. D A Feetham:** That is why –

Mr Speaker: No. (**Hon. D A Feetham:** That is why...) The names and grades – ‘names of the grades’ – I did not take that to be names of the individuals.

675 **Hon. D A Feetham:** Names and grades.

Mr Speaker: Of the grades, I did not take that to be of individuals.

680 **A Member:** Names of posts.

Mr Speaker: The name of the post and the grade of the post, but not individuals. Does the Hon. the Leader of the Opposition have anything else he wishes to say?

685 **Hon. D A Feetham:** No, Mr Speaker.

Hon. D J Bossino: Mr Speaker, just by way of guidance, which Rule of this House...? At the end of the day, this House is governed by the Rules and Standing Orders?

690 **Mr Speaker:** If the hon. Members wish to have a look at Rules, there are plenty of them, let them have a look at the Rules governing Question Time, where very often I am liberal. The very first one, I allowed the Hon.... as I just said previously, I allowed him to get away with it. I could well have ruled that it was dealing with more than one subject, and it was of excessive length.

695 A question must not publish any name or statement, not strictly necessary, to make the question intelligible. Therefore the answer does not have to also publish... I do not think that it is fair on Government employees, that in this House their names should... unless there is a very, very serious reason, and I cannot imagine that in this case there is a very, very serious reason why the names should be given.

700 **Chief Minister (Hon. F R Picardo):** Mr Speaker, if I may be of assistance. If I can just clarify for hon. Members opposite, I believe this was the practice actually of the previous administration and of administrations before them, that names would not be provided.

We had an incident where the hon. the backbencher, when he was Leader of the Opposition, may recall he and I had a debate on the issue of the Heritage and Culture Agency, where I told him that we would not give the names of individuals across the floor of the House. But, because in that case we were dealing with a report from the Principal Auditor, I believe, that looked at what had happened in terms of the employment issues, I said in order for you to be able to defend yourself against the allegation that we have made, and that the Principal Auditor has substantiated, I will give you the list with the names behind the Speaker's Chair, and if you feel it necessary then to identify people you may do so, because then it would be essential for the purposes of that debate.

But otherwise, the practice of this House, I am sure, even from the time that Mr Speaker was actually on these benches, before your elevation, has always been not to share the names. If hon. Members wanted to make a specific allegation, about a specific individual who they felt was in the public interest, then that, subject to Mr Speaker's discretion, might be relevant. But otherwise, I think the practice has always been, not just in relation to Civil Servants and names of individuals, sometimes also in relation to companies, not to give identification by way of name, where it is possible to identify people otherwise.

Hon. D J Bossino: Mr Speaker, you have referred me, or the Opposition, to Rule 17(1)(ii) and of course, the provision states that a question must not publish any name or statement not strictly necessary to make the question intelligible. The questioner is not seeking to publish any names. What the questioner seeks to obtain, and to elicit from the Government in the answer, are the names. [*Laughter*] (**Hon. D A Feetham:** Absolutely.) Mr Speaker, the only possible, possible provision that I consider one may have breached, and I do not accept that it has been breached, is 17(1)(xii) which is:

'a question shall not seek information about any matter which is of its nature secret...'

In my view, when I posed the question, I did not think that this was of its nature, the information that I was trying to elicit from the hon. Member, secret.

Indeed, my hon. Friend and Leader of the Opposition...

Mr Speaker: May I say –

Hon. D J Bossino: Can I just finish the point, Mr Speaker? The hon. Gentleman, my hon. friend, the Leader of the Opposition, makes I think a valid point. (*Interjection*) When one files the questions, they pass through the Speaker's filter, so one thinks that one is in safe territory when one poses the question *viva voce* across the floor of the House.

But in any event, in answer to the point made by the Hon. the Chief Minister, his own Government, when I personally have asked this question of the Hon. the Minister for Tourism, the Hon. the Minister for Tourism, and maybe because of his liberal roots and perhaps a greater commitment to openness, has provided me, in very clear terms, in a colour organisational chart, in fact more information than I sought in the question itself last year – details of names and positions held, whether they were GDC employees – which is a question which I asked in this question – or whether indeed they were civil servants, the position as it was before he took office, and the position as it was after he took office. That is why, Mr Speaker –

Mr Speaker: May I say –

Hon. D J Bossino: Your filter, and the fact that I have asked this question and it has been openly responded to by the same Government (**Hon. D A Feetham:** Hear, hear.) that I thought I was able to ask the question. Mr Speaker and this does raise potentially an important political point. The Speaker mentioned that earlier, you mentioned it earlier; it does raise potentially a political point. We are hearing, many people are telling me down the street, or when they see me in consultations, that the Employment Service is being run like a cabal by the Hon. the Minister for Employment. (**Several Members:** Hear, hear.) (*Banging on desks*) All I want to do is to establish, not wishing to raise rumour to the floor of this House, to elevate to the floor of this House, but simply wish to establish, as I am indeed entitled to do, as a Member of this Opposition, Her Majesty's Opposition, to ask this type of question.

Mr Speaker: Two matters.

Hon. D J Bossino: The question was asked...

Mr Speaker: Two matters. First of all, I agree with the hon. Member that subparagraph (xii) does not apply because by the nature, civil servants, their employment is not of a secret nature. It applies to other instances though, the question of whether, by the nature matters are secret. I have ruled on some

765 occasions previously where I have not allowed a question, because I consider that of the nature, they are secret.

Now, the question of the filter, the Clerk and I receive 150 to 160 questions that we have to go through in a very short period of time, in order to allow the Government time to answer those questions. This is nothing new. This is something that has always happened. Neither the Clerk or I are yet infallible – and I do not think we will ever attain infallibility – and under the pressure of time, something can slip through, which perhaps on reflection, such as is the case now, one might not have allowed.

770 In all the years that I was a Member of the House, information about individual civil servants was not provided, either when I was in Government or whether I was in Opposition. I imagine that the two Speakers at the time knew what they were on about and so did hon. Members, and that is the view that I take.

775 I do not think that it is necessary, in order to pursue the matters which the hon. Member wishes to pursue – which I do not know about because, obviously, I am not in the street available to engage in political tit-tat of such a nature, that is not something I am privy to – but it is possible for the hon. Member to pursue these matters without the names of individuals being made public here in the House.

780 **Hon. Chief Minister:** Mr Speaker, if I may just deal with the issue of order that is being raised. I had an incident involving your predecessor, a Speaker, where a question of mine was admitted on the order paper and on representations made by the then Chief Minister, now the hon. the backbencher, across the floor of the House, which mentioned an individual's name. Mr Speaker then ruled that I should not mention the name of the individual, because it was possible to identify him in another way, although the question had been asked.

785 I think it is clear to all parliamentary practitioners, that although Mr Speaker may allow a question on the order paper, when it comes to hearing representations from the Government or from either Party in the context of the debate, Mr Speaker's view may be informed in a different way, and Mr Speaker may rule in a different way. That is absolutely the position as it has been until now. But I think it has been very useful Mr Speaker, that the hon. Gentleman has clarified, that the only purpose for which he wants these names, is to satisfy his thirst for rumour and for tittle tattle on the street, and what he has described as a cabal.

790 He might be interested to know, because I think sometimes the tongue is engaged before brain on the other side, that a cabal is a small group of secret plotters, against the Government or a person in authority. So if he is giving me an indication that there is a secret plot against me, then I am very grateful for highlighting that. But the definition actually talks about secrecy, in which case, Rule 17(1)(xii) would be engaged.

795 The fact is, Mr Speaker, that there are data protection issues here, why should names be bandied across the floor of the House, what is the allegation that he is making and does he really think that the politics of Gibraltar in this Parliament should simply be based on the rumours that he hears in Main Street?

800 **Hon. J J Bossano:** Mr Speaker, if I may. Can I just bring to the notice of the House Mr Speaker that the bulk of the people listed as working there were there before 9th December. *(Laughter)* I do not know whether they were a cabal of GSD then or they were already a cabal of the GSLP. But if they have all been converted to being a cabal of the GSLP, I am delighted to hear that that is whatever a cabal may be.

805 I can assure the hon. Member that, now that he has revealed that the reason why he wants the information as to the names is in order to try and establish their political affiliation, that gives me even more reason for not providing it.

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Several Members: Hear, hear.

Mr Speaker: Next question.

815

**Graduate Employment scheme
Contracts; increases; Labour Inspectors**

820 **Clerk:** Question 641, the Hon. D J Bossino.

Chief Minister (Hon. F R Picardo): Is this also based on rumour?

825 **Hon. D J Bossino:** Well, a rumour which the hon. Members could have dispelled.

Mr Speaker: May I now ask hon. Members to come to order and deal with the business of the House in a responsible, mature manner. We have spent an hour and ten minutes on five questions. That in itself is an indication of how liberal I have been this morning.

830 But let us get on with the business, in a responsible and mature manner, as representatives of the people of Gibraltar, which is what we are.

Hon. D J Bossino: Mr Speaker, I was responding to a quip by the Hon. the Chief Minister.

835 **Mr Speaker:** May I ask the hon. Member to ask the question and get on with the business of the House, and not to make any more snide side-remarks. (*Laughter*)

Hon. D J Bossino: But the point that the Hon. Chief Minister made, *his* was a snide remark. Why – ?

840 **Mr Speaker:** May we get on with the business of the House in a proper manner? Let us proceed with the questions and answers.

Hon. D A Feetham: I have never seen anything like this.

845 **Hon. D J Bossino:** Has the question been referred to?

Clerk: Question 641, the Hon. D J Bossino.

850 **Hon. D J Bossino:** Mr Speaker, can the Minister for Employment, state how many trainees are on the Graduate Employment scheme with the duration of their contracts in each case?

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

855 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with Questions 642 and 643.

Clerk: Question 642.

860 **Hon. D J Bossino:** Can the Minister for Employment advise whether all the trainees in the Graduate Employment scheme have received the increases promised to them?

Clerk: Question 643

865 **Hon. D J Bossino:** Can the Minister for Employment provide details of the grades held by each of the recently appointed Labour Inspectors?

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

870 **Hon. J J Bossano:** Mr Speaker, as at the end of August, there were 52 trainees in the Graduate Research and Employment Company, with 11-month contracts.

Trainees on the Graduate Scheme have not yet received their pay increase.

The recently appointed Labour Inspectors are all graduates engaged in the Employment Research Unit.

875 **Hon. D J Bossino:** Mr Speaker, of course, the hon. Gentleman knows that he is under a manifesto promise commitment, to provide graduate employments with three-year contracts. It is very clearly set out on page 25 of the manifesto. Can he confirm that these 11-month contracts, basically, will be renewed so that each individual graduate employee will be able to fulfil his or her entire three-year term in the contract, which is what the hon. Gentleman promised during the course of the election, as set out very clearly in his manifesto?

880 **Hon. J J Bossano:** Well, Mr Speaker, it is true that the manifesto talks of a contract for up to three years for those who are returning graduates and choose not to go on to do a higher degree, which is what the manifesto says.

885 There are people who do not come into that definition of what the scheme was for, and there are certainly many more than the six that according to the previous Government there were. The previous Government told me, in answer to a question in this Parliament before the election, that there were only half a dozen graduates available and looking for work, and it turned out that there were many more.

890 In order to be able to accommodate those that there were, and those that are coming back, what we do is we encourage the people in the system to apply for jobs that become available. Therefore the idea is that hopefully, not all of them will have to depend on us for three years of work and that we will be able to recycle people so that we are able to bring new people in when they are unemployed, but still get some people off the unemployment list by placing them in a permanent job in the private sector. That is an ongoing exercise.

895 **Mr Speaker:** Next question.

Hon. D J Bossino: Ah... Right!

900 **Mr Speaker:** A supplementary?

Hon. D J Bossino: Mr Speaker, yes. Is he telling this House, that there is a distinction between returning graduates, and presumably if you fall under that category you are entitled to a three-year contract, and those who are not returning graduates, presumably graduates, who were here in Gibraltar at the time that the scheme started? I think he needs to; this is an important distinction which he needs to clarify, because it certainly is not clear from page 25 in the manifesto.

905 **Hon. J J Bossano:** Well, it may not be clear to him, it was clear to me when I wrote it and it says returning graduates. *(Laughter)*

910 **Hon. D J Bossino:** Mr Speaker, is there a distinction or is there not?

Hon. J J Bossano: I am telling the hon. Member that in fact, given the fact that when it was written, it was on the false information that there were six existing graduates who were looking towards the returning one. When we found that they had omitted to tell us that there was a nought after the six and that really, we had inherited 60 people, then in fact the bulk of the people that were there were not returning graduates, they were already unemployed before we got elected.

915 The returning graduates for this year, for example, are expected to be about 250 and we will not be able to accommodate them, because simply the numbers are too big. So what we are doing is encouraging people and sending people to vacancies, so that as people move out of the grad we are able to take extra people on. But the number of 52 is about the average at any one time, but they are not necessarily the same individuals.

920 So when the hon. Member asks me are they all on three years, well the answer is no because there have been more than 50 in and who have now gone out of the system since we started.

925 **Hon. D J Bossino:** Mr Speaker, is he saying that if you are a returning graduate now, you will not necessarily benefit from the promise which was set out in very clear terms in the manifesto, which is that if you have decided not to take up the statutory entitlement to a post-graduate scholarship, and wish to return to Gibraltar, you will be given – not up to three years as he said in answer to my first supplementary – but a three-year contract as research assistants? Has the Government, for whatever reason, because they thought the numbers were less than they in fact are – and it is all the GSD's fault, as usual... Is the Government saying that there has been a departure from the policy as very clearly set out, and announced, in the manifesto in 2011?

935 **Hon. J J Bossano:** Mr Speaker, what I am telling him is that the people who return from the United Kingdom and are not able to find work and register as unemployed, and who do not wish to take the new opportunity that did not exist before, of the mandatory post-graduate degree, those people will be taken into the scheme, but that we will not be able to take in 250 in one go.

940 So what we are doing is, given the level of funding that we are providing, and given the fact that, unlike the impression created when that commitment was given that we were talking about having to provide for six or seven people, we are talking about having to provide for 60, we are now financing around 60 positions in the graduate scheme and that people come in as our people go out.

Therefore, I am confident that we will be able to accommodate practically everybody that wants to come in. That is what I am telling him.

945 **Hon. D A Feetham:** But Mr Speaker, is he saying that effectively he is operating a two-tier system, where there are people within the system that have three-year contracts, in other words those that may have come back, and those who are existing graduates when he took over, who have got 11-month contracts? Is he saying that there is a two-tier system in operation at the present moment?

950 **Hon. J J Bossano:** Mr Speaker, I cannot understand why he is asking that question, when the answer is all, *all* are on 11-month contracts, so where does he get the second tier from?

Hon. D A Feetham: From your answer.

955 **Hon. J J Bossano:** The answer is *all* 52 are on 11 months. That is the answer. That is the answer that I have given him and he says, am I saying that there are two tiers? Well, I am not saying there are two tiers. I am saying the fact that people may spend three years on renewed contracts, does not mean they have got a three-year contract. Every single person that has come in has been given an 11-month contract from day one.

960 **Hon. D J Bossino:** But Mr Speaker, that is in clear breach of the terms of the manifesto commitment. Forget whether they are graduates who were here, he is now making that distinction, or graduates coming back, and now he is saying, in fact he is confirming, Mr Speaker, that there is a departure from the promise, the policy as set out in page 25 of the manifesto. It is a very clear departure. The Government will now not be able to finance every possible graduate who comes back from the UK, a returning graduate fits the criteria as set out in the manifesto, but does not want to take up the statutory entitlement to post-graduate studies, but he is saying to us here and now, that the Government will not be able to finance all 200-odd and that he will have a limited budget for 60. For 60, Mr Speaker, so how can he quite fleetingly say that no, they are all on 11-month contracts. The fact is, he stated that they will be given three-year contracts.

970 Mr Speaker, can he clarify the position?

Hon. J J Bossano: Yes, of course I can clarify the position, Mr Speaker, if you give people three years of an 11-month contract and then one contract of three months, that comes to three years. I know he has difficulty in counting up to 36, but actually it is the same amount.

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Hon. Chief Minister: The commitment is there.

980 **Hon. D J Bossino:** Well, Mr Speaker fine. Is that what he is doing? This is what I thought the Government was doing, because all I can base myself on is what they promised in the manifesto, and I do not think we have asked this question in the past. So I am getting this information straight from the horse's mouth now.

985 I expected that was going to be his reply in the beginning, that there would be rolling contracts, which is perfectly acceptable under EU law and, after a certain period of time, they would have certain employee statutory rights, despite the short duration of the limited contracts. Is that the position? Are they going to be extended?

990 So if I am a graduate now... he needs to here and now tell us and yes, Mr Speaker, and to assuage any concerns that there may, of those graduates of those employees who are employed by the Graduate Employment Company, that their contracts, their current 11-month contracts will be renewed at the end of that particular term, to take us up mathematically to the three-year contract which was promised in the manifesto.

Is that the position?

995 **Hon. J J Bossano:** Mr Speaker, I do not need to give comfort to any of the 52 graduates whom I know personally and I see every day, by answering questions from the hon. Member who is trying in fact to do the opposite. (**Hon. Chief Minister:** Hear, hear.) Instead of calming their fears, what he is trying to do is actually create fears that are non-existent –

1000 **Hon. D A Feetham:** There is a lot of fear.

Hon. J J Bossano: Well if there is a lot of fear, then I am available and they can come and tell me what their fear is. If they choose to go to the hon. Member opposite, it can only be because they are in the wrong cabal. (*Laughter and banging on desks*)

1005 **Mr Speaker:** Any other supplementary?

1010 **Hon. D J Bossino:** Yes. Mr Speaker, in relation to Question 642, this was in relation to the annual increases. Can he explain why the increases, again which were promised in the manifesto, and look it may be an administrative issue, but can he explain why the increases have as yet, not been paid? The manifesto promise was that the increases were going to be paid, I think, in two stages during the course of the three-year contract, initially it was going to be 50% above, for the first year 50% above the minimum

wage, then in the second year, 25% above and then to reach 100% in the third year. Can he explain why the delay?

1015 **Hon. J J Bossano:** Mr Speaker, it is not unusual for people to have pay rises calculated and paid retrospectively. Their calculations are currently being done to go from 125 to 150... sorry, from 150 to 175. When that happens, it will be back-dated to the anniversary of their entry point, which clearly is more than 11 months. But obviously if I am giving people an increase after 12 months, it must follow inevitably and logically that they are not all being sacked at the end of the 11 months as he was
1020 suggesting in his previous supplementaries, because otherwise there would be nobody to get to the second stage.

Hon. D J Bossino: Yes, but I do not think he has explained. He has explained that it is common, and it can happen, I am just asking why it has happened. That is all.
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Hon. J J Bossano: Well, it has happened because it is being calculated. The calculation has not yet finished. When it is finished, it will be made back-dated to the anniversary, because although there are 52 people on 11-month contracts, they are not in their first 11-month contract. Otherwise, nobody would be entitled to go from 150 to 175 because nobody would have been for 12 months.
1030

Hon. D J Bossino: Mr Speaker, I think Question 643 was also asked, which related to the grades held by each of the recently appointed Labour Inspectors. I think the answer was that they are grad employees, all of them, I think hold that position.

Is this not unusual that trainees should in fact receive a statutory appointment as Labour Inspectors? Labour Inspectors, the appointment is made – as the hon. Gentleman knows – under section 16 of the Employment Act and under section 17, there is a raft of statutory powers which they can exercise as Labour Inspectors. The position in the past – as again he well knows – was that these positions were filled I think by and large, by relatively – and in some cases – senior civil servants, in the position of HEOs and SEOs.
1035

So how is it possible, does he not think it is unusual, that all these Labour Inspectors should be in the Graduate Employment Scheme?
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Hon. J J Bossano: Well, Mr Speaker, the hon. Member has only listened to half of the reply that I gave him.
1045

I said they are engaged in the Employment Research Unit. The Employment Research Unit needs to approach employers to obtain information, which they can only insist on getting because they are authorised under the Employment Act, which allows the Director to employ any person to appoint any person. That is why they have been appointed and they have been carrying out research in the whole economy of the Registration of Employees, which had been hugely out of date, as I have told him before, and we have had a team of people updating all those records, in order to be able to carry out that function without the employer saying, 'I do not have to give you the information, they have been appointed Labour Inspectors.'
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Hon. D J Bossino: But surely, Mr Speaker, that begs the question why it is that that... I mean that is a job which a Labour Inspector who would have been there before, could have done. The information that I am receiving – not to call it rumours – is that I think we are down to one man in the Labour Inspectorate, whereas before there were six or seven formally appointed positions.
1055

So why is it that he is now having to fill those jobs by graduate employees to carry out something which could have been conceivably, and I would dare say more properly, done from a good governance position, by formally appointed civil servant Labour Inspectors, who I assume would have had the experience and the training to have done a delicate job like this – not a group of six graduate employees?
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Hon. J J Bossano: Well, Mr Speaker, I do not know how the hon. Member has decided that it is a delicate job like this, when he does not seem to know what the job is, even though I have tried to tell him. The only reason why I am having to do it Mr Speaker, is because for the last 15 years, the records of the Employment Service are an absolute shambles.
1065

There is, in fact, let me remind the hon. Member that the last Minister for Employment, the last Minister for Employment, Mr Montiel, continued to be registered as working in Bleak House under the GDC when he was throughout the four years as a Minister. Therefore in order to require people to comply with the law which the Employment Service itself was not complying, if the Minister had attempted to enforce the law, he should have sent a Labour Inspector to himself, to question why he was illegally registered as working in Bleak House.
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1075 The team of six people that have been carrying out the research have been trying to get the records that I inherited, after 15 years of bad government, and I am trying to put right so that when he asks questions, I can give him accurate information. If I had to rely on what I inherited, the figures that I would be giving him would be meaningless.

1080 Indeed, I have pointed out more than once the caveat that when I tell him there are so many people in the Employment Service registered as employed, that is subject to the fact that those records may not be accurate. One of the reasons is, because employers, including the GDC, in the case of Mr Montiel, failed to inform the Employment Service, that the guy that is sitting there as Minister is no longer sitting in Bleak House, and can they please alter the computer record.

1085 Well, there is probably of the order of 2,000 inaccurate entries in that computer system, and what these six people have been doing is, ringing up individual employers and saying, 'Look, I have got a list here that says you employ so and so and so and so: can you please tell us whether these people are still in your employment? Can you tell us if any new people have been taken on and can you tell us if any of them have left?'

1090 Now, that may be a delicate job or may not be a delicate job, but it is certainly not the job that you require vast experience to do, because in fact all that you are doing is informing an employer of the names that are registered. But the employer can, on the advice that I got, say, 'Well look, I do not have to give you the information, because the information is being required under the powers of the Employment Act which a Labour Inspector is entitled to employ.'

1095 A Labour Inspector is entitled to go into an employer and say, 'I want to see your record of employees, to see if it matches what we have got registered. If you have got people here who are not registered, then they are illegally here and I can impose a £1,500 fine or a £2,000 fine for every individual that is working without having been registered with a contract with the ETB.'

1100 Now that law, which was introduced by the GSD was introduced but, like many other things, it was just introduced and nothing else happened. Because it is obvious that we have got not only people who are not registered when they work, we have got people who have stopped working and nobody has bothered to tell the Employment Service and therefore our statistics, in terms of the size of the labour market, are up the spout and all these people under the existing law can be imposed fines which we have not done, because we have discovered that the Government itself and the Employment Service itself was no better than the private sector. I thought it would be wrong to say to the private sector, 'We are requiring you to comply with the law which the Government itself ignores, and in many respects is the worst culprit.'

1105 I can tell the hon. Member, for example, that when we did an exercise with the Fire Brigade, we found that there were still people registered there at the age of 80 as firemen, who retired 25 years ago. So it is the correction of those records which is a finite task that is being done by these people who have got the skill, in my view, and the intellect to be able to do this limited research project. I hope that when the research project is over, I will be in a position to provide more detailed and accurate information to his list of questions that he puts to me. So really, I am doing it for his benefit, more than mine.

1115 **Hon. D J Bossino:** Mr Speaker, he knows that I always enjoy listening to him and I am sure I will continue doing so for many years to come – (*Interjection*) Well, I hope, exactly the Hon. Chief Minister, I hope to be answering his questions in the not-too-distant future.

1120 But I did tell him during the course of the Budget debate that a leopard never changes his spots and his retort, under his breath was, 'But they are good spots.' I am afraid this is not one of his good spots and he does have this propensity, despite the length of his answers, which I enjoy listening to, but not actually answering the question. He ought to consider some advice from the Opposition benches; it is an issue that he needs to deal with. Mr Montiel seems to wriggle in to all his answers and I think that is completely, with respect –

Mr Speaker: Will the hon. Member please ask a question?

1125 **Hon. D J Bossino:** Mr Speaker, it was a really lengthy answer and this is part of, I think, Parliamentary activity. But I will ask a question –

Mr Speaker: Activity does not mean debating. Debating is not part of the process of asking questions. I am asking him to ask the question.

1130 **Hon. D J Bossino:** Mr Speaker, the hon. Gentleman says that – and I was going to ask this question, but he kind of alluded to it at the end of his reply – that the exercise would be finite.

Is the intention of the Government to then withdraw the certificates from these particular individuals as Labour Inspectors; and if I may ask a two-prong supplementary Mr Speaker, with your permission, is the intention to fill in those posts, which at the moment as I understand it – had I had the answer to the

1135 previous question I may have been able to confirm the position – is the Government intending to fill in the positions by Labour Inspectors in the near future, when that exercise presumably finishes?

1140 **Hon. J J Bossano:** Mr Speaker, there are no positions. It is not that there is a fixed quota of Labour Inspectors and that therefore these are six positions that are now filled by graduates which were filled by somebody else, and which when the graduates finish their job, the task that they are on at the moment is a finite one. Once we have got hopefully everybody, we are now at the stage where we are trying to track down the people that have not been contactable, and we do not know whether it is that they do not exist because they do not answer telephones and they do not seem to be – so now we are at the stage that everybody that was contactable has produced a response which basically is in three categories. As he would expect from the information I have already given him, that is to say that there are those who have said, ‘The record you have got is accurate’, there are those who have told us that they have got people that have left and they forgot to tell us that they had left, and there are those who have told us that they have got people employed when they had not registered, which technically means that they were illegal labour, but given the fact that the records are in such a state, we are not doing anything about it.

1150 Once that exercise is complete, whether we still require them to do any other work or not, in terms of research, will depend on what needs to be done subsequently. But the research unit is engaged in the analysis of the composition of the labour market, in order to be able to provide a better service to employers and more accurate answers to the hon. Member’s questions.

1155

Sunborn Hotel Vacancies

1160 **Clerk:** Question 644, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment advise this House whether the Government will have any input in the filling of the employment vacancies being made available by the Sunborn?

1165 **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): Yes, Mr Speaker.

1170 **Hon. D J Bossino:** Well, at least it is not a ‘no’ answer, so again we are making progress, Mr Speaker, this morning.

1175 What in fact is the input, is the ETB compiling a profile of the 200 jobs which I understand... This is a report of the *Gibraltar Chronicle* back on 22nd August, which I think quoted the CEO of the Sunborn saying that it was... very proudly stated that he had placed 200 and it is literally quoted ‘foundation jobs’ with the Employment and Training Board. He also refers to the fact that he is working very closely with Joanna Hernandez and the team at the ETB to fill these 200 positions. So how is it that the, what input, can he give me further particulars as to the input that the ETB is having in relation to the filling up of these jobs?

1180 **Hon. J J Bossano:** Well, the answer is that as we expect every employer to do in Gibraltar, they have opened the vacancies with the Employment Service, which is what the law requires them to do, and they are committed to give priority of employment to the people supplied by the Employment Service, provided they have the necessary skills and they are committed to take on trainees in areas where we do not have the skills, but we can provide trainees that may not require a lengthy period of training.

1185 Clearly, there are many specialist jobs in the 200 which regrettably we will not be able to supply, because we do not have people with those skills. If those are on the open market, I imagine that the only way that they can be filled is because people move from other hotels to this one, because there are no unemployed people from the... I mean, there has not been a hotel school in Gibraltar. There has not been an area of training in that area, so it is not that there are trained people that come out of training and then are looking for work.

1190 That has not happened, it has never happened and it is understandable, because in fact the entire pool of jobs in the hotel industry is not such, and the turnover is not such, that people could think of going into that industry with... The hon. Member knows, we have highly skilled people who are outside Gibraltar today, as he and I know well who, until there are more hotels and more opportunities here, there is nowhere to go.

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1200 So the answer is that the company is fully committed. It has signed a business partnership agreement with us, it is committed to take in trainees, it is committed to taking on local resident workers, if we are not able to provide them. As soon as they are ready to start interviewing people, we are ready to start supplying them. Clearly if there are people at one stage, or there were people at one stage in August who were unemployed and since then other job opportunities have come, people are not going to be waiting for this to happen if other jobs become available. So there is quite a high turnover in the numbers of unemployed, even though the total number is static, there is a flow in and out of about 200 a month.

1205 Therefore, it is against that background and in that context that we are ready to supply. What I am saying to the hon. Member is, that for example if I tell him that about 200 people come in and out of the unemployment list every month, it means clearly that there are 200 people who were there in August who are no longer there, and there are 200 people in September who have become unemployed or registered since. So the availability of the supply of labour from the ETB is not a constant, there are not all that many people in long-term unemployment. Those that are in long-term unemployment are the ones that are more difficult to employ, but there is a float coming in and out and we are closely in touch with them to try and fill as many of those 200 jobs as we can. They are very receptive and very co-operative and it is an attitude that I commend to the rest of the employers of Gibraltar.

1215 **Hon. D J Bossino:** But, Mr Speaker, if I can take this from his response, is he saying that there is nothing extra which is being done in relation to the Sunborn? In other words, is the Sunborn being treated in the same manner that all other employers are treated? He rightly makes the... He knows that I come from a family in the hotel industry, father, brothers, and it is highly specialised. You have got chamber maids, you have got waiters, no not everybody can do it and I suspect that not everybody on the unemployment register or unemployment list will be able to do that type of work.

1220 So, is anything extra, and he makes a reference to, and I quote him when I say, 'Business Partnership Agreement with us'. Can he give more information in relation to that? Are there certain conditions which are imposed in that agreement? Is it in any way related to the financing which the Sunborn has received from Credit Finance Company Limited? Can he shed more light on that particular... I cannot ask specific questions as I know nothing about it, I do not have the intelligence, so he is the one that needs to provide that (*Laughter*) information to me and I would be very grateful if he could shed more light in relation to that particular piece of information, which he has just mentioned in the course of his reply.

1230 **Hon. J J Bossano:** I am surprised that he seems to be reacting as if he had discovered something new in the Business Partnership Agreement, Mr Speaker. The Business Partnership Agreement has been there since 1st February 2012, and it is the Business Partnership Agreement that he always asked me to give him the names of all the people who signed it. No, and it is the same thing, no. It is available to the whole of Gibraltar.

1235 **Hon. D J Bossino:** Fine, Mr Speaker, he expresses surprise but he has confirmed and he has in fact replied to the question, it is the contract which is entered into by the prospective employer with the Employment and Training Company Limited, or whichever other company which provides the services at the Future Job Strategy.

1240 **Hon. J J Bossano:** It only applies to trainees if they take on trainees. That is to say, if they take people from the normal unemployment list and they start paying them from day one, that does not apply. It applies only in respect of a commitment to guarantee employment at the end of the training period, and then the only help they would get, is the help that other people get that have been taken, that is to say the figures that I have given him on the 999 and 546. Well look, the 546 are now employed by employers in Gibraltar who signed a Business Partnership Agreement and honoured the agreement on completion of the training. This is no more and no less than the rest.

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Mr Speaker: Next question.

1250 **Hon. D A Feetham:** Yes Mr Speaker, obviously this company is not in operation yet; the ship is there for everybody to see.

He says that there has been a Business Partnership Agreement that has been signed. My understanding of course of these agreements is, that the agreements are entered into when the individual is taken on by the company. Now, it presupposes, and I would just like the hon. Gentleman to confirm this, that the company has already agreed to take on a certain number of individuals, perhaps even identified those individuals, when it starts operating sometime next year.

1255 Can he confirm that is the position and if it is, can he give an indication of the number of people that we are talking about that they have agreed to take on as part of this Business Partnership?

1260 **Hon. J J Bossano:** No, that is not the case. What is the case is that they have agreed to do it if it is
 going to do very closely with the Employment Service – they find that they are able to take x number of
 employees, paying them from day one. Then there are the people that they are not able to take on, because
 the skills do not exist. Then they find that of those where the skills do not exist, there may be people who
 1265 have got enough of the background, that with a three-month period or whatever is required, depending on
 the gap, on the skills gap, we identify that there are people that fit that definition and then they are
 committed to take them on as trainees and they are committed to employ them.

So in fact, they are committed to a Business Partnership Agreement, which will only be triggered if it
 is required and if there are people available. There are two sides to this, the company may be quite willing
 to take them, but we may not be able to supply the people. We do not know that until we have first
 1270 exhausted the ones that they can take, which clearly means that if there are people – look if they need, for
 example, cleaners or receptionists or something, they may find that there are people with those skills
 already available and they can take them on straight away.

There may be more specialist skills where the local workforce in the past has not been very involved.
 The level of Gibraltarian participation in the industry, in the hotel industry, is predominantly on the white
 collar side. There are not all that many outside the administrative rolls. The administrative roles they will
 1275 be able to take from us, without the need to provide training, because we have got people who have got
 administrative skills. If someone needs to employ a typist, it is not a different kind of typist from working
 somewhere else, simply because it happens to be in a hotel. So some of those jobs which are admin jobs,
 they will be able to offer.

Some of the jobs that they may want, perhaps to teach them some systems that they have in their
 accounting or whatever, may mean that in order to accommodate their requirement, we give them a little
 bit of help in that we have somebody who has a background in office skills, but not the ones that they
 specifically want to use with whatever programmes they have. So that is something, when we go into
 these things with employers, we go into quite a lot of detail to try and see what we can do, because the
 whole idea is clearly to get people off the unemployment list. So, we go to whatever lengths are required
 1280 to try and persuade the employer that it is in their interest to let us help by up skilling some of the people
 that we have got.

So really, there are two stages. The first stage is if the skills are there they will take them, and there is
 a commitment to do that. If the skills are not there, we will jointly explore to what extent those skills can
 be acquired and then, if those two areas fail, which I expect may be the case with quite a lot of the jobs,
 1290 then they will have to get people from outside, or from within the Gibraltar labour market because they
 may be working elsewhere. I mean, there may be people in other institutions in Gibraltar, who may want
 to move if there is a better paid job available here, that may happen.

1295 **Hon. D A Feetham:** Mr Speaker, can I just explore with the hon. Gentleman, the strength of that
 commitment. Because of course, I could understand that if they have signed some kind of agreement, that
 they are committed under an agreement, to effectively do what the hon. Gentleman has described. Look at
 what you have available, see whether it matches the skills that they need.

But he has talked about a commitment, how committed are they? Is this a situation where, for
 example, as part of the loan that is being provided to the owners of the Sunborn by Credit Finance
 Company Limited – there is another question in relation to that in the Order Paper – that the company has
 then in turn committed itself to taking a certain number? Is that what we are talking about? How concrete
 is this commitment? Is it linked to anything that the Government either has done, or caused to be done by
 a third party that it in turn controls?

1300 Can he provide an answer to that?
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Hon. J J Bossano: Yes the answer is quite simple: it is not linked to anything. It is just the same as it
 is with every other employer. We have got some employers in Gibraltar, some local companies that have
 got a very positive attitude to working with us in this system, some companies that have been around for a
 very long time, who take quite a lot of our candidates. There are others that are very reluctant and need a
 1310 lot of persuading.

Well they fall in the first category and there is no link to anything else. They accept that if they are
 coming here to do business, they should have a positive attitude towards the community and towards
 providing as much employment as possible for the local people, who will be eventually their customers as
 well. I think it is a perfectly normal thing from a reasonable employer.
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Hon. D J Bossino: Mr Speaker, just a point of clarification. I think in his previous response to my
 hon. Friend, he said that the intention would be to make available those who are in the registered
 unemployed list. But of course presumably, he will also – if I recall the answers he has given to this
 House in the past, as to how the transitional stage of the Future Job Scheme is working – he will also be

1320 interested to ensure that those individuals, trainees who are placed within the public sector, are also offered this opportunity to leave the public sector and go into the private sector.

Hon. J J Bossano: Yes, he is quite right, that is also there. Yes.

1325

**Registered unemployed
Numbers in 2013**

1330 **Clerk:** Question 645, the Hon. D J Bossino.

Hon. D J Bossino: Can the Minister for Employment provide the figures for the registered unemployed for each of the completed quarters in 2013?

1335 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano): Mr Speaker, the number of Gibraltarians registered as unemployed for each completed quarter of 2013 was: first quarter – 465; second quarter – 491; third quarter – 442.

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**EU funding applications; development aid; inward investment
Details**

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Clerk: Question 646, the Hon. D J Bossino.

1350 **Hon. D J Bossino:** Further to Question 359/2013, can the Minister with responsibility for inward investment advise how many further applications there have been for EU funding, how many have been approved, and of those approved applications, details of who they are and the purpose for which the funding was applied?

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

1355 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with 647 and 648.

Clerk: Question 647.

1360 **Hon. D J Bossino:** Since asking Question 359/2013, can the Minister with responsibility for inward investment, advise whether any development aid has been granted?

Clerk: Question 648.

1365 **Hon. D J Bossino:** Since asking Question 360/2013, can the Minister with responsibility for inward investment, report to this House what further inward investment has come to Gibraltar to date, to include the total number of enquiries which have been received.

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

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Hon. J J Bossano: Mr Speaker, since the answer to Question 359/2013, no development aid has been granted but there have been 15 applications for EU funding which have all been approved. These are: Technical Services Department – three projects; The Atlantic Café Ltd; Astute Investment Ltd; D C Leisure Ltd; The (Gibraltar) Laundry Services Ltd; GSLA; A J Sheriff Electrical Ltd; Roxbay Holdings Ltd; Everleigh Ltd; ANS Project Management Services Ltd; Jets Diner Ltd; Décor Construction Ltd; and Horatio Holdings Ltd.

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The purpose of these funding are as follows: building works and equipment – nine projects; equipment and installation costs – one; furniture and equipment – four; materials and equipment – one.

1380 Since 1st January 2013, 442 new business activities were registered with the Department. Some 15 of these new employers involve participants from outside Gibraltar, which in some cases, amount to 100% ownership.

I am currently dealing with 15 enquiries about possible investments and in talks with the potential investors.

1385 **Hon. D J Bossino:** Mr Speaker, in relation to the potential investors, can he confirm that those are in the plural, or is it one?

Hon. J J Bossano: There are 15 different activities and there are 15 different entities. Yes. One. Five.

1390 **Hon. D J Bossino:** But the question, these are 15 enquiries which his office has received. I am asking then at the end, I am not sure whether that related to the 15 or whether it is a separate category, he said that he is in talks with potential investors – I am not sure, I did not catch whether it was in the singular or in the plural – are they all, those 15?

1395 **Hon. J J Bossano:** I am in talks concurrently with all 15.

Hon. D J Bossino: Mr Speaker, did he give an indication as to what activity they were engaged in, those 15? I do not think he did.

1400 **Hon. J J Bossano:** I have not. I do not mind giving him the information, because in fact the activities really are all different, and it is possible for the individuals to be identified, because it is not as if I was telling him there are ten people wanting to put hotels. It is really almost one of each. I can tell him what the list is outside, but I would rather not do it because otherwise, the person can in fact, at this stage which is still... Some are closer to commitment than others, but in all these things, there is always a starting point but you are never sure when the finishing point comes.

1405 Some of these things, some people that are there, not many of them but a couple of them, were there from before. One is the hotel that the hon. Member has been asking me for, which has still not happened and it has been around for a very long time.

1410 **Hon. D J Bossino:** Yes, Mr Speaker, in his reply to the question in relation to development aid, he said that there was none. Is anything maybe related to the enquiries he has been receiving? Is there anything which he thinks is in the pipeline which could be the beneficiary of such aid?

1415 **Hon. J J Bossano:** I would not expect it. All the people that I am talking to, all claim to have quite a lot of money to invest, so I would not expect they will need any aid.

Hon. D J Bossino: Sorry?

1420 **Hon. J J Bossano:** I am saying that all the people that I am talking to, all the private investors that I am talking to, all claim to have sufficient financial resources to be able to do it, without expecting to get – I think it needs to be understood that the development aid, in terms of a holiday from taxation, was more important really when there was a higher rate of tax than there is now. I would have thought that frankly with 10%, somebody would have to make a very strong case for arguing that he cannot... that something that is a profitable investment, but he cannot even afford to pay 10% tax.

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**Nuffield Pool site
Potential development**

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Clerk: Question 649, the Hon. D J Bossino.

1435 **Hon. D J Bossino:** Mr Speaker, I think this is the question that he referred to in his answer. Can the Minister with responsibility for inward investment, advise this House whether any further progress has been made in relation to the potential development of the Nuffield Pool site?

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

1440 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Yes, Mr Speaker. I understand the original party interested in this site has been the successful tenderer and is currently dealing with planning issues.

1445 **Hon. D J Bossino:** Mr Speaker, I think this was the subject of a question and answer session some time ago, and he gave me a report as to how that potential investment – a rather full report – as to how that potential investment was progressing. So I am glad to see that there has been positive progress in relation to that.

I seem to recall that this was a hotel venture at the Nuffield Pool site. Can he confirm that that is the scheme, i.e. the construction of a hotel at the Nuffield Pool site is the one which has been approved.

1450 **Hon. J J Bossano:** It has been approved to the extent that it is the scheme that has won the tender, and therefore the position is that the scheme has now gone to planning. Whether it is approved as it stands or whether the planning system will require any changes, obviously the investor is not willing to complete until he knows that he is going to get the planning permission necessary to be able to build what he wants to build, clearly. That is at the stage at which it is.

1455 I have no involvement in that side of the business, so I do not know whether the scheme – which to my knowledge is the one that was previously there, but apparently it never even got as far as planning permission – is likely to be successful or may require modification or not. But what I can tell him is, that on the basis, in fact, as I remember when he first raised it, I was not even aware of the existence of the proposal and I went back to investigate it. I found, indeed, that there had been a commitment from the previous administration, and therefore we contacted the investor and told him that we had researched the background, which he raised with me in this House originally, and it is really progressed from that stage to the point that it has now, in effect, been awarded to him and he is now in the planning process. Presumably when that is finished, then he will be able to come back. From our perspective, the sooner the thing is completed and he gets on with the investment, the better, clearly.

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1465
1470 **Hon. J J Bossino:** Mr Speaker, unless I am getting confused with the question I was thinking I had asked him some time ago, I think the stumbling block when I asked the question was not that he was not aware of the detail, but in fact that the proposal which had been made to him was that there was not a commitment by the previous administration not to pay, or it was in the offing, as part of the negotiation, not to pay the premium. I am not sure whether the hon. Gentlemen recalls, he is nodding. Has that point been addressed? Is the investor going to be paying a premium for the site? Or...

1475 **Hon. J J Bossano:** Yes, Mr Speaker, it was investigated and therefore it was addressed on the basis that indeed, there was such a commitment given. But nonetheless, when we decided that, the tenderer at the last minute had to retender to see if there were any competing parties. The individual who had previously been given a commitment that he would get it on the basis of relocation facilities without having to pay a premium actually tendered to pay a premium. So, we are now at a point where we are actually getting the person still interested in doing the project, but now willing to pay a premium which, before, he did not have to pay.

1480
1485 **Hon. D J Bossino:** Mr Speaker, I am not aware of the details of the scheme, so he will forgive me. But there is a manifesto commitment in his Party's manifesto of the last General Election which states that the Nuffield Pool will be made available once it is handed over by the MOD to the Gibraltar Government to members of the public. Presumably that commitment will remain, despite the progression of this particular scheme?

1490 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am dealing with that aspect of this matter, and the answer is yes, that commitment remains as part of the scheme. He needs to understand that the pool does not come over to the Gibraltar Government until it is re-provided and the re-provisioning, as people on his side who have a corporate memory of the negotiations of the MOD will know, does not occur until the whole of the re-provisioning down at Four Corners Camp, and that is an issue which is part of a much larger tendering process which sees the re-provisioning of Rooke, sees the re-provisioning of a lot of housing and it sees the re-provisioning in part of Nuffield Pool and other areas which the MOD is handing over to the Government of Gibraltar. So that process links into that manifesto commitment and the possibility of re-developing the site.

1500 **Leisure Construction % Maintenance Company Limited**
Details of employees

Clerk: Question 650, the Hon. E J Reyes.

1505 **Hon. E J Reyes:** Can Government provide details in respect of the number of employees employed by Leisure Construction & Maintenance Company Limited, broken down by grade, gender and nationality.

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

1510 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, the company is not yet registered as trading; it is not engaged in any activity at the moment.

1515 **Hon. E J Reyes:** In a previous question we had about companies that had been registered at either No. 6 or similar type of addresses, the Minister advised us to go and carry out searches at Companies House. We discovered that on 11th February 2013, this company was set up whereby public servants were set down as the share subscribers and so on.

1520 Since that date, what has appeared is a notice in the *Gibraltar Gazette* for the same company, using an address now, a postal address of Bayside Sports Centre in Bayside Road, which is commonly referred to as the Victoria Stadium, and is requiring a licence, a tender to apply for business as and its supply of children, youth outdoor and indoor play equipment and so on, leading us to believe that it is probably going to carry out maintenance or even construction of a new children's play park leisure area and so on. Therefore if that is going to happen, I thought there was a lot of sense in finding out what size is this company. Is it a very big work force or a small workforce?

1525 I am even curious and I can tell him now, Mr Speaker, in the past these works at the children's playground were done using the Gibraltar Sports and Leisure Authority. The Government seems now to be choosing to use a location pertaining to the Sports Authority but have the goods imported and so on by the company. Can the Minister enlighten us because you are applying for a licence and everything and from his first reply there does not seem to be any workforce at all attached to it?

1530 **Hon. J J Bossano:** Well, I do not think it is unusual, Mr Speaker, for people to ask for a licence first before they actually commit themselves to employing people. Because if they do not get the licence, what would they do, sack them? So the reality is that the move that is, I was not aware of that clearly, because it is not my side of the business, but I can tell him they are not registered with the ETB and they are not, they have not opened any vacancies. Whether they do or they do not, if he asks me again in future, I can tell him if anything new has happened or update him if he wants, I can write to him if vacancies surface in this company. But at the moment, other than what he has just told me, that they have applied for a licence, nothing else seems to have happened.

1540 **Hon. E J Reyes:** So is the Minister at this stage, Mr Speaker, aware that following the application for a licence, it could well be the future intention to take on employees to actually carry out then the task of maintenance and construction of play parks and so on, or is he still not aware of that particular aspect?

1545 **Hon. J J Bossano:** Well, logically, if they get a trade licence and they are going to undertake work, they will have to open vacancies and take on employees. I do not see how else they will be able to deliver. But all I can tell him is, I am answering the original question, which said the number of employees, well the answer is there are no employees. I cannot tell him whether there will be, I would expect there would be, and I cannot tell him how many there will be until it happens.

1550 **Hon. D A Feetham:** But Mr Speaker, is this a Government-owned company, or is it one of these private companies incorporated by individuals that the Government is assisting by way of provision of shareholder, director services or indeed, addresses. Because of course, it is as my hon. Friend has pointed out, it is registered in the application for a trade licence, an application that includes materials, tools, infrastructure installation and all sorts of construction matters, it is registered in Victoria Stadium. So can he please tell us whether it is a Government-owned company or is it a private company?

1560 **Hon. J J Bossano:** Mr Speaker, this is one of a group of companies that were originally set up with Government assistance and then transferred to individual owners. But, they are not the only one that actually started up like that and then did not do anything subsequently. I think we started off with about 20 and we finished off with 15 and this is one of the five that other than this business of applying for a license, nothing further has happened. But, it is not Government-owned.

1565 **Hon. E J Reyes:** Mr Speaker, is the Minister aware that the two signatories, where it says 'signature of applicants', are they not employees of the company? Because in my search at Companies House, they were not registered as either directors or as anything, so what has happened since then? Can he enlighten me a bit further?

1570 **Hon. J J Bossano:** Well, I cannot enlighten him further than to say the company has no employees registered with the Employment Service and is not registered as an employer. So therefore, at the end of the day, all I can tell him is, that as far as I am concerned, it is a shell company which may be applying for a license, which may or may not be something that the Trade Licensing Committee will take into consideration. I do not know whether when they go to the Trade Licensing Committee, the Committee ask them questions about what are they going to do, or who do they employ. All I can tell him is, that in answer to his original question, he is asking for the number of employees. Well, there are no employees, that is all I can tell him.

1575 **Hon. D A Feetham:** Yes, Mr Speaker, but I thought that he said that this is one of the companies that was transferred back to the original, to the people for whose benefit the company was incorporated in the first place. The two applicants are civil servants, are they the...? I can pass you the application, if the hon. Gentleman does not have it –

1580 **Mr Speaker:** No. The subject of the question is not about the composition of the company. It is not about details to do with the company. The subject of the question is the number of employees employed by them. The Hon. Minister has said, according to the employment records, they do not employ anybody. The original question has been answered. Now you wish for information regarding the composition of the company and other details. It is a separate matter, strictly speaking.

1585 **Hon. D A Feetham:** No, it arises out of the answer that he has provided. Of course we are not clairvoyant; we do not know the answer that the Minister is going to provide. The Minister has provided an answer that the company, this company has been transferred back. The application for the license is signed by two civil servants. My question was, are these the people that they have transferred this company to? It arises out of the answer to the question.

1590 Because it seems odd, bearing in mind the answer that he has provided, that it has been transferred back to the, effectively to the original beneficiary so to speak, that the application has been made by two civil servants, unless of course these are the two civil servants that are effectively the two original beneficiaries. That was the question and I did not want to, across the floor of the House, name these two individuals. I can if he wants to but that is why I wanted, and indeed it could be – (*Interjection*)

Mr Speaker: Let us see whether the Government have the answer to the question.

1600 **Hon. J J Bossano:** Mr Speaker, the question that has been asked of me is whether I can provide details in respect of the number of employees, and the answer is there are no employees. The company is not registered with the ETB, with employees, or as an employer.

1605 Now he wants to know whether the people that have signed that piece of paper were the people who were the original beneficiaries of the company to whom the company was transferred. Well, I do not have that information of this, or of any other company, because, in fact, what I looked at is the employment statistics, not anything else. But I will try and find out and let him know.

1610 At the moment, all I can tell him is that other than that application for a trade licence, the only thing that has happened is that the company has been incorporated initially by people in the Employment Service and then passed on to somebody else – presumably to the people who have signed that, or to somebody else, I do not know. But certainly, the original question was how many people do they employ and give a breakdown. The answer is, they employ nobody.

1615 **Construction industry
Health and safety induction courses**

Clerk: Question 651, the Hon. J J Netto.

1620 **Hon. J J Netto:** Mr Speaker, further to the supplementary answer given by the Minister for Health & Safety to Question 485/2013, line 2,660 of *Hansard*, can the Minister please provide the following (a) the total number of trainees that have had an induction course in health and safety within the construction industry, broken down by the various disciplines and grades; (b) the date on which such induction was provided; (c) the name of the training providers that carried out the induction of the trainees; and (d) provide details of the issues covered in the induction?

1625 **Clerk:** Answer, the Hon. the Minister for Enterprise, Training, Employment and Health & Safety.

1630 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, 118 trainees attended the induction course on health and safety. These are classified as trainee construction operatives without further breakdown by discipline or grade. The training was delivered over several days in October and November 2012. It was provided by suitably experienced staff members from the Department and the topics covered were as follows: Asbestos at Work; Accident Prevention; Working at Height; Personal Protection Equipment/Respiratory Protection Equipment; Provisions and Use of Work Equipment; Safety Signs; Manual Handling; Noise at Work; First Aid; Hazardous Substances and ill effects; Electricity; Chemical Dust, Fumes and Fire.

1635
1640 **Hon. J J Netto:** Mr Speaker, can I ask, for the sake of clarification, because I think the Minister said that the induction courses were delivered by members of the Department – I think those were his exact words – does he mean by that the Factory Inspectors themselves, who prepare the induction courses?

Hon. J J Bossano: No, these are the people that are involved in the recruitment and the monitoring of construction trainees and in some cases, they have got qualifications in health and safety and in other cases, have got long experience of the construction industry. But they are all public servants.

1645 **Hon. J J Netto:** Presumably public servants working for the Department of Employment. Is that correct?

1650 **Hon. J J Bossano:** Well, working, for example one of the individuals was previously in the Construction Training Centre as an assessor. Others have been people who have been in the Housing Works Agency, with a long history of working in the construction industry, and they are all working in the management and running of the Construction Training Company and the Construction Training Programme, so they are people that are directly involved with 118 trainees.

1655 **Hon. J J Netto:** Can I further ask the Hon. Minister, because he said that these induction courses were provided, if I am correct, in October/November 2012. Is there any sort of planning of these particular courses for future trainees to have the same induction course as well? I do not know whether during 2013 obviously there have not been any whatsoever, but whether there are any planned for the immediate future?

1660 **Hon. J J Bossano:** In the next month we are going to be introducing, for the next intake of people into the industry, some – I have not yet identified the level but there are going to be some provisions of training for literacy and numeracy, because the people in the Construction Training Centre have asked me whether we can do something in that area before they get there, and therefore if at the same time as we are doing that, we will be including induction training on health and safety. So that they do at Bleak House, health and safety, numeracy and literacy courses, before they start in the industry and in the training centre.

1670 **Health and safety statistics
September-October 2013**

Clerk: Question 652, the Hon. J J Netto.

1675 **Hon. J J Netto:** Mr Speaker, given that the health and safety statistics on the Government website have not been updated since August 2013, can the Minister for Health and Safety provide Parliament with all copies of such data for the months of September and October 2013?

1680 **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 am informed that the September data was not updated earlier because of computer problems, but is now on the site. I am nonetheless providing the hon. Member with the information he requests. The October figures will be available sometime in November.

Table HS.1

Monitoring Activities, 2013

Industry Sector	September							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	-	5	2	7	6	-	15	35
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	1	-	-	-	-	-	1
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	1	-	-	-	1
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	1	-	-	-	-	-	-	1
Sea Transport Related	2	-	-	-	1	-	-	3
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
Total	3	6	2	8	7	-	15	41

Updated 8 October 2013

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

Industry Sector	August							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	3	4	3	9	5	-	7	31
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	6	-	-	-	-	-	-	6
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	1	-	-	-	-	-	1
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	1	-	-	-
Wholesale Trade	-	1	-	1	1	-	-	3
Total	9	6	3	10	6	-	7	41

Updated 7 September 2013

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

Industry Sector	July							Total
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	1	1	-	-	2
Construction	-	3	1	8	9	-	5	26
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	1	-	-	-	-	-	1
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	3	-	-	-	-	-	-	3
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	1	-	-	-	1
Retail Trade	-	-	1	-	-	-	-	1
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	1	-	-	-	-	-	1
Sea Transport Related	1	-	-	-	1	-	-	2
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	1	-	-	1
Total	4	5	2	10	12	-	5	38

Updated 19 August 2013

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

Industry Sector	June							
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	1	-	-	-	1
Construction	1	4	2	11	2	1	4	25
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	1	-	-	-	-	-	1
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	3	-	-	-	-	-	-	3
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	2	1	-	-	3
Retail Trade	-	1	-	1	-	-	-	2
Road Transport Related	-	-	-	2	2	-	-	4
Sanitary Services	-	-	-	1	-	-	-	1
Sea Transport Related	2	-	-	3	1	1	-	7
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	2	-	-	-	2
Total	6	6	2	23	6	2	4	49

Updated 2 July 2013

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

Industry Sector	May							
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	1	-	-	-	-	-	1
Construction	1	9	4	18	5	-	3	40
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	1	-	-	-	-	-	1
Manufacture	-	1	-	-	-	-	-	1
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	4	-	-	-	-	-	-	4
Repairs Consumer Goods	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	1	1	-	-	2
Retail Trade	1	-	-	-	-	-	-	1
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	1	-	-	-	1	-	-	2
Shipbuilding/Marine Repairs	-	1	1	2	1	-	-	5
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
Total	7	13	5	21	8	-	3	57

Updated 1 June 2013

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

Industry Sector	April							
	Meetings	Advice	Complaints	Inspections	Follow ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	2	6	1	11	2	-	1	34
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	1	-	-	-	-	-	1
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	2	-	-	-	-	-	-	4
Repairs Consumer Goods	-	-	-	1	1	-	-	2
Restaurants, Bar etc	-	-	-	3	-	-	-	3
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	1	-	-	-	-	-	-	1
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
Total	8	7	1	15	3	-	12	46

Updated 8 May 2013

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

GIBRALTAR PARLIAMENT, TUESDAY, 29TH OCTOBER 2013

Industry Sector	March							
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	1	6	1	10	2	-	-	20
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	1	-	-	2	1	-	-	4
Police, Security, Fire Services	-	-	1	-	-	-	-	1
Post & Communications	-	1	-	1	-	-	-	2
Public Admin & Natl Defence	3	1	-	-	-	-	-	4
Repairs Consumer Goods	-	1	-	-	-	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
Total	5	9	2	13	3	-	-	32

Updated 2 April 2013

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

Industry Sector	February							
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-
Construction	1	11	2	40	3	-	-	57
Education	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	1	-	-	-	1
Manufacture	-	-	-	1	-	-	-	1
Medical & Health Services	1	-	-	1	-	-	-	2
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	4	1	-	-	-	-	-	5
Repairs Consumer Goods	-	-	-	1	-	-	-	1
Restaurants, Bar etc	-	-	-	-	-	-	-	-
Retail Trade	-	-	1	-	2	-	-	3
Road Transport Related	-	-	-	-	2	-	-	2
Sanitary Services	-	-	-	-	-	-	-	-
Sea Transport Related	1	-	-	-	-	-	-	1
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-
Total	7	12	3	44	7	-	-	73

Updated 4 March 2013

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

Industry Sector	January							
	Meetings	Advice	Complaints	Inspections	Follow-ups	Accident Investigations	Site Visits	Total
Air Transport Related	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	3	1	-	-	4
Construction	1	10	1	29	2	-	-	34
Education	-	-	-	1	-	-	-	1
Electricity Supply/Related	-	-	-	2	-	-	-	2
Horticulture	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	2	-	-	-	2
Police, Security, Fire Services	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	1	-	-	-	1
Public Admin & Natl Defence	3	-	-	-	1	-	-	7
Repairs Consumer Goods	1	-	1	-	-	-	-	2
Restaurants, Bar etc	-	-	-	3	-	-	-	3
Retail Trade	-	-	-	10	1	-	-	17
Road Transport Related	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	1	-	-	-	1
Sea Transport Related	2	-	-	-	-	-	-	2
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-
Wholesale Trade	1	-	-	-	-	-	-	1
Total	11	11	2	43	5	-	-	72

Updated 17 February 2013

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

Table HS.2

Occupational Reportable Accidents, 2013

Industry Sector	July			August			September		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-
Construction	1	-	-	-	-	-	2	-	-
Education	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	1	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	1	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	1	1	-	-	-	-	-	-	-
Water Supply/Related	1	-	-	2	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-
Total	3	2	-	3	-	-	2	-	-

Updated 8 October 2013

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

Industry Sector	January			February			March			April			May			June		
	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal	Minor	Major	Fatal
Air Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Construction	4	-	-	4	-	-	2	1	-	2	-	-	2	-	-	4	3	-
Education	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-
Wholesale Trade	-	-	-	-	-	-	1	-	-	1	-	-	-	-	-	-	-	-
Total	4	-	-	4	1	-	2	2	-	3	-	-	6	-	-	5	3	-

Updated 2 July 2013

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

Table HS.3

Enforcement Activities, 2013

Industry Sector	July		August		September	
	PN	IM	PN	IM	PN	IM
Air Transport Related	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-
Construction	-	-	-	-	1	-
Education	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-
Retail Trade	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-
Sea Transport Related	-	-	-	-	-	1
Shipbuilding/Marine Repairs	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-
Total	-	-	-	-	1	1

Updated 8 October 2013

Note:

PN: Prohibition Notices Served

IM: Improvement Notices Served

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

Industry Sector	January		February		March		April		May		June	
	PN	IM	PN	IM	PN	IM	PN	IM	PN	IM	PN	IM
Air Transport Related	-	-	-	-	-	-	-	-	-	-	-	-
Bank, Finance, Insurance	-	-	-	-	-	-	-	-	-	-	-	-
Construction	1	-	-	-	-	-	-	-	-	-	-	-
Education	-	-	-	-	-	-	-	-	-	-	-	-
Electricity Supply/Related	-	-	-	-	-	-	-	-	-	-	-	-
Horticulture	-	-	-	-	-	-	-	-	-	-	-	-
Hotel Trade	-	-	-	-	-	-	-	-	-	-	-	-
Manufacture	-	-	-	-	-	-	-	-	-	-	-	-
Medical & Health Services	-	-	-	-	-	-	-	-	-	-	-	-
Police, Security, Fire Services	-	-	-	-	-	-	-	-	-	-	-	-
Post & Communications	-	-	-	-	-	-	-	-	-	-	-	-
Public Admin & Natl Defence	-	-	-	-	-	-	-	-	-	-	-	-
Repairs Consumer Goods	-	-	-	-	-	-	-	-	-	-	-	-
Restaurants, Bar etc	-	-	-	-	-	-	-	-	-	-	-	-
Retail Trade	-	-	-	2	-	-	-	-	-	-	-	-
Road Transport Related	-	-	-	-	-	-	-	-	-	-	-	-
Sanitary Services	-	-	-	-	-	-	-	-	-	-	-	-
Sea Transport Related	-	-	1	-	-	-	-	-	-	-	-	-
Shipbuilding/Marine Repairs	-	-	-	-	-	-	-	-	-	-	-	-
Water Supply/Related	-	-	-	-	-	-	-	-	-	-	-	-
Wholesale Trade	-	-	-	-	-	-	-	-	-	-	-	1
Total	1	-	1	2	-	-	-	-	-	-	-	1

Updated 2 July 2013

Note:

PN: Prohibition Notices Served

IM: Improvement Notices Served

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

Table HS 4

Number of times legal advice has been sought during the month in relation to the number of inspections conducted, 2013

As at	Advice
January 2013	-
February 2013	-
March 2013	-
April 2013	-
May 2013	-
June 2013	-
July 2013	-
August 2013	-
September 2013	-
Total	

Updated 8 October 2013

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

1685 **Mr Speaker:** This schedule is very, very lengthy. May I suggest that we carry on with the next question and the hon. Member can come back to the schedule –

Hon. J J Netto: Well, there is –

1690 **Mr Speaker:** It is a very lengthy schedule indeed, I have a copy of it here –

Hon. J J Netto: Yes, okay but –

1695 **Mr Speaker:** I think we need to proceed to the next question and we can come back.

Hon. J J Netto: If I may. Well, but the thing is there are some supplementary questions which I can ask in relation to the September figures, because those are the ones that he already said that are on the website and I have had the opportunity to see this particular morning.

1700 So arising from the figures, even though I do not have a schedule, I have got some questions I would like to ask if it is possible. But can I also say, Mr Speaker, that the whole idea of providing these statistics by the Government was to be able to be provided in good time, certainly so that I did not have to get up on my feet and ask the questions on basic statistics. I am only asking the question because the statistics on the Government website have not been provided.

1705 Even as we are, towards the end of October, we still do not have the figures for October at all. This places the Opposition in a position of not being able to keep track of what exactly is happening in this particular important field, and the Minister has not given an answer as to why the reason for the delay, which I obviously would like when he gets up on his feet and provides such an answer.

1710 But can I ask him in relation to the Prohibition Notice that has been issued in the construction industry, although I see the reasons why the issue has been, the notice has been issued, can the Minister tell me whether the notice now has been lifted or whether the notice itself is still there, because the employer on site has not undertaken the kind of issues that the Factory Inspectors placed on the Prohibition Notice?

1715 **Hon. J J Bossano:** Well Mr Speaker, I do not have the information, other than the information that he asks, which was why this information was not already on the site. The information that I have given him now, shows that there was one Prohibition Notice given in the construction, but I do not have the details of what was the nature of the offence, or when it was given. That is what happened in September, one Prohibition was issued, I will find out what it is and let him know what it was.

1720 The previous one dates back to January, so there was one case in January and one case in September. It is clearly not something that happens very often.

1725 **Hon. J J Netto:** Mr Speaker, I am not asking the Minister for the details, I can see the details on the website. What I am asking him is that given that a Prohibition Notice has been issued, which by definition is a serious matter that the Factory Inspector has found on site, I am asking the Minister whether he is aware that the employer on site has not complied with the demands by the Factory Inspector in the notice. Is he aware that the site has now returned to normality and that work is undergoing or perhaps the site is still stopped as a result of the notice?

1730 **Hon. J J Bossano:** Well, Mr Speaker, if the hon. Member had asked me specifically, could I ask the Inspector what was the result of the Prohibition Notice, I would have asked and told him. The question that he has put to me is, given that the data is not on the site, can I provide him now with the information of the data that would have been on the site, had it been put on the site, and that is what I have provided him with. I have provided him with the data which would have been on the site, had there not been a problem with the computer.

1735 His other grievance is that he has difficulty in keeping up to date with the information for the month of October because it is not ready before the month of October is finished. That is not trying to keep up to date, that is trying to see the future. The information at the end of October cannot be provided until after the Inspectors have looked at all the work they have done in October and started producing a report which they then put on the web page in November, which is what I have told him is supposed to happen, because that is what they tell me is the normal procedure. They put the information up the month after, for example the data for September was updated in the first week of October. The data for October will be updated on 1st November.

1740 Therefore, all I can tell him is that if he wants now more information as to what has been the response of this one particular incident of a Prohibition Notice, I will seek the information and provide it to him, but it was not something that had been provided for me in response to his original question, which is not heading in that direction. It is just asking for what would have been on the site had there not been a computer problem, and the answer is, he has got it now.

1750 **Hon. J J Netto:** Certainly, Mr Speaker, it is not my intention to engage him in a particular debate because this is a question and answer session. But let me just, for the sake of accuracy inform him, that the Government statistics have always been the month before the Notice for Questions to Parliament has been done, in order for the Opposition not necessarily having to put the questions forward. So really, the figures for the October month should have been at the beginning of October, then my question would not have arisen in the first place, and I would not have had to ask the question on statistics for October.

1755 Be that as it may, Mr Speaker, this is not for debate. All I am saying is that if he does not know the answer to my question, which is whether the Prohibition Notice is still in place or not, and fine, he may not have the information available at the moment, can he please provide that to me in due course?

1760 **Hon. J J Bossano:** Yes, Mr Speaker, if he wants to know whether the Prohibition Notice of September is still there, or whether the matter has been put right, I will find out and let him know. I have to tell him, that I have difficulty in understanding what he claims to be the correct position, which is that before October, people put on the site what is going to happen in October before it has happened. But if he says that is how it has been done in the past, it is certainly an interesting dimension to the theory of time, which I will explore when I get back to the office.

1765

Government and Gibraltar Savings Bank debentures Values and re-investments

1770

Clerk: Question 654, the Hon. D A Feetham.

1775 **Hon. D A Feetham:** Mr Speaker, will the Chief Minister provide a total value of Government debentures, which since 1st May 2012 have been withdrawn or redeemed, and then re-issued or re-invested in other Government debentures?

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

1780 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr Speaker, I will answer this question with Questions 655, 658, 660 to 663.

Clerk: Question 655.

1785 **Hon. D A Feetham:** Will the Chief Minister please provide the total value of Government debentures outstanding as at 1st October 2013?

Clerk: Question 658.

1790 **Hon. D A Feetham:** Will the Chief Minister provide a total value of Gibraltar Savings Bank debentures or other debt security of that bank outstanding, as at 1st October 2013, giving a breakdown in respect of each issue outstanding?

Clerk: Question 660.

1795 **Hon. D A Feetham:** Will the Chief Minister provide the total value of Government debentures which since 1st May 2013, have been withdrawn or redeemed, and have not been re-invested in other Government debentures or other debt security issued by the Gibraltar Savings Bank?

Clerk: Question 661.

1800

Hon. D A Feetham: Will the Chief Minister provide a total value of Government debentures which, since 1st May 2013, have been withdrawn or redeemed, and then re-issued or re-invested in debentures or other debt security issued by the Gibraltar Savings Bank?

1805

Clerk: Question 662.

Hon. D A Feetham: Will the Chief Minister provide a breakdown showing how the proceeds from Gibraltar Savings Bank debentures or other debt security outstanding as at 1st October 2013, is invested, or has been used, by the Gibraltar Savings Bank?

1810

Clerk: Question 663.

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 11th December 2011 and 1st October 2013, how much was and is held by (a) residents of Gibraltar, (b) non-residents, (c) companies or partnerships and (d) individuals?

1815

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

1820

Hon. J J Bossano: Mr Speaker, figures for August have not yet been finalised by the Treasury, therefore where applicable, they will reflect tentative figures.

From 1st May to 31st August, the total value of Government debentures redeemed was £9.1 million. £5.1 million was re-invested in other debt securities of the Gibraltar Savings Bank. There were no sales of Government debentures; £4 million was paid out in cash.

1825

As at 31st August, £260.7 million of Government debentures was outstanding. The total value of savings placed in the bank in bonds, debentures and other accounts, is currently almost £812 million, broken down as follows:

1830	Monthly Income Debentures	£7,822,900
	Pensioners' Monthly Income Debentures	£5,287,300
	Monthly Income Debentures Issue (Jan 2012)	£7,530,100
	3 Year Fixed-Term Monthly Income Debentures 2015	£11,038,000
	3 Year Fixed-Term Monthly Income Debentures 2016	£12,401,500
	5 Year Fixed-Term Monthly Income Debentures 2017	£85,397,900
1835	5 Year Fixed-Term Monthly Income Debentures 2018	£130,277,100
	Limited issue of Fixed Monthly Income Debenture 31/12/13	£4,331,300
	Limited issue of Fixed Monthly Income Debenture 31/12/15	£33,150,200
	10 Year Fixed-Term Monthly Income Senior Citizens Debentures 1/7/23	£1,128,600
	Other Special Debenture Issues at 2%	£2,379,245
1840	10 Year Accumulator Bonds 2012	£4,965,000
	10 Year Accumulator Bond 1/1/13	£2,754,600
	10 Year Monthly Income Pensioner Accumulator Bonds 2012	£3,915,500
	10 Year Monthly Income Pensioner Accumulator Bond 1/1/13	£1,905,000
1845	Children's Bond Account	£64,030
	8% Provident Trust Fund Bonds	£8,409,652
	Guaranteed Superannuation Fund Bonds	£46,679,234
	Other Bonds	£14,624
1850	Ordinary Deposits and Investment Call Accounts	£442,313,396

The figures continue to be under 1% for companies and under 1% for non-residents. The figures for December 2011 are not expected to be any higher than these percentages, but this has still not been finalised as they have been done manually, and it is a lengthy exercise.

1855

The list of investments of the Savings Bank as at the close of the financial year, subject to audit, is contained in the schedule which I now hand over to the hon. Member.

ANSWER TO QUESTION 663

SAVINGS BANK FUND

STATEMENT OF INVESTMENTS ON 31 MARCH 2013

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 13
EIB FLOATING RATE NOTE 30/01/14	£20,000,000.00	100.013 0.096	£20,002,668.20 £19,109.59	£20,021,777.79
EIB FLOATING RATE NOTE 19/02/2015	£20,000,000.00	100.017 0.087	£20,003,386.40 £13,369.86	£20,016,756.26
EIB FLOATING RATE NOTE 05/01/15	£25,000,000.00	99.943 0.133	£24,985,790.50 £33,185.79	£25,018,976.29
INTERNATIONAL BK RECON & DEV FRN 19/01/15	£4,235,000.00	100.005 0.105	£4,235,192.27 £4,428.19	£4,239,620.46
DEXIA CREDIT LOCAL FRN 01/04/14	£12,000,000.00	99.759 0.221	£11,971,125.36 £26,472.33	£11,997,597.69
FMS WERTMANAGEMENT FRN 16/06/14	£10,000,000.00	100.082 0.026	£10,008,224.70 £2,624.50	£10,010,849.20
CAISSE D'AMORT DETTE SOC FRN 30/06/14	£10,000,000.00	100.000 0.006	£10,000,000.00 £622.09	£10,000,622.09
KFW FRN 09/03/15	£17,000,000.00	99.935 0.033	£16,988,873.67 £5,653.13	£16,994,526.80
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.065 0.052	£5,003,247.00 £2,599.51	£5,005,846.51
ROYAL BANK OF SCOTLAND GBP CALL A/C	£46,725,761.46	100.000 0.005	£46,725,761.46 £2,112.26	£46,727,873.72
CROWN AGENTS BANK	£659.91	100.000	£659.91	£659.91
BARCLAYS BANK PLC	£105,759,351.80	100.000 0.048	£105,759,357.80 £50,995.46	£105,810,353.26
NATIONAL WESTMINSTER OFFSHORE LTD	£36,471,666.60	100.000 0.003	£36,471,666.50 978.78	£36,472,645.28
GIBRALTAR INVESTMENT (HOLDINGS) LTD FIXED RATE NOTE 02/04/12	£288,552,610.17	100.000	£288,552,610.17	£288,552,610.17
	£600,748,055.84		£600,873,713.43	£600,873,713.43

ANSWER TO QUESTION 663

SAVINGS BANK FUND
STATEMENT OF INVESTMENTS ON 31 AUGUST 2013
SHOWING MARKET VALUE ON THAT DATE

DESCRIPTION OF STOCK	NOMINAL VALUE	MARKET PRICE ACCRUED INTEREST %	MARKET VALUE ACCRUED INTEREST	TOTAL MARKET VALUE ON 31 8 13
EIB FLOATING RATE NOTE 30/01/14	£20,000,000.00	100.007 0.061	£20,001,460.20 £10,144.61	£20,011,604.81
EIB FLOATING RATE NOTE 19/02/15	£20,000,000.00	100.013 0.020	£20,002,666.60 £4,034.37	£20,006,700.97
EIB FLOATING RATE NOTE 05/01/15	£25,000,000.00	99.952 0.090	£24,987,876.50 £22,595.03	£25,010,473.53
INTERNATIONAL BK RECON & DEV FRN 19/01/16	£4,235,000.00	100.004 0.066	£4,235,163.89 £2,795.19	£4,237,959.08
DEXIA CREDIT LOCAL FRN 01/04/14	£12,000,000.00	99.852 0.152	£11,982,253.32 £18,257.48	£12,000,510.80
FMS WERTMANAGEMENT FRN 16/06/14	£10,000,000.00	100.056 0.152	£10,005,558.70 £15,174.66	£10,020,733.36
CAISSE D'AMORT DETTE SOC FRN 30/06/14	£10,000,000.00	100.000 0.133	£10,000,000.00 £13,332.69	£10,013,332.69
KFW FRN 09/03/15	£17,000,000.00	99.942 0.136	£16,990,180.63 £23,134.67	£17,013,315.30
REPUBLIC OF FINLAND FRN 25/2/16	£5,000,000.00	100.056 0.006	£5,002,791.65 £308.90	£5,003,100.55
CREDIT FINANCE COMPANY LTD - FRN	£9,842,242.76	100.000	£9,842,242.76	£9,842,242.76
CREDIT FINANCE COMPANY LTD - REDEMAAGLIF PREFERRED SHARES	£334,974,900.00	100.000	£334,974,900.00	£334,974,900.00
GoG MONTHLY INCOME DEBENTURES 8%	£100,000,000.00	100.000	£100,000,000.00	£100,000,000.00
ROYAL BANK OF SCOTLAND GBP CALL AC	£43,033,303.47	100.000 0.001	£43,033,303.47 £471.60	£43,033,775.07
CROWN AGENTS BANK	£19.09	100.000	£19.09	£19.09
BANCLAYS BANK PLC	£140,068,024.62	100.000	£140,068,024.62	£140,068,024.62
NATIONAL WESTMINSTER OFFSHORE LTD	£45,747,546.68	100.000	£45,747,546.68	£45,747,546.68
BANK OF ENGLAND	£22,308,636.48	100.000	£22,308,636.48	£22,308,636.48
	£819,207,673.10		£819,290,865.79	£819,290,865.79

Mr Speaker: Do Members of the Opposition have any supplementaries?

1860 **Hon. D A Feetham:** Just starting with Question 663 and his very lengthy answer. I did not quite catch the answer that he has provided to this particular question, which is the question about how much is actually held by (a) residents of Gibraltar, (b) non-residents, (c) companies or partnerships, (d) individuals, as at 11th December and at 1st October. I know that he has provided me with a percentage and he has provided me with a percentage in the past, but not the specific answer to this question.

1865 **Hon. J J Bossano:** Well, Mr Speaker, if I am telling him that there is £800 million, and I am telling him that under 1% is held by non-residents, all of whom are individuals, I am giving him, what I am telling him is, that there is no difference, that the money that has flowed in has not changed the ratios between residents and non-residents and companies and individuals, of the answer that I gave him before, when he asked me the last time.

1870 And, what I am telling him is, that we do not expect that the December 2011 figure will show more people from outside, which is presumably what the question is about. I mean if anything, if it is under 1% in terms of the volume of money, then obviously the figure, the exercise is being done because we cannot tell him what it was in December 2011 at least that is the information that I have got. Right!

1875 But what I can tell him is, that there is no reason to suppose that there was a different percentage, because in fact if there was a different percentage, it would probably mean because the amount of money was then less, so if there was for example – I cannot remember how much it was, but let us say there was

1880 something like £300 million in December 2011, there might have been perhaps say £30 million out of the £300 million which would be 10%, since now there is much more money and most of that money, if not all, seems to be people that are re-investing savings that have matured in UK bonds or in other accounts, where the interest rate might have been comparable to Gibraltar five or ten years ago, but is no longer the case. So, there are quite a lot of residents and quite a lot of companies that have got cash to spare who are putting it, most of the companies put it in short term money, seven days money.

1885 Since the growth has been predominantly in that area, we expect that if there has been a decline in the percentage from outside, it is not because there are less people with money from outside, but because there is more people with money from within, from the residents. So the share is smaller because in fact the growth has been in the domestic market. The growth eventually, presumably, we will exhaust the domestic market and then future growth may come if it continues to be from outside, but this is not yet happening.

1890 **Hon. D A Feetham:** Mr Speaker, the last time that I asked this question, this is the reason why I split it up between 11th December and 1st October. When I asked about this on 23rd May, he answered in this way it is *Hansard*, line 1875, page 33, Thursday 23rd May:

1895 'The information detailing the value of Debentures or securities of the Gibraltar Savings Bank held by residents, non-residents, individuals and companies for 11th December is not readily available and may take some time to compile from the manual examination of each individual account – it is not held in electronic form – so I will *provide* to the Member when the exercise is completed'.

That is what he told me, there was an exercise and he would provide me with information.

1900 Now, of course, this quite some time ago, May 2013. Can he confirm that that exercise has been completed, because from the answer that he has provided, it does not appear that he has actually undertaken the exercise, he is really being told, 'Well, you know, we cannot really get this information.'

1905 **Hon. J J Bossano:** No, Mr Speaker, I have not. If I had been told, 'Well, no, really we cannot get this information,' I would have told him, 'Well, no, they cannot get this information.' The information that I have been given is the information that I am giving him. In fact, I have answered that question, because I have told him that the exercise is still not completed. That is what they tell me. I suppose it is not at the top of their priority. Frankly, it is an exercise that we expect to show no difference.

1910 The people are telling me, look, when we finish this exercise, the likely result will be that the different percentages are going to be the same in 2011 as they are now. If they are not the same, the anticipation is that if they are not the same, it will only be because the amount of money which has not changed very much since then of outside investors, will be more or less the same in money terms, but higher in percentage terms, because the total was lower.

1915 That is the new information that I have provided to him. I regret to say that if each individual account has got to be assessed, which is what they have told me and what I answered to him the last time, I am telling him it is still not complete, I am still asking them to complete it so that I can give him the information, the new information that I have got is that the expectation presumably from the amount of work that has already been done, is that the result is likely to be that if it is not 1% it is 1.5% or something like that, but it is very close to the figure.

1920 But in any event, in terms of providing more information, any change of the percentage, the percentage may be declining, but not because there are people taking money out, but because the money that is coming in, is coming in from what is still the predominant source, the 99% which is Gibraltar residents. So Gibraltar residents are still putting money in and the money from outside is not going up to the same extent, then the share of the money that is declining, which is the non-resident money, is declining in relative terms, but not in absolute terms.

1925 **Hon. D A Feetham:** I understand all that, but can he give me just a timeframe when he believes this information might be available. It is important to me, that is why I am asking the question. I asked it in May, it is now October. Can he give me a timeframe when this exercise might be completed?

1930 **Hon. J J Bossano:** No, but what I can do is ask and write to the hon. Member and tell him the answer I get.

1935 **Hon. D A Feetham:** Mr Speaker, from the schedule that he has provided me; there is £334 million, nearly £335 million, in redeemable preference shares that have been invested in Credit Finance Company Limited. There is also a further investment of nearly £10 million, £9.8 million in Credit Finance Company Limited. Now, can he tell me who, on the Government side, approved that investment by the Gibraltar Savings Bank into Credit Finance Company Limited?

1940 **Hon. J J Bossano:** Well, it was approved by the person the law says has to approve it.

Hon. D A Feetham: With respect, that is a slightly evasive answer. It is a question of fact. Who approved the decision to invest what is an extremely sizeable amount of money of Gibraltar savers into Credit Finance Company Limited. Who approved it on the Government side? That is the question. If nobody approved it, nobody approved it, but who approved it?

1945 **Hon. J J Bossano:** Mr Speaker, the same person that approved every single other investment on that list, who is the same person who was approving all the investments on the Savings Bank before 9th December 2011.

1950 **Hon. D A Feetham:** Mr Speaker, again, did anybody...? I will ask, maybe if it helps the hon. Gentleman, I will ask a slightly different supplementary. Did anybody, on the Government side, approve the investment of, effectively, £344 million of savers' money from the Gibraltar Savings Bank into Credit Finance Company Limited?

1955 **Hon. J J Bossano:** Well, Mr Speaker, each time that the hon. Member has asked the question, he seems to say on the Government side, as if it was possible for somebody on the Opposition side to do the approving. The answer is it has not been approved or disapproved by any Minister, if that is what the question is. *(Interjection)* The question is not... It has been approved by the official that was there before 9th December 2011, who approved all the investments of the Savings Bank before and continues to approve them today, the same person.

1960 **Hon. D A Feetham:** Well, Mr Speaker, I find that answer surprising, and I have to say that the Government perhaps ought to, as a matter of extreme haste, when this session finishes, go to the Attorney General's Chambers, and ask urgently for advice as to whether the Government, whether this payment from the Gibraltar Savings Bank to Credit Finance Company Limited is *ultra vires*, because I will read an amendment to the Gibraltar Savings Bank Act, which the Hon. the Chief Minister brought to this House in March of last year, and it says this:

1965 *'The monies from the issue of bonds and debentures shall, as far as practicable, be invested on behalf of the Gibraltar Savings Bank, under the direction of the Financial Secretary in such securities or be employed at interest in such a manner as shall be approved from time to time by the Government.'*

1970 It has got to be approved by the Government. *This particular investment has got to be approved by the Government.* So does he not agree with me that effectively, what we have is an *unlawful transfer of £344 million to Credit Finance Company Limited?*

1975 **Several Members:** Hear, hear. *(Interjection)*

Hon. J J Bossano: Well, Mr Speaker, if what the hon. Member is saying, that before 9th December a Member of the then Government was taking the decisions on the investments, then I can tell him that that is not how the law has been interpreted since.

Presumably, since he is asking the question about what was happening with the Savings Bank and what was the correct interpretation, I assume, that when he was in Government, he or one of his colleagues was taking the decisions on the investment of the Savings Bank and that therefore he is saying that that is happening now.

1985 **Hon. D A Feetham:** No, Mr Speaker.

Hon. P R Caruana: Well Mr Speaker, based on what the previous Chief Minister used to do when he was in office, can I ask the hon. Member to say whether he agrees with me, that it would be quite extraordinary for any official, even one as senior as the Financial and Development Secretary, should of his own initiative, decide to lend almost the entirety of Gibraltar savers money, to a Government-owned company?

1990 Because I can tell him that the Financial Secretary would not have contemplated making any such decision of his own initiative *(Laughter)* when I was Chief Minister. Would he agree with me, that it would be odd for a Financial Secretary to choose to lend this huge sum of taxpayers' money, almost all of it of savers' money, to a Government-owned company?

2000 **Hon. J J Bossano:** Well, Mr Speaker, clearly the numbers have never been the forte of the hon. Member when he was in Government, and it is still not the forte when he is in Opposition. Because in fact, he keeps on talking about savers' money and, clearly, ignores that the Government's share of the

deposits in the Savings Bank are greater than the amount that he is referring to. Or has he not latched on to that particular point?

2005 If the hon. Member looks at the breakdown that I have given of the deposit, the on-call deposits exceeds the amount invested in shares of the Credit Finance Company. Although he talks about lending money, in fact it is not lending money; it is buying equity of the company. These are preference shares which have maturities of different dates, and the Savings Bank is investing a proportion of its £800 million in those shares, and the amount of Government deposits in the Savings Bank exceeds the amount deposited.

2010 So therefore either he has not realised that point, because he chooses to say, 'Look, this bit has come from this group of depositors as opposed to another group of depositors.' Well, that is not the case. Out of the £800 million, £200 million-odd are invested in the equity of a company that is 100% owned.

2015 **Hon. P R Caruana:** Well, Mr Speaker, the hon. Member might think that he can dispose questions from Members of the Opposition on the basis of pretending that none of us know what we are talking about, and only he knows what he is talking about. He can try that with everybody else if he wants to, it is not going to impress me.

2020 As he well knows, I have been Chief Minister of this community through some of its most prosperous times, for 16 years (*Banging on desks*) and I do not need lectures from him about numbers or economics, given that the last time that he was in Government, he almost brought Gibraltar to its knees. (*Banging on desks*)

2025 So, Mr Speaker, is the hon. Member saying that of the funds...? I mean, he can draw distinctions. I mean, if he really wants, I can watch every word of the debate, but I thought I was debating with somebody who understood that we were dealing in broad concepts. If he focuses on the difference between a loan and an equity investment, I would say to him that the position is even worse, because at least a loan is recoverable from assets and equity investment is the first thing that is lost, because you are a shareholder, you are not even a lender to the Gibraltar company.

2030 But that is not the point that I was focusing on. The point that I was focusing on is this: does his answer mean that all the money – obviously applying gross and net values – that the total of Government-owned monies, Government beneficial monies, money that the Government would be free to spend if it wanted to and it had it in its own back pocket, applied netted off against the amount of money that has been invested in redeemable preference shares in this Government-owned company, plus the £100 million invested in Government debentures, that the former exceeds the latter?

2035 So that there is no question of any other depositor's money, other than the Government as a depositor, being somehow invested to Credit Finance Company through redeemable preference shares or lent to the Government through Government monthly debentures? Is that the purport of his answer?

2040 **Hon. J J Bossano:** Well, Mr Speaker, first can I remind him that if I question his numeracy, that is nothing to the way he treated my attempts at persuading him that many of his figures were inaccurate, when he used to call me an economic illiterate and a lot of other endearing epitaphs that he used to hurl across the floor of the House. So really I am very, very mild to him in comparison with the way he used to deal with my questions.

2045 Secondly, it is a matter of judgement whether he left this place in a better state than he inherited it, but I certainly left it with more than £3 million of useable cash in 1996, (**A Member:** Hear, hear.) including £60 million in Community Care which he chose to run down to nothing, because he claimed in an interview in the *Chronicle* that he was going to replace Community Care with a superior scheme which he keeps secret and which he intends to take to his grave with him, even though it was of such benefit to pensioners. (**Several Members:** Hear, hear.) So we can spend time digging up the past and there are plenty of things that we can remind each other of.

2050 The point that I am making is not that there is a policy directive that only Government deposits will be used to invest; it is that it just so happens that at this particular point in time, the number shows that you cannot say you have used the savers' money. Look, the savers' money is predominantly locked in for five years. All the maturities of everything that is invested, as required by the amendment that was made, must have maturities which are equal to or shorter than, the dates when they have to be repaid.

2055 So the answer is, Mr Speaker, that I am not saying that this is the rule. I am saying that this happens to be the way numerically it pans out at the moment. But in any event, the Savings Bank will invest the money in the way that enables it to operate profitably which is presumably what we all want, and with the confidence that the money is safe in the investment that is being made, and the people that are employed to do that exercise, are discharging that duty.

2060 **Hon. D A Feetham:** Well, Mr Speaker, I have to say that I am none the wiser in relation to my original point (*Interjection*) as to who on the Government side – indeed and so is the hon. the former

Chief Minister, now a backbencher – actually took the decision to approve what is a very sizeable investment?

2065 You see, it is not a proper answer to just simply say, ‘Hang on a minute, because some of this money may not be savers’ money.’ If some of it is savers’ money, it is caught by section 11(d) and indeed section 11(c), which is about monies in investment accounts, also provides for the same mechanism. In other words, even if we were talking about monies that the Government had invested, is done on the direction of the Financial Secretary, but the approval comes from the Government.

2070 Let me remind the hon. Gentleman, that when the Hon. the Chief Minister came to this House with the amendments to the Gibraltar Savings Act, he said that there was a dual lock mechanism. Financial Secretary approved by the Government. Now, I think it is extraordinary that the hon. Gentleman cannot provide me with a straight answer, as to whom, on those Government benches (*Banging on desks*) actually approved the decision to invest in this company.

2075 **Hon. J J Bossano:** Well, Mr Speaker, the policy of the Government is reflected in the spread of investments and not in any particular one. Each individual investment does not require ministerial approval. If it did before 9th December, then that policy is no longer being applied.

2080 **Hon. P R Caruana:** Mr Speaker, I think I have correctly understood the Hon. the Leader of the Opposition, even when subtracting all the sort of waffle from his answer, (**Hon. Chief Minister:** Absolutely right!) I think the effect (*Banging on desks*) – (**Members:** Hear, hear!)

2085 **Mr Speaker:** Order! Order!

A Member: Minister for Employment.

2090 **Hon. P R Caruana:** Yes, I think most people understood me to mean the Minister for Employment. (*Laughter and interjections*) But still little things amuse little minds. I am perfectly happy to keep them entertained!

A Member: We know what you meant.

2095 **Hon. P R Caruana:** You know what I meant. The grown-ups amongst you know what I meant! (*Laughter*)

I think I understood the Hon. the Minister for Employment and many other things by the looks of it, to have said that as we speak, it just happens at this point in time, that in fact, it is not possible to say that there are depositors’ money, savers’ money, other savers’ money in these figures, because of the interpretation of the difference between the depositors and the investments.

2100 If that is true, given that there are between the sums invested in the Government monthly debentures and the redeemable preference shares in this Government-owned company, a total of £434 million, nearly £435 million, presumably he is not saying that the Government, whom he has just said was left in mere penury by me, had £440 million of its own pounds to put in these companies in this way.

2105 So if it was not the Government’s money, because he claims we left the Government with no money, whose money is the £444 million? From what source had that money been raised? If it was not the Government money, because the Government did not have money, and he is telling me on the other hand that it is Government money and not other savers’ money, can he explain to me the composition of the £442 million? I think my colleague, Mr Figueras, has taken down the number correctly from his oral answer, £442 million ordinary deposits? Can he just give me please a breakdown, if he has it, if not at a later date, of the composition of those ordinary deposits?

2110 **Hon. J J Bossano:** Mr Speaker, the figure that I have given the hon. Member is on 31st August 2013. He may think he was still in Government on 30th August 2013, but in fact he was not. There was not this money on 9th December 2011. Surely he knows that, he must know how much money there was in 2011 and it is not this money. So I do not see why he expects me to say if he left no money in 2011, how come there is money now in 2013? Well, precisely, because he is not there any more.

Chief Minister (Hon. F R Picardo): Hear, hear.

2120 **Hon. P R Caruana:** So that is the answer to the question. So what he is saying is that since December 2011, the Government has in fact accumulated, of its own money, £442 million or at least £400 million. This is the purport of his answer to which I do not seriously hold him. Alright, so this is the balance at August 2013, which is not to be used by reference as any benchmark, to what there may or may not have been in December 2011 when we lost office. Another statement of the obvious presumably to serve as

2125 some sort of guillotine until Mr Speaker says we have spent long enough on this question and it is time to move on.

2130 But the point is, whose money is it? I am not interested on the date on which the Government got it; the Government says that there is no savers' money invested in this company, savers other than its own. Yes, that is the purport of the answer that he gave me. Given that they have invested £442 million, is this Government money, accumulated from December 2011 by way of budget surpluses or by way of whatever means, so that these are £400 odd million of Government reserves, effectively.

2135 **Hon. J J Bossano:** Well, Mr Speaker, clearly the hon. Member does not know how much money there was in 2011, because he is asking me now to say is the £440 million all money that has been accumulated since.

2140 Well, he should know that in fact there was money in 2011, but not £442 million and that the bulk of the money, could not be used given his repeated formula of gross net and net debt, and the ceiling on what could be used without breaking the limitation of the net debt not exceeding 80% of annually recurrent revenue of the preceding financial year. (**Hon. Chief Minister:** Useable cash reserve.)

2145 So the useable cash reserve that he left, as he knows, was £3 million until the beginning of the new financial year of 1st April 2013, when it became £63 million being useable. But there was money because his policy then was as he used to say that he was actually issuing debentures in order to give people the opportunity of investing at 5%, and not being able to use the money. Therefore he had a situation where he would issue £100 million of debenture, but not be able to make use of that cash and the cash was then in the consolidated fund and deposited in the Savings Bank but it was not useable. It was only useable when the annual revenue went up and enabled the ceiling to go up.

2150 So the answer to his question is, it is not the case that it has all been accumulated since; it is the case that it has increased very substantially since and that is the figures that are reflected in the published estimates of the Government in the last financial year, and in the figures that I have provided in the past as the amount at the close of the last financial year which are subject to audit.

2155 So it is true that it so happens that the amount that the Government has on deposit in the Savings Bank actually is more or less the same, or perhaps slightly more than the amount that has been invested in the preference shares of the Finance Company. But I am not saying that there is a policy directive that the money that the Government puts, has to be invested in one way and the money that other people put is invested in another way. The provisions in the Savings Bank Act say that it can be invested in any investments such that the maturities match the liabilities and that is what is happening.

2160 **Hon. P R Caruana:** Mr Speaker, the hon. Member, I can only assume, in order to continue to avoid answering my perfectly simple question, is confusing two wholly separate matters.

The fact that the Government only had x millions of pounds that it could legally spend at the time of the election, was a product of the borrowing limit which was by reference to a three-tier benchmark which had been exhausted and had to be redefined in legislation, in order to enable the Government to borrow more.

2165 How much the Government can borrow presumed to the debt ceiling, is a wholly different question as to whose money the Government is borrowing when it is able to borrow. I am not talking about how much money there was available for the Government to borrow; I am saying whose money has the Government borrowed, or invested in this debenture company?

2170 Because of course, he is absolutely right, there was... I cannot remember the exact figure, £200 million or £300 million, something like that in the Savings Bank at the time of the last Election. But it was *mainly saver's money*, and that is the point. *It was mainly savers' money*, because the amount of money that there was in there at the time of the election was broadly equal to the amount of money that the Government owed, or the Savings Bank and the Government owed savers.

2175 So, if the Government or the Savings Bank owed savers through debentures £300 million and had £300 million in the kitty, well, you do not have to be a Nobel Mathematics prize winner to know that the £300 million in the kitty are savers' money.

So the question is, if those are the monies that he has invested in these debentures, and they include the £300 million that was there at the time of the election, then he has invested savers money and the last answer that he gave me was wrong.

2180 **Hon. J J Bossano:** Well, Mr Speaker, the last answer I gave him cannot be wrong because the last answer that I gave him was that it so happens – (*Interjection*) What I have told him is that there is now not £300 million, there is now £800 million, which is £500 million more.

2185 **Hon. P R Caruana:** None of which you told me were savers' money.

Hon. J J Bossano: No, I did not say none of the £800 million: what I said was that –

Hon. P R Caruana: None of the £300 million –

2190 **Hon. J J Bossano:** What I said was, Mr Speaker, that the bulk of the Government's own deposits in the Savings Bank are in the on-call accounts, as they were before when he was there (**Hon. P R Caruana:** Correct.) and there you have £442 million, so you are still left out of the £800 million with over £300 million that is not Government money and you have a situation where the amount – (*Interjection*)

2195 **Hon. P R Caruana:** Sorry, did he say it was or it wasn't Government money?

2200 **Mr Speaker:** May I...? I think the Hon. Sir Peter Caruana may not realise that unless he presses the button and the microphone comes on, any remarks that he makes, or in fact any supplementaries whilst Mr Bossano is holding the floor, will not be recorded in the *Hansard*.

Hon. J J Bossano: Mr Speaker, the figure that I have given him is that, at the end of August, there was £819 million. Right! Of that £819 million, the amount in shares was £334 million or £335 million of Credit Finance. Right!

2205 So, if I tell him that the bulk of the Government's own money is in the £442 million, then I am saying to the hon. Member in fact, it is possible to say, although I am not saying that there is a policy that it should be so, and that it should [*inaudible*] in the future say, I said before that no money other than the Government money could be put, it is possible to say, well look, when you say the money in the Savings Bank that does not belong to the Government because the Government has deposited it there, is the one that is being used to invest in Credit Finance. No, you cannot say that it is or that it is not. Right!

2210 So that is the only point I have made. I have not made any other one.

2215 **Hon. P R Caruana:** That is how I understood him Mr Speaker, but implicit in that is that... I mean, I do not know what to make of his use of the word 'bulk' of the Government's money in the £442 million. I do not know if he means by that that there is part of the £442 that are not Government monies or that it means that all of those £442 million are Government monies, but they are not the only Government monies because the Government has money somewhere else as well. So I do not know exactly how to interpret him when he has used 'the bulk of the Government money', but perhaps he will clarify that to me when he gets up.

2220 But the main point is this: implicit in his answer just given to me is that the £442 million are Government monies, meaning monies that the Government is free to spend and if the Government is free to spend monies, it is free to lend them to a Government-owned company for it to spend it, if it wants to. I am not objecting to the Government channelling the expenditure of its money through its own company, if that is the route it chooses and we did much the same thing in our time.

2225 The question is, is it Government's money? Because for it to be Government's money, I need to see a breakdown of the – a question coming immediately, Mr Speaker – for it to be the Government's money, I would need to see a breakdown of the £442 million.

2230 I mean, the Government has done extraordinarily well in the last two years, if it has accumulated, in just two financial years by way of budget surpluses, £442 million that it can genuinely call its own money, as opposed to money... It wasn't there. The Government might have had pots of money, but it was not theirs to spend. Pension fund monies from the endowment funds, things like this, but those are not Government monies.

2235 Implicit in his last answer, and this is the remaining space between us, is that the £442 million in ordinary deposits, which he says balances out roughly the £335 million plus the £100 million, so that he can honestly and genuinely say that there is no savers' money invested in these companies, or have been used to buy Government bonds, that that is all Government, beneficially available to spend as it pleases, money.

2240 I am asking him, if he can tell me, what the composition of that £442 million is, so that I can test, because as far as I was aware, the Government did not have £442 million of its own money, to make it true that it had not invested somebody else's money in the way that he is now saying. For him to set off the £442 million against the investments of the Savings Bank and say, 'You see, I have not invested other people's money', it has to be true that the £442 million are Government monies and not somebody else's money. That is all I am trying to get at: how is the £442 million Government monies?

2245 **Hon. J J Bossano:** First of all, I am not saying this is only Government money that I am using and I am not using other people's money. I am saying, and I have repeatedly said, that it is not the case that there is a policy directive that only Government money should be used. I am saying that it so happens, since they are talking about savers money that it does not follow logically from the level of investments in

the Savings Bank that it has to be savers' money. It can be either savers' money or Government money or the money of everybody because the Savings Bank does not distinguish from the source.

2250 It so happens that the amount of the £442 million that is Government deposits in the Savings Bank is more. It just happens to be so at this point in time; it might not be the case in a month's time; it might not have been the case a month ago; but it happens to be that, at this moment in time, it actually exceeds the amount that the Savings Bank has invested in Credit Finance Company Limited. That is the point I am making. I think it is probably of the order of something like £390 million out of the £442 million.

2255 **Hon. P R Caruana:** Well, Mr Speaker, I am grateful to the Hon. Minister, [*technical interruption*] this is all very complicated. Mr Speaker –

2260 **Mr Speaker:** The television is still there.

Hon. P R Caruana: Is it! Alright, Mr Speaker. Well, I am grateful to the hon. Member for that clarification. Of course, he knows that he is speaking to somebody, because I have told him this before. It is not the end of the world for the Savings Bank to lend money to the Government for the Government to spend on public projects, because National Savings Banks do that all over Europe.

2265 The important thing is that savers should be aware that that is what the Government does, which is not to suggest that it is wrong for the Government to do it, so long as savers know that when they lend their money to the Government, to the Savings Bank by depositing it with them as savers, that that money is not just sitting there in some account in the Bank of England as cash, but that the Government, as Government's do in many other parts of Europe, is getting that money and lending it to itself, to spend on projects and on this and on that.

2270 The issue is not that it is right or wrong, it is a matter of policy and opinion, but it is not intrinsically wrong by reference to European – and American for that matter – practice. The important thing is that it represents – except to the extent that we did it accidentally in a very small amount, I think in the last year – in large amounts it represents a departure from what people have understood the position in Gibraltar to be in the past, and therefore I would ask the Government to consider simply that it should be transparent with depositors.

2275 And I am sure there will be a lot of depositors that will continue to be happy to invest with the Government, even if the Government is going to spend the money on projects. But there needs to be transparency and people need to know what he is doing.

2280 Mr Speaker, I will sit down now, just asking him by way of confirmation, if I have correctly understood his last answer to mean that the bulk, I am not sure if he mentioned a figure, I think he mentioned, all but – (**A Member:** £390 million.) £390 million, of that £442 million, £390 million is Government-owned, un-hypothecated. In other words, it is not pension fund, or it is not somebody else's money; it is Government-owned, accumulated through Government revenues and the difference between Government expenditure and Government revenue – in other words, Government-owned monies that the Government could bring an Appropriation Bill to the House tomorrow out of the Consolidated Fund to spend – of £390 million. Have I correctly...? I just do not want to be at cross purposes with him at the end of this discussion.

2290 **Hon. J J Bossano:** It is Government-owned money but I think it is highly unlikely that the Government will bring an Appropriation Bill to spend it in a month's time.

Hon. P R Caruana: But it is Government money?

2295 **Hon. J J Bossano:** It is absolutely true, Government money. That is correct, yes.

Mr Speaker: Now, are there any other supplementary questions? I will allow... Hon. Members will agree, I think, we have been three quarters of an hour on what is a very important subject, I grant them, but I do not think they can complain where time is concerned. I will allow another supplementary and then we should move on.

2300 **Hon. D A Feetham:** Yes, there were 10 or 11 questions that had been bunched into one.

2305 **Mr Speaker:** Four or five, and we have been here for over three hours for 20 questions, 25 questions.

Hon. D A Feetham: Yes, I am told seven questions have been bunched up.

Mr Speaker, can I return back, because really for the purposes of the line of question, my line of question, it really does not matter whether it is Government money, or it is not Government money. The legislation is quite clear, there has to be Government approval.

2310 Is really what the hon. Member is saying to me... does it amount to this: that effectively, I mean the
Financial Secretary wakes up one morning and says, 'I am now going to be investing £344 million...' –
because I think it is £344 million that is the latest figures from searches that we have conducted, that have
2315 been invested in this particular company. The Financial Secretary wakes up one day and says, 'I am going
to be investing £344 million into Credit Finance Company Limited', and it does not require a telephone
conversation with the Minister for Finance, the Chief Minister or the Minister for Employment, seeking
his or their approval for the investment of that particular money in this particular company?

Hon. J J Bossano: Well, Mr Speaker, I do not know whether it is that the Financial Secretary woke
up one morning and decided to put £22 million in the Bank of England, but whether it is £22 million in
2320 the Bank of England or £20 million or £40 million or £65 million in the European Investment Bank or in
any of the others, which is the £500 million that has been otherwise invested, he has not come back
asking for approval from a Minister of the Government.

Given the fact that in... Well, I do not see what the hon. Member finds so extraordinary. Here we
have got a situation where the bank has got £820 million, which is quite an achievement I would have
2325 thought, that we have that amount of money, and the Government's Financial Secretary, who is
responsible for the distribution of the different investments, invests with other people, £500 million and
with a Government company £3 million. The Members opposite are more worried about the security of
the Government company, which has got £3 million, than about the security of the strangers that have got
our other £500 million.

2330 Well, we think his judgement must be on the advice that he gets that these things are safe investments
and he does not come back, and to my knowledge, he did not have to come back seeking approval for any
individual investment before. I think the way the law was, and the way law is, is that there is a broad
policy and the broad policy dictates that the timing is the important thing, that is to say the Financial
Secretary must be in a position to be confident that somebody comes along and says, 'My £10,000
2335 debenture is maturing next month', and there will be an investment that will mature before that happens
and the person will be paid. That is what is required, that is what is happening.

Hon. P R Caruana: Can I just ask one very short supplementary factual, entirely factual, with Mr
2340 Speaker's leave?

Mr Speaker, in answering my last supplementary that these were Government funds, he was not
cutting out one of the adjectives that I used in my question, was he not? It included the spendable and un-
hypothecated. So for example, it does not include the currency note security fund. I mean, we are talking
about Government spendable un-hypothecated money. That is not money that the Government is
2345 Government money in the sense that used to be in special funds, but the Government could not spend
because it had to be there for some statutory purposes, like the currency notes fund.

It would not be consistent with my question and the answer that he gave to my question, for the £390
million to include money that the Government could not spend, because it was not really its money
because it included the currency note security fund which is not the Government's money to spend.

2350 **Hon. J J Bossano:** I think it does, and I think it is the only thing that is included which is about £20
million. But there is nothing else other than that, the rest is consolidated fund money.

Mr Speaker: Move on then to the next question.

2355

**Credit Finance Company Limited
Investments, payments and loans**

2360 **Clerk:** Question 657, the Hon. D A Feetham.

Hon. D A Feetham: Can the Chief Minister please provide a list of all investments, payments and
loans, made by Credit Finance Company Limited, since its incorporation, showing the amounts, the dates
2365 those investments, payments and loans were made, together with the identity of the party or parties to
whom they were made?

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

2370 **Minister for Enterprise, Training, Employment and Health & Safety (Hon. J J Bossano):** Mr
Speaker, the Government will not provide how the commercial Credit Finance Company makes its
investments, no. The answer to that, it is not information that the Government is prepared to provide.

Hon. D A Feetham: Mr Speaker, I have to say that is an extraordinary, (**A Member:** Shocking!) shocking answer. I have been a Member of this House for six years; I have never heard such a shocking, shocking answer as the one that he has provided.

2375 This is £344 million that the Government is saying that it is not going to account to this House, that the Government has no duty to account to this House at Budget time, because this is off-balance sheet, off-estimates of revenue and expenditure, and we take the opportunity of asking a question about it, at questions and answers, and the hon. Gentleman, true to form it has to be said, because we had considered this question and what his response would be prior to asking it.

2380 It is shocking and extraordinary and I have to say, Mr Speaker, that as a consequence of that answer, which we thought that he would give because he is, he is, a leopard does not change his spots – the Opposition is walking out of this Parliament in response to what is an extraordinary, extraordinary state of affairs, in the failure of this Government to provide how it has spent, how £344 million, of which some of it is savers' money, and all of it is Government money, is being spent and is being loaned out to third parties.

Mr Speaker: May I ask the Hon. the Leader of the Opposition, before he walks out, whether he would give an indication to the Speaker, so that the Speaker knows whether he should exercise, so that he can exercise his judgement, as to whether we carry on with the business of the House, because there is a quorum, or whether I can allow sense to prevail as a result of a recess until this afternoon. Does he have any intention of returning again, or does he not mind if the House continues with the conclusion of its business today?

2395 **Hon. D A Feetham:** Mr Speaker, we will return –

Chief Minister (Hon. F R Picardo): Before the Leader of the Opposition replies, if I can just assist...

2400 **Hon. D A Feetham:** Well, he has asked me – he has asked me. No, I am not giving way. (**Hon. Chief Minister:** Well, Mr Speaker [*inaudible*]) He has asked me a question and I am on my feet.

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

Mr Speaker: What is the Chief Minister's Point of Order?

2405 **Hon. Chief Minister:** Mr Speaker, I am the Leader of the House, and whether the House recesses or not is technically a matter for me. I would be very interested to hear what the Hon. the Leader of the Opposition has to say, but based on that, I will decide whether I move a recess or not.

2410 **Hon. D A Feetham:** Mr Speaker, we are effectively leaving this House for the remainder of the Question and Answer session. We will be returning for the debate –

Mr Speaker: That means that the remaining questions will receive written answers, because they will not have been put. Is he aware of that?

2415 **Hon. D A Feetham:** Well, so be it, Mr Speaker, but we take such a serious view of the failure to answer what is an extremely important question, on something of such importance as this, that we are taking the position that we are walking out in protest at the way that the Government has handled this.

2420 *The Opposition Members rose and left the House at 12.46 pm.*

Procedural

2425 **Mr Speaker:** May I now ask the Chief Minister to what time is he proposing that we recess in order to continue Government business with Bills?

2430 **Chief Minister (Hon. F R Picardo):** No, Mr Speaker, I have absolutely no intention of recessing. I would ask the Clerk to please put the questions; I will then table the Written Questions and continue with Bills.

Clerk: Well, the next question was due to have been put by the Hon. D A Feetham and it was Question 659. Likewise Question 656, Question 664, Question 665, Question 674, Question 676 and Question 684. I presume now that the answers will be given in written form or –

2435

Hon. Chief Minister: Mr Speaker, in order to assist what I would call Members opposite, if they were opposite, I propose that the first written answer that is available to the House should be provided to them, in answer to those questions.

2440

Written Answers to Oral Questions

QUESTION No: 659/2013

Questioner: The Hon D.A Feetham

Can the Chief Minister please provide details of all investments, payments and loans made by the Gibraltar Savings Bank, the Government, or any company directly or indirectly owned by Government to Credit Finance Company Limited stating the amounts and the dates when such investments, payments and loans were made?

ANSWER

THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT AND HEALTH & SAFETY

Mr Speaker,

No loans have been made by the Gibraltar Savings Bank, the Government or Government-Owned Companies to Credit Finance Company Limited.

The Savings Bank Fund invests in redeemable preference shares issued by Credit Finance Company Limited with maturity dates that match the maturity dates of deposits in the Gibraltar Savings Bank. The details of the investments held by this fund, as is the case with all other special funds are published once audited by the Principal Auditor.

QUESTION No: 656/2013

Questioner: The Hon D.A Feetham

Can the Chief Minister please state the purpose and policy behind the incorporation of Strand Credit Finance Company Limited?

ANSWER

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT
AND HEALTH & SAFETY**

Mr Speaker,

I will answer this question together with Questions 664 and 665.

QUESTION No: 664/2013

Questioner: The Hon D.A Feetham

Can the Chief Minister please provide details of all investments in, payments and loans made by Strand Credit Finance Company Limited stating the amounts and the dates such investments, payments and loans were made?

ANSWER

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT
AND HEALTH & SAFETY**

Mr Speaker,

I will answer this question together with Questions 656 and 665.

QUESTION No: 665/2013

Questioner: The Hon D A Feetham

Can the Chief Minister please provide details of all investments in, payments and loans made by the Gibraltar Savings Bank, the Government or any Government owned company or entity to Strand Credit Finance Company Limited stating the amounts and the dates such investments, payments and loans were made?

ANSWER

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT
AND HEALTH & SAFETY**

Mr Speaker,

Strand Credit Finance Company Ltd was incorporated on 16th April 2013.

The Company has an Issued Share Capital of £100K and this amount is currently held in the Company's bank account. No other moneys have either been received or paid by this company as it has not yet commenced trading.

The purpose for incorporation is to undertake any credit finance business that may require a UK registered company.

QUESTION No: 674/2013

Questioner: The Hon D J Bossino

Can the Government provide full details of all financial assistance (including loans) provided to the owners of the Sunborn by the Government/the Gibraltar Savings Bank (the "GSB"), any company owned (either in whole or in part) by the Government, any company owned (either in whole or in part) by a Government owned company or the GSB?

ANSWER

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT
AND HEALTH & SAFETY**

Mr Speaker,

As is known, Credit Finance Company Limited has a first mortgage on the property as security for a short-term loan. No other source of funding has been provided.

QUESTION No: 676/2013

Questioner: The Hon D J Bossino

Further to his answer to Question No. 495 of 2013 can the Chief Minister provide the same detail requested in Question No. 440 of 2013 as respects any new companies which are benefitting from the Government's policy on business start-ups and nurture schemes?

ANSWER

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT AND
HEALTH & SAFETY**

Mr Speaker,

There have not been any new companies since the last answer in this House.

QUESTION No: 684/2013

Questioner: The Hon D A Feetham

Can the Chief Minister please state whether the Government intends to fund (either in whole or part) the two recently announced housing schemes at Aerial Farm and the Coach Park respectively, from the proceeds of Gibraltar Savings Bank Debentures or other debt security owed by the Gibraltar Savings Bank?

ANSWER

**THE HON THE MINISTER FOR ENTERPRISE, TRAINING, EMPLOYMENT
AND HEALTH & SAFETY**

No Mr Speaker.

Questions for Written Answer

2445 **Chief Minister (Hon. F R Picardo):** And given that the Oral Questions are now dealt with, if the hon. Clerk calls the Written Questions, I will also table the answer to the Written Questions.

Clerk: Answers to Written Questions, the Hon. the Chief Minister.

2450 **Hon. Chief Minister:** Mr Speaker, I have the honour to table the answers to Written Questions numbered W99 to W119/2013 inclusive.

2455

BILLS

FIRST AND SECOND READING

2460

Medical and Health (Amendment) Bill 2013 First Reading approved

Clerk: Bills, First and Second Reading.

A Bill for an Act to amend the Medical and Health Act, 1997 to, *inter alia*, make provision for the compulsory registration of allied health professionals (B18/13).

2465

The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes) Mr Speaker, I have the honour to move that a Bill for an Act to amend the Medical and Health Act 1997 to, *inter alia*, make provision for the compulsory registration of allied health professionals be read a first time.

2470

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Medical and Health Act 1997 to, *inter alia*, make provision for the compulsory registration of allied health professionals, be read a first time. Those in favour?

2475

Chief Minister (Hon. F R Picardo): Mr Speaker, I call a division.

Mr Speaker: Those against? A division has been called for, so I will ask the Clerk to call out the names of hon. Members.

2480

A division was called for and voting resulted as follows:

FOR

The Hon. P J Balban
The Hon. J J Bossano
The Hon. Dr J E Cortes
The Hon. N F Costa
The Hon. Dr J J Garcia
The Hon. A J Isola
The Hon. G H Licudi
The Hon. S E Linares
The Hon. F R Picardo
The Hon. Miss S J Sacramento.

AGAINST

None

ABSENT

The Hon. D J Bossino
The Hon. Sir P R Caruana KCMG QC
The Hon. Mrs I M Ellul-Hammond
The Hon. D A Feetham
The Hon. S M Figueras
The Hon. J J Netto
The Hon. E J Reyes

Mr Speaker: Ten Members have voted in favour of the Bill being read a first time. There are seven Members absent. Carried.

2485

Clerk: The Medical and Health (Amendment) Act 2013.

2490

Medical and Health (Amendment) Bill 2013 Second Reading approved

Hon. Dr J E Cortes: Mr Speaker, I have the honour to move that the Bill now be read a second time.

2495 Mr Speaker, before I go into the substance I give notice – and a letter has been distributed – of a number of minor amendments that I intend to bring at Committee Stage.

Mr Speaker, one would be forgiven for thinking that the Medical and Health Act 1997 is a statute that governs the practice of health care in Gibraltar. As it stands, it does provide mechanisms for registration and control of key players in the health sector, such as doctors, nurses, dentists and pharmacists.

2500 There is, however, the very large vacuum when it comes to the allied health professionals. As the law currently stands, practitioners of these professions, which include chiropodists, dieticians and osteopaths, to name but three, are outside the regulatory framework.

2505 This means that it is possible for people to hold themselves out to have expertise, when in fact they may have none. That carries inevitable risk to persons who seek treatment from these so-called professionals. The Bill affords protection in both directions, a person accessing an allied health professional, will have the comfort that the person claiming to have a specific area of expertise, is in fact registered with the relevant UK governing body.

Allied health professionals will benefit too, since they will no longer be exposed to the potential competition from persons who are not entitled to practice. In addition, the service users and the public will benefit because the Bill will require the regulated professionals to uphold high standards of practice.

2510 Mr Speaker, this legislative/regulatory gap is not something that has just appeared out of nowhere. Healthcare professionals have made repeated representations to the Government for this change, since the late 1990s. As far back as 2005, the Government of the time issued a consultation precisely on this matter. Regrettably, nothing was done after the consultation exercise was completed.

2515 Mr Speaker, this Government considers that action is indeed necessary and this is why I am bringing the Bill to the House. The Bill also introduces a number of other changes, which I will be referring to now.

The principal changes are: clause 3. Mr Speaker, clause 3 amends section 7 of the Act. This section contains details relating to the Register of Medical Practitioners etc, and is extended so as to accommodate a further part to the register, specifically for allied health professionals.

2520 Clause 4, the amendments introduced by clause 4, taken together with a new section 21B which is introduced by clause 9, reflects Government's policy to push towards registration, with the relevant UK registration body, by waiving registration fees for those who do so. The natural consequence of registering in the UK is that to varying degrees, there is an element of professional oversight through the adherence of standards, including continuous professional development and codes of practice.

2525 Clause 6 amends section 10 of the Act and is a small amendment which intends to close the loop-hole to allow the Medical Registration Board the power to refuse to register a person who has not kept up to the requirements as to training or currency of practice in the home state.

2530 Clause 7 inserts a new section that is intended to preserve the ability of a very small number of pharmacists, who have given Gibraltar many years of valuable service, and whom the Government knows would not be able to meet the new criteria being established. It has therefore made a very limited exception for these persons.

Clause 8 makes an amendment to reflect the reality that the existing time limits on limited registration are impractical.

2535 Clause 9 inserts two sections into the Act. I have already spoken about section 21B; the other section 21A is also about raising the standards of practice in Gibraltar, and in this case a section will require dentists and pharmacists to abide by the Codes of Ethics which are promulgated by the relevant UK institution.

2540 Clause 10 of the Bill, inserts a whole new part, Part IIA, which is dedicated towards the registration of allied health professionals and the protection of their titles from use by un-registered persons, as with the dentists and pharmacists, all allied health professionals, will also be obliged to follow codes of ethics which are promulgated by the relevant registering body in the United Kingdom. A full list of protected titles is to be found in schedule 13 which is inserted in the Act by clause 18.

2545 Clauses 15 and 16 respectively update and make provision for offences in connection with the use of protected titles by persons who are not entitled to use them.

And finally, clause 17 substitutes the present schedule 2 on fees, to make registration in Gibraltar only, more expensive than registration in the UK and Gibraltar, in line with the policy described some moments ago.

Mr Speaker, I commend the Bill to the House. (*Banging on desks*)

2550 **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 Medical and Health Act 1997 to, *inter alia*, make provision for the compulsory registration of allied health professionals be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2555

Clerk: The Medical and Health (Amendment) Act 2013.

2560

Medical and Health (Amendment) Bill 2013
Committee Stage and Third Reading to be taken at this sitting

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2565

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2570

Nature Protection (Amendment No. 2) Bill 2013
First Reading approved

2575

Clerk: A Bill for an Act to amend the Nature Protection Act 1991. The Hon. the Minister for Health and the Environment.

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Nature Protection Act 1991 be read a first time.

2580

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Nature Protection Act 1991 be read a first time. Those in favour? (**Members:** Aye). Those against? Carried.

Clerk: The Nature Protection (Amendment No. 2) Act 2013.

2585

Nature Protection (Amendment No. 2) Bill 2013
Second Reading approved

2590

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I have the honour to move that the Bill now be read a second time.

Mr Speaker, this amendment realigns and slightly amends the list of methods covered by the Act. There are two typographical errors in the Bill, which I will seek to amend at Committee Stage.

2595

In one, the reference to killing has been omitted in error. There is also an error in the letters and numbers attributed to the paragraphs.

Mr Speaker, there has been some confusion in the past in respect of some of the methods and the legal interpretation of the methods as defined. The proposed realignment makes it clear that all gill nets are covered, including trammel nets which are now specifically mentioned in section (ba).

2600

Interpretation is also clearer, in that the three main methods utilised in the region by our artisanal fishermen are now all included in one subparagraph.

Mr Speaker, may I add by way of information that as has been stated on previous occasions, Government will now be able by regulation at the appropriate time to allow activities, subject to very tight rules designed to ensure accountability of catch and sustainability and regeneration of fish stocks.

2605

Draft regulations are being finalised and should be ready for publication shortly. We have consulted widely on their content, which is designed to ensure protection of the marine environment and protection of the responsible practice of local recreational fishermen.

Given that this is an issue of great public interest, I will table a copy of the regulations in the House, when they are published, to ensure all hon. Members have direct access to these.

2610

I commend the Bill to the House. (*Applause*)

Mr Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2615

I now put the question, which is that a Bill for an Act to amend the Nature Protection Act 1991 be read a second time. Those in favour?

Chief Minister (Hon. F R Picardo): Mr Speaker, I once again call for a division on this important Act.

A division was called for and voting resulted as follows:

FOR

The Hon P J Balban
The Hon J J Bossano
The Hon Dr J E Cortes
The Hon N F Costa
The Hon Dr J J Garcia
The Hon A J Isola
The Hon G H Licudi
The Hon S E Linares
The Hon F R Picardo
The Hon Miss S J Sacramento

AGAINST

None

ABSENT

The Hon D J Bossino
The Hon Sir P R Caruana KCMG QC
The Hon Mrs I M Ellul-Hammond
The Hon D A Feetham
The Hon S M Figueras
The Hon J J Netto
The Hon E J Reyes

2620

Mr Speaker: There are 10 votes in favour; seven Members are absent. Carried.

Clerk: The Nature Protection (Amendment No. 2) Act 2013.

2625

**Nature Protection (Amendment No. 2) Act 2013
Committee Stage and Third Reading to be taken at this sitting**

2630

Minister for Health and the Environment (Hon. Dr J E Cortes): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2635

**Protected Cell Companies (Amendment) Bill 2013
First Reading approved**

2640

Clerk: A Bill for an Act to amend the Protected Cell Companies Act 2001.
The Hon. the Minister for Financial Services and Gaming.

2645

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Protected Cell Companies Act 2001 be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Protected Cell Companies Act 2001 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

2650

Clerk: The Protected Cell Companies (Amendment) Act 2013.

**Protected Cell Companies (Amendment) Bill 2013
Second Reading approved**

2655

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I have the honour to move that the Bill be now read a second time.

2660

Mr Speaker, the primary purpose of this Bill is to ensure that in every instance the body best able to assess the suitability of a company being incorporated as a protected cell company, or being converted into a protected cell company, is given the responsibility to make that assessment.

2665

As it now stands, the Protected Cell Companies Act 2001 divides this responsibility between, on the one hand, the Financial Services Commission for insurers and authorised collective investment schemes and, on the other, the Finance Centre for companies issuing particular types of debt instrument and for certain companies which do not need to be licensed or authorised by the Financial Services Commission.

2670

The Government has considered and the Financial Services Commission has agreed that it is the Financial Services Commission that is best placed to give or withhold consent, given the essentially technical nature of the valuation and because of the ongoing supervisory duties implied by the terms and conditions, which may be attached to a consent, a role for which the Financial Services Commission is admirably suited and justly recognised.

This Bill therefore amends the Protected Cell Companies Act by replacing in section 11 references to the Finance Centre Director with references to the Financial Services Commission's Chief Executive Officer.

2675 Mr Speaker, a secondary purpose of this Bill is to bring the Protected Cell Companies Act up to date by replacing obsolete terms and outdated references. This is dealt with in the Bill in a number of different ways, Mr Speaker, which I can take Members through at the Committee Stage, should anyone wish for clearance.

I commend the Bill to the House, Mr Speaker.

2680 **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 Protected Cell Companies Act 2001 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

2685 **Clerk:** The Protected Cell Companies (Amendment) Act 2013.

2690 **Protected Cell Companies (Amendment) Bill 2013**
Committee Stage and Third Reading to be taken at this sitting

Minister for Financial Services and Gaming (Hon. A J Isola): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

2695 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

2700 **COMMITTEE STAGE**

Medical and Health (Amendment) Bill 2013
Nature Protection (Amendment No. 2) Bill 2013
Protected Cell Companies (Amendment) Bill 2013

2705 **Clerk:** Committee Stage and Third Reading.
The Hon. the Chief Minister.

2710 **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 Medical and Health (Amendment) Bill 2013; the Nature Protection (Amendment No. 2) Bill 2013; the Protected Cell Companies (Amendment) Bill 2013.

2715 *In Committee of the whole Parliament*

Medical and Health (Amendment) Bill 2013
Clauses considered and approved

2720 **Clerk:** A Bill for an Act to amend the Medical and Health Act 1997 to, *inter alia*, make provision for the compulsory registration of allied health professionals.
Clause 1.

2725 **Minister for Health and the Environment (Hon. Dr J E Cortes):** Mr Chairman, as I have already indicated, I would like to propose the substitution of clause 1 as it appears in the Bill, for clause 1(1), 'This Act may be cited as the Medical and Health (Amendment) Act 2013.' and add a subsection (2): 'This Act comes into operation on the day specified by the Minister by Notice in the *Gazette* and different days may be appointed for different provisions and for different purposes.'

2730 The reason is very simple: the different professions will have different renewal dates and different times required for them to conform to this new Act and we want to have the flexibility to be able to do so.

Mr Chairman: Those in favour? (**Members:** Aye). The amendment is carried.
Clause 1 as amended, stands part of the Bill.

2735 **Clerk:** Clause 2.

Mr Chairman: Stands part of the Bill.

2740 **Clerk:** Clause 3.

Hon. Dr J E Cortes: Yes, Mr Chairman, similarly to propose an amendment to this clause by way of housekeeping, essentially. In clause 3(a), in paragraph (c), subparagraphs (i) and (ii) are renumbered (ii) and (iii) respectively, and the following subparagraph is inserted – '(i) for the words "six parts" substitute "seven parts"; and (b) after paragraph (c) insert the following paragraph – '(d) subsection (3) is repealed.'

2745 It is merely to rectify some minor errors.

Mr Chairman: Those in favour of the amendment? (**Members:** Aye). Carried.
Clause 3 as amended stand part of the Bill.

2750 **Clerk:** Clauses 4 to 18

Mr Chairman: Stand part of the Bill.

2755 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

2760

Nature Protection (Amendment No. 2) Bill 2013
Clauses considered and approved

2765 **Clerk:** A Bill for an Act to amend the Nature Protection Act 1991.
Clause 1.

Mr Chairman: Stands part of the Bill.

2770 **Clerk:** Clause 2.

Minister for Health and the Environment (Hon. Dr J E Cortes): Yes, Mr Chairman, as I mentioned earlier, in clause 2 of the Bill, for section 10(2) substitute section 10(1); and in paragraph (ba), after the words 'uses for the purpose of', insert the words 'killing or'.

2775 As I said before, that was a typographical error.

Mr Chairman: Those in favour of these amendments? (**Members:** Aye). Carried.
Clause 2 as amended stands part of the Bill.

2780 **Clerk:** The long title.

Mr Chairman: Stands part of the Bill.

2785

Protected Cell Companies (Amendment) Bill 2013
Clauses considered and approved

2790 **Clerk:** A Bill for an Act to amend the Protected Cell Companies Act 2001.
Clauses 1 and 2.

Mr Chairman: Stand part of the Bill.

Clerk: The long title.

2795 **Mr Chairman:** Stands part of the Bill.

BILLS FOR THIRD READING

2800 **Medical and Health (Amendment) Bill 2013**
Nature Protection (Amendment No. 2) Bill 2013
Protected Cell Companies (Amendment) Bill 2013
Third Readings approved; Bills passed

2805 **Clerk:** The Hon. the Chief Minister.

2810 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Medical and Health (Amendment) Bill 2013, the Nature Protection (Amendment No. 2) Bill 2013 and the Protected Cell Companies (Amendment) Bill 2013 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

2815 **Mr Speaker:** I now put the question, which is that (1) the Medical and Health (Amendment) Bill 2013, (2) the Nature Protection (Amendment No. 2) Bill 2013 and (3) the Protected Cell Companies (Amendment) Bill 2013 be read a third time and passed. Those in favour? (**Members:** Aye.) Those against? Carried.

Do hon. Members require that I call them out individually? No?

2820 **Hon. Chief Minister:** Mr Speaker, *ex abundanti cautela* – I have seen that the Clerk has raised his eyebrow; perhaps we should.

Mr Speaker: Those in favour of the Medical and Health (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

2825 Those in favour of the Nature Protection (Amendment No. 2) Bill 2013? (**Members:** Aye.) Those against? Carried.

Those in favour of the Protected Cell Companies (Amendment) Bill 2013? (**Members:** Aye.) Those against? Carried.

2830 **ADJOURNMENT**

2835 **Chief Minister (Hon. F R Picardo):** Mr Speaker, although I was very much enjoying the nostalgia of watching the ghosts of Governments past debate with the great Joe Bossano and this has all been, all that fun has been spoilt at the last minute, I now have the honour to move that the House do now adjourn *sine die*.

2840 **Mr Speaker:** I now propose the question, which is that the 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? Carried. This House will now adjourn *sine die*.

The House adjourned at 1.15 p.m.